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## Department of Toxic Substances Control

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**Gavin Newsom**  
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AUGUST 25, 2020

### RESPONSE TO COMMENTS

FOR THE

TENTATIVE DENIAL OF THE PERMIT APPLICATION

FOR

HAZARDOUS WASTE TREATMENT AND STORAGE

AT

Stericycle Environmental Solutions  
(dba General Environmental Management)  
11855 White Rock Road  
Rancho Cordova, California 95742  
EPA ID Number CAD980884183

On August 9, 2019, the California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) provided notice to the public of a public comment period regarding DTSC's Notice of Intent to Deny the Hazardous Waste Facility Permit Application (Application) for Stericycle Environmental Solutions (Stericycle), doing business as General Environmental Management (GEM), located at 11855 White Rock Road, Rancho Cordova, California 95742. GEM has applied for authorization to store and treat Resource Conservation and Recovery Act (RCRA) and non-RCRA hazardous waste at four hazardous waste management units (known as Areas A, B, C, and D).

DTSC held a public meeting and public hearing at the Rancho Cordova Library on September 13, 2019. GEM has continued to manage hazardous wastes under its administratively continued Hazardous Waste Facility Permit (Permit). DTSC received the following comments during the public comment period ending on October 25, 2019 and has listed the comments in the order in which they were received.

Comments Received

1. E-mail from Paul Denny, former GEM employee, 08/18/2019
2. E-mail from Runako Gentry, former GEM employee, 08/29/2019
3. Follow-up E-mail from Runako Gentry, former GEM employee, 08/31/2019
4. Public Hearing Comment from Darryl Johnson, GEM employee, 09/13/2019
5. Public Hearing Comment from Selin Hoboy, Vice President of Government Affairs at Stericycle Environmental Solutions, 09/13/2019
6. Public Hearing Comment from Johnny Halla, GEM Employee, 09/13/2019
7. Public Hearing Comment from Modesto Granados, GEM Facility Manager, 09/13/2019
8. Public Hearing Comment from Robert Schimpf, Owner of TKO, 09/13/2019
9. Public Hearing Comment from Dillan Schimpf, Norcal Environmental Corp, 09/13/2019
10. Public Hearing Comment from John Phillips, Holley Generator, 09/13/2019
11. Public Hearing Comment from Melissa Roach, Dillard Environmental, 09/13/2019
12. Public Hearing Comment from Joseph Alexander, GEM employee, 09/13/2019
13. Public Hearing Comment from Ed Rincon, Owner of Fitzgerald Yard, 09/13/2019
14. Public Hearing Comment from Rena Sandoval, Spouse of GEM employee, 09/13/2019
15. Letter from Jackie Frye, Household Hazardous Waste Supervisor at Nortech Waste, 10/04/2019
16. E-mail from Hasti Javid, County of San Diego - Environmental Health, 10/09/2019
17. Letter from Melissa Roach, Vice President of Dillard Environmental Services, 10/23/2019
18. Letter from Andrea Ocanas, Account Manager at Containers Unlimited, 10/23/2019
19. Letter from Jim Perea, Owner of Garment Graphics, 10/24/2019
20. Letter from John Phillips, Holley Generator, 10/24/2019
21. Letter from Robert Schimpf, Owner of TKO, 10/24/2019
22. Letter from Daniel Brunton, Latham and Watkins LLP, Counsel for Stericycle, 10/24/2019

DTSC has reviewed all comments and has prepared this Response to Comments document. The comments and DTSC's responses are provided below and are incorporated into the administrative record for the final permit decision. Documents referenced in the responses to comments are attached.

**COMMENTS RECEIVED AND DTSC'S RESPONSE TO COMMENTS:**

**Comment 1:**

Received by E-mail from Paul Denny, former GEM employee, sent to Randy Snapp, Project Manager at DTSC, on August 18, 2019. The comment is repeated below, and a copy can be viewed in Attachment 1.

**Email Subject Line: STERICYCLE renewal should never happen**

Im a former employee of 8 yrs . I was a roll model employee til i blow out my rotator cuff. They had a person who wasn't an employee make allegations against a fellow co worker and my name was brought up. They fired me with no proof. I filed a lawsuit against them and they filed a work place violence restraint against me to keep me out of court. There was no merit to it and how it was granted still stumps me and my lawyer.. so much goes on there that is covered up by the company and the one safety compliance person who tried to report stuff was relocated to another area in another state. Spills, fires, illegal grey water hauling from a company who wasnt qualified to haul it. Theft from employees of material that was supposed to be destroyed. Im willing to take time to talk with you if you keep me anominous cause of my appeal in court against the restraint order.

**DTSC's response to Comment 1:**

The commenter makes several allegations about inappropriate or illegal conduct at the GEM facility which DTSC takes very seriously. DTSC's Office of Criminal Investigation (OCI) is conducting an investigation into the allegations of this comment along with comments 2 and 3. OCI investigators conducted an inspection of the GEM facility on October 29, 2019. No further information on the status or findings of OCI's investigation is available at this time.

DTSC's Permitting Division is not in a position to determine the veracity of the allegations contained in the comment. As such, DTSC has limited its consideration of the comment to that of a general comment only, in opposition to the granting of a Permit.

**Comment 2:**

Received by E-mail from Runako Gentry, former GEM employee, sent to Randy Snapp, Project Manager at DTSC, on August 29, 2019. The comment is below, and a copy can be viewed in Attachment 2.

**Email Subject Line: Stericycle**

Hello, My name is Runako Gentry. I was informed you wanted to know about violations ever goes on at Stericycle. I was wrongfully Terminated from the company 4/29/2019. Stericycle was my dream job. All I wanted was to Grow in the company and take care of my family. Not only has the company terminated me. They also refuse to give me my 40 hour hazwoper..so I can go to another company for employment. I dedicated myself to that company for 5yrs. I even spoke to the HR and Facility Manager Modesto about it and they keep giving me the run around. So I feel the need to expose what really goes on at the facility. First off I wanna say 90% of the workers there smoke weed and pop 🍊. If a lab tech came to the facility and drug test everyone on the grounds without them knowing your coming..I guarantee there wouldn't be any workers. They only pass the test cus Modesto gives them the whole day to go to the clinic to take the test. Most go to the smoke shop before and by the synthetic urine. I was the Lead in charge that day when the fire started in 2017. Both the workers who started it were Temps through IQ. They were also high at the time and No action was taken against them by law. One of them still works for IQ and works with stericycle employees on the weekend at the Events. I know this because I know the kids Mother. Most of the Violations are due to not being trained properly. They sit in this room for our 8 hr refreshers. And they read everything to us. Then give us the answers to the test. So you leave out not really learning anything. Then they put Temporary employees in charge of areas instead of permanent employees. I've even asked Modesto why does he take IQ workers and not find another temp service. Every IQ worker that comes up there to work has a felony record or has been to the penitentiary. I've worked in Area C with a bunch of criminals. And they openly tell you that they are. Now when I started working there I came through Aerotek. They did a thorough background check before I was even allowed to come to the facility. Modesto the facility Manager has felon he personally knows still up there working that can't be hired on permanently. If you go up there right now and ask about Julie who works with Kyle in the warehouse. You will see she is a felon that couldn't be hired on while I was there because of her record. But they still kept her as an employee. Around Nov2018 a coworker named Josh Rundle was caught on camera stealing DEA waste pills out of area C by Modesto. He was not arrested and they just fired him. This person & His brother had been taken pills since the day I started as a temp. I've even seen Josh Rundle fall asleep on the forklift while he's coming up the Ramp in area C and ripped the Big Roll up door down. At that time our Boss was Brandon Lemke. Josh told Brandon he couldn't pass a drug test. So Brandon paid for it to get fixed and made josh stay on the weekend and get OT to watch them fix the door he destroyed. He bragged about it to me. He also told me he was supplying Supervisor Johnny Holla pills and a few other workers pills. I have videos of when a temp worker was high on marijuana and tipped the Forklift rotator over on the ground. He told Supervisor Cory that he couldn't pass the drug test so they let him go. No charges pressed. Oct 2018. I witnessed a co worker jacking off in the laboratory. I reported it to my immediate supervisor Cory. I wrote up a statement of what I seen and he gave it to Johnny Martin. No action was taken and that worker is still there right now working. At that time he was just a temp. And they still hired him on. His name is Anthony. He works in the TSD area with Cory and Jonathan. Now Jonathan Pickett is the lead for Area C. I personally have seen him at the cannabis club buying marijuana. And I've seen him taking pills with Josh Rundle. That facility is out of control. They just recently fired the supervisor for the

drivers. Matt Sage was sexually harassing a former employee. Now Matt Sage was driving the company truck home every day as his personal vehicle. When I 1st started working there as a temp I seen Matt Sage drive a company vehicle to the back area A and load the truck up with Amazon merchandise. He also was in control if the cameras. So he erased what he didn't want people to see. I feel I was black balled from the company because I always spoke up for myself and when I seen favoritism. Johnny Martin hired his relative on full-time and paid him two dollars more than me. He only been there 6 months and I had almost 5yrs. So when I kept complaining about it to the heads. They finally fixed it then 3months later they terminate me. Then when I asked to contest the firing everyone ignored me. Even the VP of the company Todd Wolf. I will send the videos I have once I upload them from my old phone. Also I have a few more former employees that will be writing you. One was a Temp that they put in charge of the Fitzgerald yard when it first opened up. No training or anything. And Matt Sage was doing illegal dumps at that yard. He will tell you all about that himself. Thanks for listening.

#### **DTSC's response to Comment 2:**

The commenter makes several allegations about inappropriate and/or illegal conduct at the GEM facility which DTSC takes very seriously. DTSC's Office of Criminal Investigation (OCI) is conducting an investigation into the allegations contained in the comment along with the allegations contained in comments 1 and 3. OCI investigators conducted an inspection of the GEM facility on October 29, 2019. No additional information about the status or findings of OCI's investigation is available at this time.

DTSC's Permitting Division is not in a position to determine the veracity of the allegations contained in the comment. As such, DTSC has limited its consideration of the comment to that of a general comment only, in opposition to the granting of a Permit.

#### **Comment 3:**

Received by E-mail from Runako Gentry, former GEM employee, sent to Randy Snapp, Project Manager at DTSC, on August 31, 2019. The comment is below, and a copy can be viewed in Attachment 3.

#### **Email Subject Line: Stericycle**

I also forgot to mention that for the last 5yrs that I was working there in area C. The Scrubbers weren't working. And God knows what's in my system from the yrs of pouring out different toxic fluids when all the workers were breathing that in the air cus the scrubbers were broken. They also told us not to pour up every time we got wind that DTSC was showing up. We weren't testing the liquids in a test bucket letting it sit for 5min to make sure it didn't have a reaction. its been plenty of times that we've went home and came back to work and the steel drums expanded from something reacting. We just poured everything into metal drums because they were always pressed on time

and getting trucks unloaded. In area C there's a berm area where they store waste to get processed. You're not requiring wear a respirator in that area but 5 feet away you have people pouring up with respirators on and the toxic fumes are floating all in the air. Then the Long black Radio that's hanging on the wall down in area C right now that the employees are listening too..I watched an employee pull that out of the E waste box and hang it on the wall. Theft on the wall right now! I still talk to employees who work down in area C. They told me Modesto is fixing the scrubbers right now because the HEAT is on them from you guys.. If that Fire never happened Modesto would not be fixing the scrubbers. Also the ceiling in area C had pieces falling down on us as were pouring.

**DTSC's response to Comment 3:**

See the response to comment 2.

DTSC inspections concur with the comment that Unit C was operating when the air filtration equipment designed to protect GEM employees and the surrounding environment from being exposed to hazardous waste was not operational. DTSC is not able to confirm the time period that Unit C was operated with non-functioning air scrubbers. The failure to have operational air scrubbers is one of the violations that DTSC relied upon when issuing the Intent to Deny.

**Comment 4:**

Received at the Public Hearing from Darryl Johnson, GEM employee, on September 13, 2019. The comment is below, and a copy can be seen on pages 21-23 of the hearing transcript, Attachment 4.

*"Okay. Can everybody hear me back there? I have been with this company 15 years. And the stuff that they put us through, I just -- it's unfounded that you guys believe that they are negligent on a lot of stuff. Because we've been through a lot of training and we get reminded of it every day. So I'm kind of upset because this reflects on a lot of workers. And I'm a driver. I do the driving part. I don't actually work in the warehouse or nothing like that. But I see what these guys do. They work hard out there. We have a great facility manager, Modesto, here. My supervisor is back there. And they all stay on us about compliance, doing safety stuff, doing stuff the right way, making sure our trucks are secure.*

*You know, they train us all the time. We had training -- I think a couple weeks ago we had training. And we sat there, and Modesto goes over stuff with us. We take tests and he -- he really, like, hits it hard on us. Basically, we really get it. We understand what we need to do as a company, as drivers, as employees working for the company.*

*And for me, it's just an attack on my company and I feel like we're being attacked for something I don't get. You know, because I know we applied through everything there, and I have seen it. So, I really would like you guys to think about that stuff and just -- you know, just understand, as a driver, you see me on the street, feel free to come up*

*and talk to me. You can look and see what I do, see how I do it, and see if I'm doing it right. I always do it professionally and these guys make sure I do it professionally. And basically, that's all I got to say."*

**DTSC's response to Comment 4:**

The commenter emphasizes the extensive training received by GEM employees and the dedication of GEM management to maintain a safe operation from the perspective of a GEM driver. DTSC's record of oversight at the Rancho Cordova Facility demonstrates consistently non-compliant behavior within the DTSC permitted units. The facility compliance history over the past ten years is summarized in the Statement of Basis. Of the 72 Class I or II violations reviewed, only 1 appears to be directly related to the transportation of hazardous waste. DTSC has decided to deny the Application to operate units A, B, C, and D that are permitted to store and bulk hazardous waste. DTSC's decision does not prevent GEM from continuing to offer hazardous waste transportation services. The historical and current training records from GEM provide substantial evidence that GEM's training program is not providing a safe level of training for GEM employees that are tasked to handle hazardous wastes.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 5:**

Received at the Public Hearing from Selin Hoboy, Vice President of Government Affairs at Stericycle Environmental Solutions, on September 13, 2019. The comment is below, and a copy can be seen on pages 23-26 of the hearing transcript, Attachment 4.

*"Good evening and thank you. My name is Selin Hoboy. I'm the vice president of government affairs and compliance for Stericycle. I've been with the company for almost 20 years. I have been working with Stericycle as a business-to-business services company focused on the management of hazardous and medical wastes and other compliance services, including information destruction. Today we're here to speak about our Rancho Cordova facility, which provides services to businesses as we mentioned -- as the State has mentioned, for -- since 2014. We have 92 team members who proudly service over 2200 customers in the area. As one of the only 18 TSDFs in the state of California, this is the most northern facility supporting California businesses and safeguarding the local environment. This location we service and support programs for residential household hazardous waste and provide services to small, locally owned businesses, including retail customers, hospitals, even small produce growers. We also service and collect the management of unwanted paint from individuals and businesses under the California initiative with more than 130 established drop-off sites. This company is committed to safety and compliance, which is demonstrated by the many changes implemented at the Rancho Cordova facility in the last year, which our general manager will speak to momentarily. Stericycle's commitment to safety and compliance has been strengthened over the last year with significant changes to our leadership,*

*with a recent change in our chief executive officer, a new executive vice president of operations for North America, both of whom joined Stericycle with over 30 years' experience in UPS. Both have taken a keen focus on safety, compliance, and environmental sustainability. In addition, Stericycle has added a chief engineering officer, who is focused on standardizing processes, driving continuous improvement, and better enabling our team members to perform their jobs. And finally, we have a new senior vice president, environmental health and safety, who's tasked with enhancing overall compliance, safety, and health. We believe strongly that this facility is a critical part of the industrial manufacturing and service industries in northern California and is a key service provider in ensuring safe and compliant management of hazardous wastes. We will be submitting a formal written response to the DTSC's recommendations, but specifically, today, we would like to state the following: Stericycle does not agree with some of the findings in the Issues of Concern from 2019 for the noncompliance with the settlement. Stericycle is committed to the management of all facilities in a safe and compliant manner. We look forward to the community to work with DTSC to demonstrate that this is one of the safest and most well-run facilities in the state. And we're willing to work with the State on permit conditions in advance -- to advance safety and compliance of the facility and believe that it is one of the most stringently regulated facilities in the state. We would ask the State to review its position and move forward with renewal of the permit for the facility. I thank you."*

#### **DTSC's response to Comment 5:**

The commenter describes the benefits and importance of GEM within the community, emphasizes GEM's commitment to improve its Facility, states that GEM is willing to work with DTSC towards a conditional permit, expresses disagreement with DTSC's findings and indicates that additional comments will be coming with greater details.

DTSC agrees that GEM is one of the most stringently regulated facilities in California. This is the result of multiple efforts to bring GEM to a minimally acceptable level of safety and compliance. DTSC has worked with GEM to improve the safety of its operations in a 2010 Consent Order, a 2013 Imminent and Substantial Endangerment Determination and Enforcement Order, and a 2018 Final Judgement on Consent and Permanent Injunction, but has been unable to accomplish an acceptable standard of protectiveness for human health, safety, or the environment.

DTSC does not agree that GEM is one of only 18 TSDF's in California nor that it is the northernmost facility in California. See Attachment 14 for a list of other treatment facilities, and Attachment 17 for a list and map of TSDF facilities within 180 miles.

The commenter states that GEM supports programs important to DTSC including the Household Hazardous Waste Program and Paint Stewardship Program. DTSC has denied the Application to operate hazardous waste units A, B, C, and D that are permitted to store and bulk hazardous waste. This decision does not affect the other operations outside of the Permit, including consulting, drop-off sites, transportation of household hazardous waste and waste paint, and exempt transfer activities.



The commenter states that new leadership within Stericycle will strengthen their commitment to safety and compliance. DTSC cannot confirm the validity of the comment or the assumption that the new appointees will result in improvement. DTSC made the tentative decision to deny the Permit Application based on the past ten years of operation in conditions dangerous to public health, safety, and the environment. Stericycle has had control of the Facility since November 2014 and has failed to make improvements to safety and compliance. If a broader context is considered to determine Stericycle's commitment to improvements at GEM, DTSC can review other known Stericycle Facilities. Another Stericycle facility is discussed in Comment 16, Stericycle's facility in Tacoma Washington was fined \$1.9 million for the mismanagement of hazardous waste leading to a fire. The article linked in comment 16 describes the actions:

*"They are required by law to meet strict permit conditions. This incident shows a complete disregard for the safety of their employees and nearby communities, and that's totally unacceptable." – Maia Bellon*

DTSC has considered your comment in the final Permit Decision and has not made changes from the draft decision.

**Comment 6:**

Received at the Public Hearing from Johnny Halla, GEM employee, on September 13, 2019. The comment is below, and a copy can be seen on pages 26-27 of the hearing transcript, Attachment 4.

*"My name is Johnny. I'm a resident of Rancho Cordova along with I'm an employee with Stericycle. I've been with Stericycle almost ten years now. I supervise one of our ten-day yards, and safety and compliance is very important. And I always make sure my team members are doing the right thing. I was with PSC, prior to Stericycle -- so I seen when PSC purchased General Environmental at the location we are talking about, I was there for that. And then when Stericycle purchased PSC, I was there. So there's been a lot of a changes throughout the years, and I think a lot of positive changes where our -- we have had a serious change in management and our management now is taking it very serious, and compliance is very important to us and the safety of our employees and residents is very important. I enjoy my work and what I do. I always get, you know, questions when I'm not at work from, you know, other residents of, they wonder how to get rid of, you know, paint or aerosols or regular household chemicals, and I'm happy to tell them, you know, I have an answer. I can tell them how to get rid of it properly, what locations they can drop it off at. We have had businesses that ask us, you know, "We have waste just thrown on the ground, outside of our business. How do we get rid of it?" You know, and we instruct them properly on, you know, how to get rid of it. And I like what I do and I think we're doing good things for the environment. And that's all I have."*

**DTSC response to Comment 6:**

This commenter emphasizes GEM's commitment to compliance, its efforts to make improvements, and the services GEM provides the local community. DTSC's record of oversight at the Rancho Cordova Facility demonstrates GEM's consistently non-compliant behavior within the DTSC permitted units. The denial of the Permit Application is based on GEM's record of violations from 2009-2018, and the increase in violations after Stericycle assumed control from 2014-2018. As documented in inspection reports, DTSC identified these violations during inspections of permitted hazardous waste units A, B, C, and D. DTSC's decision does not impact other activities that were not regulated by the Permit, including 10-day transfer units, household hazardous waste, or consultations.

DTSC has considered your comment in the final Permit Decision and has not made changes from the draft decision.

**Comment 7:**

Received at the Public Hearing from Modesto Granados, GEM employee, on September 13, 2019. The comment is below, and a copy can be seen on pages 27-29 of the hearing transcript, Attachment 4.

*"Good evening, everyone. My name is Modesto Granados, and I am the facility manager at the Rancho Cordova operations. I have been operating the facility for just about a year, slightly under. However, I have been with Stericycle for 17 years, and I have been in the industry 25 years. I have -- I know. Don't be surprised. I'm only 26. I have worked in many aspects of this industry. I have done field services supervising; I have done project management; I have done materials management; I have done payroll. You name it, I have done it. I was asked to join Rancho Cordova facility to support Stericycle's efforts to enhance operations at this facility. Based on the provisions in the October 28th stipulation for the Rancho Cordova facility, this is one of the most heavily regulated TSDFs in the state. We have been working in good faith with DTSC's permitting group to update the 2016 permit renewal. However, we do not agree with some of their findings from the 2019 intent to deny review. We've been working actively to meet these conditions of the stipulations. Over the past year, we have taken the following actions including, but not limited to, increasing the number of team members to improve waste handling; hiring an environmental assurance coordinator and a third party auditor to further enhance our compliance, documentations, and reporting; implementing multiple new training programs for team members to -- that far exceed basic federal and state regulations; introduce new procedures and controls for inventory management; develop and implement new and improved process flows for receiving and shipping waste materials; and invest capital into the property. We fixed the roofs. We fixed the floors. We really do look forward to the opportunity to continue to provide safe and compliant service to our community and to work with DTSC to renew our approval for the facility's permit. Thank you, guys."*

**DTSC's response to Comment 7:**

This commenter describes the new Facility Manager's experience, the heavy regulatory oversight placed on GEM, and GEM's efforts to make improvements. DTSC agrees that GEM is one of the most stringently regulated facilities in California. This is the result of multiple efforts to bring GEM to a minimally acceptable level of safety. DTSC has worked with GEM to improve the safety of its operations in a 2010 Consent Order, a 2013 Imminent and Substantial Endangerment Determination and Enforcement Order, and a 2018 Final Judgement on Consent and Permanent Injunction, but has been unable to accomplish an acceptable standard of protectiveness for human health, safety, or the environment.

DTSC agrees that GEM has been working with DTSC in a timely manner to update the 2016 Application. The decision is not an evaluation of the efforts to create and update the 2016 Application. The denial is based on the material presented in the Statement of Basis and the material found in the administrative record.

The commenter states that GEM has made several improvements in accordance with regulatory requirements as well as improvements that go beyond regulatory requirements to comply with the 2018 Stipulation. DTSC has found that GEM has not satisfied all the requirements of the 2018 Stipulation or the operating Permit.

DTSC has considered your comment in the final Permit Decision.

**Comment 8:**

Received at the Public Hearing from Robert Schimpf, Owner of TKO, on September 13, 2019. The comment is below, and a copy can be seen on pages 29-30 of the hearing transcript, Attachment 4.

*"Hi. My name is Robert Schimpf. And we own four companies in the city of Rancho. And through the years of being in business, with all of the new restrictions that we're under and everything that we have to do, we got visited by the environmental board at one of our facilities. We received 22 violations and had no idea what to do. So I talked to Stericycle. They came over. They met with us. They have helped us extremely, through all of our problems. They -- through every one of our companies. If we ever need anything, they are there for us. The management over there has been incredible for us, to the guys loading with the forklifts. We can't say enough about them. They are a major asset here in Rancho because being in business, you just -- it's tough. It's just, you don't know what to do, you don't get a lot of help at a lot of other boards, and you are lost. These guys put us on track. After the 22 violations, they came back in, reviewed what we did. They showed us how to do our containers, how to store our waste, how to get rid of our waste, and do it properly for the right safety of the public. And I just can't thank them enough. And after that review back on us, we didn't have one violation. They helped us through everything. So I just want to say thank you to Stericycle and I don't know what we would do without you guys here. So thank you."*

**DTSC's response to Comment 8:**

This commenter describes an experience where a GEM consultation led to improvements in hazardous waste operations. The commenter also emphasizes the importance of GEM to the surrounding community. DTSC has denied the Application to operate the permitted hazardous waste units A, B, C, and D. This decision is not an evaluation of GEM's ability to provide consulting services or non-permitted hazardous waste activities. DTSC's decision does not prevent GEM from continuing to provide hazardous waste generator consultation services.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 9:**

Received at the Public Hearing from Diilan Schimpf, NorCal Environmental, on September 13, 2019. The comment is below, and a copy can be seen on pages 31-32 of the hearing transcript, Attachment 4.

*"How's it going? Dillan. NorCal Environmental. We are actually an erosion control company. We don't deal with the hazardous waste very much. One thing I have to say is when we do, we always kind of lean on Stericycle for their guidance on how to dispose of it properly and what steps we need to take to be safe. I have also worked hand in hand with a lot of the members of Stericycle and seen, you know, how strict their safety policy is, the measures that they take for all their personnel to be safe and compliant, both on sites and in the facility. One of the things that they have had us do is we actually do their street sweeping and their yard and handle all their DIs for stormwater to make sure no chemicals or toxins are going down the drains. So everything that we see from them, they are compliant, they work hard, these guys are safe, they are always wearing their PPE, and doing the required methods for disposing of hazardous waste. And like Rob said before, we want to thank you guys for everything that you do for Rancho."*

**DTSC's response to Comment 9:**

This commenter describes experiences working with GEM and compliments its strict safety and compliance practices. DTSC has denied the Application to operate the permitted hazardous waste units A, B, C, and D to store and bulk hazardous waste. This decision is not an evaluation of GEM's ability to provide consulting services or non-permitted hazardous waste activities. DTSC's decision does not prevent GEM from continuing to provide hazardous waste generator consultation services.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 10:**

Received at the Public Hearing from John Phillips, Holley Generator, on September 13, 2019. The comment is below, and a copy can be seen on page 32 of the hearing transcript, Attachment 4.

*"Hi, everybody. My name is John. I'm a partner with Rob and he kind of stole my thunder. But John has bailed us out of many environmental problems. We got those violations. We really had nowhere to turn to. We didn't get a lot of help from the department itself, but Johnny showed us how to put the stickers on properly, which stickers are used. I can't thank him enough. We were panicking. He bailed us out. And I was one of those other companies he mentioned that we come in on a Monday morning after a long weekend, and we find garbage piled in front of our building. We're on a back street. And cans of empty paint or half full paint and aerosol cans. And I call and they remove it and take it away for us. And I just want to publicly say thank you for being there. And I think they are great for the community and we need them. Thank you."*

**DTSC's response to Comment 10:**

This commenter describes experiences working with GEM and emphasizes its importance to the surrounding community. DTSC has decided to deny GEM's Application to store and bulk hazardous waste in units A, B, C, and D. This decision does not prevent GEM from providing consulting services or engaging in other hazardous waste management activities that do not require a permit. For example, DTSC's decision does not prevent GEM from providing hazardous waste transportation services or operating an exempt transfer facility at the Rancho Cordova facility.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 11:**

Received at the Public Hearing from Melissa Roach, Dillard Environmental, on September 13, 2019. The comment is below, and a copy can be seen on pages 33-34 of the hearing transcript, Attachment 4.

*"Thank you. Can everybody hear me? We know far too well about the scrutiny of regulators. I work for a hazardous waste transportation company. We are a very small business of less than 30 trucks, and Stericycle is one of our biggest customers. I can tell you, I've been doing this for 26 years. I have actually visited the facility, I have seen the facility, and how they operate there, and I was extremely impressed. I have been to other facilities, for their competitors, and I felt that their operation was far superior. I also wanted to note that, as a hazardous waste transportation company, we also work for a lot of other companies like Stericycle, other very large companies that dispose of hazardous waste. And we get inspected by CHP, DTSC, and other regulators. And Stericycle is one of the few companies that we work for that we do not see violations on*

*their placarding, their load securement, their manifest, and shipping documents and we are grateful for that. Thank you, guys, because that puts us at risk every time we haul for companies like Stericycle. I visited the facility, actually, very recently, about a month and a half ago. I noticed everyone in PPE, everybody working very actively, slowly, safely. I saw an extremely sophisticated camera system that Modesto can actually see from his desk, which looks like it has views from every area of the facility, which I believe is a really great tool, as a facility manager, that he can see his workers working and spot things before they become issues. And I am just grateful to have their business, and I think somebody already mentioned the fact that there are no other large facilities in northern California. Most of the facilities are in Southern California. So in eliminating this northern California option, a lot of generators are going to have to go down to Southern California, which is going to increase their costs of transportation, their risk of spills in transit, and a whole host of other concerns that the State should have with eliminating this option. That's it. That's all I have. Thank you."*

#### **DTSC's response to Comment 11:**

This commenter describes experiences with GEM that it believes demonstrates a commitment to safety and compliance. The commenter also describes the importance of GEM in the community. DTSC's decision to deny the permit application is based on the facility compliance history which includes a number of Class 1 violations and other serious incidents including fires. The number of hazardous waste violations received by GEM exceed that of any other operating hazardous waste facility in California.

DTSC cannot confirm how effective GEM's camera systems are in preventing issues, but the camera system has helped to identify violations like the fire intentionally started by GEM employees in the unit C building.

DTSC agrees that denial of GEM's permit application could result in increased travel distances for hazardous waste and associated costs. However, this does not outweigh the poor facility compliance history and associated risk to facility employees and human health and the environment. In addition, the greater Sacramento and Bay Area have several alternative options for hazardous waste management as seen on DTSC's public Envirostor map.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

#### **Comment 12:**

Received at the Public Hearing from Joseph Alexander, GEM employee, on September 13, 2019. The comment is below, and a copy can be seen on pages 34-36 of the hearing transcript, Attachment 4.

*"Good evening, everybody. My name is Big Joe. I've been at Stericycle since -- wait a minute. March this year. And I noticed a lot of the things about this company. You know,*

*they really believe in their employees. They really believe in what they are doing and they do a good job at it. You know, I learned a lot from this man right here. He taught me a lot about stuff I had no idea about, and I just came from a hazardous job before I got this job, and I didn't know some stuff you taught me. It's important for us to, you know, make sure that people still got jobs, make sure that people still are safe, make sure that people are -- you know, like our environment is safe. They leave -- or if we leave, I should say, because I'm a part of the team now. If we leave, then what we going to do? What is Rancho going to do? What is northern California going to do? You know, it's going to be a problem, Tammy. You know, I don't know. But I don't want no problems. Most of all, I want to say, you know, I just got this job and I don't want to lose it so soon before, you know, I finish paying my child support. You know, I don't want -- I just don't know what to say. I don't know why we getting denied so late -- or so early in my career as a hired -- as a -- what do I do? Anyway -- oh, I'm sorry. Sometimes I lose myself, never on the job though. It's a very emotional thing for me to be able to help out and be able to be a part of a big team that. You know, we got paint care here. We got the drivers. Darryl, he gave a hell of a speech. You know, it was amazing. And I just want to say, Kevin in the back, he brought his two sons. Environmental services. We're here, and we're here to save the planet and I want to be a part of it. You know, thanks to everybody that gave us some recognition about the job we do. Thank you, Stericycle."*

**DTSC's response to Comment 12:**

This commenter emphasizes the quality of GEM's training program, expresses concern for the community if GEM leaves, describes the hardship placed on GEM employees who may lose their job, and thanks GEM supporters for their work and support. DTSC agrees that GEM is required to implement a stringent and comprehensive training program. The current facility training program includes enhanced compliance provisions that were put in place in response to non-compliance and serious safety incidents, such as fires, that have occurred at the facility. These requirements have been developed in response to years of violations that pose significant threats to public health, safety and the environment, including GEM employees. These same increased training requirements have consistently been violated, including those set forth in a 2018 stipulated judgment (the 2018 Stipulation).

DTSC operates under the same general goals that the commenter described. DTSC's focus is on public safety, including the safety of GEM's employees, and on protection of the environment.

DTSC agrees that this decision to deny the GEM Application will require the community serviced by GEM to seek other means of handling its hazardous waste. However, there are several other hazardous waste facilities in the greater Sacramento and Bay Area that can be seen on DTSC's public Envirostor map that can replace the services provided by GEM.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 13:**

Received at the Public Hearing from Ed Rincon, Owner of Fitzgerald Yard, on September 13, 2019. The comment is below, and a copy can be seen on pages 36-37 of the hearing transcript, Attachment 4.

*"Hi. My name is Ed Rincon. I lease a property to Stericycle. I have been leasing the property for about ten years now. And when I first met them, they were a different company. It was the company that was mentioned before. But I have looked at all their records, their track records, before I leased the property to them. And they have impeccable, clean, and they make sure everything is done right. I inspect the property because I want to make sure that my property is clean. And I go over there and I look at it and it's always tip -- it's always done right. So I just want to say that, in the last ten years, I've had no problem. They take care of everything. And being a landlord, it's really important that, you know, this is done. So I just want to say that they have been really topnotch in taking care of everything. Thank you."*

**DTSC's response to Comment 13:**

This commenter describes experience leasing land to GEM and GEM's consistently clean and compliant work. DTSC has considered GEM's compliance record from 2009-2018 (10 years) and has based its decision on the record of those 10 years. DTSC's records indicate GEM has consistently failed to operate in a manner to prevent fires, explosions, and releases and that these activities have led to several fires, explosions, and releases.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 14:**

Received at the Public Hearing from Rena Sandoval, GEM employee spouse, on September 13, 2019. The comment is below, and a copy can be seen on pages 37-39 of the hearing transcript, Attachment 4.

*"Hi. I am Darryl Johnson's wife. So I have been with this man over -- over 25 years. Okay. But he talks about his job day in and day out. Now, Stericycle is actually a part of my team too. I'm a manager at Savemart. So Stericycle does come in and pick up our medical waste too. And if we didn't have them, we would have waste all over the place. What's happening now is we have all these homeless people. There's waste, there's feces on the floor, there's everything. If there's somebody not to pick up that stuff that is put in those buckets, what's going to happen? That's not going to be good. It's getting bad as it is. We have a big company here. Darryl talks about his job all the time. He says they are so strict. Yes, they have improved their -- I have to hear every story, every night, every single night. But they have improved. He talks about Modesto a lot. You*



*know, how he likes the strictness of you. You know, coming in, and he likes to have strict bosses because that's the way to go. I'm a strict boss. I'm a manager. I'm very strict. They may hate me, but that's okay. At least I get the job done. But, anyways, I am trying to explain to you, this company is huge and it picks up everything. And if you don't have that, where is all this waste going to go? It's going to be a mess. And like I said, there has never been anything that I have heard that, you know, went very wrong with this company. You mentioned that somebody set a fire. They can't control that. They can take care of it, and, as you know, there's new leadership in there so they are trying to take care of that, if something happened like that. But I commend this company. Like I said, we have to be totally organized for this company when they come in. We have to have all our stuff in waste management buckets, everything. So -- and, otherwise, you guys will probably come into our stores and fine us for that. So I just want to say that little bit. But thank you very much."*

**DTSC's response to Comment 14:**

This commenter emphasizes GEM's commitment to safety and compliance, describes its importance to the community, and expressed that the fire at the facility was outside of GEM's control. DTSC has denied the Application to operate the permitted hazardous waste units A, B, C, and D to store and bulk hazardous waste. DTSC's decision does not prevent GEM from continuing to provide services that do not require a permit, including picking up wastes from local businesses and transporting it to destination facilities.

The GEM facility is not a disposal facility and hence all hazardous waste is transferred to another location. Despite DTSC's denial of the permit application, hazardous wastes can continue to be routed via the White Rock Road facility during the course of transport but cannot be actively managed in units A, B, C, or D. DTSC agrees that the decision would require the community serviced by GEM to seek other means of handling its hazardous waste and that the decision may lead to increased transportation miles and cost. However, there are several other hazardous waste facilities in the greater Sacramento and Bay Area that can be seen on DTSC's public Envirostor map. DTSC considers GEM responsible for the activities at its Facility and has based the decision to deny the Permit Application on the serious violations and noncompliance recorded in the last 10 years.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 15:**

Letter received from Jackie Frye, HHW Supervisor at Nortech Waste, sent to Randy Snapp, Project Manager at DTSC, on October 10, 2019. The comment is below, and a copy can be viewed in Attachment 5.

Dear Mr. Snapp:

I am writing to recommend Stericycle Environmental Solutions as a trusted provider for hazardous waste disposal. Over the past eight years, Nortech Waste has been a Stericycle customer. Stericycle helps our ongoing management of household hazardous waste.

The team at Stericycle Environmental Solutions has helped us navigate key environmental issues and has provided a variety of quality services to help keep our team both safe and compliant. Stericycle is an Important partner to our organization. We appreciate the focus of the Stericycle team and Rancho Cordova staff supporting our household hazardous waste program.

We encourage your support of the permit renewal for Stericycle's Rancho Cordova facility.

Sincerely,  
Jackie Frye  
HHW Supervisor  
3033 Fiddymment Road  
Roseville CA  
916.645.5230 ext. 108  
jackie@nortechwaste.com

**DTSC's response to Comment 15:**

This commenter describes the consultation and household hazardous waste services GEM provides and supports the renewal of GEM's Permit. DTSC has decided to deny the Application to operate the permitted hazardous waste units A, B, C, and D to store and bulk hazardous waste. This decision is not an evaluation of GEM's ability to provide consulting services or non-permitted hazardous waste activities, including household hazardous waste. DTSC's decision does not prevent GEM from providing services that are not part of the Permit.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 16:**

E-mail received from Hasti Javid, HHW County of San Diego – Environment Health, sent to Randy Snapp, Project Manager at DTSC, on October 14, 2019. The comment is below, and a copy along with the article provided in the link can be viewed in Attachment 6.

Hi, Randy.

You may have already seen this, but just in case you haven't, see link below for an article that was published on 10/7/19 regarding Stericycle's hazardous waste facility in Tacoma. Figured it might be good info to have to support DTSC's permit denial of Stericycle's Sacramento HW facility. 😊

<https://www.seattletimes.com/seattle-news/tacoma-hazardous-waste-operation-hit-with-1-9-million-state-fine-for-2018-fire/>

Hasti Javid, EHS III/REHS  
Response Services – CalARP Program  
Hazardous Incident Response Team  
County of San Diego – Environmental Health  
Hazardous Materials Division/CUPA  
[Hasti.Javid@sdcounty.ca.gov](mailto:Hasti.Javid@sdcounty.ca.gov)  
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Office Hours: Mon-Fri, 9:00 AM – 5:30 PM  
[www.sdcdeh.org](http://www.sdcdeh.org)

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#### **DTSC's response to Comment 16:**

This commenter provides information on other non-compliant Stericycle operations in support of DTSC's tentative decision to deny the Permit Application. DTSC has only considered the actions of Stericycle at the GEM Rancho Cordova facility pertaining to the DTSC-permitted units. DTSC will consider the comment when reviewing the broader culture of Stericycle and the potential influence of that culture on GEM in Rancho Cordova.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

#### **Comment 17:**

Letter received from Melissa Roach, Vice President of Dillard Environmental Services, sent to Randy Snapp, Project Manager at DTSC, on October 23, 2019. The comment is below, and a copy can be viewed in Attachment 7.

Dear Mr. Snapp:

I am writing to recommend Stericycle Environmental Solutions as an important service provider to the Northern California area. For more than 10 years, Dillard Environmental

Services has supported Stericycle. Our organization provides Stericycle with transportation services of hazardous and non-hazardous wastes.

From our perspective, Stericycle Environmental Solutions and the Rancho Cordova facility provide an important environmental service that helps keep local businesses and communities both safe and compliant. There are already limited options in California for managing hazardous waste and reducing the number of facilities available has the potential to increase costs, increase pollution as more waste is transported longer distance or out of state for treatment, and increase improper handling of wastes overall. We encourage the State to work with the Rancho Cordova facility to help ensure local businesses and communities have access to compliant and affordable options for managing hazardous waste.

For Dillard Environmental Services, Stericycle contributes to our overall success as a business. We value their business and have a good working relationship with the Stericycle Rancho Cordova team. We believe this is a company that Stericycle provides excellent training to its employees which is evident in the quality of the load building, segregation, manifesting and placarding that we have had personal experience with in the field. Their focus on safety and compliance with the vast federal and state regulations governing our industry is reflected in the lack of compliance issues that we have faced while hauling their loads. Stericycle's success in this area far exceeds the majority of like-customers that we haul for.

Stericycle has been an upstanding business partner to our organization, and we encourage the State to approve its permit renewal.

Sincerely,  
Melissa Roach  
Vice President

#### **DTSC's Response to Comment 17:**

This commenter describes the importance of GEM's services to the community, describes the increased hardships the community will suffer without GEM, compliments GEM's training and work quality, and supports the renewal of GEM's Permit. DTSC agrees that the hazardous waste transportation miles and cost could increase. The greater Sacramento and Bay Area have several options that can be seen on DTSC's public Envirostor map.

DTSC has worked with GEM to improve the safety of its operations in a 2010 Consent Order, a 2013 Imminent and Substantial Endangerment Determination and Enforcement Order, and a 2018 Final Judgement on Consent and Permanent Injunction, but GEM has been unable to accomplish an acceptable standard of protectiveness for human health, safety, or the environment.

DTSC agrees that GEM is required to uphold a training program that is more stringent and comprehensive than laws and regulations require. These requirements have been developed in response to years of violations that pose significant threats to public health, safety and the environment. These same increased training requirements have consistently been violated, including those set forth in the 2018 Stipulation.

Of the 72 Class I or II violations reviewed, only one appears to be directly related to the transportation of hazardous waste. DTSC has denied the Application to operate the permitted hazardous waste units A, B, C, and D to store and bulk hazardous waste. GEM has consistently committed violations in these units related to segregation, manifests, and labeling. This decision is not an evaluation of GEM's ability to provide consulting services or hazardous waste activities that are not part of the Permit. This decision does not include authorization decisions related to GEM's consulting or transportation activities that are not part of the Permit.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 18:**

Letter received from Andrea Ocanas, Account Manager at Containers Unlimited, sent to Randy Snapp, Project Manager at DTSC, on October 23, 2019. The comment is below, and a copy can be viewed in Attachment 8.

Dear Mr. Snapp:

I am writing to recommend Stericycle Environmental Solutions as an important service provider to the Northern California area. Over the past 10 years, Containers Unlimited has supported Stericycle. Our organization provides Stericycle with new and reconditioned plastic containers to store and transport waste. From our perspective, Stericycle Environmental Solutions and the Rancho Cordova facility provide an important environmental service that helps keep local businesses and communities both safe and compliant. There are already limited options in California for managing hazardous waste and reducing the number of facilities available has the potential to increase costs, increase pollution as more waste is transported longer distance or out of state for treatment, and increase improper handling of wastes overall. We encourage the State to work with the Rancho Cordova facility to help ensure local businesses and communities have access to compliant and affordable options for managing hazardous waste.

For Containers Unlimited, Stericycle contributes to our overall success as a business. We value their business and have a good working relationship with the Stericycle Rancho Cordova team. We believe this is a company that operates with professionalism, puts their employees first, focuses on safety, and strives to be the best in their field.

Stericycle has been an upstanding business partner to our organization, and we encourage the State to approve its permit renewal.

Sincerely,  
Andrea Ocanas  
Account Manager

**DTSC's response to Comment 18:**

This commenter describes the importance of GEM's services to the community, describes the increased hardships the community will suffer without GEM, compliments GEM's training and work quality, and supports the renewal of GEM's Permit. DTSC agrees that the decision to deny the GEM Application could cause hazardous waste transportation miles and cost to increase. While California has limited options, the greater Sacramento and Bay Area have several options that can be seen on DTSC's public Envirostor map.

DTSC has worked with GEM to improve the safety of its operations in a 2010 Consent Order, a 2013 Imminent and Substantial Endangerment Determination and Enforcement Order, and a 2018 Final Judgement on Consent and Permanent Injunction, but has been unable to accomplish an acceptable standard of protectiveness for human health, safety, or the environment. DTSC has denied the Application to operate the permitted hazardous waste units A, B, C, and D to prevent the continued improper handling of hazardous waste at GEM.

DTSC agrees that the final Permit Decision could result in an increase in cost and/or travel of hazardous waste. However, hazardous wastes received at GEM are already being routed to out of state facilities. There is no indication that this quantity would increase or decrease as a consequence of a permit denial.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 19:**

Letter received from Jim Perea, Owner of Garment Graphics, sent to Randy Snapp, Project Manager at DTSC, on October 24, 2019. The comment is below, and a copy can be viewed in Attachment 9.

Dear Mr. Snapp:

I'm writing to recommend Stericycle Environmental Solutions as an important service provider to the Northern California area. Over the past 5 years, Garment Graphics provides Stericycle with Embroidery services.

From our perspective, Stericycle Environmental Solutions and the Rancho Cordova facility provide an important environmental service that helps keep local businesses and communities both safe and compliant. With limited options in California for managing hazardous waste and reducing the number of facilities available has the potential to increase costs, increase pollution as more waste is transported longer distance or out of state for treatment, and increase improper handling of wastes overall. I encourage the State to work with the Rancho Cordova facility to help ensure local businesses and communities have access to compliant and affordable options for managing hazardous waste.

For Garment Graphics, Stericycle contributes to our overall success as a business. We value their business and have a good working relationship with the Stericycle Rancho Cordova team. We believe this is a company that helps with local waste issues. With all the new building going on its vital to have a local company dispose of waste the right way. This company provides many jobs for the local community and being a business partner with them helps my business as well.

Stericycle has been an upstanding business partner to our organization, and we encourage the state to approve its permit renewal.

Sincerely,

Jim Perea Owner of Garment Graphics

**DTSC's response to Comment 19:**

This commenter describes the importance of GEM's services to the community, describes the increased hardships the community will suffer without GEM, and supports the renewal of GEM's Permit. DTSC agrees that the decision to deny the GEM Application could cause hazardous waste transportation miles and cost to increase. DTSC agrees that the correct disposal of hazardous wastes is a vital part of the community and its development. The greater Sacramento and Bay Area have several options that can be seen on DTSC's public Envirostor map.

DTSC has worked with GEM to improve the safety of its operations in a 2010 Consent Order, a 2013 Imminent and Substantial Endangerment Determination and Enforcement Order, and a 2018 Final Judgement on Consent and Permanent Injunction, but has been unable to accomplish an acceptable standard of protectiveness for human health, safety, or the environment. DTSC has denied the Application to operate the permitted hazardous waste units A, B, C, and D to prevent the continued improper handling of hazardous waste at GEM.

DTSC agrees the permit denial could result in an increase in cost and/or travel of hazardous waste. However, hazardous wastes received at GEM are already being

routed to out of state facilities and there is no indication that this quantity would increase or decrease as a consequence of denying the Application.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 20:**

Letter received from John Phillips, Holley Generator, sent to Randy Snapp, Project Manager at DTSC, on October 24, 2019. The comment is below, and a copy can be viewed in Attachment 10.

Dear Mr. Snap

I felt compelled to write you regarding the Rancho Cordova Stericycle location. Stericycle has been both reliable and affordable as a resource to us at Holley Generator. We are not sure how we are going to properly and safely dispose of waste that we have if this facility is no longer an option. Over the past several years we have developed a strong relationship with the team at Stericycle and they have always been happy to help in a professional and affordable manor. They have even gone over and above for us helping to make sure we are trained and in compliance with all of our hazardous materials. We realize while there may be other options in this scope of work but we cannot replace the relationships we have with this team. We are also in Rancho Cordova and the location and service provided is vital to our daily business. We are not the experts in the field of hazardous waste removal and storage and Stericycle has filled that void in our business.

We at Holley Generator rely heavily on the expertise and help of Stericycle and hope that the state will find a way to keep the Rancho Cordova facility operational so that our business can focus on what we do best.

Thank you for your time and consideration.

John Philipps

**DTSC's response to Comment 20:**

This commenter describes the importance of GEM's services to the community, describes the increased hardships the community will suffer without GEM, and encourages the State to keep GEM operational. DTSC agrees that the hazardous waste businesses serviced by GEM may need to find other options and that hazardous waste transportation miles and cost are likely to increase. However, the greater Sacramento area and the Bay Area still have several options that can be seen on DTSC's public Envirostor map.



DTSC has decided to deny the Application to operate the permitted hazardous waste units A, B, C, and D to store and bulk hazardous waste. This decision is not an evaluation of GEM's ability to provide consulting services or to perform hazardous waste activities that do not require a hazardous waste facility permit. This decision does not include authorization decisions related to GEM's activities that are not part of the Permit.

DTSC has worked with GEM to improve the safety of its operations in a 2010 Consent Order, a 2013 Imminent and Substantial Endangerment Determination and Enforcement Order, and a 2018 Final Judgement on Consent and Permanent Injunction, but has been unable to accomplish an acceptable standard of protectiveness for human health, safety, or the environment.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 21:**

Letter received from Robert Schimpf, Owner of TKO, sent to Randy Snapp, Project Manager at DTSC, on October 24, 2019. The comment is below, and a copy can be viewed in Attachment 11.

Dear Mr. Snapp:

I'm writing to recommend Stericycle Environmental Solutions as an important service provider to Rancho Cordova. Over the past 4 years since we moved to Rancho Cordova, we have partnered with Stericycle to fix all their hydraulic and electrical issues to help keep their fleet moving. Hazardous waste is new to a small business like us, the city inspected us, and I received 22 violations. We work on Stericycle vehicles on a regular basis, so we asked them for help. They provided and showed us how to properly package in UN rated containers. Over the years they've been our local source for any manifest. Labeling and placarding questions. Stericycle helped us through the process, and we went from 22 violations to 0. In our eyes Stericycle is a must for the local community.

Sincerely,  
Rob Schimpf  
Owner of TKO

**DTSC's response to Comment 21:**

This commenter describes the consultation services GEM provides and emphasizes GEM's importance to the community. DTSC has denied the Application to operate the permitted hazardous waste units A, B, C, and D to store and bulk hazardous waste. This decision is not an evaluation of GEM's ability to provide consulting services or non-permitted hazardous waste activities. This decision does not include authorization decisions related to GEM's activities that are not part of the Permit.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22:**

Letter received from Daniel Brunton, Latham and Watkins LLP, Counsel for Stericycle, sent to Randy Snapp, Project Manager at DTSC, on October 24, 2019. A copy of the comment (without the attachments) can be viewed in Attachment 12. The full comment including attachments can be viewed in the administrative record. This comment has been divided into sections that correspond to the headings within the comment letter. Specific comments within the corresponding headings are addressed individually.

DTSC has not responded to the specific comments within “Section I Introduction and Background” because each comment is repeated in detail within the document. Footnotes are identified, but the information contained within the footnotes have not been replicated in this document. DTSC has considered the information within the footnotes and has responded to any substantial information within the footnotes

**Section II. DTSC SHOULD NOT DENY STERICYCLE’S PERMIT RENEWAL**

**II.A The 2018 Stipulation Ensures the Facility Will Protect Public Health and Safety and the Environment**

**Comment 22.1:**

On October 26, 2017, DTSC filed an enforcement action against Stericycle seeking civil penalties and an injunction for alleged statutory, regulatory, and permit violations at the Facility between 2011 and 2017.<sup>4</sup> Rather than litigate the merits or lack thereof of DTSC’s allegations, the parties instead agreed to settle the dispute.<sup>5</sup> That settlement was formalized as the 2018 Stipulation, and the 2018 Stipulation represents a watershed moment for Facility operations.

The 2018 Stipulation imposes strict training and DTSC oversight requirements, and it prohibits certain hazardous waste operations at the Facility. Many of the 2018 Stipulation requirements go beyond any statutory, regulatory, or permit requirements for hazardous waste facilities. For example, under the 2018 Stipulation—but not under any specific hazardous waste law or permit requirement—Stericycle must:

- Not store, manage, treat, bulk, or consolidate reactive waste at the Facility, including waste with EPA Hazardous Waste Number D003.<sup>6</sup>
- Conduct daily inspections of the Facility and its loading and unloading areas to ensure compliance with hazardous waste laws and the Facility permit.<sup>7</sup>

- Prepare annual reports, through an independent third-party, for the first five years after entry of the Stipulation describing: (1) the efforts by Stericycle to comply with the 2018 Stipulation; (2) the occurrence of reportable events over the course of the year; (3) any actions taken by the Facility in response to any reportable event; and (4) any penalties paid by Stericycle for any violations.<sup>8</sup>
- Hire an independent, third-party auditor that is a Registered Environmental Assessor or California-licensed Professional Engineer to conduct three environmental audits and prepare three narrative audit reports at 18-month intervals for the first five years after entry of the Stipulation.<sup>9</sup> The audits must determine whether Stericycle is complying with the requirements of the 2018 Stipulation, permit, and hazardous waste laws, and evaluate the effectiveness of Stericycle's hazardous waste compliance program intended to ensure such compliance.<sup>10</sup> The narrative audit reports must disclose all audit findings, conclusions, and recommendations, and must report all evidence considered or relied on to support its conclusions.<sup>11</sup>
- Conduct extensive and ongoing employee training programs, including every six months: eight hours of incompatible waste training; incompatible waste testing; four hours of universal waste training; and standard operating procedures training. Stericycle must also conduct hazardous waste supervisor training every twelve months, and submit all training materials to DTSC at least 65 days prior to using them.<sup>12</sup>
- Provide to DTSC verification of all training completed in accordance with the 2018 Stipulation, including: supporting documentation and training sign-up sheets; the syllabus used for the eight hours of incompatibility training; and course outlines that describe the myriad training programs.<sup>13</sup>
- Submit all training records to DTSC for all employees before each employee starts working at the TSDF.
- Certify, under penalty of perjury, to DTSC every six months for five years that all training required by the 2018 Stipulation, permit, and hazardous waste laws has been completed within the requisite time periods.<sup>14</sup>
- Retain all training records for current Facility employees until closure of the Facility, and retain all training records of terminated employees for at least three years after the date of termination.<sup>15</sup>
- Retain all video and audio recordings used to monitor the Facility for at least one year, and make them available to DTSC upon request.<sup>16</sup>

The requirements of the 2018 Stipulation are a good-faith collaboration with DTSC to ensure that operation of the Facility will protect public health and safety and the environment. Indeed, with the training, reporting, audit, and oversight measures of the

2018 Stipulation, the Rancho Cordova Facility promises to be one of the safest—and most heavily regulated—hazardous waste facilities in the state.

**DTSC's response to Comment 22.1:**

This commenter describes cooperation and improvements by GEM in its efforts to ensure the Facility operates in a manner protective of public health and safety and the environment. DTSC agrees that the 2018 Stipulation was entered into between Stericycle/GEM and DTSC in good faith. Furthermore, as stated in section 13 of the 2018 Stipulation, the parties agreed that for purposes of future permitting decisions, the violations would be deemed proven and not open for further dispute.

The commenter references the restrictions and requirements in the 2018 Stipulation and indicates that GEM is heavily regulated and will operate safely moving forward. DTSC agrees that the 2018 Stipulation imposed additional oversight requirements at the facility. These requirements were added to the 2018 Stipulation as a result of violations of hazardous waste laws that occurred over several years as discussed more fully in the Statement of Basis.

When making a permit decision, DTSC is obligated to consider each facility's compliance history. (Health & Safety Code, section 25186 (a); California Code of Regulations, title 22, section 66271.2(d)). DTSC considers the facility's compliance history because it is a predictor of future compliance. In other words, a facility that has exhibited a repeating and recurring pattern of non-compliance can be expected to commit additional violations in the future absent some significant changes in culture or infrastructure.

The commenter indicates that entering into the 2018 Stipulation was a “watershed moment for facility operations.” DTSC agrees that the settlement represented an opportunity for GEM to move on and return to compliance. However, the record contains substantial evidence that GEM has not fully complied with the 2018 Stipulation.

DTSC documented GEM's failure to fully comply with the terms of the 2018 Stipulation on page 7 of the Statement of Basis, as follows:

- GEM accepted reactive hazardous waste at the facility on several occasions since the settlement was filed on October 19, 2018. GEM agreed not to accept reactive hazardous waste at the facility because reactive hazardous waste has the potential to react violently and has been associated with prior incidents at the facility.
- GEM failed to provide training certification and verification to demonstrate adequate safety training required for employees handling hazardous waste. GEM agreed to provide this information to DTSC to demonstrate that it is training its employees appropriately.

The facility's compliance history, coupled with the failure to fully comply with the 2018 Stipulation, provide substantial evidence supporting DTSC's decision to deny GEM's permit application.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22.2:**

The requirements of the 2018 Stipulation have already resulted in marked improvement in operational safety and compliance at the Facility. On September 9 and 19, 2019, the third-party Environmental Compliance Assurance Contractor conducted a thorough review of the Facility compliance with the 2018 Stipulation and permit. Stericycle submitted the detailed annual report detailing the results of the site review to DTSC on October 10, 2019.<sup>17</sup> The results of the first annual report are as follows:

- The Facility is generally well run, and is generally compliant with applicable hazardous waste laws and regulations and conditions of the 2018 Stipulation;
- Stericycle has taken vigorous steps to comply with the 2018 Stipulation—and gone beyond what the 2018 Stipulation requires—including:
  - Appointing a new Chief Executive Officer (May 2019) and a new Executive Vice President of North American Operations, both following 30-year careers with UPS overseeing operational safety, compliance and environmental sustainability;
  - Hiring a new Senior Vice President of Environmental Health and Safety (EHS) to create a global, best-in-class EHS organization, including developing specialists in safety and regulatory management;
  - Overhauling management personnel at Rancho Cordova, including hiring a highly experienced Facility manager;
  - Voluntarily withdrawing certain higher-risk Facility operations, such as bulking and liquids management;
  - Creating a new hiring structure for all Facility employees, including hiring employees temporarily to work at the less-regulated 10-day plant that is adjacent to the Facility, and evaluating their potential before moving them to work at the more regulated Facility;
  - Establishing a new training regime for new Facility employees and fully vetting the training requirements in the Stipulation to ensure compliance;

- Implementing a safety and environmental management system (SEMS) that stores employee training documentation, report requirements, recordkeeping, incident tracking and corrective action plans for any incidents;
- Filling floor cracks and coating the Facility floor per permit requirements; and
- Disassembling and rebuilding air-handling units to ensure proper function;

**DTSC's response to Comment 22.2:**

The commenter cites the Environmental Compliance Assurance Contractor Report (Annual Report) as evidence of a "marked improvement in operations safety and compliance at the facility." The referenced report, dated October 23, 2019, was not available and was not considered by DTSC when the tentative decision to deny was made. However, DTSC has since reviewed and considered the Annual Report.

As described in more detail in the review to the Annual Report (found after the responses to the Latham and Watkins letter), the content of the Annual Report indicates that GEM has made improvements at the facility. However, the Annual Report also notes that GEM did not fully comply with the 2018 Stipulation. The failure to adhere to the restrictions in the 2018 Stipulation on accepting reactive waste is very concerning.

The Annual Report also indicates that GEM "voluntarily withdrew certain higher-risk facility operations, such as bulking and liquids management." DTSC does not agree with the statement that the withdrawal from higher risk operations like bulking was voluntary. GEM discontinued bulking activities after DTSC discovered during the June 2018 compliance evaluation inspection that bulking was being performed without the required air filtration equipment to protect employees and the surrounding environment. The equipment used to filter toxic substances from the air was determined to be non-operational.

The commenter also references other improvements such as "establishing a new training regime for new Facility employees" and implementing a "safety and environmental management system (SEMS)." While these changes sound positive, there is no information provided explaining what these changes mean in practice and how they make the facility safer. DTSC cannot confirm the improvements to the Training Plan highlighted from the audit report as a modification to the Training Plan in the Permit has not been submitted to DTSC.

DTSC agrees that GEM has completed activities including maintaining the impermeability of the hazardous waste units and taking steps to repair the air-handling units. These activities are a minimum standard of hazardous waste facilities and not beyond basic requirements of California regulations.

The commenter states that new appointees in positions including Chief Executive Officer, Executive Vice President of North American Operations, Senior Vice President of Environmental Health and Safety, and management of Rancho Cordova Facility, including the Facility Manager, are part of an effort to comply with the 2018 Stipulation and to go beyond what is required. DTSC was recently notified that Stericycle has divested itself of the GEM facility and the remainder of its permitted hazardous waste facilities in the nation as of April 2020. Given this knowledge, the change in senior management at Stericycle is no longer relevant. DTSC acknowledges that a new Facility manager was hired at the facility in late 2018. However, there have been continuing violations, including the failure to fully comply with the 2018 Stipulation, since that time.

DTSC made the decision to deny the Permit Application based on the past ten years of operation in conditions dangerous to public health, safety, and the environment. Stericycle has had control of the Facility since November 2014 and has failed to make the necessary improvements to safety and compliance. If a broader context is considered to determine Stericycle's commitment to improvements at GEM, DTSC can review other known Stericycle Facilities. As discussed in Comment 16, Stericycle's facility in Tacoma Washington was fined \$1.9 million for the mismanagement of hazardous waste leading to a fire. The article linked in comment 16 included the following quote from the facility regulator:

*"They are required by law to meet strict permit conditions. This incident shows a complete disregard for the safety of their employees and nearby communities, and that's totally unacceptable."* -Maia Bellon

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22.3:**

- With one exception (discussed below), the Facility is in compliance with the 2018 Stipulation:
  - The facility has not received any notice of violation or Summary of Violation during the reporting year;
  - No penalties or fines have been assessed during the reporting year; and
  - No reportable events have occurred at the Facility during the reporting year;

**DTSC's response to Comment 22.3:**

The commenter indicates that GEM has complied with the 2018 Stipulation with one exception and that there have been no violations, penalties, or reportable events during

the reporting year. DTSC does not agree that there is only one case of noncompliance with the 2018 Stipulation. There are several cases of accepting hazardous waste prohibited by the 2018 Stipulation (see response to Comment 22.4) and several cases of significant gaps in training demonstrated within the reports submitted to DTSC (see response to Comments 22.5 and 22.6).

The comment that GEM has not received a violation or had a reportable event in the reporting year is correct. The Annual Report only identified compliance problems with hazardous waste labeling and concerning changes being implemented without notifying DTSC. However, DTSC must clarify that the Rancho Cordova facility has not been inspected by DTSC enforcement in the reporting year which makes the absence of violations less relevant.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22.4:**

- DTSC's allegation that the Facility has received 11 manifests of D003 waste, in violation of Section 9.12 of the 2018 Stipulation, has been addressed:
  - Four of the alleged violations were mistaken, as described further in the annual report;
  - The remaining seven manifests of reactive waste were received into the Facility as alleged by DTSC; however, all but one of the shipments were received within 30 days of the 2018 Stipulation going into effect, and appear to have been related to transition and training to a new restricted mode of operation at the Facility;
  - The Facility has taken steps to ensure that D003 waste is no longer received at the Facility by:
    - Working with information technology to prohibit D003-coded waste from being able to be entered into the Facility system;
    - Using visual aids to remind employees that D003 wastes are not permitted at the Facility;
    - Implementing additional awareness training for Facility operators and documentation for personnel to identify any D003 wastes inadvertently shipped to the Facility and not caught by electronic restrictions; and



- Creating additional information technology options to identify reactive wastes in the Facility system beyond the D003 code.

**DTSC's response to Comment 22.4:**

The commenter does not agree with DTSC's findings in the Statement of Basis that reactive hazardous waste was accepted on 11 occasions since the 2018 Stipulation took effect. The commenter further indicates that measures have been taken to prevent the acceptance of reactive hazardous waste in the future. The commenter is correct that one of the instances cited by DTSC in the Statement of Basis (manifest 011430027FLE) occurred prior to effective date of the 2018 Stipulation and DTSC has found another manifest (013005293FLE) that lists an alternative destination facility. However, in the other nine instances cited by DTSC, GEM submitted manifest records to U.S. EPA indicating that reactive waste was accepted at the facility.

The commenter indicates that on four occasions cited in the Statement of Basis, DTSC is mistaken and reactive hazardous waste was not accepted at the facility. DTSC based its findings on the manifest records submitted by GEM. If it is true that the waste was not accepted, then it appears that GEM did not complete the hazardous waste manifests correctly which is itself concerning. The accurate completion of manifest records is critical to the tracking and management of hazardous waste.

In one instance cited in the Annual Report (manifest 013005293FLE), DTSC agrees that this manifest can be excluded from the original eleven alleged manifests to conclude a total of nine receipts of prohibited hazardous waste. For additional detail regarding this issue, please see response to the Annual Report found after the responses to the Latham and Watkins letter.

The commenter lists steps GEM has made to ensure hazardous waste prohibited at the Facility is no longer received. It is encouraging to learn that GEM has now taken additional steps to ensure that reactive hazardous waste is not received at the facility. However, this does not change the fact that GEM failed to comply with the terms of the 2018 Stipulation. The 2018 Stipulation represented an opportunity for GEM to demonstrate a commitment to returning to compliance and this did not happen.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22.5:**

Similarly, the latest annual report under the 2018 Stipulation shows that Stericycle is in substantial compliance with the training verification and certification requirements of the Stipulation. DTSC alleged in the proposed permit non-renewal that Stericycle had failed to keep adequate records of required training. The annual report demonstrates that Stericycle timely completed the required trainings and that the records were available.<sup>18</sup> Additionally, Stericycle has implemented a revised training verification and certification

recordkeeping system with an emphasis on clarity and transparency.<sup>19</sup> Stericycle's updated training recordkeeping system will ensure its compliance with training certification and verification requirements under the 2018 Stipulation is clearly traceable by DTSC.

**DTSC's response to Comment 22.5:**

The commenter indicates that the Annual Report shows that the required trainings were completed as required by the 2018 Stipulation, and that the records were available. The commenter is correct that the Annual Report submitted to DTSC states that the training requirements are in substantial compliance. However, DTSC's own review of the training records shows that the training verification and certification requirements of the 2018 Stipulation were not met. The results of the Annual Report are not binding on DTSC nor are they a delegation of DTSC's authority to enforce the 2018 Stipulation (see Section 9.35 of the 2018 Stipulation). DTSC's review of the training verification and certification show deficiencies in the training provided to key positions at the facility. For example, Emergency Coordinator tasked with leading and directing the response to an emergency received the necessary training. DTSC's review of the Annual Report can be found after the responses to the Latham & Watkins letter. A detailed review of GEM's training verification and certification is in Attachment 19.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Section II.B Denying Stericycle's Permit Application Now Violates the Promises of the 2018 Stipulation**

**Comment 22.6:**

California agencies are bound by their promises made to regulated entities, whether explicit or implicit.<sup>20</sup> When an agency makes a promise (implicit or otherwise) that is relied on to the detriment of a regulated entity, the promise will be enforced to prevent injustice.<sup>21</sup>

DTSC and Stericycle executed the 2018 Stipulation as a good-faith effort to resolve past alleged Facility compliance violations and ensure future Facility operations would not endanger human health and safety or the environment.<sup>22</sup> Explicit in the 2018 Stipulation is that Stericycle would implement measures to ensure compliant Facility operations going forward.<sup>23</sup> Implicit in the 2018 Stipulation is DTSC's promise that it would give the agreement time to work, and would give Stericycle the opportunity to demonstrate that the permit renewal application—which was pending before and during the negotiations on the 2018 Stipulation—should be approved.

Absent DTSC's implicit promise that it would allow the Facility a reasonable time to demonstrate the efficacy of the 2018 Stipulation, Stericycle would not have agreed to

the 2018 Stipulation and invested the substantial sums necessary for its implementation. Stericycle's reliance has come at a significant cost and effort.

Shutting the Facility down on the heels of Stericycle's significant investment—before even one annual report has been prepared or environmental audit conducted, with no environmental releases or safety violations, and when there is substantial compliance with the 2018 Stipulation—is manifestly unjust and violates due process.

The remedy for breach of a promise may be “as justice requires.”<sup>24</sup> Here, justice would require that Stericycle be given a reasonable opportunity under the 2018 Stipulation to demonstrate that the additional oversight and operational restrictions have produced a safer facility, and that a future permit will not pose an unreasonable risk to human health and safety or the environment. Stericycle is open to a defined duration, “probationary” permit that incorporates the terms of the 2018 Stipulation. An administrative death sentence is not acceptable.

#### **DTSC's response to Comment 22.6:**

The commenter claims that implicit promises were made by DTSC when the 2018 Stipulation was signed, and that DTSC has not given the 2018 Stipulation “time to work.” The commenter further indicates that GEM is open to a defined duration “probationary” permit.

DTSC agrees that the 2018 Stipulation was a good-faith agreement to resolve the history of violations at the GEM Facility and establish limits and controls that would ensure protection of human health, safety, and the environment. DTSC acknowledges that the 2018 Stipulation contained specific injunctions that would take time to implement as specified in the 2018 Stipulation. DTSC does not agree that the specific injunctions on Facility operations implemented due to immediate threats to human health, safety, or the environment were meant to be gradually adopted. This includes the provision that prohibits the handling of reactive hazardous waste. DTSC does not agree that the 2018 Stipulation included any implicit promises regarding permitting proceedings. This is outlined in Section 17 of the 2018 Stipulation, which rejects the notion of implicit agreements or promises by stating that the 2018 Stipulation constitutes the entire agreement between DTSC and Stericycle/GEM and that “[n]o oral representations have been made or relied upon other than as expressly set forth herein.” DTSC finds that the 2018 Stipulation is clear that implicit promises were neither made nor could be interpreted to be made.

The 2018 Stipulation also included GEM and Stericycle's agreement that the violations would be deemed proven for purposes of future permitting decisions, that GEM and Stericycle would not continue to dispute the basis of the violations, or assert any defense based on the passage of time, including, but not limited to, laches, estoppel, and statute of limitations. The 2018 Stipulation is explicit that the violations would be deemed proven and could be considered when making permitting decisions. The commenter's claims that DTSC's reliance on those terms circumvents alleged implicit

agreements seeks to deprive DTSC of beneficial terms of the 2018 Stipulation. Further, section 25186 of the Health and Safety Code, as implemented by section 66270.43 of title 22, requires DTSC to consider facility compliance history for its permit decisions.

DTSC's denial of the Application is based on the violations of and noncompliance with the Health and Safety Code, its implementing regulations, the Permit, and the 2018 Stipulation. These violations and noncompliance demonstrate a repeating or recurring pattern that poses a threat to public health or safety or the environment, namely the unsafe working environment created from a recurring lack of training, mishandling of hazardous wastes, and multiple fires, explosions, and releases of hazardous waste.

The commenter cites the case *Kajima/Ray Wilson v. Los Angeles Cty. Metro. Transp. Auth.* (2000) 23 Cal. 4th 305 (*Kajima*) in arguing that the doctrine of promissory estoppel applies and requires DTSC to fulfill an implied promise in order to "prevent injustice." As mentioned above, the 2018 Stipulation makes clear that DTSC and GEM made no agreements other than explicitly set forth therein. Further, the *Kajima* case cited is of limited value to GEM, as that case sets forth a substantial exception when applying the equitable estoppel doctrine to official government actions like the instant permit denial: "neither the doctrine of estoppel nor any other equitable principle may be invoked against a governmental body where it would operate to defeat the effective operation of a policy adopted to protect the public." *Kajima*, at p. 316. Accepting the comments argument here would defeat the effective operation of Health and Safety Code section 25186, which gives DTSC discretion to deny hazardous waste facility permit applications where, as here, there is a pattern of recurring or repeating violations or where the violations may pose a threat to public health or safety or the environment.

DTSC agrees that the 2018 Stipulation is meant to ensure Facility operations are not endangering human health and safety or the environment going forward. DTSC does not agree that activities that endanger human health and safety or the environment are acceptable for any period of time. The 2018 Stipulation required immediate changes to protect human health and safety or the environment. DTSC required ongoing verifications, including training verification/certification and annual reports, so that GEM could demonstrate the safe operation of the Facility. DTSC did not promise or bind itself to wait for any reporting period before expecting the safe operation of the Facility.

DTSC does not agree that the 2018 Stipulation prohibition against handling reactive hazardous waste was to be phased in over time. DTSC acknowledged that providing and demonstrating an adequate level of training for employees vital to hazardous waste management would take a reasonable amount of time and allowed six months in the 2018 Stipulation. DTSC's Enforcement and Emergency Response Division (EERD) found that GEM failed to demonstrate adequate employee training by April 2019 as required by the 2018 Stipulation, and DTSC granted GEM a 30-day extension to allow the training verification and certification to be submitted in June 2019. GEM still has not demonstrated that the training requirements of the 2018 Stipulation have been satisfied. The latest EERD review of the training verification and certification is in Attachment 19.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

## **Section II.C Closing the Rancho Cordova Facility Is Contrary to the Public Interest and Would Harm Rather than Protect the Environment**

### **Comment 22.7:**

The Facility helps protect California's environment, and closing it would harm the environment and the public interest. Between 2015 and 2017, Rancho Cordova processed an average of approximately 12,500 tons of hazardous waste annually.<sup>25</sup> The Facility processes a wide variety of wastes, including organic and inorganic materials, household waste, alkaline solutions, and detergent and soap. The Facility serves a wide variety of customers, including household hazardous waste ("HHW") programs, cities, counties, retail stores, and hospitals. Facility operations currently include packaging and repackaging of waste, bulking of liquid wastes in tanks and containers, container crushing, and equipment flushing. After temporary storage, bulk liquid and containerized wastes are transferred off-site to an end-user (i.e., recycler) or an off-site permitted disposal facility.

Rancho Cordova is one of only 18 treatment facilities for hazardous waste in California. The Facility provides a waste disposal and recycling service to cities, counties, and institutional, commercial, and private industry in the region by packaging and repackaging waste for ultimate recycling or disposal. Currently, approximately 60% of the materials processed by the Facility are recycled through fuels blending or other activities.

### **DTSC's response to Comment 22.7:**

The commenter describes the hazardous waste management services provided by GEM in Rancho Cordova and indicates that various negative consequences will result from facility closure. As indicated in the responses to previous comments, DTSC's decision to deny the Application affects the operations covered by the permit. The decision does not affect other services provided by GEM, including hazardous waste transportation and operation of an exempt transfer facility at the site.

The commenter describes the hazardous waste management services that are purportedly offered by GEM. However, many of the services described are not authorized by the permit. DTSC does not agree that the Rancho Cordova facility has authorization to provide container crushing services.. The closure certification for the container crusher at GEM was received in June 2017. DTSC does not agree that GEM performs hazardous waste bulking in tanks. There are no permitted hazardous waste tanks at the facility.

The commenter claims that GEM is one of only 18 treatment facilities for hazardous waste in California. DTSC does not agree that GEM is one of only 18 hazardous waste

treatment facilities in California. DTSC permits at least 28 commercial facilities in California to treat hazardous waste, see Attachment 14. Furthermore, GEM is not authorized to treat hazardous waste. GEM's authorization to treat hazardous waste ended when DTSC's acknowledged the certification of closure of the container crusher. The only authorized hazardous waste management activities at the Rancho Cordova facility are storage and bulking (transfer).

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22.8:**

The independent environmental analysts, Ramboll, conducted an analysis of the environmental effects of closing the Facility. As set forth more fully in the Ramboll report and summarized below, the unintended environmental consequences from Facility closure due to a DTSC permit denial include:

- Increased pollutant and greenhouse gas emissions from increased waste shipping distances;
- Increased illegal dumping and disposal or improper storage of hazardous wastes, which may lead to impacts on air and water quality, plant and animal life, and human health and safety;
- Increased shipments of hazardous wastes to out-of-state facilities where statutory and permit requirements are less stringent and recycling targets are lower (e.g., Nevada);
- Lost opportunities to collect and recycle HHW from over 20 California communities; and
- Impairment to California's paint and waste recycling goals.

*1. Closure of the Facility Results in Unintended Travel-Related Environmental Impacts*

Many of Rancho Cordova's generators are regionally based. If the Facility is closed, those waste streams would likely have to travel farther (and possibly out of state) for processing. This could lead to an increase in transportation-related emissions and hazards.<sup>26</sup>

**DTSC's response to Comment 22.8:**

The commenter references a report prepared by Ramboll that attempts to quantify the impact of increased transportation resulting from DTSC's decision to deny GEM's permit application. The Ramboll report was not considered in the tentative denial of the

Application but has been considered in the final decision. DTSC's review of the Ramboll report follows the responses to the Latham and Watkins letter.

DTSC has considered your comment in the final Permit Decision.

**Comment 22.9**

a. Profile of Rancho Cordova Customers

The Facility serves a wide variety of customers, including household hazardous waste programs, cities, counties, hardware stores, hospitals, wholesale and big box stores, and waste services. It is also only one of two main haulers participating in California's paint recycling program, which focuses on post-consumer paint management to dispose of or recycle leftover paints.<sup>27</sup> The waste is shipped from five western states and over 500 cities across California, including as far south as San Diego. In 2018, 85% of this waste originated from within 180 miles of the Facility.<sup>28</sup> Waste shipped to the Facility consists of paint, adhesives, asbestos-containing wastes, contaminated soils from site clean-ups, halogenated and hydrocarbon solvents, household waste, laboratory chemicals, liquids containing cyanides, lead, or mercury, metal dust and machining waste, pesticides, pharmaceutical waste, and oil-containing wastes.<sup>29</sup>

**DTSC's response to Comment 22.9:**

The commenter describes the range of hazardous waste management services provided at the Rancho Cordova facility and highlights participation in California's paint recycling program. DTSC's permit decision concerns hazardous waste management activities conducted in units A, B, C, and D of the facility. Other activities at the Rancho Cordova facility not requiring authorization from the permit are unaffected by DTSC's decision.

The commenter specifically mentions the California paint recycling program. DTSC agrees that GEM in Rancho Cordova is an important partner in the California Paint Recycling Program. Waste paint is a universal waste which can be transported using a bill of lading rather than a hazardous waste manifest. A hazardous waste facility permit is not required to transport or accumulate universal waste. Furthermore, even if some waste paint is a hazardous waste, the Rancho Cordova facility can continue to operate as a hazardous waste transfer facility for that waste paint. As a transfer facility, hazardous waste containers can be unloaded, stored for up to ten days, and transferred between vehicles. In summary, while the final decision will constrain the activities currently performed at the Rancho Cordova facility, many of the existing activities are unaffected and can continue.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22.10:**

b. Increases in Transportation-Related Emissions and Hazards Result from Facility Permit Denial

If DTSC closed the Facility, transportation-related emissions and hazards would increase because waste streams served by the Facility must be transferred to facilities farther away. For instance, the closest Stericycle facility of comparable size with comparable services is located in Fernley, Nevada—more than 160 miles from Rancho Cordova. Rerouting all waste streams to other TSDFs, including the Stericycle Fernley facility, results in a net increase in vehicle miles traveled (“VMT”). Increasing VMT increases the chances of transportation-related accidents and increases emissions of criteria pollutants, toxic air contaminants, and greenhouse gases.<sup>30</sup>

**DTSC’s response to Comment 22.10:**

The commenter indicates that the closure of the Rancho Cordova facility could result in less efficient hazardous waste transport and increased transportation related emissions and hazards. DTSC agrees that GEM’s loss of the ability to bulk hazardous waste at the Rancho Cordova facility could result in increased truck trips. However, there is no guarantee that all the waste currently managed at GEM will travel to the nearest alternative Stericycle facility. There are other permitted hazardous waste facilities in the Sacramento area that are eligible to accept similar waste streams to GEM’s. In addition, the denial of GEM’s permit application could lead to the opening of a new entrant to address any unfulfilled demand.

As described in the Statement of Basis, DTSC’s decision to deny GEM’s permit application is based on the facility’s compliance history, which demonstrates a pattern of disregard for hazardous waste laws and regulations. The fact that truck trips may increase is an unfortunate consequence of GEM’s failure to comply with permit requirements. DTSC does not believe that the potential for increased truck trips is an overriding consideration that outweighs the facility’s poor compliance history.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22.11**

*2. Reducing Access to Legal Means of Hazardous Waste Disposal Can Have Unintended Environmental Consequences*

Rancho Cordova is one of only 18 treatment facilities for hazardous waste in California. Reducing the number of TSDFs and legal waste drop-off locations increases the risk of unintended environmental consequences. For example, illegal dumping rates tend to increase with limited access to free or low-cost disposal points. Per the “Area-Wide Illegal Dumping Analysis for the City of Sacramento and County of Sacramento Recommendation Report”, illegal dumping in California is increasing. Despite a 40%



increase in preventative measures, the number of reported illegal dumping incidences has risen by 32% since 2015.<sup>31</sup>

The environmental impacts from illegal dumping are unique to each type of waste. Chemical hazards at illegal dump sites can come from multiple sources, including asbestos, oil, medical waste, and commercial cleaning compounds, all of which are processed at Rancho Cordova. Improperly handled asbestos fibers can disperse into air and, if inhaled, pose a threat to human health.<sup>32</sup> Improperly handled oil, medical waste, and commercial cleaning compounds can contaminate surface and ground waters, and they could find their way into drinking water.<sup>33</sup> Improperly handled waste could release toxics that could leach into the surrounding environment, contaminating food sources and causing the death of animals and plants.

State, county, municipal, and private property owners spend tens of millions of dollars every year remediating illegally dumped materials.<sup>34</sup> The City and County of Sacramento spent nearly \$1.4 million to clean up illegally dumped waste in 2017 alone, with an additional \$600,000 spent on enforcement.<sup>35</sup> Reducing access to facilities such as Rancho Cordova increases the risk of illegal dumping, negatively impacting the environment and human health and safety, and resulting in considerable public cost.

If DTSC decides to close the Facility, some of Rancho Cordova's customers may be forced to stockpile waste materials for longer time periods while they identify and establish contracts with a substitute provider, and thus, may be unable to comply with the Resource Conservation and Recovery Act ("RCRA").<sup>36</sup> Extended storage times and the resultant accumulation of waste can have adverse environmental consequences. Containers could be damaged or toppled and large numbers of stacked containers can be difficult to inspect for spills and leaks, thereby increasing the risk of environment contamination.<sup>37</sup>

#### **DTSC's response to Comment 22.11:**

DTSC does not agree that there are 18 hazardous waste treatment facilities in California. DTSC permits at least 28 facilities in California to treat hazardous waste, see Attachment 14. DTSC agrees that the reduction in available hazardous waste drop-off locations can contribute to increased illegal dumping. DTSC agrees that customers of GEM will be required to find substitute means of hazardous waste handling as a result of the denial. DTSC has provided notices to the general public that the Application for hazardous waste operations at the GEM facility has been tentatively denied in order to receive feedback from the community as well as provide time to prepare.

The commenter describes the problem of illegal waste dumping and indicates why proper hazardous waste management is important. DTSC agrees with the premise of the comment. However, GEM is not the only facility capable of providing hazardous waste services to the Sacramento region. There are other permitted hazardous waste facilities in the Sacramento area that are eligible to accept similar waste streams to

GEM. In addition, the closure of GEM could lead to the opening of a new entrant to address demand.

The commenter fails to address the underlying reasons for DTSC's proposed decision. DTSC's decision to deny GEM's permit application is based on the facility compliance history which demonstrates an inability or unwillingness to comply with hazardous waste laws. The factors described in the comment are not overriding considerations that cause DTSC to disregard the facility compliance history and permit the facility anyway.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22.12:**

*3. Hazardous Waste Management Is a Complicated and Regulatory- Intensive Process, and the Facility is Subject to More Rigorous Oversight Than Alternate Facilities*

Wastes no longer handled by the highly supervised Rancho Cordova Facility could be sent to less supervised operators or out of state where requirements are less stringent (e.g., Nevada) which could result in unintended environmental consequences.

California's Hazardous Waste Control Law ("HWCL") has unique requirements that meet, and substantially exceed the requirements of RCRA.<sup>38</sup> In addition to the substantial requirements of the HWCL, Rancho Cordova is also subject to the 2018 Stipulation, the requirements of which exceed typical HWCL permitting requirements. Between the HWCL, Facility permit, and 2018 Stipulation, Rancho Cordova is one of the most heavily regulated TSDFs anywhere in the country. If waste is no longer handled by the Facility, it could be sent to less experienced and supervised handlers, or out of state where waste handling is less heavily regulated.

For example, one option would be for Rancho Cordova customers to send their waste to Stericycle's nearest comparable facility, which is located in Nevada. The Nevada Division of Environmental Protection enforces federal and state hazardous waste statutes and regulations.<sup>39</sup> Nevada has adopted by reference the federal hazardous waste regulations, but it does not have a state counterpart similar to California's HWCL. Thus, any hazardous waste redirected from an administratively shuttered Rancho Cordova facility to neighboring Nevada, would not be handled, stored, treated, or disposed of under requirements as stringent as the Facility.

**DTSC's response to Comment 22.12:**

The commenter states that GEM is one of the most heavily regulated facilities in California considering the additional requirements of the current Permit and the 2018 Stipulation. The stringent requirements at GEM have been put in place as a result of GEM's history of violations and noncompliance with statutes, regulations, and the

Permit—violations that are repeating or recurring and pose threats to public health or safety or the environment. Alternate hazardous waste facilities must meet the requirements that apply to the location where they operate, and any unique or facility specific requirements that the regulator has determined are appropriate.

The commenter indicates that the closure of GEM could lead to greater out of state management of non-RCRA (California) hazardous waste where less stringent management standards apply. It is true that when California hazardous waste is sent out of the state, it is often subject to reduced management requirements. However, it is not necessarily true that the closure of GEM will increase out of state management. Hazardous waste manifest records indicate that GEM routinely sends large quantities of California hazardous waste out of state for management. As an example, DTSC's hazardous waste manifest records for calendar year 2017 indicate that 448 outgoing manifests originated from GEM in Rancho Cordova. Of the 448 manifests, only 20 of the manifests were destined for a facility located in California. In other words, more than 95 percent of the hazardous waste received by GEM at the Rancho Cordova facility is subsequently shipped out of California for further management. DTSC believes that it is not accurate for GEM to suggest that denial of the permit application will lead to a negative outcome due to increased out of state management of California hazardous waste when the majority of all hazardous waste GEM accepts is sent out of state.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22.13:**

*4. Closing the Facility Is Antithetical to State Recycling Goals*

The Facility is important for meeting California's ambitious recycling goals. In 2011, the California Legislature adopted Assembly Bill 341, which set a policy goal for the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020. CalRecycle's 2015 report to the Legislature on Assembly Bill 341 makes clear that recycling has been at the center of California's success in reducing waste:

"In moving away from its historically disposal-dominated approach to waste management, California developed an infrastructure for collection, sorting, and preliminary processing of recyclable materials in order to meet the state's statutory recycling and diversion directives. This was accomplished with the hard work and dedication of all of our partners including local jurisdictions, the waste and recycling industry, and an enlightened public that embraced the new programs and changed its behavior."<sup>40</sup>

The report also states that California has a long way to go to reach the 75% goal—as a state, California needs to increase source reduction, composting, and recycling from about 37 million tons to about 60 million tons per year. One of the key strategies

CalRecycle identifies in its 2015 report to the Legislature on Assembly Bill 341 is expanding California's current recycling and manufacturing infrastructure. *Id.* at 7. California's recycling rates are closer to 50% and are dropping, with DTSC seeking to eliminate a key recycling facility in California. DTSC's proposed action works contrary to the state's recycling objectives.

The Rancho Cordova facility collected approximately 700 tons of recycling over the past twelve months alone. Approximately 60% of the waste entering the Facility is processed through fuels blending and recycling. Denying GEM its permit and shutting down the Rancho Cordova facility will contract, not expand, California's recycling infrastructure, thereby making it more difficult to achieve the legislative mandate of Assembly Bill 341.

Similarly, in 2010, the California legislature adopted the Paint Stewardship Law—Assembly Bill 1343—to manage the generation, reuse, and recycling of paint in California.<sup>41</sup> Rancho Cordova is an important facility in achieving California's paint recycling goals, partnering with local businesses and individuals to recycle leftover, unwanted paint. Stericycle sponsors special one-day paint drop-off events and collects leftover paint from more than 130 established volunteer drop-off sites. Latex paint collected at the Facility is consolidated and sent for recycling into fresh paint while non-latex paint becomes part of a fuel blending process used in waste-to-energy production. Over the past 12 months, the Facility has serviced approximately 1,450 tons of post-consumer paint for recycling purposes.<sup>42</sup> Closing the Rancho Cordova facility handicaps the implementation of the Paint Stewardship Law.

#### **DTSC's response to Comment 22.13:**

The commenter indicates that closure of the GEM facility will frustrate efforts to increase recycling within California and specifically highlights GEM's contribution to the implementation of the Paint Stewardship Program. DTSC agrees that GEM contributes to the recycling efforts of California, including the Paint Stewardship Program. DTSC does not agree that denial of the permit application will prohibit GEM from participating in recycling activities including the Paint Stewardship Program. DTSC has decided to deny the Application to operate the permitted hazardous waste units A, B, C, and D. This decision is not an evaluation of GEM's ability to provide consultation services, collect recyclable wastes, hold collection events or other activities at the Facility, including recycling.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

#### **Comment 22.14:**

5. *Prohibiting the Facility from Participating in Household Hazardous Waste Programs Increases the Risks of Unintended Environmental Consequences*

Proper use, storage, and disposal of household products with potentially hazardous substances—e.g., paints, cleaners and solvents, used oils, unwanted electronic equipment and batteries—is essential to California’s hazardous waste management program. Improper disposal of HHW can pollute the environment through soil leaching and groundwater seepage from landfills, and pose a threat to human health.<sup>43</sup> Improper management of HHW can also adversely impact the quality of the environment due to contamination of surface water bodies and air pollution. In addition, certain HHWs can potentially contaminate septic tanks and wastewater treatment systems, if poured down drains or toilets, or cause physical injury to sanitation workers.<sup>44</sup> They can also pose hazards to children and pets if left open in the house.<sup>45</sup>

Rancho Cordova currently works with approximately 20 different California communities to collect and process HHW. If the Facility is forced to close, these communities must find alternatives and may not be able to continue HHW collection, if cost-effective alternative providers cannot be readily identified.

**DTSC’s response to Comment 22.14:**

The commenter indicates that DTSC’s proposed decision will negatively affect the collection and proper management of HHW. DTSC agrees that the improper disposal of HHW poses threats to human health and the environment. However, DTSC disagrees with the impact that denial of the permit application will have on HHW collection.

The collection of HHW at the local level is regulated by Certified Unified Program Agencies (CUPAs) through the issuance of Permit by Rule authorization and is not related to GEM’s TSDf permit. Stericycle and/or GEM can still choose to manage and run HHW collection points for local jurisdictions, transport HHW, and perform exempt hazardous waste transfer activities. In addition, there are other TSDf’s in the Sacramento region that are authorized to receive waste generated at HHW collection events.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Section II.D DTSC Must Comply with CEQA Before Denying the Facility’s Permit**

**Comment 22.15:**

As described above, closing the Facility increases the risk of a broad range of environmental consequences, including increasing criteria air pollutants and greenhouse gases, increasing the travel of hazardous waste (and therefore increasing the chances for a travel-related accident), reducing recycling, and increasing the improper disposal of waste. DTSC must prepare an environmental impact report (“EIR”) under the California Environmental Quality Act (“CEQA”) to analyze these impacts before making a decision on whether to deny the permit and terminate Facility operations over the owner’s objections.<sup>46</sup> DTSC argues that CEQA does not apply

because DTSC proposes to deny the permit renewal.<sup>47</sup> But DTSC is proposing to remove a long-operating waste-reduction facility from the community. This is not a situation where a complete new facility is proposed. Also, DTSC is not just proposing to deny the permit for the Facility. It is, at the same time, deviating from its own regulations, which require DTSC to apply the Violation Scoring Procedure (“VSP”) regulations to any permit denial. See *infra*, Section II. F. This discretionary decision by DTSC to deviate from its own regulations is an independent discretionary action “capable of causing indirect physical changes in the environment” that triggers agency review under and compliance with CEQA.<sup>48</sup>

#### **DTSC’s response to Comment 22.15:**

The commenter indicates that DTSC’s proposed decision will have environmental consequences, and a CEQA Environmental Impact Report (EIR) should be prepared. DTSC does not agree that the preparation of an EIR is required. “Projects which a public agency rejects or disapproves” are statutorily exempt from the provisions of CEQA (Public Resources Code, section 21080 (b)(5)).

The commenter cites *Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal. 5th 1171 in supporting its position. The subject case is not directly relevant because that case involved the interpretation of the CEQA statute that addresses amendment of zoning ordinances, not the statutory provision that addresses denial of permit applications. The case also notes that CEQA only applies to projects which by definition are performed or approved by a public entity. DTSC is not proposing to conduct or approve any projects and has no grounds for conducting a CEQA evaluation.

According to the ruling in *Sunset Sky Ranch Pilots Association v. County of Sacramento* (2009) 47 Cal. 4th 902 (*Sunset Sky Ranch*), the rejection of a project is statutorily exempt from CEQA evaluation. The commenter asserts that the statutory exemption only applies to new projects that have not yet been built, but the project at issue in *Sunset Sky Ranch* involved the denial of a permit application involving an existing airport. *Id.* at 909. Further, the court acknowledged the Legislature’s intent to avoid the commitment of public resources to a project proposed for denial and to avoid placing the time and cost of an environmental report upon a person already under the burden of application denial. *Ibid.*

Because the permit denial decision is statutorily exempt from CEQA, DTSC has not and will not prepare an analysis of impacts under CEQA.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

#### **Section II.E The Rancho Cordova Facility is Important for the Local Economy and Community**

**Comment 22.16**

Rancho Cordova, like all Stericycle facilities, specializes in full-service hazardous waste management support. The Facility serves as a transportation center for the collection of hazardous and universal wastes in the local community and three transfer stations located in Fresno, San Jose and Fitzgerald. The Facility manages the collection and packaging of household hazardous waste materials from fixed collection locations or residential collection events for more than 20 different California communities. In addition, the Facility specializes in bulking wastes (i.e., blending small volumes of like-material together), consolidating wastes (combining like-items in their original containers into a larger container), and fuel blending to allow more efficient and cost-effective treatment of wastes. The Facility also provides short-term waste storage in preparation for transportation to third-party waste-to-energy facilities, recycling centers, and other hazardous waste final disposal facilities. These are important public benefits, the loss of which must be fully evaluated under the law and Stericycle's due process rights protected.

The Rancho Cordova facility supports a wide range of customers including more than 400 retailers, 15 hospitals and healthcare providers, local governments and municipalities, small manufacturers, educational facilities, as well as other local solid and hazardous waste companies. Materials managed include canned paints, aerosols, cylinders, fuels, chemotherapy waste, and unused pharmaceuticals. All material considered hazardous according the U.S. Environmental Protection Agency's Resource, Conservation and Recovery Act and similar state regulations are accompanied by a waste profile—pre-acceptance procedures are in place to ensure that only approved materials are accepted at the facility.

By providing waste services to such a broad range of mostly smaller businesses or organizations, the Facility helps ensure the proper disposal of hazardous wastes and safeguards California's environment. Many of Stericycle's customers rely on the Rancho Cordova Facility to support training, segregation, packaging, and reporting of wastes to ensure their compliance with federal and state waste handling requirements.

In addition to supporting the needs of customers across California, Stericycle and the Rancho Cordova facility contribute to the local economy. The facility adds approximately \$13 million per year to the region through wages, operational support goods and services, taxes, and disposal fees. In addition, the Facility has supported the local community through donation efforts to collect food for victims of the Mendocino fires and raise money for the area's homeless.

Stericycle also provides solutions for the secure and compliant disposal of DEA controlled pharmaceuticals (including opioids) for healthcare providers, pharmacies and the community in an effort against the opioid crisis. Stericycle provides services for healthcare facilities and pharmacies to pick up controlled substances from inventory for proper destruction and also provides DEA compliant drug take back kiosk services. Operations from Rancho Cordova play an important role in this effort providing

management and pick up services for discarded, expired, or unused DEA-controlled pharmaceuticals which are then prepared for transportation to Stericycle's Indianapolis facility or other properly permitted treatment facilities for proper incineration destruction. Additionally, this facility would assist programs complying with CA SB 212 once the regulations are put in place for extended producer responsible drug take back programs.

**DTSC's response to Comment 22.16:**

The commenter highlights the range of waste management services provided by Stericycle and GEM and supported by the Rancho Cordova facility. The commenter states that GEM provides waste management services for a variety of different industries. DTSC's responsibility is to ensure that facilities that engage in hazardous waste management do so in compliance with state law, its implementing regulations, and facility-specific permits. DTSC's decision to deny GEM's permit application is based on the facility compliance history, which demonstrates an inability or unwillingness to comply with hazardous waste laws. The factors described in the comment are not overriding considerations that outweigh or nullify the facility's history of noncompliance.

DTSC has decided to deny the Application to operate the permitted hazardous waste units A, B, C, and D. This decision does not change GEM's authorization to conduct activities including consultation, training, donation efforts, or waste activities not requiring a permit.

The commenter states that Stericycle provides services to various healthcare facilities. DTSC's decision is to deny the Application to operate the permitted hazardous waste units A, B, C, and D. The denial is not intended to affect GEM's ability to provide kiosk services, to store wastes not regulated as hazardous in California, or to transport pharmaceuticals to appropriate destination facilities.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Section II.F DTSC's Proposed Permit Denial Violates DTSC's Own Regulations**

**Comment 22.17:**

The California Legislature adopted Senate Bill ("SB") 673 in 2015, which required DTSC to adopt mandatory regulations governing standards for permit renewal, revocation, and denial.<sup>49</sup> Under SB 673, DTSC adopted regulations that set forth specific criteria, referred to as the "violations scoring procedure" ("VSP"), which establish "the totality of criteria and steps . . . that govern the consideration of a facility's compliance history by the Department in making specified permit decisions."<sup>50</sup>

The letter and spirit of SB 673 is unmistakably clear: DTSC must follow the newly adopted VSP regulations when making a permit decision for all operating hazardous



waste facilities. Section 66271.<sup>50</sup> is explicit that the VSP regulations “appl[y] to all operating hazardous waste facilities” (with narrow exceptions inapplicable here).<sup>51</sup> Moreover, DTSC recognizes that the VSP regulations comprise “a detailed regulatory scheme that outlines transparent and consistent standards and procedures for permitting decisions.”<sup>52</sup> Indeed, DTSC itself acknowledges that the VSP regulations “require DTSC to evaluate a facility’s compliance history as part of DTSC’s permit decision-making process,” and “is needed to ensure that each facility’s compliance is evaluated in a . . . transparently fair and consistent manner, when DTSC makes a permit decision.”<sup>53</sup>

DTSC has calculated an initial VSP Score of 99.68 for the Rancho Cordova Facility.<sup>54</sup> Under the regulations, the initial score is just the beginning of a process designed to give the Facility an opportunity to demonstrate it has come into compliance. Stericycle is being denied that opportunity here. Procedural protections under the regulations that Stericycle is being denied include:

1. The Facility may challenge the provisional inspection violation scores that comprise the VSP Score and the compliance tier assignment;<sup>55</sup>
2. The Facility is entitled to a public hearing on DTSC’s compliance tier assignment;<sup>56</sup>
3. DTSC must base its final compliance tier determination on the evidence presented by the owner or operator, and any other relevant evidence presented at the public hearing;<sup>57</sup>
4. Even if the Facility has a final score of “unacceptable,” the facility owner or operator has an opportunity to cure and is still entitled to demonstrate that granting a limited, five-year permit “will not impose a threat to public health or safety or the environment.”<sup>58</sup> In addition, the owner or operator may demonstrate that (1) it has implemented enforceable improvements to facility operations or equipment that will prevent future violations, and (2) there are substantial and overriding benefits to the people of California resulting from the continued operation of the facility.<sup>59</sup> If the evidence supports such determinations, DTSC may grant a limited permit for a facility with an “unacceptable” compliance tier.<sup>60</sup>

Denying Stericycle these essential procedural safeguards is arbitrary and an abuse of discretion. DTSC’s permitting decisions cannot violate its own regulations and Due Process.

#### **DTSC’s response to Comment 22.17:**

The commenter alleges that DTSC’s proposed decision is in violation of the process and procedural provisions of the permit denial regulations promulgated following the passage of Senate Bill 673 (Lara, 2015). The commenter misstates both the purpose and scope of SB 673. In response to SB 673 and

under the authority of Health and Safety Code section 25200.21, DTSC adopted the Violations Scoring Procedure for Hazardous Waste Facility Operations (VSP) found at California Code of Regulations, title 22, section 66271.50 *et seq.* Each calendar year, DTSC issues a Facility VSP Score to all permitted operating hazardous waste facilities and assigns facilities to a compliance tier. Concurrent with the Facility VSP Score, DTSC also provides provisional and final inspection violation scores used to calculate the Facility VSP Score. The Facility VSP Scores and compliance tier assignments are published on DTSC's website.

The VSP is defined as follows at California Code of Regulations title 22, section 66271.50 (a)(1):

Violations scoring procedure means the totality of the criteria and steps set out in this article that govern the consideration of a facility's compliance history by the Department in making specified permit decisions and the remedies available to an owner or operator in response to decisions proposed or made by the Department *under this article*.

The VSP, therefore, is a standardized way for DTSC and the public to consider hazardous facility compliance history. The VSP is its own administrative process, which establishes an annual compliance history score for each hazardous waste facility. The full definition of VSP clarifies that the VSP comprises the totality of the criteria and processes of California Code of Regulations, title 22, division 4.5, chapter 21, article 3, and is used for determining *specified* permit decisions. The VSP does not supplant, amend, or replace DTSC's general authority or responsibility in Health and Safety Code sections 25186 and 25186.1(b), and California Code of Regulations, title 22, section 66270.43 to deny a permit outside the VSP process.

A facility could have an acceptable VSP score and still be denied a permit, where conversely, there are procedures in the VSP to allow a facility placed in an unacceptable compliance tier to avoid denial or revocation of its permit if certain criteria and findings are established. The VSP merely provides a standardized approach to quantifying and considering compliance history—one data point of many DTSC will consider in any permit process. It does not dictate the totality of DTSC's permit process, supplant ongoing permitting decisions, or otherwise preclude DTSC from routine permit consideration and denial based on the whole of the record before it.

In the case of GEM, DTSC considered the permit renewal application, submitted on October 26, 2016, along with the violations deemed proven as part of the 2018 Stipulation. Considering the record before it, including the serious nature of the violations, and the repeating and recurring pattern of violations at the Facility, DTSC determined a permit denial would be warranted regardless of GEM's VSP score. In fact, DTSC prepared the draft permit decision prior to the release of GEM's provisional VSP score.

The permit denial decision is not based on the facility's VSP score, but on a totality of factors identified in the Statement of Basis that include its record of non-compliance that, if allowed to persist, may result in harm to the public and the environment. DTSC agrees that the VSP process has begun for GEM, that the provisional inspection scores resulted in an initial score of 99.68 (an unacceptable tier), and that GEM is within its rights to dispute the score through every process available within the VSP. Dispute of that score, however, will not impact DTSC's decision in this process, since its decision is based on the entirety of the current record before it, and not on the VSP.

DTSC's VSP regulations are clear and provided notice to the public that nothing in VSP was intended to conflict with or otherwise narrow DTSC's authority elsewhere in the Health and Safety Code for reviewing permit renewals. The Final Statement of Reasons (FSOR) and Response to Comments documents referenced in the VSP regulatory process (R-2016-03 regulation adoption package) clearly specify that the adopted regulations provide authority that are in addition to, and more specific than, the factors in Health and Safety Code section 25186. The FSOR also specifies that the regulations do not depend on Health and Safety Code section 25186 as authority or in any way conflict with that law. (DTSC's September 2017 Response to Comments, Proposed Regulation, R-2016-03, at pp. 20, 106). Finally, the FSOR also lists Health and Safety Code section 25186 as one of the statutory provisions that "provide additional criteria for making permit denial, revocation, and suspension decisions." (*Id.*, at p. 89)

The denial of the Application is based on the provisions in Health and Safety Code section 25186 and 25186.1(b), which require DTSC to follow the applicable procedures in California Code of Regulations, title 22, division 4.5, chapters 20 or 21. DTSC followed the procedures outlined in California Code of Regulations, title 22, section 66271.9 for the tentative denial of a permit application. The decision to tentatively deny the application was made without regard to the initial VSP score. The tentative decision was made before an initial violation score was calculated. DTSC does not agree that the VSP regulations supersede or constrain the Department's authority to deny a permit application under Health and Safety Code section 25186. The VSP regulations are not relevant to this decision because the permit denial decision is not being made "under this article" within the meaning of 22 California Code Regulations, section 66271.50(a)(1) (i.e. pursuant to the VSP regulations).

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Section II.G DTSC's Tentative Permit Denial Based on Past Facility Conduct Settled Through the 2018 Stipulation Would be Unprecedented and a Violation of the Equal Protection Clause and Due Process Clauses of the Fourteenth Amendment**

**Comment 22.18:**

In the past ten years, DTSC has denied only two hazardous waste facility permit applications—both for reasons entirely unrelated to facility conduct, unlike here (Ecology Control Industries failed to pay for its application review and Certainteed Corporation failed to make required disclosures under its permit application).<sup>61</sup> Stericycle has been unable to locate any other instances of DTSC denying a hazardous waste facility application in the past ten years for any reason.

DTSC's Official Policy of Enforcement Response ("Enforcement Policy") mandates that hazardous waste facilities shall be treated "equally and consistently."<sup>62</sup> We are unaware of a single hazardous waste facility with a spotless compliance record over the course of a decade. Yet the Facility is the first to have its permit renewal application denied because of past violations—the most serious of which occurred before Stericycle owned or had any control over the Facility, and for which Stericycle less than one year ago paid \$1.4 million in good faith to resolve in collaboration with DTSC. And DTSC is making this decision before any opportunity to demonstrate compliance with an agency-approved Stipulation. Such unequal treatment plainly violates the Enforcement Policy and the Equal Protection Clause of the Fourteenth Amendment.<sup>63</sup>

#### **DTSC's response to Comment 22.18:**

The commenter alleges that the proposed decision to deny GEM's permit application constitutes unfair and unequal treatment and is inconsistent with past precedent. DTSC does not agree that no permits have been denied in the last ten years based on compliance history. Permit applications have been denied based on a history or instances of noncompliance that are unacceptable as seen as recently as American Oil Company in June 2019. DTSC has a history of denying applications based on facility conduct that stretches back much further than 10 years:

- H&H Ship Services in 1990 agreed to close after numerous safety violations which resulted in the death of 2 employees.
- DICO's application was denied in 1995 for violations with State hazardous waste laws and violations of and non-compliance with an Enforcement Order issued by DTSC.
- PRC Patterson's application was denied in 1996 for violations of and non-compliance with State hazardous waste laws and regulations.
- Gibson Environmental Permit was denied in 1996 for repeated violations and mismanagement of hazardous waste.
- Pure-Etch in 1997 agreed to close after multiple violations of State hazardous waste laws and regulations.
- Enviropur West's application was denied in 1997 for violations of and non-compliance with a Consent Agreement with DTSC.
- Broco Environmental's application was denied in 1998 for repeated and major violations.
- Statewide Environmental Services' application was denied in 1999 for violations of and non-compliance with a Consent Agreement with DTSC.

- Romic East Palo Alto forced to close in 2007 for violations and unsafe operating conditions in addition to violating a civil judgment obtained by DTSC.
- Leach Oil Company's application was denied in 2008 for its history of repeat and recurring violations.
- Exide Technologies in 2015 agreed to close after multiple violations of State hazardous waste laws and regulations.

DTSC strives to treat all hazardous waste permittees equally and consistently. That said, each facility is unique and will have unique facts that govern decisions pertaining to it. GEM is not the first facility to be considered for application denial based on past violations, as seen above. (See attachment 15 for more details). Over the 10-year compliance evaluation period Stericycle has controlled GEM for five years (since November 2014). GEM was under Stericycle control for 68% of the 72 violations being considered. DTSC does not agree that the most serious violations, including a fire in unit C intentionally started by facility employees (2017) and operating without air filtration equipment (2018), occurred before Stericycle assumed control over the facility, nor would that be relevant since the permit identifies GEM as the owner and operator of the facility.

The commenter states that GEM and Stericycle paid a \$1.4 million penalty and entered into the 2018 Stipulation to improve the operating conditions at GEM. DTSC has found GEM to be out of compliance with the terms of the 2018 Stipulation in regard to the handling of reactive wastes and to demonstrating the required safety training for employees responsible for handling hazardous wastes.

GEM is not receiving unequal treatment or is being denied equal protection. DTSC's decision is rational and based on the evidence before it, including as described above, violation of hazardous waste laws, permit conditions, and agreements with DTSC. DTSC has made the same decisions for facilities under the same conditions in the examples given above, but even if it had not, GEM's rights would not be at issue. Each facility is unique, and the facts here overwhelmingly support DTSC's decision to deny GEM's permit. DTSC has a legal obligation to protect the public and deny permits such as GEM's when the record so clearly demonstrates a pattern and practice of unsafe treatment of hazardous waste. The record of violations and non-compliance recorded at GEM is comparable to the facilities whose permits have been denied and is beyond any other currently permitted hazardous waste facility in California.

DTSC does not agree with the commenter that equal protection clauses under the Fourteenth Amendment are being violated. The cases of *Village of Willowbrook v. Olech* (2000) 528 U.S. 562, and *North Pacifica LLC v. City of Pacifica* (2008) 526 F.3d. 478 regarding a discriminated "class of one" are not applicable to GEM, who, as mentioned above, is within a group of facilities that have had an ongoing history of violations and that have received application denials. Those cases rely on the claim that the underlying governmental decisions served no legitimate government purpose or lacks substantial relation to public health, safety, or general welfare. DTSC has denied the Application

with the purpose of protecting the public health, safety and the environment, and as such those cases have no bearing on DTSC's action here.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Comment 22.19:**

DTSC is also singling out the Facility for unfavorable treatment by failing to apply the VSP regulations to the permit renewal decision. Selectively denying an operating hazardous waste facility applicant the "transparency and certainty" of the VSP regulations' procedural and substantive safeguards would be another violation of the Equal Protection Clause. At the time SB 673 was adopted, DTSC had a backlog of 24 facilities operating under "continued permits,"<sup>64</sup> each with permit renewal applications pending.<sup>65</sup> As of the filing of this comment letter, that backlog has grown to 39 "continued permit" facilities with permit applications pending, including the Rancho Cordova Facility.<sup>66</sup> Yet, *not one* of those facilities has been denied the benefit of the VSP regulations for its pending application, *except* for the Rancho Cordova Facility.

There is no rational basis for DTSC to deny Stericycle's, *and no other facility's*, permit renewal. Similarly, there is no rational basis for DTSC to deny Stericycle the benefit of the procedural and substantive safeguards of the VSP regulations in this permit decision. This is especially true considering Stericycle's record of cooperating with DTSC after it purchased the Facility to address safety and environmental concerns, and the marked improvement in Facility performance under the 2018 Stipulation.

Similarly, DTSC's actions in rescinding the permit, when Stericycle is working with DTSC to ensure the Facility is in compliance with regulations and continues its important mission of managing California's hazardous waste, is arbitrary and capricious and violates the Due Process Clause of the Fourteenth Amendment.<sup>67</sup>

**DTSC's response to Comment 22.19:**

The commenter states that DTSC's proposed decision has denied GEM the transparency and certainty of the VSP regulations and opines that there is no rational basis for DTSC's decision. DTSC does not agree that the decision is in conflict with the purpose or intent of the VSP regulations. DTSC has followed the VSP regulations by establishing provisional inspections scores pursuant to California Code of Regulations, title 22, section 66271.53. DTSC has presented the inspection scores along with the provisional VSP score to all operating facilities, including GEM. The VSP scoring is performed annually for each applicable facility regardless of "backlog" or "continued permit" status. The VSP regulations have been followed for each applicable facility, including GEM, fairly and equally.

The commenter is incorrect in the assertion that no other facilities have received final permit decisions outside of the VSP process since the VSP regulations were enacted.

Since the VSP regulations went in effect on January 1, 2019, DTSC has issued permit decisions for a number of operating facilities, including Safety-Kleen Systems, Inc. in Santa Ana, Southern California Gas Company in Pico Rivera, and a permit denial for American Oil Company in Van Nuys. Since the provisional facility VSP scores were released on September 27, 2019, DTSC has issued permit decisions for Travis Air Force Base and World Oil San Joaquin LLC.

The denial of the GEM application was made through the review of GEM's history of violations of and non-compliance with hazardous waste laws, regulations, permits, and stipulated judgments obtained by DTSC. This review is conducted during permit renewals and is required during a permit application process and in addition to VSP, which quantifies a facility's compliance history over time. Pursuant to Health and Safety Code section 25186, 25186.1(b), and California Code of Regulations, title 22, section 66270.43(c), DTSC has decided to deny the Application after following the applicable procedures in California Code of Regulations, division 4.5, chapters 20 and 21.

The commenter opines that DTSC's decision lacks a rational basis. DTSC understands that others may disagree with the decision, but it should not be in dispute that a poor compliance history and safety record is a rational basis for permit denial. DTSC released the Statement of Basis along with the Notice of Intent to Deny. The Statement of Basis explained the rationale for the tentative denial. This is the same rationale employed for the final permit denial decision. The decision to deny the Application is based on the actions of the GEM facility and the associated threats to public health, safety and the environment. GEM's record of cooperating with DTSC in entering into the 2018 Stipulation do not override these issues as discussed in response to Comments 22.1, 22.3, 22.4 and 22.6. DTSC has considered Stericycle's efforts to improve the performance of the Facility in reaching its final permit decision.

DTSC does not agree that the decision to deny the Application is arbitrary or capricious. The tentative decision was supported by substantial evidence and reasoning as demonstrated in the Statement of Basis. As described in the Statement of Basis, DTSC concluded that GEM has demonstrated a repeating or recurring pattern of violations and non-compliance that poses a threat to public health or safety or the environment. Protection of public health, safety, and the environment from hazardous waste is one of the primary directives of DTSC. DTSC's decision is not arbitrary or capricious and does not violate Stericycle's Fourteenth Amendment rights.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

## **Section II.H DTSC Has Failed to Provide Important Public Participation Opportunities**

### **Comment 22.20**

DTSC's Public Participation Manual sets forth the public participation activities that may be required for a hazardous waste facility full permit application like Stericycle's.<sup>68</sup> DTSC has failed to provide the public participation opportunities that benefit the community, Stericycle, and DTSC alike. For example, DTSC has not circulated a community survey "to persons living in the vicinity of the facility to further assess community interest," even though the manual recommends that DTSC do so.<sup>69</sup> For projects with high community interest—for example, DTSC's first-ever permit denial based on past facility conduct, such as the case here—DTSC must develop and distribute a public participation plan based on "community interviews to identify issues and concerns, and to plan appropriate public participation activities."<sup>70</sup> Notwithstanding DTSC's tentative landmark decision here, it has failed to conduct any community interviews and identify any actual concerns or issues with potential closure of the Facility—whether in support of or opposed to such a decision. Similarly, DTSC has not offered any open house or availability session in connection with its tentative decision to deny an operating permit and force the Facility's closure.<sup>71</sup>

DTSC's decision will affect not just Stericycle; rather, it will have a long-term and broad impact on the entire Rancho Cordova community as well as regional hazardous waste management capabilities. Such community-wide impact is deserving of robust opportunities for public participation in the decision-making, yet DTSC has deprived the community of those opportunities here. Moreover, DTSC's pursuit of minimum public participation is in direct contravention to the legislature's mandate in SB 673, which requires DTSC to "increase[e] public participation and outreach activities" in its permitting decisions by "using procedures that provide for early identification and integration of public concerns."<sup>72</sup> This is particularly troubling for the Rancho Cordova Facility, since all comments made at the lone public meeting concerning the agency's tentative decision—a hearing held on September 13, 2019 at the Ranch Cordova Public Library—were in support of keeping the Facility open. DTSC has failed to provide adequate public participation opportunities for this important and precedent-setting permitting decision to terminate administratively a facility on the heels of a negotiated Stipulation and with documented compliance improvements.

#### **DTSC's response to Comment 22.20:**

The commenter indicates that DTSC did not allow for adequate public comment on the proposed decision and did not conduct a survey of the public as recommended by DTSC's Public Participation Manual. The statement that a community survey was not completed is inaccurate. DTSC completed a community survey to evaluate the public interest in the surrounding community and included the survey in the administrative record for the tentative denial.

DTSC does not agree with the commenter that this is the first denial based on facility conduct. As summarized in DTSC's response to comment 22.18 and detailed in Attachment 15, there is clear precedent and authority for DTSC to deny a permit application when the applicant has a repeating or recurring pattern of violations and non-compliance or when the violations may pose a threat to human health and the



environment. Regardless, DTSC is well within its statutory authority and obligation to deny this permit in order to protect the public and the environment.

DTSC agrees that the permit denial decision could potentially affect the surrounding community and has actively sought community input. DTSC implemented a public outreach plan requiring more public participation opportunities than the minimum standards required by regulation. DTSC does not agree with the commenter that DTSC pursued minimum public participation or that DTSC failed to provide public participations outreach and activities to benefit the community. DTSC provided and reviewed responses to the community survey conducted on the surrounding community to create the public participation plan. DTSC provided multiple Community Updates to the GEM mailing list and the DTSC's own mailing list. DTSC placed a notice in the Rancho Cordova Grapevine Independent newspaper. DTSC aired an announcement of the public comment period via radio station KZZO 100.5. DTSC posted media outreach through DTSC's website, DTSC's Facebook account, and DTSC's Twitter account. DTSC held a public meeting and public hearing in the Rancho Cordova Library to present a summary of the decision and made its staff available to the public to receive comments and answer questions. DTSC also granted an extension to the public comment period to allow over 75 days for comments.

The commenter further indicates that all comments at the public hearing were in support of keeping the facility open. This comment is accurate, but it is misleading because it fails to acknowledge the several written comments that were strongly opposed to the facility permit application. DTSC considers the content of each comment whether submitted verbally at a public hearing or in writing.. In total, there were four comments in opposition to the facility (comments 1, 2, 3, and 16) and 18 comments in favor of the facility remaining open (comments 4 to 15, and 17 to 22).

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

## **Section II.I Stericycle Has a Fundamental Vested Right in Operating the Rancho Cordova Facility**

### **Comment 22.21:**

When, as here, a facility owner invests significant sums of money in its facility, and has been operating for years pursuant to a lawful permit, the owner is "vested" with a fundamental right to continue operations at that facility.<sup>73</sup> Such a fundamental vested right is not inalienable, but it requires "heightened review" to deny permit renewal.<sup>74</sup> Unlike an initial permit application, "[i]nterference with the right to continue an established business is far more serious than the interference a property owner experiences when denied a . . . permit in the first instance."<sup>75</sup> In short, "[o]nce a use permit has been properly issued the power of a[n agency] to revoke it is limited."<sup>76</sup> Where a permit has been properly obtained and the permittee has incurred material

expense in reliance thereon, the permittee “acquires a vested property right to the protection of which he is entitled.”<sup>77</sup> Agencies are not entitled to impose an administrative death sentence on a facility without due process and compliance with all laws.

In Goat Hill Tavern, the tavern owner had invested more than \$1.75 million in the facility, which had been operated for more than 35 years under a conditional use permit.<sup>78</sup> Upon expiration of the permit, the City declined to grant the owner’s permit renewal application on the grounds that the facility was not in conformance with the City’s zoning ordinance and building code.<sup>79</sup> The court held that the owner had a fundamental vested right in the facility, and the city could not terminate operations without either establishing that the facility was a public nuisance or demonstrating a compelling public necessity to close the facility.<sup>80</sup> Because the city made no such demonstration, the city was compelled to renew the owner’s permit.<sup>81</sup>

Stericycle has a fundamental vested right in the Facility’s continued operation. The Facility has been in operation under a lawful permit since 1983, and Stericycle has invested heavily in its continued operation. As in Goat Hill Tavern, DTSC has not shown a public necessity to terminate operations at the Facility, or that the Facility is a public nuisance. Indeed, the very purpose of the 2018 Stipulation—to which DTSC agreed—is to establish procedures under which the Facility can operate without posing a threat to public health and safety or the environment. DTSC’s tentative permit denial does not contend compliance with the terms of the 2018 Stipulation is inadequate to safeguard public health and the environment. Instead, the tentative denial presupposes that the Facility’s past violations—many of which occurred long before Stericycle took ownership of the Facility—predict future compliance failure. The evidence demonstrates otherwise, and that evidence needs to be considered by DTSC. Denial at this stage, before the 2018 Stipulation has been given a fair opportunity to work, violates Stericycle’s fundamental vested right in continued operation of the Facility.

#### **DTSC’s response to Comment 22.21:**

The commenter asserts that Stericycle has a fundamental vested right in continued operation of the Rancho Cordova facility, and that DTSC cannot deny Stericycle’s permit renewal application without demonstrating a public necessity to terminate the permitted operations at the facility, or that the facility is a public nuisance. The commenter cites *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal. App. 4th 1519 (*Goat Hill Tavern*), both for the proposition that Stericycle has acquired a fundamental vested right, and also for the proposition that DTSC must make certain demonstrations regarding public necessity or public nuisances.

Stericycle does not have a vested right to renewal of its operating permit. The original permit clearly imposed an expiration. Additionally, DTSC’s regulations, implementing specific federal RCRA delegations that authorize DTSC to permit hazardous waste facilities like the Rancho Cordova facility, are explicit that there can be no reliance or other view that a renewal is a property right or exclusive privilege. (See, California Code

Regulations, title 22, section 66270.4, implementing RCRA's Code of Federal Regulations, title 40, section 270.4.) Further, DTSC's regulations permit it to deny applications for renewal, meaning Stericycle's belief that it had obtained a final right is unreasonable and contrary to the clear language of the law (See, Health and Safety Code section 25186 and California Code Regulations, title 22, section 66270.43).

In order for Stericycle to have a vested right, DTSC must be estopped from imposing its routine discretion on permit renewal. The theory of vested rights in California as it pertains to operational or building permits "is a special expression of the general estoppel doctrine, not a separate rule of law" distinct from estoppel as an equitable relief. In other words, "the vested rights theory is predicated upon estoppel of the governing body." (*Raley v. California Tahoe Reg'l Planning Agency* (1977) 68 Cal. App. 3d 965, 977) Equitable estoppel is founded upon the concepts of equity and fair dealing. (*Ibid.*) The elements of equitable estoppel are: (1) The party to be estopped must be apprised of the facts; (2) it must intend that its conduct shall be acted upon, or must so act that the party asserting the estoppel has a right to believe it was so intended; (3) the other party must be ignorant of the true state of the facts; and (4) it must rely upon the conduct to its injury. (*Sec. Env'tl. Sys., Inc. v. S. Coast Air Quality Mgmt. Dist.* (1991) 229 Cal. App. 3d 110, 128, referred to herein as "*SES v. SCAQMD*".)

*SES v. SCAQMD* is dispositive, and analogous to DTSC's denial of GEM's permit. In that case, a hazardous waste facility took the position that its permit renewal was guaranteed and thus the local air quality district had no discretion to engage in additional California Environmental Quality Act analysis, arguing it had obtained a vested right once the original permit issued. The Court disagreed, finding:

[t]he facts do not show any conduct by the District upon which SES could have reasonably relied to support a belief that the permits would be extended each time such an application was to be made. To impose a duty upon the District to extend the permits would encase the permits in a state of perpetuity until SES at some future date exercised its decision to commence construction. A governmental agency under this reasoning would be unable to place a termination date on permits which it issued...In that the costs were incurred by SES before obtaining the final permits, the expenditures do not give rise to a vested right to continue construction; SES took a calculated risk by expending funds to obtain permits to build a hazardous waste incinerator in a densely urbanized and highly polluted area. It is difficult to envision an estoppel when the District never represented that the permits would be extended and SES went forward spending money knowing it did not have final permits. Having concluded that the District had no statutory duty to extend the permits, that SES did not have vested rights in the permits and further that the District is not estopped from cancelling the permits, the District thus can require an EIR and an updated HRA as a condition of extending the permits." *SES v. SCAQMD*, at 128-129.

Similar to *SES*, GEM can have no basis to argue detrimental reliance here. First, its permit has expired, and its expenditures since that point have been in an effort to obtain renewal. Further, DTSC's own regulations make it clear that renewal is not a right, is subject to interim and ongoing regulation, and can ultimately be denied (See Health and Safety Code section 25186 and California Code Regulations, title 22, section 66270.43). Finally, GEM has evidenced recalcitrant behavior that warrants the action being taken by DTSC for the protection of the public and the environment. It is irrelevant that GEM has already built and operated the facility in Rancho Cordova; like *SES*, GEM took the risk relative to its decision to build the facility where it did, and failed to comply with requirements that would have warranted the facility's renewal. Accordingly, this argument is without merit.

The commenter cites *Goat Hill Tavern* in support of its vested rights argument. Under *Goat Hill Tavern*, it is clear Stericycle holds a mere economic interest in the activities authorized by the existing permit. At the core of the dispute presented by *Goat Hill Tavern* was the city's stated intent to force the tavern out of business, and the underlying assumption by the city, the tavern, and the trial court that "denying renewal of the conditional use permit puts the tavern out of business." *Id.*, at 1526. Even if a hazardous waste permit were analogous to a conditional use permit for a tavern, which it is not, and even if State law did not expressly preclude the vesting of a right, Stericycle would not have one. In stark contrast to the underlying facts of *Goat Hill Tavern*, Stericycle has not provided evidence, much less contended, that denial of the permit would put Stericycle out of business or would force it to cease waste management activities at the Rancho Cordova property.

Conversely, and as described in detail in several responses above, Stericycle may continue to use the property as a 10-day transfer facility, for household hazardous waste, and for consulting. See, e.g., responses to Comments 22.7, 22.9, and 22.14. Given these continued uses, DTSC believes that Stericycle can remain in the waste business at the Rancho Cordova property despite denial of the permit. The ability to continue profitable activities at the Rancho Cordova property distinguishes the facts of this case from that of *Goat Hill Tavern*, and are instead akin to the "purely economic interests" that do not rise the level to fundamental vested rights. See, e.g., *Mobil Oil Corp. v. Superior Court* (1976) 59 Cal.App.3d 293, 305 (distinguishing an increased cost of doing business from a fundamental vested right); and *Standard Oil Co. v. Feldstein* (1980) 105 Cal.App.3d 590, 604 (distinguishing between financial ruin and reduced profits). As summarized by *Goat Hill Tavern*, an administrative action implicates "purely economic interests" when there are "no contentions, nor evidence, that the actions would force the companies out of business or cause them to lose their property." (*Goat Hill Tavern*, at p. 1528).

As described above, the commenter's reliance on *Goat Hill Tavern* is misplaced. Were that holding to apply to this permit decision, however, DTSC's administrative action already demonstrates the "public necessity" of denying continued authorization of the permitted Facility. As described in the Statement of Basis and in response to prior comments, DTSC has concluded that the applicant has had a repeating or recurring

pattern of violations and non-compliance with requirements designed to protect the public health or safety or the environment. Denial of the permit prevents those violations from continuing in the future.

The commenter includes a statement that many of the violations occurred before Stericycle took control of the facility, and therefore cannot be used to predict future compliance. As described in DTSC's response to Comments 22.18, 68% of the cited violations occurred after Stericycle took control. Also, as described in DTSC's response to Comment 22.1, DTSC believes that a facility's compliance history can be a predictor of future compliance. Regardless, the law authorizes DTSC to consider such violations regardless of owner given the serious potential for harm such violations create. By its own admission, Stericycle purchased a facility engaged in serious violation of laws designed to protect human health and the environment. It cannot now take shelter under an argument that it was not the owner when such violations were committed since it knowingly purchased such liabilities and did little if nothing to abate them in its own time.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

### **Section III. Conclusion**

#### **Comment 22.22**

Stericycle's Facility is entitled to be treated equally with all other California hazardous waste facilities. Most notably here, that includes DTSC adhering to the VSP regulations and allowing Stericycle the opportunity to cure and demonstrate the 2018 Stipulation provides for safe Facility operation. Stericycle requests that DTSC comply with all due process, public participation, and laws, and grant Stericycle a limited duration (up to five years, consistent with 22 CCR § 66271.57) "probationary" permit incorporating the terms of the 2018 Stipulation.

#### **DTSC's response to Comment 22.22:**

The commenter correctly indicates that Stericycle is entitled to equal treatment with all other California hazardous waste facilities. DTSC has complied with all due process, public participation, and laws applicable to the final permit decision. As described in response to comment 22.17, DTSC is not required to follow the VSP regulations for the final permit decision because DTSC did not base its tentative decision on the facility VSP score. Furthermore, DTSC is not required to delay its permit decision to see whether GEM violates the 2018 Stipulation again.

The commenter requests that DTSC grant GEM a five-year probationary permit incorporating the terms of the 2018 Stipulation. The option to issue a five-year permit (California Code of Regulations, title 22, section 66271.57) applies to permit decisions when a facility has an unacceptable final VSP score. DTSC's decision to deny the

permit application is not based on the facility VSP score. Rather, as described in the Statement of Basis, it is based on GEM's compliance history and the authority found in Health and Safety Code section 25186. GEM has not fully complied with the 2018 Stipulation, which is a continuation of a pattern of non-compliance over many years. DTSC is not obligated to provide GEM with additional time and more chances to comply with hazardous waste laws and regulations.

DTSC has considered your comment in its final Permit Decision and has not made changes from the draft decision.

**Ramboll, Potential Environmental Impacts of Proposed Department of Toxic Substances Control Permit Denial for Stericycle Environmental Solutions (October 23, 2019)**

Latham and Watkins submittal of the Ramboll, Potential Environmental Impacts of Proposed Department of Toxic Substances Control Permit Denial for Stericycle Environmental Solutions (Ramboll Report) (October 23, 2019) can be viewed in attachment 16 (without attachments) or in the administrative record within the Latham & Watkins October 24, 2019, comment as Exhibit 1 with attachments. DTSC has reviewed the Ramboll Report as part of the Latham and Watkins comment and has made the findings below.

**DTSC's Review of Ramboll Report:**

The Ramboll Report states that Stericycle provides a valuable service to the surrounding community and cities throughout California through handling large quantities and varieties of hazardous waste. DTSC must clarify that several of the services provided are not a part of the denial for hazardous waste units A, B, C, and D. These permitted hazardous waste units are only authorized to store and bulk hazardous wastes. The final permit decision does not affect Stericycle's ability to service household hazardous waste programs, wastes regulated by the Food and Drug Administration (pharmaceuticals), or other activities that were not previously authorized by the Permit. DTSC does not agree with the Ramboll Report comments that the Permit authorized GEM to bulk hazardous waste in tanks, to operate a container crusher, or to dispose of hazardous wastes. DTSC does not permit any of these activities at the GEM facility. DTSC must also clarify that GEM is authorized to operate a laboratory and four waste management units, in contrast with the statement on page 1 of the Ramboll Report that GEM operates a laboratory and five waste management units.

The Ramboll Report states that the denial of the Permit Application could result in an increase in pollutant and greenhouse gas emissions as a result of having to ship waste to facilities located further away from existing customers. DTSC does not agree with the Ramboll Report's assumption that wastes will be directed from customers throughout California to the Stericycle facility in Fernley, Nevada. There are other hazardous waste facilities in Sacramento and at least 18 other hazardous waste facilities located within the 180-mile radius area that the Ramboll Report identifies as being the source of 85%

of the waste received at the GEM facility, see attachment 17. The study assumes that all wastes being received at GEM will be driven to Fernley, Nevada and bases all of its calculations on that assumption. DTSC does not agree that this is an accurate representation of the consequences of denying the GEM Application.

The Ramboll Report states that the denial of the GEM Application could lead to facilities “stockpiling” hazardous waste while they identify and set up contracts with a new provider. DTSC has and will continue to provide interested parties with information regarding the decision in a timely manner to accommodate potential changes.

The Ramboll Report states that denial of the GEM Application may result in the unintended consequence of illegal dumping/disposal or improper storage of hazardous waste that could affect air and water quality, plant life, and human health and safety. DTSC has decided to deny the Application based on the facility compliance history which includes accepting reactive waste after agreeing not to, conducting bulking without operational air scrubbers, and intentionally igniting hazardous waste which constitutes illegal disposal. These and other violations are described more fully in the Statement of Basis and administrative record.

DTSC agrees that GEM is one of the most highly regulated hazardous waste facilities in California. This is due to the repeating or recurring patterns of non-compliance with hazardous waste laws, regulations, and permits and DTSC’s efforts to help keep GEM operating under conditions that are protective of human health, safety, and the environment. The Ramboll Report states that hazardous wastes will ship to hazardous waste facilities that are less stringently regulated. DTSC must clarify that any hazardous waste facility that receives hazardous waste must meet the minimum standards set forth in federal law, the regulations of the United States Environmental Protection Agency, and applicable state law, if more stringent than federal law.

DTSC does not agree with the Ramboll Report’s assumption that hazardous wastes leaving California will increase as a consequence of the permit application denial. As described in response to comment 22.12, more than 95 percent of the hazardous waste received at GEM is already being routed to out of state facilities. There is no data showing if this number would increase or decrease as a consequence of the permit application denial.

DTSC has denied the Application to operate the hazardous waste units A, B, C, and D permitted at GEM to store and bulk hazardous wastes. This denial will not affect GEM’s ability to provide household hazardous waste services including consulting, collection centers, and transportation to recyclers. These activities are not within the scope of the permit that is being denied. Similarly, this permit denial does not affect GEM’s ability to participate in California’s Paint Stewardship Program by collecting and transporting used paint to recyclers because those activities are outside the scope of the existing permit and do not require permit authorization.

**Annual Status Report, Environmental Compliance Assurance Contractor Services (October 10, 2019)**

Latham and Watkins submitted the Annual Status Report, Environmental Compliance Assurance Contractor Services (Annual Report) (October 10, 2019), it can be viewed in attachment 18 (without attachments) or in the administrative record within the Latham & Watkins October 24, 2019, comment as Exhibit 2 with attachments. DTSC has reviewed the Annual Report as part of the Latham and Watkins comment and has made the findings below.

**DTSC's review of the Annual Report:**

DTSC reviewed the Annual Report as it relates to the general compliance and improvements made at GEM (see responses to Comments 22.2 and 22.3), and the evaluation of DTSC's findings relating to reactive waste manifests and training certifications/verifications (see responses to Comments 22.5 and 22.6).

The Annual Report indicates that the Environmental Compliance Assurance Contractor (ECAC) conducted an audit at GEM and found the facility to be generally compliant with the existing Hazardous Waste Facility Permit and the 2018 Stipulated Judgment, with a few exceptions. The exceptions noted by ECAC related to manifesting and container labeling. Both manifesting and container labeling are basic requirements that permitted TSDFs are expected to be familiar with and complete correctly.

The Annual Report indicates that ECAC was satisfied with GEM's training after a multi-day detailed review of training documents and staff interviews to fill in the gaps in documentation. As described below, DTSC is concerned that facility training records were not available in an easily accessible and user-friendly format. The results of the Annual Report are not binding on DTSC nor are they a delegation of DTSC's authority to enforce the 2018 Stipulation, as detailed in Section 9.35 of the 2018 Stipulation. DTSC's review of the training verification and certification, which is detailed in Attachment 19, has revealed gaps in the training provided to key positions such as the Emergency Coordinator.

In addition, the Annual Report (section 2.4.1) contains information that DTSC finds concerning and that may constitute evidence of failure to follow the Part B permit application (Operations Plan). Specifically, the Annual Report indicates that GEM has changed the qualification criteria for employees acting in the role of "Chemist". The role of the chemist is important because the position has responsibilities under the 2018 Stipulation relating to the identification of incompatible chemicals. The approved Part B permit application (updated April 2017) specifies that Chemist must have a Bachelor of Science (BS) in chemistry or related field. The Annual Report indicates that GEM has relaxed its criteria for who can act as a chemist to a high-school diploma and experience. Furthermore, the criteria for acting as chemist is a substantive change to the approved Part B that would require a permit modification pursuant to California Code of Regulations, title 22, section 66270.42.



The second attempt at submitting training records to DTSC to satisfy the 2018 Stipulation requirements were reviewed by DTSC and found to be deficient. The review conducted by DTSC Enforcement and Emergency Response Division (EERD), Attachment 19, describes each area of noncompliance including the missing training certification and verification for the Facility Manager and Emergency Coordinator.

The noncompliance demonstrated in the Annual Report and EERD review of training records further resolves DTSC's position that the 2018 Stipulation requirements for training verification and certification have not been met.

DTSC agrees with the statement in Section 2.5 of the Annual Report that not all 11 manifests of reactive wastes were accurately described in DTSC's Statement of Basis. DTSC agrees that manifest 011430027FLE was received at GEM prior to the date of the 2018 Stipulation. The Annual Report claims that three other manifests (013005293FLE, 012048902FLE, and 013006890FLE) were not received at GEM according to the paper manifests but has not provided a copy of the manifests or any other evidence to substantiate the statement. DTSC has recovered and reviewed the three manifests that have been listed with potential alternate destination facilities and has found that only manifest 013005293FLE has an alternate destination facility listed on the paper manifest. DTSC does not agree that the other two manifests (012048902FLE and 013006890FLE) demonstrate that the waste was routed to another facility. GEM therefore has received 9, not 11, shipments of reactive hazardous waste that is prohibited from being handled at GEM pursuant to the 2018 Stipulation. These can be seen in Attachment 13 to this response to comments document.

Section 3.1 of the Annual Report indicates that Stericycle has made changes to senior managers at the corporate level. As discussed in the response to Comment 22.2, new appointees in positions including Chief Executive Officer, Executive Vice President of North American Operations, Senior Vice President of Environmental Health and Safety, and management of Rancho Cordova Facility, including the Facility Manager, are part of an effort to comply with the 2018 Stipulation and to go beyond what is required. DTSC cannot confirm the validity of the comment or the assumption that the new appointees will result in improvement. DTSC made the decision to deny the Permit Application based on the past ten years of operation in conditions dangerous to public health, safety, and the environment. Stericycle has had control of the Facility since November 2014 and has failed to make improvements to safety and compliance. If a broader context is considered to determine Stericycle's commitment to improvements at GEM DTSC can review other known Stericycle Facilities. Rho-Chem in Inglewood, like GEM, has been placed in the unacceptable tier of compliance through the Violation Scoring Procedures. Another Stericycle facility is discussed in Comment 16, Stericycle's facility in Tacoma Washington was fined \$1.9 million for the mismanagement of hazardous waste leading to a fire. The article linked in comment 16 describes the actions:

*"They are required by law to meet strict permit conditions. This incident shows a complete disregard for the safety of their employees and nearby communities, and that's totally unacceptable." -Maia Bellon*

Section 3.2 of the Annual Report indicates that GEM voluntarily curtailed certain higher risk operations, such as bulking and liquids management. DTSC does not agree that these actions were voluntary or initiated by the facility. Bulking operations were suspended because a DTSC inspector in June 2018 found that the vapor extraction system that is required to be used during bulking was not operational. The principal purpose of this equipment is for the health and safety of the employees tasked with performing bulking operations. It is completely unacceptable that GEM allowed employees to perform bulking while this equipment was non-operational. Bulking was curtailed because further investigation found that the air filtration equipment would need to be replaced or completely overhauled to bring the equipment to a safe operating condition.

Section 3.3 of the Annual Report states that GEM will put into place a system that prevents the continued handling of prohibited hazardous wastes and that no reactive wastes were observed at GEM at the time of the audit. DTSC has considered these findings in its final Permit Decision.

Section 3.4 of the Annual Report states that GEM incorporated a more stringent hiring process for employees that will be working within the hazardous waste operations. DTSC has considered these findings in its final Permit Decision.

ATTACHMENTS TO THE RESPONSE TO COMMENTS

1. E-mail from Paul Denny, former GEM employee, 08/18/2019
2. E-mail from Runako Gentry, former GEM employee, 08/29/2019
3. Follow-up E-mail from Runako Gentry, former GEM employee, 08/31/2019
4. Public Hearing Transcript, California Deposition Reporters, 09/13/2019
5. Letter from Jackie Frye, Household Hazardous Waste Supervisor at Nortech Waste, 10/04/2019
6. E-mail from Hasti Javid, County of San Diego - Environmental Health, 10/09/2019
7. Letter from Melissa Roach, Vice President of Dillard Environmental Services, 10/23/2019
8. Letter from Andrea Ocanas, Account Manager at Containers Unlimited, 10/23/2019
9. Letter from Jim Perea, Owner of Garment Graphics, 10/24/2019
10. Letter from John Phillips, Holley Generator, 10/24/2019
11. Letter from Robert Schimpf, Owner of TKO, 10/24/2019
12. Letter from Daniel Brunton, Latham and Watkins LLP, Counsel for Stericycle, 10/24/2019
13. Hazardous Waste Manifests Containing D003 Reactive Wastes
14. Hazardous Waste Treatment Facilities in California
15. DTSC History of Permit Denials and Revocations
16. Ramboll Report, 10/23/2019
17. Operating Hazardous Waste Facilities in 180-Mile Radius of GEM
18. Annual Status Report, CEC Consultants, 10/10/2019
19. EERD Letter "Noncompliance with Final Judgement on Consent and Permanent Injunction", 01/27/2020

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 68 of 86

**Attachment 1: E-mail from Paul Denny, former GEM employee,  
08/18/2019, 1 page**

## Snapp, Randy@DTSC

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**From:** paul denny <pauldenny2016@yahoo.com>  
**Sent:** Sunday, August 18, 2019 9:05 AM  
**To:** Snapp, Randy@DTSC  
**Subject:** STERICYCLE renewal should never happen

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Im a former employee of 8 yrs . I was a roll model employee til i blow out my rotator cuff. They had a person who wasn't an employee make allegations against a fellow co worker and my name was brought up. They fired me with no proof. I filed a lawsuit against them and they filed a work place violence restraint against me to keep me out of court. There was no merit to it and how it was granted still stumps me and my lawyer.. so much goes on there that is covered up by the company and the one safety compliance person who tried to report stuff was relocated to another area in another state. Spills, fires, illegal grey water hauling from a company who wasnt qualified to haul it. Theft from employees of material that was supposed to be destroyed. Im willing to take time to talk with you if you keep me anonimous cause of my appeal in court against the restraint order.

[Sent from Yahoo Mail on Android](#)

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 69 of 86

**Attachment 2: E-mail from Runako Gentry, former GEM employee,  
08/29/2019, 2 pages**

## Snapp, Randy@DTSC

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**From:** runako gentry <runakogentry@yahoo.com>  
**Sent:** Thursday, August 29, 2019 3:21 PM  
**To:** Snapp, Randy@DTSC  
**Subject:** Stericycle

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello, My name is Runako Gentry. I was informed you wanted to know about violations ever goes on at Stericycle. I was wrongfully Terminated from the company 4/29/2019. Stericycle was my dream job. All I wanted was to Grow in the company and take care of my family. Not only has the company terminated me. They also refuse to give me my 40 hour hazwoper..so I can go to another company for employment. I dedicated myself to that company for 5yrs. I even spoke to the HR and Facility Manager Modesto about it and they keep giving me the run around. So I feel the need to expose what really goes on at the facility. First off I wanna say 90% of the workers there smoke weed and pop 🍊. If a lab tech came to the facility and drug test everyone on the grounds without them knowing your coming..I guarantee there wouldn't be any workers. They only pass the test cus Modesto gives them the whole day to go to the clinic to take the test. Most go to the smoke shop before and by the synthetic urine. I was the Lead in charge that day when the fire started in 2017. Both the workers who started it were Temps through IQ. They were also high at the time and No action was taken against them by law. One of them still works for IQ and works with stericycle employees on the weekend at the Events. I know this because I know the kids Mother. Most of the Violations are due to not being trained properly. They sit is on this room for our 8 hr refreshers. And they read everything to us. Then give us the answers to the test. So you leave out not really learning anything. Then they put Temporary employees in charge of areas instead of permanent employees. I've even asked Modesto why does he take IQ workers and not find another temp service. Every IQ worker that comes up there to work has a felony record or has been to the penitentiary. I've worked in Area C with a bunch of criminals. And they openly tell you that they are. Now when I started working there I came through Aerotek. They did a thorough background check before I was even allowed to come to the facility. Modesto the facility Manager has felon he personally knows still up there working that can't be hired on permanently. If you go up there right now and ask about Julie who works with Kyle in the warehouse. You will see she is a felon that couldn't be hired on while I was there because of her record. But they still kept her as an employee. Around Nov2018 a coworker named Josh Rundle was caught on camera stealing DEA waste pills out of area C by Modesto. He was not arrested and they just fired him. This person & His brother had been taken pills since the day I started as a temp. I've even seen Josh Rundle fall asleep on the forklift while he's coming up the Ramp in area C and ripped the Big Roll up door down. At that time our Boss was Brandon Lemke. Josh told Brandon he couldn't pass a drug test. So Brandon paid for it to get fixed and made josh stay on the weekend and get OT to watch them fix the door he destroyed. He bragged about it to me. He also told me he was supplying Supervisor Johnny Holla pills and a few other workers pills. I have videos of when a temp worker was high on marijuana and tipped the Forklift rotator over on the ground. He told Supervisor Cory that he couldn't pass the drug test so they let him go. No charges pressed. Oct 2018. I witnessed a co worker jacking off in the laboratory. I reported it to my immediate supervisor Cory. I wrote up a statement of what I seen and he gave it to Johnny Martin. No action was taken and that worker is still there right now working. At that time he was just a temp. And they still hired him on. His name is Anthony. He works in the TSD area with Cory and Jonathan. Now Jonathan Pickett is the lead for Area C. I personally have seen him at the cannabis club buying marijuana. And I've seen him taking pills with Josh Rundle. That facility is out of control. They just recently fired the supervisor for the drivers. Matt Sage was sexually harassing a former employee. Now Matt Sage was driving the company truck home every day as his personal vehicle. When I 1st started working there as a temp I seen Matt Sage drive a company vehicle to the back area A and load the truck up with Amazon merchandise. He also was in control if the cameras. So he erased what he didn't want people to see. I feel I was black balled from the company because I always spoke up for myself and when I seen favoritism. Johnny Martin hired his relative on full-time and paid him two dollars more than me. He only been there 6 months and I had almost 5yrs. So when I kept complaining about it to the heads. They finally fixed it then 3months later they terminate me. Then when I

asked to contest the firing everyone ignored me. Even the VP of the company Todd Wolf. I will send the videos I have once I upload them from my old phone. Also I have a few more former employees that will be writing you. One was a Temp that they put in charge of the Fitzgerald yard when it first opened up. No training or anything. And Matt Sage was doing illegal dumps at that yard. He will tell you all about that himself. Thanks for listening.

Sent from my iPhone



Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 70 of 86

**Attachment 3: Follow-up E-mail from Runako Gentry, former GEM employee,  
08/31/2019, 1 page**

## Snapp, Randy@DTSC

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**From:** runako gentry <runakogentry@yahoo.com>  
**Sent:** Saturday, August 31, 2019 5:24 PM  
**To:** Snapp, Randy@DTSC  
**Subject:** Stericycle

I also forgot to mention that for the last 5yrs that I was working there in area C. The Scrubbers weren't working. And God knows what's in my system from the yrs of pouring out different toxic fluids when all the workers were breathing that in the air cus the scrubbers were broken. They also told us not to pour up every time we got wind that DTSC was showing up. We weren't testing the liquids in a test bucket letting it sit for 5min to make sure it didn't have a reaction. its been plenty of times that we've went home and came back to work and the steel drums expanded from something reacting. We just poured everything into metal drums because they were always pressed on time and getting trucks unloaded. In area C there's a berm area where they store wAste to get processed. Your not requiring wear a respirator in that area but 5 feet away you have people pouring up with respirators on and the toxic fumes are floating all in the air. Then the Long black Radio that's hanging on the wall down in area C right now that the employees are listening too..I watched an employee pull that out of the E waste box and hang it on the wall. Theft on the wall right now! I still talk to employees who work down in area C. They told me Modesto is fixing the scrubbers right now because the HEAT is on them from you guys.. If that Fire never happened Modesto would not be fixing the scrubbers. Also the ceiling in area C had pieces falling down on us as were pouring.

Sent from my iPhone

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 71 of 86

**Attachment 4: Public Hearing Transcript, California Deposition Reporters,  
09/13/2019, 53 pages**

**Public Hearing**  
**September 13, 2019**

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Proposed Decision for Stericycle Environmental SOLN

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Job Number 200444



*When Every Word Counts . . .*

Public Hearing

STATE OF CALIFORNIA  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

PUBLIC HEARING

PROPOSED DECISION FOR  
STERICYCLE ENVIRONMENTAL SOLUTIONS  
(DBA GENERAL ENVIRONMENTAL MANAGEMENT)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, SEPTEMBER 13, 2019

6:00 P.M.

RANCHO CORDOVA LIBRARY  
9845 FOLSOM BOULEVARD  
SACRAMENTO, CALIFORNIA

Stenographically Reported by:  
Kathryn S. Swank, CSR 13061, RPR

Public Hearing

A P P E A R A N C E S

DEPARTMENT OF TOXIC SUBSTANCES CONTROL STAFF:

Tammy Pickens, Public Participation Specialist

Randy Snapp, P.E., Project Manager

Ryan Batty, P.E., Hearing Officer

PUBLIC PARTICIPANTS:

Joseph Alexander

Modesto Granados

Johnny Halla

Selin Hoboy

Darryl Johnson

John Philipps

Ed Rincon

Melissa Roach

Dillan Schimpf

Robert Schimpf

Rena Sandoval

---o0o---

## Public Hearing

### I N D E X

ITEM	PAGE
Introduction	4
Permit Process Overview	6
Project Description	12
Public Participation Activities	16
Questions (none)	--
Public Hearing & Public Comments	18
Closing Remarks	39
Reporter's Certificate	41

---o0o---

## Public Hearing

1 Friday, September 13, 2019, 6:00 p.m.

2 Sacramento, California

3 ---o0o---

4 MS. PICKENS: Good evening, everyone. Thank  
5 you for coming out to our meeting at DTSC. Department  
6 of Toxic Substances Control will be holding a public  
7 hearing.

8 Today's date is September 13, 2019, at 6:15 --  
9 at 6:00 o'clock. I'm sorry. For the proposed decision  
10 for the Stericycle Environmental Solutions doing  
11 business as General Environmental Management, known as  
12 GEM.

13 Before we get started, we have the bathrooms  
14 over to my left. Go out the double doors and it's the  
15 men's and women's bathroom in case you need to use the  
16 restroom.

17 My name is Tammy Pickens. I work for the  
18 Department of Toxic Substances Control as a public  
19 participation specialist. I am Tammy Pickens, as I said  
20 before.

21 This is Randy Snapp. He's the project manager  
22 for GEM.

23 This is Ryan Batty, and he's the unit  
24 supervisor.

25 We also have Russ Edmondson, and he's our PIO



## Public Hearing

1 for the department.

2           Tonight's agenda is going to consist of  
3 introductions, as we just did. We will have a  
4 presentation on the permit process overview. Randy will  
5 give a presentation of the project description. I will  
6 discuss the public participation activities. And then  
7 we'll have questions after each -- after each  
8 presentation, so that you will have an opportunity to  
9 ask questions about the presentations given.

10           Once we are done with that question period, we  
11 will take a ten-minute break if you guys would like that  
12 ten-minute break. If not, we can keep on going and go  
13 right into the public hearing part of the meeting.

14           At the public hearing portion of the meeting,  
15 are that's when you, members of the audience, you,  
16 yourself, will get up and give comments or ask  
17 questions. At that time, these individuals will not be  
18 answering any of your questions or they will not be  
19 responding to your comments. Those comments will go  
20 into the court hearing; she will be taking that. And  
21 that's when we will answer at the department level and  
22 that's when we will do the responses to comment. But  
23 Ryan will give you more information on how that goes.  
24 Once we close the hearing, I will give closing remarks,  
25 and then we will close the meeting.

## Public Hearing

1 Ryan.

2 HEARING OFFICER BATTY: Thank you, Tammy, and  
3 good evening everyone.

4 My name is Ryan Batty, and I'm a unit chief at  
5 the Permitting Division of the Department of Toxic  
6 Substances Control.

7 So for my series of slides, I'm going to talk a  
8 little bit about the Department of Toxic Substances  
9 Control and what we do, and also going to provide some  
10 information about the general permitting process that we  
11 follow. I will be talking about general, so any -- the  
12 process you would follow for any facility, and then  
13 later in the presentation, Randy is going to talk  
14 specifically about Stericycle facility.

15 So just to start things off, the mission of the  
16 Department of Toxic Substances Control is to protect  
17 California's people and the environment from the harmful  
18 effects of toxic substances. So some of the ways that  
19 we achieve that mission: By storing contaminated  
20 resources, and the department has a cleanup program  
21 focused on that effort; we also enforce hazardous waste  
22 materials and work to reduce hazardous waste generation.  
23 Those are two functions that we perform through our  
24 permitting program; and lastly, we are also involved in  
25 encouraging the manufacture of chemically safer

## Public Hearing

1 products. And we have a program referred to as our  
2 Safer Consumer Products Program, and those individuals  
3 are involved in looking at products that everybody  
4 consumes and looking for ways to try and make those  
5 safer.

6 So let me just go back here.

7 So now I'm going to go into a series of slides  
8 talking about the permitting process in general. So  
9 this is the process that we would follow for any  
10 facility that submits an application to the Department  
11 for a hazardous waste facility permit.

12 So the first steps in the process are,  
13 typically, the department would hold a pre-application  
14 meeting with an applicant and the purpose of that  
15 meeting is to go over the requirements for the  
16 application to make sure that those requirements are  
17 clear, and then the applicant will go ahead and submit  
18 an application to the department.

19 Once we get an application, we begin our  
20 process of performing a detailed and thorough technical  
21 review of that application. So some of the things that  
22 we do as part of our review, we look at the facility  
23 operations plan, so the operations plan will have  
24 details in there about how the facility's operated,  
25 training requirements, other things of that nature.

## Public Hearing

1           We also look -- we review that plan for  
2 conformance with applicable rules and regulations for  
3 hazardous waste.

4           One of the functions we perform also is to  
5 consider the environmental impacts of the facility,  
6 proposed facility, and we follow a process referred to  
7 as the California Environmental Quality Act, or CEQA,  
8 which is the process where we consider the environmental  
9 impacts of the facility.

10           And lastly, we look at the compliance history  
11 for existing facilities. So just to explain that a  
12 little bit more, DTSC issues hazardous waste facility  
13 permits for a ten-year period. So every ten years, if a  
14 facility wants to continue operating, they have to  
15 submit a permit for new application. So one of the  
16 functions that we perform is, if a facility submitted a  
17 renewal application, we would look at their compliance  
18 history over the preceding ten-year period.

19           So after we've completed our review of the  
20 application, we consider that review and we propose a  
21 permit decision.

22           So the options that we have in front of us,  
23 once we have completed our review, if we find that a  
24 facility has met all of the regulatory requirements for  
25 obtaining a permit, we would go ahead and prepare a

## Public Hearing

1 draft permit. And the other option we have is if we can  
2 conclude that if a facility has not met the regulatory  
3 burden necessary to obtain a permit, we make a proposed  
4 decision to deny and we -- that's released via a Notice  
5 of Intent to Deny.

6           So to help support that decision, the  
7 department prepares a document referred to as a  
8 Statement of Basis, and that document has information  
9 indicating how the department reached our proposed  
10 decision. And that document is -- is currently out, and  
11 we're seeking input and comments on that document for  
12 GEM facility.

13           And lastly, we put together an administrative  
14 record. So an administrative record means we put a  
15 compilation of all the documents and information that we  
16 have relied upon as part of our decision making process.

17           So after we have made a proposed permit  
18 decision, the next step is the public review process, so  
19 that's the process we're in currently for the GEM  
20 facility. And what that entails is, so we announce our  
21 proposed decision. Some of the ways that we do that is  
22 we arrange for a radio advertisement. We also put a  
23 notice in the newspaper. And we also do a direct  
24 community mailing to people that are located in  
25 proximity to the facility.

## Public Hearing

1           We have a public comment period. So,  
2 typically, a public comment period is a minimum of 45  
3 days and sometimes it's longer. And also, we hold a  
4 public meeting and a public hearing. So that's  
5 obviously what we are doing here tonight; we are holding  
6 a public meeting and hearing for this proposed decision.

7           So the next step in the process is our final  
8 permit decision process. So what that entails -- so at  
9 the end of the comment period, we take all the comments  
10 that the department has received, and we consider those  
11 comments, and we put together a document referred to as  
12 a Response to Comments document.

13           So after we have done that, we make any  
14 required changes to the proposed decision based on the  
15 input that we receive, and then we announce the final  
16 permit decision.

17           So just the process for how that happens: So  
18 we put together a document referred to as a Notice of  
19 Final Permit Decision, and that document is mailed to  
20 everyone that's on the facility mailing list. We also  
21 send a copy of the Response to Comments, so that's the  
22 written response to the comments we receive; that goes  
23 to anyone who submitted comments to the department. And  
24 we also put both those documents in the information  
25 repository, so one of the repositories is here in the

## Public Hearing

1 library. We also post those documents on our public  
2 website.

3 So after we have made a final permit decision,  
4 and that decision has been announced, there's a process  
5 where if someone disagrees with the decision that the  
6 department has reached, they can go ahead and file  
7 what's referred to as a Petition for Review. Sometimes  
8 it's also called an appeal. And that appeal needs to be  
9 filed within 30 days of when the department announces  
10 our decision.

11 If you -- there's going to be instructions  
12 contained in the Notice of Final Permit Decision  
13 explaining how you would go about filing an appeal if  
14 you so choose. And after an appeal is submitted, it  
15 goes to what's commonly referred to as the permit  
16 appeals officer, and that person is an independent  
17 person that hasn't been involved in the process to this  
18 point, and they will conduct their own review to  
19 determine whether the department's decision was sound or  
20 whether any changes to that decision should be made.

21 So that concludes my overview of the permitting  
22 process. So at this point, if anyone has any questions  
23 on the slides and information I have shared, I would be  
24 happy to answer those before we move on to Randy's  
25 presentation.

## Public Hearing

1           So does anybody have any questions they would  
2 like to ask about the series of slides I have just  
3 presented?

4           (No response)

5           HEARING OFFICER BATTY: Okay. Seeing none, I  
6 will go ahead and hand it over to Randy Snapp, who is  
7 the project manager for the permitting division.

8           MR. SNAPP: Thank you, Ryan. And thank you all  
9 for coming out tonight and taking an active role in  
10 these issues.

11           I am Randy Snapp with the Department of Toxic  
12 Substances Control and I am the project manager for this  
13 permit decision. I will be briefly reviewing the  
14 facility's operations and the decision that DTSC has  
15 proposed.

16           General Environmental Management is located  
17 about one and a half miles east of Rancho Cordova on  
18 White Rock Road, on the north side of White Rock Road.

19           They started operate -- the facility started  
20 operations in 1983. General Environmental Management  
21 took over in 2003. Stericycle gained ownership in 2014  
22 but continued operations under the name General  
23 Environmental Management.

24           General Environmental Management serves a wide  
25 variety of industries. These industries are generating



## Public Hearing

1 hazardous waste, placing them in containers, and sending  
2 them to GEM. Once they arrive at GEM, they are brought  
3 to a loading and unloading area in the center of the  
4 facility. They are then unloaded into Area A for  
5 screening and storing. Containers are sent to Area B  
6 for longer term storage up to one year.

7           Area B is an enclosed building separated into  
8 six separate cells with the intention of keeping  
9 incompatibles separated.

10           Containers are sent to Area C for bulking.  
11 Bulking involves the opening of hazardous waste  
12 containers to combine into a larger container. This  
13 area is enclosed with safety equipment meant to filter  
14 emissions of toxic substances to protect the environment  
15 and the workers inside.

16           Area D is for the storage of waste that only  
17 contains liquid -- or has not liquids, only solids.  
18 Waste is then brought back to Area A for staging to be  
19 loaded and shipped off to a destination facility for  
20 recycling, treatment, or disposal.

21           DTSC has tentatively decided to deny this  
22 operation and we are here tonight to receive feedback  
23 from you on this decision. I will be summarizing the  
24 facility's history of violations, their history of  
25 incidents, fires, explosions, and releases, and the

## Public Hearing

1 agreement between General Environmental Management and  
2 DTSC that has been violated.

3 This presentation will be a summary. The full  
4 findings of DTSC can be found in the Statement of Basis.  
5 You can find that here in the library, at our field  
6 office at 8800 Cal Center Drive, or on our website at  
7 Envirostor.

8 GEM has received 72 class 1 or 2 violations in  
9 the past ten years. These green bars represent  
10 violations that pose a significant risk to human health,  
11 safety, or the environment. The blue bars represent  
12 violations that are chronic, willful, or grant economic  
13 benefit to the facility. DTSC did not consider minor  
14 violations this time. Just class 1 and class 2  
15 violations. For reference, General Environmental  
16 Management took over in 2003. Stericycle gained  
17 ownership in 2014.

18 This is a summary of the incidents that have  
19 happened at the facility. They involve multiple fires,  
20 explosions, and releases that had to be responded to by  
21 the fire department. They include multiple -- they  
22 include multiple agreements between the facility and  
23 DTSC to make changes to bring the facility up to a  
24 minimal level of safety. Two of the agreements can be  
25 seen here in 2010 and in 2013, and I will go over a more

1 recent one in 2018.

2           These are the two most recent incidents at the  
3 facility: In August 2017, facility personnel  
4 intentionally set fire to toxic waste within Area C.  
5 This reckless disregard for the dangers present in toxic  
6 substances can be viewed in the administrative record.  
7 There's a CD there where you can view it.

8           In June of 2018, DTSC inspectors found GEM  
9 operating Area C without the safety equipment necessary  
10 to prevent the toxic emissions being released to the  
11 environment and endangering the facility personnel  
12 working within the building.

13           In October of 2018, GEM and DTSC reached an  
14 agreement where GEM paid \$1.4 million in fines. They  
15 also agreed to limit the activities at the facility in  
16 order to bring them up to a minimum level of safety.  
17 General Environmental Management failed to comply with  
18 these provisions. They continued to receive reactive or  
19 explosive waste on 11 occasions between October, when  
20 the agreement was reached, and March of 2019.

21           Another way they violated the agreement was a  
22 failure to provide adequate training records to DTSC to  
23 show that their facility employees had been trained --  
24 have been -- received safety training to operate with  
25 hazardous waste.

## Public Hearing

1           If this proposal -- if this proposed decision  
2 is finalized, the facility will immediately have to  
3 implement their approved closure plan they have with  
4 DTSC. They will have 90 days to remove all hazardous  
5 waste from the facility and 180 days to decontaminate  
6 the facility. They will have to do sampling of the  
7 equipment, the structures, and the underlying soil to  
8 show it's decontaminating -- it's decontaminated.

9           Again, this is a summary of DTSC findings.  
10 Please see the administrative record here in the library  
11 or on our website, on Envirostor for the full findings  
12 from DTSC.

13           I will now hand it back to Tammy for the public  
14 activities before we open it up to discussion.

15           MS. PICKENS: The proposed application denial.  
16 We have a 45-day comment period that was extended to 70  
17 days. The first additional comment period started on  
18 August 9th and was supposed to end on September 24th but  
19 we extended it to October 25th. We are here today in  
20 this public meeting/hearing, and the administrative  
21 record was updated on September 3rd this year. We will  
22 also have Response to Comment that will be mailed out to  
23 those that have sent in comments.

24           Again, the public comment period was held  
25 August 9th through September 24th but extended to

## Public Hearing

1 October 25th. We publicized a public notice in the  
2 "Grapevine Independent" on August 2nd and, to show the  
3 extension, we publicized again on September 13th. We  
4 did a radio ad on August 6 and September 6. And then we  
5 did a community update that was e-mailed to the mailing  
6 list. We are doing the public meeting and public  
7 hearing.

8           The repository is this library and our DTSC  
9 office, our Sacramento office. There was media outreach  
10 via Facebook, Twitter, and press release. The Rancho  
11 Cordova is -- this Rancho Cordova library is a public  
12 information repository and also at our DTSC office  
13 located at 8800 Cal Center Drive. You will need to call  
14 (916) 255-3758 for an appointment to see the records.

15           For the public documents -- that's the  
16 community update and public notice and Statement of  
17 Basis -- will be on our Envirostor, which is  
18 [www.envirostor.dtsc.ca.gov](http://www.envirostor.dtsc.ca.gov).

19           Again, the public comment period is  
20 August 9th through October 25th. You can submit any --  
21 any public comments to Randy Snapp. You can send it to  
22 our DTSC office at 8800 Cal Center Drive or you can do  
23 it on e-mail at [Randy.Snapp@dtsc.ca.gov](mailto:Randy.Snapp@dtsc.ca.gov), or call Randy  
24 at (916) 255-3711.

25           This is your opportunity to ask any informal

## Public Hearing

1 questions about the presentations that was presented.  
2 Once we get into our public hearing portion of this  
3 meeting, we will not be answering any questions or  
4 responding to your comments. So please, if you want any  
5 questions that's answered right now, this would be a  
6 perfect opportunity to get those questions answered. So  
7 do we have anyone that wants any questions answered at  
8 this time or any comments?

9 (No response)

10 MS. PICKENS: Okay. So at this time -- we  
11 don't have any questions.

12 So at this time, we are requesting to take a  
13 ten-minute break. But I will leave it up to you, you  
14 individuals. Did you guys want to take a ten-minute  
15 break or do you want to go?

16 UNIDENTIFIED SPEAKERS: We will go.

17 MS. PICKENS: We will go right into the public  
18 hearing portion. So, remember, when we get to this  
19 portion, Randy nor Ryan will not be answering you. So  
20 don't be offended or feel like they are being  
21 inconsiderate or rude. This is the portion that we just  
22 have to just allow you to speak.

23 We do have two comment cards at this time, the  
24 two individuals that would like to speak. So if anyone  
25 would like to turn in their comment cards that say they

## Public Hearing

1 would like to speak? Any more? You can use the green  
2 cards.

3           Okay. Just remember, we won't be answering any  
4 questions. When you come up to speak, we ask that you  
5 are going to speak loudly, state your name, include the  
6 spelling of your name, so the court reporter can get it  
7 into our court records.

8           The comments can be submitted in writing on the  
9 comment card or may be turned in at this time, at the  
10 meeting. I will be reading one comment card after  
11 the -- everyone else's, or it can be mailed or  
12 postmarked or e-mailed to Randy Snapp.

13           This is the public hearing part, and Ryan is  
14 your public hearing officer.

15           HEARING OFFICER BATTY: Thank you, Tammy. So  
16 good evening again, everyone. So my name is Ryan Batty,  
17 and I am going to be acting as the hearing officer for  
18 tonight's public hearing. So I am going to read a  
19 script here that I have, explaining about the public  
20 hearing, and then, once I am done, I am going to hand it  
21 back over to Tammy and she's going to invite those that  
22 are interested to come up and present your comments  
23 which the reporter will take down.

24           So the Department of Toxic Substances Control  
25 has made a tentative decision to deny the hazardous

## Public Hearing

1 waste facility permit application for the General  
2 Environmental Management facility in Rancho Cordova.  
3 The purpose of tonight's public hearing is to provide  
4 the public the opportunity to present oral or written  
5 comments on the department's proposed decision.

6 This hearing is being held in accordance with  
7 the provisions of California Health and Safety Code  
8 section 25200 and California Code of Regulations, Title  
9 22, section 66271.11.

10 As mentioned during the public meeting, once  
11 the final permit decision is made, an announcement of  
12 the decision will be mailed to all those people on the  
13 facility mailing list. In addition, everyone who  
14 submitted comments during the public comment period and  
15 provided their contact information will receive a  
16 written response to their comments in a Response to  
17 Comments document.

18 A copy of the Response to Comments document  
19 will also be placed in the administrative record for the  
20 permit decision and will be on the department's website.

21 The final permit decision can be appealed if  
22 there are comments on the decision or if there are any  
23 significant changes to the decision. Any person who  
24 filed comments on the draft decision or who participated  
25 in the public hearing can petition the department to



## Public Hearing

1 review the department's final permit decision. The  
2 petition must be filed with the department's permit  
3 appeals officer within 30 days of the date of the final  
4 permit decision. Further details about the appeals  
5 process will be included in the Notice of Final Permit  
6 Decision.

7           If the petitioner is not satisfied with the  
8 department's appeal decision, the petitioner may  
9 challenge through judicial review of the department's  
10 decision.

11           So now I'm going to hand it back over to Tammy  
12 to help facilitate the process of entering comments into  
13 the record.

14           MS. PICKENS: Okay. So the first person that  
15 we have that's going to submit a comment is Darryl  
16 Johnson.

17           Darryl, would you state your full name and  
18 spelling.

19           MR. JOHNSON: Darryl Johnson. D-A-R-R-Y-L,  
20 J-O-H-N-S-O-N.

21           Okay. Can everybody hear me back there?

22           I have been with this company 15 years. And  
23 the stuff that they put us through, I just -- it's  
24 unfounded that you guys believe that they are negligent  
25 on a lot of stuff. Because we've been through a lot of

## Public Hearing

1 training and we get reminded of it every day. So I'm  
2 kind of upset because this reflects on a lot of workers.  
3 And I'm a driver. I do the driving part. I don't  
4 actually work in the warehouse or nothing like that.  
5 But I see what these guys do. They work hard out there.  
6 We have a great facility manager, Modesto, here. My  
7 supervisor is back there. And they all stay on us about  
8 compliance, doing safety stuff, doing stuff the right  
9 way, making sure our trucks are secure.

10           You know, they train us all the time. We had  
11 training -- I think a couple weeks ago we had training.  
12 And we sat there and Modesto goes over stuff with us.  
13 We take tests and he -- he really, like, hits it hard on  
14 us. Basically, we really get it. We understand what we  
15 need to do as a company, as drivers, as employees  
16 working for the company.

17           And for me, it's just an attack on my company  
18 and I feel like we're being attacked for something I  
19 don't get. You know, because I know we applied through  
20 everything there, and I have seen it. So I really would  
21 like you guys to think about that stuff and just -- you  
22 know, just understand, as a driver, you see me on the  
23 street, feel free to come up and talk to me. You can  
24 look and see what I do, see how I do it, and see if I'm  
25 doing it right. I always do it professionally and these

## Public Hearing

1 guys make sure I do it professionally. And basically  
2 that's all I got to say.

3 MS. PICKENS: Thank you.

4 UNIDENTIFIED SPEAKER: All right, Darryl.

5 MS. PICKENS: The next person that we have is  
6 Selin.

7 Selin, please state your full name and  
8 spelling.

9 MS. HOBOY: Selin Hoboy, S-E-L-I-N, H-O-B-O-Y.

10 Good evening and thank you. My name is Selin  
11 Hoboy. I'm the vice president of government affairs and  
12 compliance for Stericycle. I've been with the company  
13 for almost 20 years. I have been working with  
14 Stericycle as a business-to-business services company  
15 focused on the management of hazardous and medical  
16 wastes and other compliance services, including  
17 information destruction.

18 Today we're here to speak about our Rancho  
19 Cordova facility, which provides services to businesses  
20 as we mentioned -- as the State has mentioned, for --  
21 since 2014. We have 92 team members who proudly service  
22 over 2200 customers in the area. As one of the only 18  
23 TSDFs in the state of California, this is the most  
24 northern facility supporting California businesses and  
25 safeguarding the local environment. This location we

## Public Hearing

1 service and support programs for residential household  
2 hazardous waste and provide services to small, locally  
3 owned businesses, including retail customers, hospitals,  
4 even small produce growers. We also service and collect  
5 the management of unwanted paint from individuals and  
6 businesses under the California initiative with more  
7 than 130 established dropoff sites.

8           This company is committed to safety and  
9 compliance, which is demonstrated by the many changes  
10 implemented at the Rancho Cordova facility in the last  
11 year, which our general manager will speak to  
12 momentarily.

13           Stericycle's commitment to safety and  
14 compliance has been strengthened over the last year with  
15 significant changes to our leadership, with a recent  
16 change in our chief executive officer, a new executive  
17 vice president of operations for North America, both of  
18 whom joined Stericycle with over 30 years' experience in  
19 UPS. Both have taken a keen focus on safety,  
20 compliance, and environmental sustainability.

21           In addition, Stericycle has added a chief  
22 engineering officer, who is focused on standardizing  
23 processes, driving continuous improvement, and better  
24 enabling our team members to perform their jobs.

25           And finally, we have a new senior vice

## Public Hearing

1 president, environmental health and safety, who's tasked  
2 with enhancing overall compliance, safety, and health.

3           We believe strongly that this facility is a  
4 critical part of the industrial manufacturing and  
5 service industries in northern California and is a key  
6 service provider in ensuring safe and compliant  
7 management of hazardous wastes.

8           We will be submitting a formal written response  
9 to the DTSC's recommendations, but specifically, today,  
10 we would like to state the following:

11           Stericycle does not agree with some of the  
12 findings in the Issues of Concern from 2019 for the  
13 noncompliance with the settlement. Stericycle is  
14 committed to the management of all facilities in a safe  
15 and compliant manner.

16           We look forward to the community to work with  
17 DTSC to demonstrate that this is one of the safest and  
18 most well-run facilities in the state. And we're  
19 willing to work with the State on permit conditions in  
20 advance -- to advance safety and compliance of the  
21 facility and believe that it is one of the most  
22 stringently regulated facilities in the state.

23           We would ask the State to review its position  
24 and move forward with renewal of the permit for the  
25 facility.

Public Hearing

1 I thank you.

2 MS. PICKENS: Thank you.

3 (Applause)

4 MS. PICKENS: Johnny Halla. Please state your  
5 name.

6 MR. HALLA: J-O-H-N-N-Y, H-A-L-L-A.

7 MS. PICKENS: We're going to ask that you put a  
8 little bass in your voice so we can make sure we catch  
9 that.

10 MR. HALLA: Okay. And my voice is lower. Just  
11 wave at me.

12 My name is Johnny. I'm a resident of Rancho  
13 Cordova along with I'm an employee with Stericycle.  
14 I've been with Stericycle almost ten years now.

15 I supervise one of our ten-day yards, and  
16 safety and compliance is very important. And I always  
17 make sure my team members are doing the right thing. I  
18 was with PSC, prior to Stericycle -- so I seen when PSC  
19 purchased General Environmental at the location we are  
20 talking about, I was there for that. And then when  
21 Stericycle purchased PSC, I was there. So there's been  
22 a lot of a changes throughout the years, and I think a  
23 lot of positive changes where our -- we have had a  
24 serious change in management and our management now is  
25 taking it very serious, and compliance is very important

## Public Hearing

1 to us and the safety of our employees and residents is  
2 very important.

3 I enjoy my work and what I do. I always get,  
4 you know, questions when I'm not at work from, you know,  
5 other residents of, they wonder how to get rid of, you  
6 know, paint or aerosols or regular household chemicals,  
7 and I'm happy to tell them, you know, I have an answer.  
8 I can tell them how to get rid of it properly, what  
9 locations they can drop it off at.

10 We have had businesses that ask us, you know,  
11 "We have waste just thrown on the ground, outside of our  
12 business. How do we get rid of it?" You know, and we  
13 instruct them properly on, you know, how to get rid of  
14 it. And I like what I do and I think we're doing good  
15 things for the environment.

16 And that's all I have.

17 MS. PICKENS: Okay. Thank you.

18 (Applause)

19 MS. PICKENS: Modesto. Please state your full  
20 name and your spelling.

21 MR. GRANADOS: Modesto Granados. M-O-D-E-S-T-O  
22 G-R-A-N-A-D-O-S.

23 Good evening, everyone. My name is Modesto  
24 Granados, and I am the facility manager at the Rancho  
25 Cordova operations. I have been operating the facility

## Public Hearing

1 for just about a year, slightly under. However, I have  
2 been with Stericycle for 17 years, and I have been in  
3 the industry 25 years. I have -- I know. Don't be  
4 surprised. I'm only 26.

5 I have worked in many aspects of this industry.  
6 I have done field services supervising; I have done  
7 project management; I have done materials management; I  
8 have done payroll. You name it, I have done it.

9 I was asked to join Rancho Cordova facility to  
10 support Stericycle's efforts to enhance operations at  
11 this facility. Based on the provisions in the  
12 October 28th stipulation for the Rancho Cordova  
13 facility, this is one of the most heavily regulated  
14 TSDFs in the state.

15 We have been working in good faith with DTSC's  
16 permitting group to update the 2016 permit renewal.  
17 However, we do not agree with some of their findings  
18 from the 2019 intent to deny review.

19 We've been working actively to meet these  
20 conditions of the stipulations. Over the past year, we  
21 have taken the following actions including, but not  
22 limited to, increasing the number of team members to  
23 improve waste handling; hiring an environmental  
24 assurance coordinator and a third party auditor to  
25 further enhance our compliance, documentations, and



## Public Hearing

1 reporting; implementing multiple new training programs  
2 for team members to -- that far exceed basic federal and  
3 state regulations; introduce new procedures and controls  
4 for inventory management; develop and implement new and  
5 improved process flows for receiving and shipping waste  
6 materials; and invest capital into the property. We  
7 fixed the roofs. We fixed the floors.

8           We really do look forward to the opportunity to  
9 continue to provide safe and compliant service to our  
10 community and to work with DTSC to renew our approval  
11 for the facility's permit.

12           Thank you, guys.

13           (Applause)

14           MS. PICKENS: Thank you.

15           Robert. Please state your full name.

16           MR. SCHIMPF: Robert.

17           MS. PICKENS: And spelling of the name.

18           MR. SCHIMPF: R-O-B-E-R-T.

19           MS. PICKENS: And your last name.

20           MR. SCHIMPF: Schimpf, S-C-H-I-M-P-F.

21           Hi. My name is Robert Schimpf. And we own  
22 four companies in the city of Rancho. And through the  
23 years of being in business, with all of the new  
24 restrictions that we're under and everything that we  
25 have to do, we got visited by the environmental board at

## Public Hearing

1 one of our facilities. We received 22 violations and  
2 had no idea what to do.

3           So I talked to Stericycle. They came over.  
4 They met with us. They have helped us extremely,  
5 through all of our problems. They -- through every one  
6 of our companies. If we ever need anything, they are  
7 there for us.

8           The management over there has been incredible  
9 for us, to the guys loading with the forklifts. We  
10 can't say enough about them. They are a major asset  
11 here in Rancho because being in business, you just --  
12 it's tough. It's just, you don't know what to do, you  
13 don't get a lot of help at a lot of other boards, and  
14 you are lost. These guys put us on track. After the 22  
15 violations, they came back in, reviewed what we did.  
16 They showed us how to do our containers, how to store  
17 our waste, how to get rid of our waste, and do it  
18 properly for the right safety of the public. And I just  
19 can't thank them enough.

20           And after that review back on us, we didn't  
21 have one violation. They helped us through everything.  
22 So I just want to say thank you to Stericycle and I  
23 don't know what we would do without you guys here. So  
24 thank you.

25           (Applause)

## Public Hearing

1 MS. PICKENS: Dillan. State your full name and  
2 spell it.

3 MR. SCHIMPF: Dillan Schimpf. D-I-L-L-A-N,  
4 S-C-H-I-M-P-F.

5 How's it going? Dillan. NorCal Environmental.  
6 We are actually an erosion control company. We don't  
7 deal with the hazardous waste very much.

8 One thing I have to say is when we do, we  
9 always kind of lean on Stericycle for their guidance on  
10 how to dispose of it properly and what steps we need to  
11 take to be safe.

12 I have also worked hand in hand with a lot of  
13 the members of Stericycle and seen, you know, how strict  
14 their safety policy is, the measures that they take for  
15 all their personnel to be safe and compliant, both on  
16 sites and in the facility.

17 One of the things that they have had us do is  
18 we actually do their street sweeping and their yard and  
19 handle all their DIs for stormwater to make sure no  
20 chemicals or toxins are going down the drains.

21 So everything that we see from them, they are  
22 compliant, they work hard, these guys are safe, they are  
23 always wearing their PPE, and doing the required methods  
24 for disposing of hazardous waste.

25 And like Rob said before, we want to thank you

Public Hearing

1 guys for everything that you do for Rancho.

2 (Applause)

3 MS. PICKENS: John Philipps.

4 MR. PHILIPPS: John, J-O-H-N, Philipps.

5 P-H-I-L-I-P-P-S.

6 Hi, everybody. My name is John. I'm a partner  
7 with Rob and he kind of stole my thunder. But John has  
8 bailed us out of many environmental problems. We got  
9 those violations. We really had nowhere to turn to. We  
10 didn't get a lot of help from the department itself, but  
11 Johnny showed us how to put the stickers on properly,  
12 which stickers are used. I can't thank him enough. We  
13 were panicking. He bailed us out.

14 And I was one of those other companies he  
15 mentioned that we come in on a Monday morning after a  
16 long weekend, and we find garbage piled in front of our  
17 building. We're on a back street. And cans of empty  
18 paint or half full paint and aerosol cans.

19 And I call and they remove it and take it away  
20 for us. And I just want to publicly say thank you for  
21 being there. And I think they are great for the  
22 community and we need them.

23 Thank you.

24 (Applause)

25 MS. PICKENS: Melissa.

## Public Hearing

1 MS. ROACH: Hi. I'm Melissa Roach. R-O-A-C-H.  
2 M-E-L-I-S-S-A, first name.

3 Thank you. Can everybody hear me?

4 We know far too well about the scrutiny of  
5 regulators. I work for a hazardous waste transportation  
6 company. We are a very small business of less than 30  
7 trucks, and Stericycle is one of our biggest customers.

8 I can tell you, I've been doing this for 26  
9 years. I have actually visited the facility, I have  
10 seen the facility, and how they operate there, and I was  
11 extremely impressed. I have been to other facilities,  
12 for their competitors, and I felt that their operation  
13 was far superior.

14 I also wanted to note that, as a hazardous  
15 waste transportation company, we also work for a lot of  
16 other companies like Stericycle, other very large  
17 companies that dispose of hazardous waste. And we get  
18 inspected by CHP, DTSC, and other regulators. And  
19 Stericycle is one of the few companies that we work for  
20 that we do not see violations on their placarding, their  
21 load securement, their manifest, and shipping documents,  
22 and we are grateful for that.

23 Thank you, guys, because that puts us at risk  
24 every time we haul for companies like Stericycle.

25 I visited the facility, actually, very

## Public Hearing

1 recently, about a month and a half ago. I noticed  
2 everyone in PPE, everybody working very actively,  
3 slowly, safely. I saw an extremely sophisticated camera  
4 system that Modesto can actually see from his desk,  
5 which looks like it has views from every area of the  
6 facility, which I believe is a really great tool, as a  
7 facility manager, that he can see his workers working  
8 and spot things before they become issues.

9           And I am just grateful to have their business,  
10 and I think somebody already mentioned the fact that  
11 there are no other large facilities in northern  
12 California. Most of the facilities are in Southern  
13 California. So in eliminating this northern California  
14 option, a lot of generators are going to have to go down  
15 to Southern California, which is going to increase their  
16 costs of transportation, their risk of spills in  
17 transit, and a whole host of other concerns that the  
18 State should have with eliminating this option.

19           That's it. That's all I have. Thank you.

20           (Applause)

21           MS. PICKENS: Thank you.

22           MR. ALEXANDER: Joseph Alexander. J-O-S-E-P-H,  
23 A-L-E-X-A-N-D-E-R.

24           Good evening, everybody. My name is Big Joe.  
25 I've been at Stericycle since -- wait a minute. March

## Public Hearing

1 this year. And I noticed a lot of the things about this  
2 company. You know, they really believe in their  
3 employees. They really believe in what they are doing  
4 and they do a good job at it. You know, I learned a lot  
5 from this man right here. He taught me a lot about  
6 stuff I had no idea about, and I just came from a  
7 hazardous job before I got this job, and I didn't know  
8 some stuff you taught me.

9           It's important for us to, you know, make sure  
10 that people still got jobs, make sure that people still  
11 are safe, make sure that people are -- you know, like  
12 our environment is safe. They leave -- or if we leave,  
13 I should say, because I'm a part of the team now. If we  
14 leave, then what we going to do? What is Rancho going  
15 to do? What is northern California going to do? You  
16 know, it's going to be a problem, Tammy. You know, I  
17 don't know. But I don't want no problems.

18           Most of all, I want to say, you know, I just  
19 got this job and I don't want to lose it so soon before,  
20 you know, I finish paying my child support. You know, I  
21 don't want -- I just don't know what to say. I don't  
22 know why we getting denied so late -- or so early in my  
23 career as a hired -- as a -- what do I do? Anyway --  
24 oh, I'm sorry. Sometimes I lose myself, never on the  
25 job though.

## Public Hearing

1           It's a very emotional thing for me to be able  
2 to help out and be able to be a part of a big team that.  
3 You know, we got paint care here. We got the drivers.  
4 Darryl, he gave a hell of a speech. You know, it was  
5 amazing. And I just want to say, Kevin in the back, he  
6 brought his two sons. Environmental services. We're  
7 here, and we're here to save the planet and I want to be  
8 a part of it.

9           You know, thanks to everybody that gave us some  
10 recognition about the job we do. Thank you, Stericycle.

11           (Applause)

12           MS. PICKENS: Ed.

13           MR. RINCON: Ed Rincon, R-I-N-C-O-N.

14           Hi. My name is Ed Rincon. I lease a property  
15 to Stericycle. I have been leasing the property for  
16 about ten years now.

17           And when I first met them, they were a  
18 different company. It was the company that was  
19 mentioned before. But I have looked at all their  
20 records, their track records, before I leased the  
21 property to them. And they have impeccable, clean, and  
22 they make sure everything is done right. I inspect the  
23 property because I want to make sure that my property is  
24 clean. And I go over there and I look at it and it's  
25 always tip -- it's always done right.



Public Hearing

1           So I just want to say that, in the last ten  
2 years, I've had no problem. They take care of  
3 everything. And being a landlord, it's really important  
4 that, you know, this is done. So I just want to say  
5 that they have been really topnotch in taking care of  
6 everything.

7           Thank you.

8           (Applause)

9           MS. PICKENS: And we have one more comment from  
10 Rena Sandoval. You're going to speak?

11          MS. SANDOVAL: Yeah, I'll speak.

12          MS. PICKENS: State your name.

13          MS. SANDOVAL: It's Rena Sandoval. R-E-N-A,  
14 S-A-N-D-O-V-A-L.

15                Hi. I am Darryl Johnson's wife. So I have  
16 been with this man over -- over 25 years. Okay. But he  
17 talks about his job day in and day out. Now, Stericycle  
18 is actually a part of my team too. I'm a manager at  
19 Savemart. So Stericycle does come in and pick up our  
20 medical waste too. And if we didn't have them, we would  
21 have waste all over the place.

22                What's happening now is we have all these  
23 homeless people. There's waste, there's feces on the  
24 floor, there's everything. If there's somebody not to  
25 pick up that stuff that is put in those buckets, what's

## Public Hearing

1 going to happen? That's not going to be good. It's  
2 getting bad as it is. We have a big company here.

3 Darryl talks about his job all the time. He  
4 says they are so strict. Yes, they have improved  
5 their -- I have to hear every story, every night, every  
6 single night. But they have improved. He talks about  
7 Modesto a lot. You know, how he likes the strictness of  
8 you. You know, coming in, and he likes to have strict  
9 bosses because that's the way to go. I'm a strict boss.  
10 I'm a manager. I'm very strict. They may hate me, but  
11 that's okay. At least I get the job done.

12 But, anyways, I am trying to explain to you,  
13 this company is huge and it picks up everything. And if  
14 you don't have that, where is all this waste going to  
15 go? It's going to be a mess.

16 And like I said, there has never been anything  
17 that I have heard that, you know, went very wrong with  
18 this company.

19 You mentioned that somebody set a fire. They  
20 can't control that. They can take care of it, and, as  
21 you know, there's new leadership in there so they are  
22 trying to take care of that, if something happened like  
23 that.

24 But I commend this company. Like I said, we  
25 have to be totally organized for this company when they

## Public Hearing

1 come in. We have to have all our stuff in waste  
2 management buckets, everything. So -- and, otherwise,  
3 you guys will probably come into our stores and fine us  
4 for that. So I just want to say that little bit. But  
5 thank you very much.

6 (Applause)

7 MS. PICKENS: Do we have any more comments?

8 (No response)

9 MS. PICKENS: All right.

10 HEARING OFFICER BATTY: So, again, my name is  
11 Ryan Batty from DTSC.

12 So let the record show that no one else has  
13 asked to speak and that I am concluding the public  
14 hearing for the General Environmental Management  
15 facility in Rancho Cordova. And the time is 7:50 on  
16 Friday, on September 13, 2019. Sorry, 6:50 on  
17 September 13th, 2019. Thank you, everyone, for coming,  
18 and I am going to hand it over to Tammy for some closing  
19 remarks.

20 MS. PICKENS: Again, we want to thank everyone  
21 for coming out and presenting for your company.

22 Like we said at the beginning, the public  
23 comment period closes October 25th. You can still  
24 submit more comments to Randy, in writing or by his  
25 e-mail address. That's all in your presentation. So I

## Public Hearing

1 want you to know that I'm not going to repeat it, but  
2 you do have that address and that e-mail address. So I  
3 want to say thank you and good night.

4 (Proceedings concluded at 6:51 p.m.)

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Public Hearing

CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter  
of the State of California, do hereby certify:

That I am a disinterested person herein; that the  
foregoing proceedings was reported in shorthand by me,  
Kathryn S. Swank, a Certified Shorthand Reporter of the  
State of California, and thereafter transcribed into  
typewriting.

I further certify that I am not of counsel or  
attorney for any of the parties to said proceedings nor  
in any way interested in the outcome of said  
proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 24th day of September 2019.



---

KATHRYN S. SWANK, CSR  
Certified Shorthand Reporter  
License No. 13061

# Public Hearing

<hr/>	<b>2019</b> 4:1,8 15:20 25:12 28:18 39:16,17	<b>72</b> 14:8 <b>7:50</b> 39:15	<b>addition</b> 20:13 24:21	<b>answering</b> 5:18 18:3,19 19:3
<b>\$</b>			<b>additional</b> 16:17	<b>appeal</b> 11:8,13, 14 21:8
<b>\$1.4</b> 15:14	<b>22</b> 20:9 30:1,14	<hr/>	<b>address</b> 39:25	<b>appealed</b> 20:21
<hr/>	<b>2200</b> 23:22	<b>8</b>	<b>adequate</b> 15:22	<b>appeals</b> 11:16 21:3,4
<b>-</b>	<b>24th</b> 16:18,25	<b>8800</b> 14:6 17:13, 22	<b>administrative</b> 9:13,14 15:6 16:10,20 20:19	<b>Applause</b> 26:3 27:18 29:13 30:25 32:2,24 34:20 36:11 37:8 39:6
<b>---o0o---</b> 4:3	<b>25</b> 28:3 37:16	<hr/>	<b>advance</b> 25:20	<b>applicant</b> 7:14, 17
<hr/>	<b>25200</b> 20:8	<b>9</b>	<b>advertisement</b> 9:22	<b>application</b> 7:10,16,18,19, 21 8:15,17,20 16:15 20:1
<b>1</b>	<b>25th</b> 16:19 17:1, 20 39:23	<b>90</b> 16:4	<b>affairs</b> 23:11	<b>applied</b> 22:19
<b>1</b> 14:8,14	<b>26</b> 28:4 33:8	<b>916 255-3711</b> 17:24	<b>agenda</b> 5:2	<b>appointment</b> 17:14
<b>11</b> 15:19	<b>28th</b> 28:12	<b>916 255-3758</b> 17:14	<b>agree</b> 25:11 28:17	<b>approval</b> 29:10
<b>13</b> 4:1,8 39:16	<b>2nd</b> 17:2	<b>92</b> 23:21	<b>agreed</b> 15:15	<b>approved</b> 16:3
<b>130</b> 24:7	<hr/>	<b>9th</b> 16:18,25 17:20	<b>agreement</b> 14:1 15:14,20,21	<b>area</b> 13:3,4,5,7, 10,13,16,18 15:4,9 23:22 34:5
<b>13th</b> 17:3 39:17	<b>3</b>	<hr/>	<b>agreements</b> 14:22,24	<b>arrange</b> 9:22
<b>15</b> 21:22	<b>30</b> 11:9 21:3 24:18 33:6	<b>A</b>	<b>ahead</b> 7:17 8:25 11:6 12:6	<b>arrive</b> 13:2
<b>17</b> 28:2	<b>3rd</b> 16:21	<b>A-L-E-X-A-N-D-</b> <b>E-R</b> 34:23	<b>Alexander</b> 34:22	<b>aspects</b> 28:5
<b>18</b> 23:22	<hr/>	<b>accordance</b> 20:6	<b>amazing</b> 36:5	<b>asset</b> 30:10
<b>180</b> 16:5	<b>4</b>	<b>achieve</b> 6:19	<b>America</b> 24:17	<b>assurance</b> 28:24
<b>1983</b> 12:20	<b>45</b> 10:2	<b>Act</b> 8:7	<b>announce</b> 9:20 10:15	<b>attack</b> 22:17
<hr/>	<b>45-day</b> 16:16	<b>acting</b> 19:17	<b>announced</b> 11:4	<b>attacked</b> 22:18
<b>2</b>	<hr/>	<b>actions</b> 28:21	<b>announcement</b> 20:11	
<b>2</b> 14:8,14	<b>6</b>	<b>active</b> 12:9	<b>announces</b> 11:9	
<b>20</b> 23:13	<b>6</b> 17:4	<b>actively</b> 28:19 34:2		
<b>2003</b> 12:21 14:16	<b>66271.11</b> 20:9	<b>activities</b> 5:6 15:15 16:14		
<b>2010</b> 14:25	<b>6:00</b> 4:1,9	<b>ad</b> 17:4		
<b>2013</b> 14:25	<b>6:15</b> 4:8	<b>added</b> 24:21		
<b>2014</b> 12:21 14:17 23:21	<b>6:50</b> 39:16			
<b>2016</b> 28:16	<hr/>			
<b>2017</b> 15:3	<b>7</b>			
<b>2018</b> 15:1,8,13	<b>70</b> 16:16			

# Public Hearing

<b>audience</b> 5:15 <b>auditor</b> 28:24 <b>August</b> 15:3 16:18,25 17:2,4,20 <hr/> <b>B</b> <hr/> <b>back</b> 7:6 13:18 16:13 19:21 21:11,21 22:7 30:15,20 32:17 36:5 <b>bad</b> 38:2 <b>bailed</b> 32:8,13 <b>bars</b> 14:9,11 <b>based</b> 10:14 28:11 <b>basic</b> 29:2 <b>basically</b> 22:14 23:1 <b>Basis</b> 9:8 14:4 17:17 <b>bass</b> 26:8 <b>bathroom</b> 4:15 <b>bathrooms</b> 4:13 <b>Batty</b> 4:23 6:2,4 12:5 19:15,16 39:10,11 <b>begin</b> 7:19 <b>beginning</b> 39:22 <b>benefit</b> 14:13 <b>big</b> 34:24 36:2 38:2 <b>biggest</b> 33:7	<b>bit</b> 6:8 8:12 39:4 <b>blue</b> 14:11 <b>board</b> 29:25 <b>boards</b> 30:13 <b>boss</b> 38:9 <b>bosses</b> 38:9 <b>break</b> 5:11,12 18:13,15 <b>briefly</b> 12:13 <b>bring</b> 14:23 15:16 <b>brought</b> 13:2,18 36:6 <b>buckets</b> 37:25 39:2 <b>building</b> 13:7 15:12 32:17 <b>bulking</b> 13:10, 11 <b>burden</b> 9:3 <b>business</b> 4:11 27:12 29:23 30:11 33:6 34:9 <b>business-to-business</b> 23:14 <b>businesses</b> 23:19,24 24:3,6 27:10 <hr/> <b>C</b> <hr/> <b>Cal</b> 14:6 17:13, 22 <b>California</b> 4:2 8:7 20:7,8 23:23,24 24:6 25:5 34:12,13, 15 35:15 <b>California's</b> 6:17 <b>call</b> 17:13,23 32:19 <b>called</b> 11:8 <b>camera</b> 34:3 <b>cans</b> 32:17,18 <b>capital</b> 29:6 <b>card</b> 19:9,10 <b>cards</b> 18:23,25 19:2 <b>care</b> 36:3 37:2,5 38:20,22 <b>career</b> 35:23 <b>case</b> 4:15 <b>catch</b> 26:8 <b>CD</b> 15:7 <b>cells</b> 13:8 <b>center</b> 13:3 14:6 17:13,22 <b>CEQA</b> 8:7 <b>challenge</b> 21:9 <b>change</b> 24:16 26:24 <b>chemically</b> 6:25 <b>chemicals</b> 27:6 31:20 <b>chief</b> 6:4 24:16, 21 <b>child</b> 35:20 <b>choose</b> 11:14 <b>CHP</b> 33:18	15 35:15 <b>chronic</b> 14:12 <b>city</b> 29:22 <b>class</b> 14:8,14 <b>clean</b> 36:21,24 <b>cleanup</b> 6:20 <b>clear</b> 7:17 <b>close</b> 5:24,25 <b>closes</b> 39:23 <b>closing</b> 5:24 39:18 <b>closure</b> 16:3 <b>Code</b> 20:7,8 <b>collect</b> 24:4 <b>combine</b> 13:12 <b>commend</b> 38:24 <b>comment</b> 5:22 10:1,2,9 16:16, 17,22,24 17:19 18:23,25 19:9, 10 20:14 21:15 37:9 39:23 <b>comments</b> 5:16, 19 9:11 10:9,11, 12,21,22,23 16:23 17:21 18:4,8 19:8,22 20:5,14,16,17, 18,22,24 21:12 39:7,24 <b>commitment</b> 24:13 <b>committed</b> 24:8 25:14 <b>commonly</b> 11:15 <b>community</b> 9:24	17:5,16 25:16 29:10 32:22 <b>companies</b> 29:22 30:6 32:14 33:16,17, 19,24 <b>company</b> 21:22 22:15,16,17 23:12,14 24:8 31:6 33:6,15 35:2 36:18 38:2, 13,18,24,25 39:21 <b>competitors</b> 33:12 <b>compilation</b> 9:15 <b>completed</b> 8:19, 23 <b>compliance</b> 8:10,17 22:8 23:12,16 24:9, 14,20 25:2,20 26:16,25 28:25 <b>compliant</b> 25:6, 15 29:9 31:15, 22 <b>comply</b> 15:17 <b>Concern</b> 25:12 <b>concerns</b> 34:17 <b>conclude</b> 9:2 <b>concludes</b> 11:21 <b>concluding</b> 39:13 <b>conditions</b> 25:19 28:20
--	--	--	---

# Public Hearing

<b>conduct</b> 11:18 <b>conformance</b> 8:2 <b>consist</b> 5:2 <b>Consumer</b> 7:2 <b>consumes</b> 7:4 <b>contact</b> 20:15 <b>contained</b> 11:12 <b>container</b> 13:12 <b>containers</b> 13:1, 5,10,12 30:16 <b>contaminated</b> 6:19 <b>continue</b> 8:14 29:9 <b>continued</b> 12:22 15:18 <b>continuous</b> 24:23 <b>control</b> 4:6,18 6:6,9,16 12:12 19:24 31:6 38:20 <b>controls</b> 29:3 <b>coordinator</b> 28:24 <b>copy</b> 10:21 20:18 <b>Cordova</b> 12:17 17:11 20:2 23:19 24:10 26:13 27:25 28:9,12 39:15 <b>costs</b> 34:16 <b>couple</b> 22:11	<b>court</b> 5:20 19:6, 7 <b>critical</b> 25:4 <b>customers</b> 23:22 24:3 33:7 <hr/> <b>D</b> <hr/> <b>D-A-R-R-Y-L</b> 21:19 <b>D-I-L-L-A-N</b> 31:3 <b>dangers</b> 15:5 <b>Darryl</b> 21:15,17, 19 23:4 36:4 37:15 38:3 <b>date</b> 4:8 21:3 <b>day</b> 22:1 37:17 <b>days</b> 10:3 11:9 16:4,5,17 21:3 <b>deal</b> 31:7 <b>decided</b> 13:21 <b>decision</b> 4:9 8:21 9:4,6,10, 16,18,21 10:6,8, 14,16,19 11:3,4, 5,10,12,19,20 12:13,14 13:23 16:1 19:25 20:5, 11,12,20,21,22, 23,24 21:1,4,6, 8,10 <b>decontaminate</b> 16:5 <b>decontaminated</b> 16:8 <b>decontaminatin</b> g 16:8	<b>demonstrate</b> 25:17 <b>demonstrated</b> 24:9 <b>denial</b> 16:15 <b>denied</b> 35:22 <b>deny</b> 9:4,5 13:21 19:25 28:18 <b>department</b> 4:5, 18 5:1,21 6:5,8, 16,20 7:10,13, 18 9:7,9 10:10, 23 11:6,9 12:11 14:21 19:24 20:25 32:10 <b>department's</b> 11:19 20:5,20 21:1,2,8,9 <b>description</b> 5:5 <b>desk</b> 34:4 <b>destination</b> 13:19 <b>destruction</b> 23:17 <b>detailed</b> 7:20 <b>details</b> 7:24 21:4 <b>determine</b> 11:19 <b>develop</b> 29:4 <b>Dillan</b> 31:1,3,5 <b>direct</b> 9:23 <b>DIS</b> 31:19 <b>disagrees</b> 11:5 <b>discuss</b> 5:6	<b>discussion</b> 16:14 <b>disposal</b> 13:20 <b>dispose</b> 31:10 33:17 <b>disposing</b> 31:24 <b>disregard</b> 15:5 <b>division</b> 6:5 12:7 <b>document</b> 9:7,8, 10,11 10:11,12, 18,19 20:17,18 <b>documentations</b> 28:25 <b>documents</b> 9:15 10:24 11:1 17:15 33:21 <b>doors</b> 4:14 <b>double</b> 4:14 <b>draft</b> 9:1 20:24 <b>drains</b> 31:20 <b>Drive</b> 14:6 17:13,22 <b>driver</b> 22:3,22 <b>drivers</b> 22:15 36:3 <b>driving</b> 22:3 24:23 <b>drop</b> 27:9 <b>dropoff</b> 24:7 <b>DTSC</b> 4:5 8:12 12:14 13:21 14:2,4,13,23 15:8,13,22 16:4, 9,12 17:8,12,22 25:17 29:10	33:18 39:11 <b>DTSC's</b> 25:9 28:15 <hr/> <b>E</b> <hr/> <b>e-mail</b> 17:23 39:25 <b>e-mailed</b> 17:5 19:12 <b>early</b> 35:22 <b>east</b> 12:17 <b>economic</b> 14:12 <b>Ed</b> 36:12,13,14 <b>Edmondson</b> 4:25 <b>effects</b> 6:18 <b>effort</b> 6:21 <b>efforts</b> 28:10 <b>eliminating</b> 34:13,18 <b>else's</b> 19:11 <b>emissions</b> 13:14 15:10 <b>emotional</b> 36:1 <b>employee</b> 26:13 <b>employees</b> 15:23 22:15 27:1 35:3 <b>empty</b> 32:17 <b>enabling</b> 24:24 <b>enclosed</b> 13:7, 13 <b>encouraging</b> 6:25
---	---	---	---	---



# Public Hearing

<p><b>end</b> 10:9 16:18</p> <p><b>endangering</b> 15:11</p> <p><b>enforce</b> 6:21</p> <p><b>engineering</b> 24:22</p> <p><b>enhance</b> 28:10, 25</p> <p><b>enhancing</b> 25:2</p> <p><b>enjoy</b> 27:3</p> <p><b>ensuring</b> 25:6</p> <p><b>entails</b> 9:20 10:8</p> <p><b>entering</b> 21:12</p> <p><b>environment</b> 6:17 13:14 14:11 15:11 23:25 27:15 35:12</p> <p><b>environmental</b> 4:10,11 8:5,7,8 12:16,20,23,24 14:1,15 15:17 20:2 24:20 25:1 26:19 28:23 29:25 31:5 32:8 36:6 39:14</p> <p><b>Envirostor</b> 14:7 16:11 17:17</p> <p><b>equipment</b> 13:13 15:9 16:7</p> <p><b>erosion</b> 31:6</p> <p><b>established</b> 24:7</p> <p><b>evening</b> 4:4 6:3 19:16 23:10 27:23 34:24</p>	<p><b>exceed</b> 29:2</p> <p><b>executive</b> 24:16</p> <p><b>existing</b> 8:11</p> <p><b>experience</b> 24:18</p> <p><b>explain</b> 8:11 38:12</p> <p><b>explaining</b> 11:13 19:19</p> <p><b>explosions</b> 13:25 14:20</p> <p><b>explosive</b> 15:19</p> <p><b>extended</b> 16:16, 19,25</p> <p><b>extension</b> 17:3</p> <p><b>extremely</b> 30:4 33:11 34:3</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>Facebook</b> 17:10</p> <p><b>facilitate</b> 21:12</p> <p><b>facilities</b> 8:11 25:14,18,22 30:1 33:11 34:11,12</p> <p><b>facility</b> 6:12,14 7:10,11,22 8:5, 6,9,12,14,16,24 9:2,12,20,25 10:20 12:19 13:4,19 14:13, 19,22,23 15:3, 11,15,23 16:2,5, 6 20:1,2,13 22:6 23:19,24 24:10 25:3,21,25 27:24,25 28:9,</p>	<p>11,13 31:16 33:9,10,25 34:6, 7 39:15</p> <p><b>facility's</b> 7:24 12:14 13:24 29:11</p> <p><b>fact</b> 34:10</p> <p><b>failed</b> 15:17</p> <p><b>failure</b> 15:22</p> <p><b>faith</b> 28:15</p> <p><b>feces</b> 37:23</p> <p><b>federal</b> 29:2</p> <p><b>feedback</b> 13:22</p> <p><b>feel</b> 18:20 22:18, 23</p> <p><b>felt</b> 33:12</p> <p><b>field</b> 14:5 28:6</p> <p><b>file</b> 11:6</p> <p><b>filed</b> 11:9 20:24 21:2</p> <p><b>filing</b> 11:13</p> <p><b>filter</b> 13:13</p> <p><b>final</b> 10:7,15,19 11:3,12 20:11, 21 21:1,3,5</p> <p><b>finalized</b> 16:2</p> <p><b>finally</b> 24:25</p> <p><b>find</b> 8:23 14:5 32:16</p> <p><b>findings</b> 14:4 16:9,11 25:12 28:17</p> <p><b>fine</b> 39:3</p> <p><b>fines</b> 15:14</p>	<p><b>finish</b> 35:20</p> <p><b>fire</b> 14:21 15:4 38:19</p> <p><b>fires</b> 13:25 14:19</p> <p><b>fixed</b> 29:7</p> <p><b>floor</b> 37:24</p> <p><b>floors</b> 29:7</p> <p><b>flows</b> 29:5</p> <p><b>focus</b> 24:19</p> <p><b>focused</b> 6:21 23:15 24:22</p> <p><b>follow</b> 6:11,12 7:9 8:6</p> <p><b>forklifts</b> 30:9</p> <p><b>formal</b> 25:8</p> <p><b>forward</b> 25:16, 24 29:8</p> <p><b>found</b> 14:4 15:8</p> <p><b>free</b> 22:23</p> <p><b>Friday</b> 4:1 39:16</p> <p><b>front</b> 8:22 32:16</p> <p><b>full</b> 14:3 16:11 21:17 23:7 27:19 29:15 31:1 32:18</p> <p><b>functions</b> 6:23 8:4,16</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>G-R-A-N-A-D-O-S</b> 27:22</p> <p><b>gained</b> 12:21 14:16</p>	<p><b>garbage</b> 32:16</p> <p><b>gave</b> 36:4,9</p> <p><b>GEM</b> 4:12,22 9:12,19 13:2 14:8 15:8,13,14</p> <p><b>general</b> 4:11 6:10,11 7:8 12:16,20,22,24 14:1,15 15:17 20:1 24:11 26:19 39:14</p> <p><b>generating</b> 12:25</p> <p><b>generation</b> 6:22</p> <p><b>generators</b> 34:14</p> <p><b>give</b> 5:5,16,23, 24</p> <p><b>good</b> 4:4 6:3 19:16 23:10 27:14,23 28:15 34:24 35:4 38:1</p> <p><b>government</b> 23:11</p> <p><b>Granados</b> 27:21,24</p> <p><b>grant</b> 14:12</p> <p><b>Grapevine</b> 17:2</p> <p><b>grateful</b> 33:22 34:9</p> <p><b>great</b> 22:6 32:21 34:6</p> <p><b>green</b> 14:9 19:1</p> <p><b>ground</b> 27:11</p> <p><b>group</b> 28:16</p> <p><b>growers</b> 24:4</p>
---	---	---	--	--

# Public Hearing

<b>guidance</b> 31:9 <b>guys</b> 5:11 18:14 21:24 22:5,21 23:1 29:12 30:9, 14,23 31:22 32:1 33:23 39:3 <hr/> <b>H</b> <hr/> <b>H-A-L-L-A</b> 26:6 <b>H-O-B-O-Y</b> 23:9 <b>half</b> 12:17 32:18 34:1 <b>Halla</b> 26:4,6,10 <b>hand</b> 12:6 16:13 19:20 21:11 31:12 39:18 <b>handle</b> 31:19 <b>handling</b> 28:23 <b>happen</b> 38:1 <b>happened</b> 14:19 38:22 <b>happening</b> 37:22 <b>happy</b> 11:24 27:7 <b>hard</b> 22:5,13 31:22 <b>harmful</b> 6:17 <b>hate</b> 38:10 <b>haul</b> 33:24 <b>hazardous</b> 6:21, 22 7:11 8:3,12 13:1,11 15:25 16:4 19:25 23:15 24:2 25:7 31:7,24 33:5,14, 	17 35:7 <b>health</b> 14:10 20:7 25:1,2 <b>hear</b> 21:21 33:3 38:5 <b>heard</b> 38:17 <b>hearing</b> 4:7 5:13,14,20,24 6:2 10:4,6 12:5 17:7 18:2,18 19:13,14,15,17, 18,20 20:3,6,25 39:10,14 <b>heavily</b> 28:13 <b>held</b> 16:24 20:6 <b>hell</b> 36:4 <b>helped</b> 30:4,21 <b>hired</b> 35:23 <b>hiring</b> 28:23 <b>history</b> 8:10,18 13:24 <b>hits</b> 22:13 <b>Hoboy</b> 23:9,11 <b>hold</b> 7:13 10:3 <b>holding</b> 4:6 10:5 <b>homeless</b> 37:23 <b>hospitals</b> 24:3 <b>host</b> 34:17 <b>household</b> 24:1 27:6 <b>How's</b> 31:5 <b>huge</b> 38:13 <b>human</b> 14:10 	<hr/> <b>I</b> <hr/> <b>idea</b> 30:2 35:6 <b>immediately</b> 16:2 <b>impacts</b> 8:5,9 <b>impeccable</b> 36:21 <b>implement</b> 16:3 29:4 <b>implemented</b> 24:10 <b>implementing</b> 29:1 <b>important</b> 26:16,25 27:2 35:9 37:3 <b>impressed</b> 33:11 <b>improve</b> 28:23 <b>improved</b> 29:5 38:4,6 <b>improvement</b> 24:23 <b>incidents</b> 13:25 14:18 15:2 <b>include</b> 14:21, 22 19:5 <b>included</b> 21:5 <b>including</b> 23:16 24:3 28:21 <b>incompatibles</b> 13:9 <b>inconsiderate</b> 18:21 	<b>increase</b> 34:15 <b>increasing</b> 28:22 <b>incredible</b> 30:8 <b>independent</b> 11:16 17:2 <b>indicating</b> 9:9 <b>individuals</b> 5:17 7:2 18:14,24 24:5 <b>industrial</b> 25:4 <b>industries</b> 12:25 25:5 <b>industry</b> 28:3,5 <b>informal</b> 17:25 <b>information</b> 5:23 6:10 9:8,15 10:24 11:23 17:12 20:15 23:17 <b>initiative</b> 24:6 <b>input</b> 9:11 10:15 <b>inside</b> 13:15 <b>inspect</b> 36:22 <b>inspected</b> 33:18 <b>inspectors</b> 15:8 <b>instruct</b> 27:13 <b>instructions</b> 11:11 <b>intent</b> 9:5 28:18 <b>intention</b> 13:8 <b>intentionally</b> 15:4 <b>interested</b> 19:22 	<b>introduce</b> 29:3 <b>introductions</b> 5:3 <b>inventory</b> 29:4 <b>invest</b> 29:6 <b>invite</b> 19:21 <b>involve</b> 14:19 <b>involved</b> 6:24 7:3 11:17 <b>involves</b> 13:11 <b>issues</b> 8:12 12:10 25:12 34:8 <hr/> <b>J</b> <hr/> <b>J-O-H-N</b> 32:4 <b>J-O-H-N-N-Y</b> 26:6 <b>J-O-H-N-S-O-N</b> 21:20 <b>J-O-S-E-P-H</b> 34:22 <b>job</b> 35:4,7,19,25 36:10 37:17 38:3,11 <b>jobs</b> 24:24 35:10 <b>Joe</b> 34:24 <b>John</b> 32:3,4,6,7 <b>Johnny</b> 26:4,12 32:11 <b>Johnson</b> 21:16, 19 <b>Johnson's</b> 37:15 
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# Public Hearing

<b>join</b> 28:9 <b>joined</b> 24:18 <b>Joseph</b> 34:22 <b>judicial</b> 21:9 <b>June</b> 15:8 <hr/> <b>K</b> <hr/> <b>keen</b> 24:19 <b>keeping</b> 13:8 <b>Kevin</b> 36:5 <b>key</b> 25:5 <b>kind</b> 22:2 31:9 32:7 <hr/> <b>L</b> <hr/> <b>landlord</b> 37:3 <b>large</b> 33:16 34:11 <b>larger</b> 13:12 <b>lastly</b> 6:24 8:10 9:13 <b>late</b> 35:22 <b>leadership</b> 24:15 38:21 <b>lean</b> 31:9 <b>learned</b> 35:4 <b>lease</b> 36:14 <b>leased</b> 36:20 <b>leasing</b> 36:15 <b>leave</b> 18:13 35:12,14 <b>left</b> 4:14	<b>level</b> 5:21 14:24 15:16 <b>library</b> 11:1 14:5 16:10 17:8,11 <b>likes</b> 38:7,8 <b>limit</b> 15:15 <b>limited</b> 28:22 <b>liquid</b> 13:17 <b>liquids</b> 13:17 <b>list</b> 10:20 17:6 20:13 <b>load</b> 33:21 <b>loaded</b> 13:19 <b>loading</b> 13:3 30:9 <b>local</b> 23:25 <b>locally</b> 24:2 <b>located</b> 9:24 12:16 17:13 <b>location</b> 23:25 26:19 <b>locations</b> 27:9 <b>long</b> 32:16 <b>longer</b> 10:3 13:6 <b>looked</b> 36:19 <b>lose</b> 35:19,24 <b>lost</b> 30:14 <b>lot</b> 21:25 22:2 26:22,23 30:13 31:12 32:10 33:15 34:14 35:1,4,5 38:7 <b>loudly</b> 19:5 <b>lower</b> 26:10	<hr/> <b>M</b> <hr/> <b>M-E-L-I-S-S-A</b> 33:2 <b>M-O-D-E-S-T-O</b> 27:21 <b>made</b> 9:17 11:3, 20 19:25 20:11 <b>mailed</b> 10:19 16:22 19:11 20:12 <b>mailing</b> 9:24 10:20 17:5 20:13 <b>major</b> 30:10 <b>make</b> 7:4,16 9:3 10:13 14:23 23:1 26:8,17 31:19 35:9,10, 11 36:22,23 <b>making</b> 9:16 22:9 <b>man</b> 35:5 37:16 <b>management</b> 4:11 12:16,20, 23,24 14:1,16 15:17 20:2 23:15 24:5 25:7, 14 26:24 28:7 29:4 30:8 39:2, 14 <b>manager</b> 4:21 12:7,12 22:6 24:11 27:24 34:7 37:18 38:10 <b>manifest</b> 33:21 <b>manner</b> 25:15	<b>manufacture</b> 6:25 <b>manufacturing</b> 25:4 <b>March</b> 15:20 34:25 <b>materials</b> 6:22 28:7 29:6 <b>means</b> 9:14 <b>meant</b> 13:13 <b>measures</b> 31:14 <b>media</b> 17:9 <b>medical</b> 23:15 37:20 <b>meet</b> 28:19 <b>meeting</b> 4:5 5:13,14,25 7:14, 15 10:4,6 17:6 18:3 19:10 20:10 <b>meeting/hearing</b> 16:20 <b>Melissa</b> 32:25 33:1 <b>members</b> 5:15 23:21 24:24 26:17 28:22 29:2 31:13 <b>men's</b> 4:15 <b>mentioned</b> 20:10 23:20 32:15 34:10 36:19 38:19 <b>mess</b> 38:15 <b>met</b> 9:2 30:4 36:17	<b>met all</b> 8:24 <b>methods</b> 31:23 <b>miles</b> 12:17 <b>million</b> 15:14 <b>minimal</b> 14:24 <b>minimum</b> 10:2 15:16 <b>minor</b> 14:13 <b>minute</b> 34:25 <b>mission</b> 6:15,19 <b>Modesto</b> 22:6, 12 27:19,21,23 34:4 38:7 <b>momentarily</b> 24:12 <b>Monday</b> 32:15 <b>month</b> 34:1 <b>morning</b> 32:15 <b>move</b> 11:24 25:24 <b>multiple</b> 14:19, 21,22 29:1 <hr/> <b>N</b> <hr/> <b>nature</b> 7:25 <b>negligent</b> 21:24 <b>newspaper</b> 9:23 <b>night</b> 38:5,6 <b>noncompliance</b> 25:13 <b>Norcal</b> 31:5 <b>north</b> 12:18 24:17
--	---	---	--	--

# Public Hearing

<p><b>northern</b> 23:24 25:5 34:11,13 35:15</p> <p><b>note</b> 33:14</p> <p><b>notice</b> 9:4,23 10:18 11:12 17:1,16 21:5</p> <p><b>noticed</b> 34:1 35:1</p> <p><b>number</b> 28:22</p> <hr/> <p><b>O</b></p> <hr/> <p><b>obtain</b> 9:3</p> <p><b>obtaining</b> 8:25</p> <p><b>occasions</b> 15:19</p> <p><b>October</b> 15:13, 19 16:19 17:1, 20 28:12 39:23</p> <p><b>offended</b> 18:20</p> <p><b>office</b> 14:6 17:9, 12,22</p> <p><b>officer</b> 6:2 11:16 12:5 19:14,15, 17 21:3 24:16, 22 39:10</p> <p><b>open</b> 16:14</p> <p><b>opening</b> 13:11</p> <p><b>operate</b> 12:19 15:24 33:10</p> <p><b>operated</b> 7:24</p> <p><b>operating</b> 8:14 15:9 27:25</p> <p><b>operation</b> 13:22 33:12</p>	<p><b>operations</b> 7:23 12:14,20,22 24:17 27:25 28:10</p> <p><b>opportunity</b> 5:8 17:25 18:6 20:4 29:8</p> <p><b>option</b> 9:1 34:14,18</p> <p><b>options</b> 8:22</p> <p><b>oral</b> 20:4</p> <p><b>order</b> 15:16</p> <p><b>organized</b> 38:25</p> <p><b>outreach</b> 17:9</p> <p><b>overview</b> 5:4 11:21</p> <p><b>owned</b> 24:3</p> <p><b>ownership</b> 12:21 14:17</p> <hr/> <p><b>P</b></p> <hr/> <p><b>P-H-I-L-I-P-P-S</b> 32:5</p> <p><b>p.m.</b> 4:1</p> <p><b>paid</b> 15:14</p> <p><b>paint</b> 24:5 27:6 32:18 36:3</p> <p><b>panicking</b> 32:13</p> <p><b>part</b> 5:13 7:22 9:16 19:13 22:3 25:4 35:13 36:2, 8 37:18</p> <p><b>participated</b> 20:24</p> <p><b>participation</b> 4:19 5:6</p>	<p><b>partner</b> 32:6</p> <p><b>party</b> 28:24</p> <p><b>past</b> 14:9 28:20</p> <p><b>paying</b> 35:20</p> <p><b>payroll</b> 28:8</p> <p><b>people</b> 6:17 9:24 20:12 35:10,11 37:23</p> <p><b>perfect</b> 18:6</p> <p><b>perform</b> 6:23 8:4,16 24:24</p> <p><b>performing</b> 7:20</p> <p><b>period</b> 5:10 8:13,18 10:1,2,9 16:16,17,24 17:19 20:14 39:23</p> <p><b>permit</b> 5:4 7:11 8:15,21,25 9:1, 3,17 10:8,16,19 11:3,12,15 12:13 20:1,11, 20,21 21:1,2,4,5 25:19,24 28:16 29:11</p> <p><b>permits</b> 8:13</p> <p><b>permitting</b> 6:5, 10,24 7:8 11:21 12:7 28:16</p> <p><b>person</b> 11:16,17 20:23 21:14 23:5</p> <p><b>personnel</b> 15:3, 11 31:15</p> <p><b>petition</b> 11:7 20:25 21:2</p> <p><b>petitioner</b> 21:7,</p>	<p>8</p> <p><b>Philipps</b> 32:3,4</p> <p><b>pick</b> 37:19,25</p> <p><b>Pickens</b> 4:4,17, 19 16:15 18:10, 17 21:14 23:3,5 26:2,4,7 27:17, 19 29:14,17,19 31:1 32:3,25 34:21 36:12 37:9,12 39:7,9, 20</p> <p><b>picks</b> 38:13</p> <p><b>piled</b> 32:16</p> <p><b>PIO</b> 4:25</p> <p><b>placarding</b> 33:20</p> <p><b>place</b> 37:21</p> <p><b>placing</b> 13:1</p> <p><b>plan</b> 7:23 8:1 16:3</p> <p><b>planet</b> 36:7</p> <p><b>point</b> 11:18,22</p> <p><b>policy</b> 31:14</p> <p><b>portion</b> 5:14 18:2,18,19,21</p> <p><b>pose</b> 14:10</p> <p><b>position</b> 25:23</p> <p><b>positive</b> 26:23</p> <p><b>post</b> 11:1</p> <p><b>postmarked</b> 19:12</p> <p><b>PPE</b> 31:23 34:2</p> <p><b>pre-application</b> 7:13</p>	<p><b>preceding</b> 8:18</p> <p><b>prepare</b> 8:25</p> <p><b>prepares</b> 9:7</p> <p><b>present</b> 15:5 19:22 20:4</p> <p><b>presentation</b> 5:4,5,8 6:13 11:25 14:3 39:25</p> <p><b>presentations</b> 5:9 18:1</p> <p><b>presented</b> 12:3 18:1</p> <p><b>presenting</b> 39:21</p> <p><b>president</b> 23:11 24:17 25:1</p> <p><b>press</b> 17:10</p> <p><b>prevent</b> 15:10</p> <p><b>prior</b> 26:18</p> <p><b>problem</b> 35:16 37:2</p> <p><b>problems</b> 30:5 32:8 35:17</p> <p><b>procedures</b> 29:3</p> <p><b>process</b> 5:4 6:10,12 7:8,9, 12,20 8:6,8 9:16,18,19 10:7, 8,17 11:4,17,22 21:5,12 29:5</p> <p><b>processes</b> 24:23</p> <p><b>produce</b> 24:4</p> <p><b>products</b> 7:1,2,</p>
---	---	--	--	--

# Public Hearing

<p>3</p> <p><b>professionally</b> 22:25 23:1</p> <p><b>program</b> 6:20, 24 7:1,2</p> <p><b>programs</b> 24:1 29:1</p> <p><b>project</b> 4:21 5:5 12:7,12 28:7</p> <p><b>properly</b> 27:8, 13 30:18 31:10 32:11</p> <p><b>property</b> 29:6 36:14,15,21,23</p> <p><b>proposal</b> 16:1</p> <p><b>propose</b> 8:20</p> <p><b>proposed</b> 4:9 8:6 9:3,9,17,21 10:6,14 12:15 16:1,15 20:5</p> <p><b>protect</b> 6:16 13:14</p> <p><b>proudly</b> 23:21</p> <p><b>provide</b> 6:9 15:22 20:3 24:2 29:9</p> <p><b>provided</b> 20:15</p> <p><b>provider</b> 25:6</p> <p><b>provisions</b> 15:18 20:7 28:11</p> <p><b>proximity</b> 9:25</p> <p><b>PSC</b> 26:18,21</p> <p><b>public</b> 4:6,18 5:6,13,14 9:18 10:1,2,4,6 11:1</p>	<p>16:13,20,24 17:1,6,11,15,16, 19,21 18:2,17 19:13,14,18,19 20:3,4,10,14,25 30:18 39:13,22</p> <p><b>publicized</b> 17:1, 3</p> <p><b>publicly</b> 32:20</p> <p><b>purchased</b> 26:19,21</p> <p><b>purpose</b> 7:14 20:3</p> <p><b>put</b> 9:13,14,22 10:11,18,24 21:23 26:7 30:14 32:11 37:25</p> <p><b>puts</b> 33:23</p> <hr/> <p><b>Q</b></p> <hr/> <p><b>Quality</b> 8:7</p> <p><b>question</b> 5:10</p> <p><b>questions</b> 5:7,9, 17,18 11:22 12:1 18:1,3,5,6, 7,11 19:4 27:4</p> <hr/> <p><b>R</b></p> <hr/> <p><b>R-E-N-A</b> 37:13</p> <p><b>R-I-N-C-O-N</b> 36:13</p> <p><b>R-O-A-C-H</b> 33:1</p> <p><b>R-O-B-E-R-T</b> 29:18</p> <p><b>radio</b> 9:22 17:4</p>	<p><b>Rancho</b> 12:17 17:10,11 20:2 23:18 24:10 26:12 27:24 28:9,12 29:22 30:11 32:1 35:14 39:15</p> <p><b>Randy</b> 4:21 5:4 6:13 12:6,11 17:21,23 18:19 19:12 39:24</p> <p><b>Randy's</b> 11:24</p> <p><b>Randy.snapp@ dtsc.ca.gov</b> 17:23</p> <p><b>reached</b> 9:9 11:6 15:13,20</p> <p><b>reactive</b> 15:18</p> <p><b>read</b> 19:18</p> <p><b>reading</b> 19:10</p> <p><b>receive</b> 10:15, 22 13:22 15:18 20:15</p> <p><b>received</b> 10:10 14:8 15:24 30:1</p> <p><b>receiving</b> 29:5</p> <p><b>recent</b> 15:1,2 24:15</p> <p><b>recently</b> 34:1</p> <p><b>reckless</b> 15:5</p> <p><b>recognition</b> 36:10</p> <p><b>recommendatio ns</b> 25:9</p> <p><b>record</b> 9:14 15:6 16:10,21 20:19 21:13 39:12</p>	<p><b>records</b> 15:22 17:14 19:7 36:20</p> <p><b>recycling</b> 13:20</p> <p><b>reduce</b> 6:22</p> <p><b>reference</b> 14:15</p> <p><b>referred</b> 7:1 8:6 9:7 10:11,18 11:7,15</p> <p><b>reflects</b> 22:2</p> <p><b>regular</b> 27:6</p> <p><b>regulated</b> 25:22 28:13</p> <p><b>regulations</b> 8:2 20:8 29:3</p> <p><b>regulators</b> 33:5, 18</p> <p><b>regulatory</b> 8:24 9:2</p> <p><b>release</b> 17:10</p> <p><b>released</b> 9:4 15:10</p> <p><b>releases</b> 13:25 14:20</p> <p><b>relied</b> 9:16</p> <p><b>remarks</b> 5:24 39:19</p> <p><b>remember</b> 18:18 19:3</p> <p><b>reminded</b> 22:1</p> <p><b>remove</b> 16:4 32:19</p> <p><b>Rena</b> 37:10,13</p> <p><b>renew</b> 29:10</p> <p><b>renewal</b> 8:17</p>	<p>25:24 28:16</p> <p><b>reporter</b> 19:6,23</p> <p><b>reporting</b> 29:1</p> <p><b>repositories</b> 10:25</p> <p><b>repository</b> 10:25 17:8,12</p> <p><b>represent</b> 14:9, 11</p> <p><b>requesting</b> 18:12</p> <p><b>required</b> 10:14 31:23</p> <p><b>requirements</b> 7:15,16,25 8:24</p> <p><b>resident</b> 26:12</p> <p><b>residential</b> 24:1</p> <p><b>residents</b> 27:1,5</p> <p><b>resources</b> 6:20</p> <p><b>responded</b> 14:20</p> <p><b>responding</b> 5:19 18:4</p> <p><b>response</b> 10:12, 21,22 12:4 16:22 18:9 20:16,18 25:8 39:8</p> <p><b>responses</b> 5:22</p> <p><b>restrictions</b> 29:24</p> <p><b>restroom</b> 4:16</p> <p><b>retail</b> 24:3</p> <p><b>review</b> 7:21,22 8:1,19,20,23 9:18 11:7,18</p>
--	---	---	---	---

# Public Hearing

21:1,9 25:23 28:18 30:20 <b>reviewed</b> 30:15 <b>reviewing</b> 12:13 <b>rid</b> 27:5,8,12,13 30:17 <b>Rincon</b> 36:13,14 <b>risk</b> 14:10 33:23 34:16 <b>Roach</b> 33:1 <b>Road</b> 12:18 <b>Rob</b> 31:25 32:7 <b>Robert</b> 29:15, 16,21 <b>Rock</b> 12:18 <b>role</b> 12:9 <b>roofs</b> 29:7 <b>rude</b> 18:21 <b>rules</b> 8:2 <b>Russ</b> 4:25 <b>Ryan</b> 4:23 5:23 6:1,4 12:8 18:19 19:13,16 39:11 <hr/> <b>S</b> <hr/> <b>S-A-N-D-O-V-A-L</b> 37:14 <b>S-C-H-I-M-P-F</b> 29:20 31:4 <b>S-E-L-I-N</b> 23:9 <b>Sacramento</b> 4:2 17:9 <b>safe</b> 25:6,14 29:9 31:11,15,	22 35:11,12 <b>safeguarding</b> 23:25 <b>safely</b> 34:3 <b>safer</b> 6:25 7:2,5 <b>safest</b> 25:17 <b>safety</b> 13:13 14:11,24 15:9, 16,24 20:7 22:8 24:8,13,19 25:1, 2,20 26:16 27:1 30:18 31:14 <b>sampling</b> 16:6 <b>Sandoval</b> 37:10, 11,13 <b>sat</b> 22:12 <b>satisfied</b> 21:7 <b>save</b> 36:7 <b>Savemart</b> 37:19 <b>Schimpf</b> 29:16, 18,20,21 31:3 <b>screening</b> 13:5 <b>script</b> 19:19 <b>scrutiny</b> 33:4 <b>section</b> 20:8,9 <b>secure</b> 22:9 <b>securement</b> 33:21 <b>seeking</b> 9:11 <b>Selin</b> 23:6,7,9, 10 <b>send</b> 10:21 17:21 <b>sending</b> 13:1	<b>senior</b> 24:25 <b>separate</b> 13:8 <b>separated</b> 13:7, 9 <b>September</b> 4:1, 8 16:18,21,25 17:3,4 39:16,17 <b>series</b> 6:7 7:7 12:2 <b>serves</b> 12:24 <b>service</b> 23:21 24:1,4 25:5,6 29:9 <b>services</b> 23:14, 16,19 24:2 28:6 36:6 <b>set</b> 15:4 38:19 <b>settlement</b> 25:13 <b>shared</b> 11:23 <b>shipped</b> 13:19 <b>shipping</b> 29:5 33:21 <b>show</b> 15:23 16:8 17:2 39:12 <b>showed</b> 30:16 32:11 <b>side</b> 12:18 <b>significant</b> 14:10 20:23 24:15 <b>single</b> 38:6 <b>sites</b> 24:7 31:16 <b>slides</b> 6:7 7:7 11:23 12:2	<b>slightly</b> 28:1 <b>slowly</b> 34:3 <b>small</b> 24:2,4 33:6 <b>Snapp</b> 4:21 12:6,8,11 17:21 19:12 <b>soil</b> 16:7 <b>solids</b> 13:17 <b>Solutions</b> 4:10 <b>sons</b> 36:6 <b>sophisticated</b> 34:3 <b>sound</b> 11:19 <b>Southern</b> 34:12, 15 <b>speak</b> 18:22,24 19:1,4,5 23:18 24:11 37:10,11 39:13 <b>SPEAKER</b> 23:4 <b>SPEAKERS</b> 18:16 <b>specialist</b> 4:19 <b>specifically</b> 6:14 25:9 <b>speech</b> 36:4 <b>spell</b> 31:2 <b>spelling</b> 19:6 21:18 23:8 27:20 29:17 <b>spills</b> 34:16 <b>spot</b> 34:8 <b>staging</b> 13:18	<b>standardizing</b> 24:22 <b>start</b> 6:15 <b>started</b> 4:13 12:19 16:17 <b>state</b> 19:5 21:17 23:7,20,23 25:10,18,19,22, 23 26:4 27:19 28:14 29:3,15 31:1 34:18 37:12 <b>Statement</b> 9:8 14:4 17:16 <b>stay</b> 22:7 <b>step</b> 9:18 10:7 <b>steps</b> 7:12 31:10 <b>Stericycle</b> 4:10 6:14 12:21 14:16 23:12,14 24:18,21 25:11, 13 26:13,14,18, 21 28:2 30:3,22 31:9,13 33:7,16, 19,24 34:25 36:10,15 37:17, 19 <b>Stericycle's</b> 24:13 28:10 <b>stickers</b> 32:11, 12 <b>stipulation</b> 28:12 <b>stipulations</b> 28:20 <b>stole</b> 32:7 <b>storage</b> 13:6,16
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# Public Hearing

<b>store</b> 30:16 <b>stores</b> 39:3 <b>storing</b> 6:19 13:5 <b>stormwater</b> 31:19 <b>story</b> 38:5 <b>street</b> 22:23 31:18 32:17 <b>strengthened</b> 24:14 <b>strict</b> 31:13 38:4,8,9,10 <b>strictness</b> 38:7 <b>stringently</b> 25:22 <b>strongly</b> 25:3 <b>structures</b> 16:7 <b>stuff</b> 21:23,25 22:8,12,21 35:6, 8 37:25 39:1 <b>submit</b> 7:17 8:15 17:20 21:15 39:24 <b>submits</b> 7:10 <b>submitted</b> 8:16 10:23 11:14 19:8 20:14 <b>submitting</b> 25:8 <b>substances</b> 4:6, 18 6:6,8,16,18 12:12 13:14 15:6 19:24 <b>summarizing</b> 13:23 <b>summary</b> 14:3,	18 16:9 <b>superior</b> 33:13 <b>supervise</b> 26:15 <b>supervising</b> 28:6 <b>supervisor</b> 4:24 22:7 <b>support</b> 9:6 24:1 28:10 35:20 <b>supporting</b> 23:24 <b>supposed</b> 16:18 <b>surprised</b> 28:4 <b>sustainability</b> 24:20 <b>sweeping</b> 31:18 <b>system</b> 34:4 <hr/> <b>T</b> <hr/> <b>taking</b> 5:20 12:9 26:25 37:5 <b>talk</b> 6:7,13 22:23 <b>talked</b> 30:3 <b>talking</b> 6:11 7:8 26:20 <b>talks</b> 37:17 38:3, 6 <b>Tammy</b> 4:17,19 6:2 16:13 19:15, 21 21:11 35:16 39:18 <b>tasked</b> 25:1 <b>taught</b> 35:5,8	<b>team</b> 23:21 24:24 26:17 28:22 29:2 35:13 36:2 37:18 <b>technical</b> 7:20 <b>ten</b> 8:13 14:9 26:14 36:16 37:1 <b>ten-day</b> 26:15 <b>ten-minute</b> 5:11,12 18:13, 14 <b>ten-year</b> 8:13,18 <b>tentative</b> 19:25 <b>tentatively</b> 13:21 <b>term</b> 13:6 <b>tests</b> 22:13 <b>thing</b> 26:17 31:8 36:1 <b>things</b> 6:15 7:21,25 27:15 31:17 34:8 35:1 <b>thrown</b> 27:11 <b>thunder</b> 32:7 <b>time</b> 5:17 14:14 18:8,10,12,23 19:9 22:10 33:24 38:3 39:15 <b>tip</b> 36:25 <b>Title</b> 20:8 <b>today</b> 16:19 23:18 25:9 <b>Today's</b> 4:8	<b>tonight</b> 10:5 12:9 13:22 <b>tonight's</b> 5:2 19:18 20:3 <b>tool</b> 34:6 <b>topnotch</b> 37:5 <b>totally</b> 38:25 <b>tough</b> 30:12 <b>toxic</b> 4:6,18 6:5, 8,16,18 12:11 13:14 15:4,5,10 19:24 <b>toxins</b> 31:20 <b>track</b> 30:14 36:20 <b>train</b> 22:10 <b>trained</b> 15:23 <b>training</b> 7:25 15:22,24 22:1, 11 29:1 <b>transit</b> 34:17 <b>transportation</b> 33:5,15 34:16 <b>treatment</b> 13:20 <b>trucks</b> 22:9 33:7 <b>TSDFS</b> 23:23 28:14 <b>turn</b> 18:25 32:9 <b>turned</b> 19:9 <b>Twitter</b> 17:10 <b>typically</b> 7:13 10:2	<hr/> <b>U</b> <hr/> <b>underlying</b> 16:7 <b>understand</b> 22:14,22 <b>unfounded</b> 21:24 <b>UNIDENTIFIED</b> 18:16 23:4 <b>unit</b> 4:23 6:4 <b>unloaded</b> 13:4 <b>unloading</b> 13:3 <b>unwanted</b> 24:5 <b>update</b> 17:5,16 28:16 <b>updated</b> 16:21 <b>UPS</b> 24:19 <b>upset</b> 22:2 <hr/> <b>V</b> <hr/> <b>variety</b> 12:25 <b>vice</b> 23:11 24:17,25 <b>view</b> 15:7 <b>viewed</b> 15:6 <b>views</b> 34:5 <b>violated</b> 14:2 15:21 <b>violation</b> 30:21 <b>violations</b> 13:24 14:8,10,12,14, 15 30:1,15 32:9 33:20
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# Public Hearing

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Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 72 of 86

**Attachment 5: Letter from Jackie Frye, Household Hazardous Waste Supervisor at Nortech Waste, 10/04/2019, 1 page**

October 4, 2019

Randy Snapp, Project Manager  
California Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826

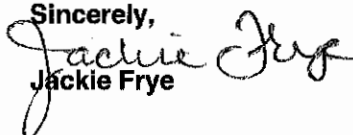
Dear Mr. Snapp:

I am writing to recommend Stericycle Environmental Solutions as a trusted provider for hazardous waste disposal. Over the past eight years, Nortech Waste has been a Stericycle customer. Stericycle helps our ongoing management of household hazardous waste.

The team at Stericycle Environmental Solutions has helped us navigate key environmental issues and has provided a variety of quality services to help keep our team both safe and compliant. Stericycle is an important partner to our organization. We appreciate the focus of the Stericycle team and Rancho Cordova staff supporting our household hazardous waste program.

We encourage your support of the permit renewal for Stericycle's Rancho Cordova facility.

Sincerely,



Jackie Frye

HHW Supervisor  
3033 Fiddymont Road  
Roseville CA  
916.645.5230 ext.108  
[jackie@nortechwaste.com](mailto:jackie@nortechwaste.com)

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 73 of 86

**Attachment 6: E-mail from Hasti Javid, County of San Diego - Environmental Health, 10/09/2019, 3 pages**

## Snapp, Randy@DTSC

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**From:** Javid, Hasti <Hasti.Javid@sdcounty.ca.gov>  
**Sent:** Wednesday, October 9, 2019 1:21 PM  
**To:** Snapp, Randy@DTSC  
**Subject:** (Article) Stericycle's HW Facility in Tacoma - \$1.9 Million Penalty

Hi, Randy.

You may have already seen this, but just in case you haven't, see link below for an article that was published on 10/7/19 regarding Stericycle's hazardous waste facility in Tacoma. Figured it might be good info to have to support DTSC's permit denial of Stericycle's Sacramento HW facility. 😊

<https://www.seattletimes.com/seattle-news/tacoma-hazardous-waste-operation-hit-with-1-9-million-state-fine-for-2018-fire/>

**Hasti Javid, EHS III/REHS**  
**Response Services – CalARP Program**  
**Hazardous Incident Response Team**  
**County of San Diego – Environmental Health**  
**Hazardous Materials Division/CUPA**  
[Hasti.Javid@sdcounty.ca.gov](mailto:Hasti.Javid@sdcounty.ca.gov)  
(Desk) 858-505-6991  
(Cell) 619-847-0242

**Office Hours: Mon-Fri, 9:00 AM – 5:30 PM**  
[www.sdcdeh.org](http://www.sdcdeh.org)

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# Tacoma hazardous waste operation hit with \$1.9 million state fine for 2018 fire

Oct. 7, 2019 at 5:55 pm Updated Oct. 12, 2019 at 2:14 pm



By

[Hal Bernton](#)

*Seattle Times staff reporter*

A Tacoma hazardous-waste facility has been hit with a \$1.9 million state Department of Ecology fine for mismanagement and other problems that led to a 2018 fire.

The fine against Stericycle-Tacoma, announced Monday, is the fourth largest levied by the Ecology Department. It largely results from an investigation into a July 2018 fire ignited by tetrazole, a chemical used to inflate vehicle airbags that state officials said was improperly handled by the facility staff.

“People could have been injured or killed by Stericycle’s mismanagement of these dangerous materials,” said Maia Bellon, Ecology’s director. “They are required by law to meet strict permit conditions. This incident shows a complete disregard for the safety of their employees and nearby communities, and that’s totally unacceptable.”

Stericycle’s operation in Tacoma is the largest private hazardous-waste disposal facility in Washington, according to the Ecology Department.

In a statement released to The Seattle Times, a Stericycle spokesperson said the company “takes environmental health, safety and compliance very seriously,” and has “aggressively pursued improvements” that include investments in new training, new equipment and the hiring of new leadership at the Tacoma facility.

The tetrazole that started the fire arrived in 510 drums that the Ecology Department, in a statement Monday, said was supposed to be sent to an incinerator. Instead, several dozen of the drums were emptied in preparation for

shipment to a landfill. As the waste was being processed, it ignited and caused a large fire, according to the Ecology Department.

“Fortunately, the facility’s employees were able to escape unharmed,” said the Ecology Department statement.

State officials said a follow-up investigation documented a serious lack of training and a failure to follow proper procedures. The company also failed to properly manage the waste left behind by the fire. Then, in November 2018, a second smaller fire occurred in the facility’s shredder when leftover liquid chemicals were allowed into the mix — a violation of an earlier warning letter issued by Ecology Department.

Stericycle-Tacoma operates under the name Burlington Environmental. In addition to the Tacoma facility, Stericycle has operations in Kent and Morton.

During the past decade, the three Washington operations have received eight other Ecology fines totaling \$851,000, according to Andrew Wineke, an Ecology Department spokesperson.

Stericycle has 30 days to appeal the new fine to the state Pollution Control Hearings Board.

*Correction: An earlier version of this story referred to the Washington State Pollution Control Board. It is the Pollution Control Hearings Board.*

**Hal Bernton:** 206-464-2581 or [hbernton@seattletimes.com](mailto:hbernton@seattletimes.com); on Twitter: [@hbernton](https://twitter.com/hbernton).

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 74 of 86

**Attachment 7: Letter from Melissa Roach, Vice President of Dillard Environmental Services, 10/23/2019, 1 page**



*Dillard Environmental Services*

October 22, 2019

Randy Snapp, Project Manager  
California Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826

Dear Mr. Snapp:

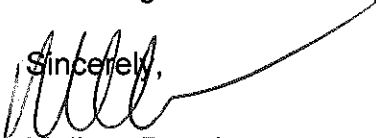
I am writing to recommend Stericycle Environmental Solutions as an important service provider to the Northern California area. For more than 10 years, Dillard Environmental Services has supported Stericycle. Our organization provides Stericycle with transportation services of hazardous and non-hazardous wastes.

From our perspective, Stericycle Environmental Solutions and the Rancho Cordova facility provide an important environmental service that helps keep local businesses and communities both safe and compliant. There are already limited options in California for managing hazardous waste and reducing the number of facilities available has the potential to increase costs, increase pollution as more waste is transported longer distance or out of state for treatment, and increase improper handling of wastes overall. We encourage the State to work with the Rancho Cordova facility to help ensure local businesses and communities have access to compliant and affordable options for managing hazardous waste.

For Dillard Environmental Services, Stericycle contributes to our overall success as a business. We value their business and have a good working relationship with the Stericycle Rancho Cordova team. We believe this is a company that Stericycle provides excellent training to its employees which is evident in the quality of the load building, segregation, manifesting and placarding that we have had personal experience with in the field. Their focus on safety and compliance with the vast federal and state regulations governing our industry is reflected in the lack of compliance issues that we have faced while hauling their loads. Stericycle's success in this area far exceeds the majority of like-customers that we haul for.

Stericycle has been an upstanding business partner to our organization, and we encourage the State to approve its permit renewal.

Sincerely,

  
Melissa Roach  
Vice President



Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 75 of 86

**Attachment 8: Letter from Andrea Ocanas, Account Manager at Containers Unlimited, 10/23/2019, 1 page**

October 23, 2019

Randy Snapp, Project Manager  
California Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826

Dear Mr. Snapp:

I am writing to recommend Stericycle Environmental Solutions as an important service provider to the Northern California area. Over the past 10 years, Containers Unlimited has supported Stericycle. Our organization provides Stericycle with new and reconditioned plastic containers to store and transport waste.

From our perspective, Stericycle Environmental Solutions and the Rancho Cordova facility provide an important environmental service that helps keep local businesses and communities both safe and compliant. There are already limited options in California for managing hazardous waste and reducing the number of facilities available has the potential to increase costs, increase pollution as more waste is transported longer distance or out of state for treatment, and increase improper handling of wastes overall. We encourage the State to work with the Rancho Cordova facility to help ensure local businesses and communities have access to compliant and affordable options for managing hazardous waste.

For Containers Unlimited, Stericycle contributes to our overall success as a business. We value their business and have a good working relationship with the Stericycle Rancho Cordova team. We believe this is a company that operates with professionalism, puts their employees first, focuses on safety, and strives to be the best in their field.

Stericycle has been an upstanding business partner to our organization, and we encourage the State to approve its permit renewal.

Sincerely,  
Andrea Ocanas  
Account Manager

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 76 of 86

**Attachment 9: Letter from Jim Perea, Owner of Garment Graphics,  
10/24/2019, 1 page**

10/21/2019

Randy Snapp, Project Manager  
California Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826

Dear Mr. Snapp:

I'm writing to recommend Stericycle Environmental Solutions as an important service provider to the Northern California area. Over the past 5 years, Garment Graphics provides Stericycle with Embroidery services.

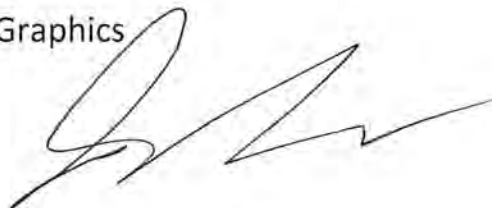
From our perspective, Stericycle Environmental Solutions and the Rancho Cordova facility provide an important environmental service that helps keep local businesses and communities both safe and compliant. With limited options in California for managing hazardous waste and reducing the number of facilities available has the potential to increase costs, increase pollution as more waste is transported longer distance or out of state for treatment, and increase improper handling of wastes overall. I encourage the State to work with the Rancho Cordova facility to help ensure local businesses and communities have access to compliant and affordable options for managing hazardous waste.

For Garment Graphics, Stericycle contributes to our overall success as a business. We value their business and have a good working relationship with the Stericycle Rancho Cordova team. We believe this is a company that helps with local waste issues. With all the new building going on its vital to have a local company dispose of waste the right way. This company provides many jobs for the local community and being a business partner with them helps my business as well.

Stericycle has been an upstanding business partner to our organization, and we encourage the state to approve its permit renewal.

Sincerely,

Jim Perea Owner of Garment Graphics

A handwritten signature in black ink, appearing to read 'Jim Perea', with a stylized, flowing script.

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 77 of 86

**Attachment 10: Letter from John Phillips, Holley Generator,  
10/24/2019, 1 page**

Dear Mr. Snap

I felt compelled to write you regarding the Rancho Cordova Stericycle location. Stericycle has been both reliable and affordable as a resource to us at Holley Generator. We are not sure how we are going to properly and safely dispose of waste that we have if this facility is no longer an option. Over the past several years we have developed a strong relationship with the team at Stericycle and they have always been happy to help in a professional and affordable manor. They have even gone over and above for us helping to make sure we are trained and in compliance with all of our hazardous materials. We realize while there may be other options in this scope of work but we cannot replace the relationships we have with this team. We are also in Rancho Cordova and the location and service provided is vital to our daily business. We are not the experts in the field of hazardous waste removal and storage and Stericycle has filled that void in our business.

We at Holley Generator rely heavily on the expertise and help of Stericycle and hope that the state will find a way to keep the Rancho Cordova facility operational so that our business can focus on what we do best.

Thank you for your time and consideration.

John Philipps

A handwritten signature in blue ink, appearing to read 'John Philipps', with a stylized, flowing script.

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 78 of 86

**Attachment 11: Letter from Robert Schimpf, Owner of TKO,  
10/24/2019, 1 page**

10/20/2019

Randy Snapp, Project Manager  
California Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826

Dear Mr. Snapp:

I'm writing to recommend Stericycle Environmental Solutions as an important service provider to Rancho Cordova. Over the past 4 years since we moved to Rancho Cordova, we have partnered with Stericycle to fix all their hydraulic and electrical issues to help keep their fleet moving. Hazardous waste is new to a small business like us, the city inspected us, and I received 22 violations. We work on Stericycle vehicles on a regular basis, so we asked them for help. They provided and showed us how to properly package waste in UN rated containers. Over the years they've been our local source for any manifest, labeling and placarding questions. Stericycle helped us through the process, and we went from 22 violations to 0. In our eyes Stericycle is a must for the local community.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rob Schimpf', written over a horizontal line.

Rob Schimpf  
Owner of TKO



**Attachment 12: Letter from Daniel Brunton, Latham and Watkins LLP, Counsel for Stericycle, 10/24/2019, 22 pages**

FIRM / AFFILIATE OFFICES

Beijing	Moscow
Boston	Munich
Brussels	New York
Century City	Orange County
Chicago	Paris
Dubai	Riyadh
Düsseldorf	San Diego
Frankfurt	San Francisco
Hamburg	Seoul
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

October 24, 2019

Mr. Randy Snapp, P.E.  
Hazardous Substances Engineer  
Permitting Division  
8800 Cal Center Dr.  
Sacramento, CA 95826

Re: Stericycle Environmental Solutions Comments Concerning DTSC's  
Notice of Intent to Deny Hazardous Waste Facility Permit Application for  
the General Environmental Management Rancho Cordova Facility, EPA  
ID: CAD980884183

Dear Mr. Snapp:

Stericycle Environmental Solutions (d/b/a General Environmental Management, "GEM" or "Stericycle") submits the following comments in response to the Department of Toxic Substances Control's ("DTSC") August 5, 2019 Notice of Intent to deny Stericycle's Hazardous Waste Facility Permit Renewal Application ("Application") for its Rancho Cordova facility.<sup>1</sup> Stericycle believes its permit should be renewed and DTSC must comply with all laws and regulations that stand in the way of the agency's proposed action to terminate a facility only months after stipulating to measures for its long-term compliance. Imposing a "death sentence" on a facility that provides important public services without an opportunity to cure violates the law.

## **I. INTRODUCTION AND BACKGROUND**

Since 1983, the Rancho Cordova Hazardous Waste Facility ("Rancho Cordova" or "Facility") has served an essential role in California's hazardous waste management program. Over those 36 years, the facility has served thousands of clients, provided hundreds of jobs, serviced hundreds of thousands of tons of recycling and waste-to-energy conversion, and safeguarded California's environment. With only eighteen treatment facilities for hazardous

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<sup>1</sup> These comments are timely under DTSC's extension of the public comment period from September 24, 2019 to October 25, 2019, granted August 30, 2019.

waste located in the State of California, the Rancho Cordova Facility serves a vital role in California's ambitious statewide recycling, waste management, and climate change goals.<sup>2</sup>

DTSC's tentative decision to deny Stericycle's Application is unprecedented. Stericycle has been unable to identify a single instance of a hazardous waste facility permit renewal application being denied because of past facility violations. Stericycle continuously strives for improvement of all operations at Rancho Cordova facility. And Stericycle takes human health and safety and the environment matters very seriously. As such, in October 2018, Stericycle voluntarily entered into a Stipulation for Entry of Order and Final Judgment on Consent ("2018 Stipulation") with the Department of Toxic Substances ("DTSC"), agreeing to pay \$1.4 million to resolve all previous alleged violations and to enhance DTSC oversight of the Facility<sup>3</sup>. Under the 2018 Stipulation, Stericycle agreed, among other things, to: (1) not accept reactive hazardous waste or dispose of hazardous waste at the Facility; (2) a series of stringent annual reporting and environmental audits for the first five years after the 2018 Stipulation went into effect; and (3) strict Facility employee training, verification, and certification requirements. Less than a year later, and before Stericycle's first annual audit under the 2018 Stipulation, the agency gave notice of its intent not to renew the Facility's permit (which expired on April 25, 2017 and has been administratively extended during the permit-renewal proceedings).

The purpose of the 2018 Stipulation is to ensure the continued operation of the Facility protects public health and the environment. Indeed, with the additional DTSC oversight and operation restrictions agreed to by Stericycle, the Facility promises to be safe—and one of the most heavily regulated—hazardous waste facilities in California. Implementation of the 2018 Stipulation is just beginning, and it is working. There have been no spills or improper handling of hazardous waste since the 2018 Stipulation went into effect. Nor have there been any allegations of environmental harm or Facility conduct endangering human health or safety. The first annual monitoring report under the 2018 Stipulation, which identified substantial compliance with Stipulation and permit requirements, has just been submitted to DTSC.

Accordingly, Stericycle deserves an opportunity to cure and to demonstrate to DTSC that the Facility is operating safely under the terms of the 2018 Stipulation.

Stericycle submits that denying its Application would be premature, contrary to the public interest, DTSC regulations, due process, and the law for several independent reasons, including the following:

1. The 2018 Stipulation ensures that the Facility is protective of human health and the environment;

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<sup>2</sup> [https://www.envirostor.dtsc.ca.gov/public/commercial\\_offsite](https://www.envirostor.dtsc.ca.gov/public/commercial_offsite) (listing 18 permitted treatment facilities) (accessed October 2019).

<sup>3</sup> Superior Court of the State of California, County of Sacramento, Case No. 34-2017-00221348.

2. Stericycle is in substantial compliance with the 2018 Stipulation, and the alleged violations do not warrant Facility closure;
3. Closing the Facility would be contrary to the public interest and would result in myriad unintended environmental consequences;
4. DTSC must comply with the California Environmental Quality Act before considering the permit denial;
5. The Facility is an important asset for the local economy and community;
6. The Facility plays an important role in fighting the opioid epidemic;
7. DTSC's tentative decision would violate its own mandatory regulations under Senate Bill 673;
8. DTSC's tentative permit denial based on past Facility conduct would violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment;
9. DTSC has failed to provide important public participation opportunities required by its own policies; and
10. Stericycle has a fundamental vested right in operating the Facility.

Under DTSC regulations, the agency must consider a facility's complete history when making a permitting decision, including the facility's cooperation with DTSC and efforts to return to compliance—such as the 2018 Stipulation. DTSC cannot reasonably assess the Facility's compliance history without giving the Facility time to demonstrate the 2018 Stipulation is protective of human health and safety and the environment.

Stericycle remains eager to work with DTSC to ensure that the continued operation of the Rancho Cordova Facility protects human health and safety and the environment, while assisting California in the realization of its ambitious recycling, waste management, and climate change goals.

Stericycle requests that DTSC grant Stericycle a limited duration (up to five years, consistent with 22 CCR § 66271.57), "probationary" permit incorporating the terms of the 2018 Stipulation.

## **II. DTSC SHOULD NOT DENY STERICYCLE'S PERMIT RENEWAL**

### **A. The 2018 Stipulation Ensures the Facility Will Protect Public Health and Safety and the Environment**

On October 26, 2017, DTSC filed an enforcement action against Stericycle seeking civil penalties and an injunction for alleged statutory, regulatory, and permit violations at the Facility

between 2011 and 2017.<sup>4</sup> Rather than litigate the merits or lack thereof of DTSC's allegations, the parties instead agreed to settle the dispute.<sup>5</sup> That settlement was formalized as the 2018 Stipulation, and the 2018 Stipulation represents a watershed moment for Facility operations.

The 2018 Stipulation imposes strict training and DTSC oversight requirements, and it prohibits certain hazardous waste operations at the Facility. Many of the 2018 Stipulation requirements go beyond any statutory, regulatory, or permit requirements for hazardous waste facilities. For example, under the 2018 Stipulation—but not under any specific hazardous waste law or permit requirement—Stericycle must:

- Not store, manage, treat, bulk, or consolidate reactive waste at the Facility, including waste with EPA Hazardous Waste Number D003.<sup>6</sup>
- Conduct daily inspections of the Facility and its loading and unloading areas to ensure compliance with hazardous waste laws and the Facility permit.<sup>7</sup>
- Prepare annual reports, through an independent third-party, for the first five years after entry of the Stipulation describing: (1) the efforts by Stericycle to comply with the 2018 Stipulation; (2) the occurrence of reportable events over the course of the year; (3) any actions taken by the Facility in response to any reportable event; and (4) any penalties paid by Stericycle for any violations.<sup>8</sup>
- Hire an independent, third-party auditor that is a Registered Environmental Assessor or California-licensed Professional Engineer to conduct three environmental audits and prepare three narrative audit reports at 18-month intervals for the first five years after entry of the Stipulation.<sup>9</sup> The audits must determine whether Stericycle is complying with the requirements of the 2018 Stipulation, permit, and hazardous waste laws, and evaluate the effectiveness of Stericycle's hazardous waste compliance program intended to ensure such compliance.<sup>10</sup> The narrative audit reports must disclose all audit findings,

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<sup>4</sup> 2018 Stipulation, at 2:4-13. The 2018 Stipulation is included as Exhibit B to Exhibit 1 to this letter, Ramboll, Potential Environmental Impacts of Proposed Department of Toxic Substances Control Permit Denial for Stericycle Environmental Solutions (USEPA ID CAD980884183) ("Ramboll Report") (Oct. 23, 2019).

<sup>5</sup> *Id.* at 14-23.

<sup>6</sup> *Id.* at 9:26-28.

<sup>7</sup> *Id.* at 12:24-13:24.

<sup>8</sup> *Id.* at 20:21-21:2.

<sup>9</sup> *Id.* at 21:26-22:2.

<sup>10</sup> *Id.* at 21:22-25.

conclusions, and recommendations, and must report all evidence considered or relied on to support its conclusions.<sup>11</sup>

- Conduct extensive and ongoing employee training programs, including every six months: eight hours of incompatible waste training; incompatible waste testing; four hours of universal waste training; and standard operating procedures training. Stericycle must also conduct hazardous waste supervisor training every twelve months, and submit all training materials to DTSC at least 65 days prior to using them.<sup>12</sup>
- Provide to DTSC verification of all training completed in accordance with the 2018 Stipulation, including: supporting documentation and training sign-up sheets; the syllabus used for the eight hours of incompatibility training; and course outlines that describe the myriad training programs.<sup>13</sup>
- Submit all training records to DTSC for all employees before each employee starts working at the TSDF.
- Certify, under penalty of perjury, to DTSC every six months for five years that all training required by the 2018 Stipulation, permit, and hazardous waste laws has been completed within the requisite time periods.<sup>14</sup>
- Retain all training records for current Facility employees until closure of the Facility, and retain all training records of terminated employees for at least three years after the date of termination.<sup>15</sup>
- Retain all video and audio recordings used to monitor the Facility for at least one year, and make them available to DTSC upon request.<sup>16</sup>

The requirements of the 2018 Stipulation are a good-faith collaboration with DTSC to ensure that operation of the Facility will protect public health and safety and the environment. Indeed, with the training, reporting, audit, and oversight measures of the 2018 Stipulation, the Rancho Cordova Facility promises to be one of the safest—and most heavily regulated—hazardous waste facilities in the state.

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<sup>11</sup> *Id.* at 22:3-9.

<sup>12</sup> *Id.* at 15:14-17:24.

<sup>13</sup> *Id.* at 18:9-19:16.

<sup>14</sup> *Id.* at 19:17-22.

<sup>15</sup> *Id.* at 19:23-27.

<sup>16</sup> *Id.* at 14:3-6.

The requirements of the 2018 Stipulation have already resulted in marked improvement in operational safety and compliance at the Facility. On September 9 and 19, 2019, the third-party Environmental Compliance Assurance Contractor conducted a thorough review of the Facility compliance with the 2018 Stipulation and permit. Stericycle submitted the detailed annual report detailing the results of the site review to DTSC on October 10, 2019.<sup>17</sup> The results of the first annual report are as follows:

- The Facility is generally well run, and is generally compliant with applicable hazardous waste laws and regulations and conditions of the 2018 Stipulation;
- Stericycle has taken vigorous steps to comply with the 2018 Stipulation—and gone beyond what the 2018 Stipulation requires—including:
  - Appointing a new Chief Executive Officer (May 2019) and a new Executive Vice President of North American Operations, both following 30-year careers with UPS overseeing operational safety, compliance and environmental sustainability;
  - Hiring a new Senior Vice President of Environmental Health and Safety (EHS) to create a global, best-in-class EHS organization, including developing specialists in safety and regulatory management;
  - Overhauling management personnel at Rancho Cordova, including hiring a highly experienced Facility manager;
  - Voluntarily withdrawing certain higher-risk Facility operations, such as bulking and liquids management;
  - Creating a new hiring structure for all Facility employees, including hiring employees temporarily to work at the less-regulated 10-day plant that is adjacent to the Facility, and evaluating their potential before moving them to work at the more regulated Facility;
  - Establishing a new training regime for new Facility employees and fully vetting the training requirements in the Stipulation to ensure compliance;
  - Implementing a safety and environmental management system (SEMS) that stores employee training documentation, report requirements, recordkeeping, incident tracking and corrective action plans for any incidents;

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<sup>17</sup> Ex. 2, Annual Status Report, Environmental Compliance Assurance Contractor Services, 11855 White Rock Road, Rancho Cordova, CA, CEC Project 194-875 (Oct. 10, 2019) (“Annual Status Report”).

- Filling floor cracks and coating the Facility floor per permit requirements; and
  - Disassembling and rebuilding air-handling units to ensure proper function;
- With one exception (discussed below), the Facility is in compliance with the 2018 Stipulation:
  - The facility has not received any notice of violation or Summary of Violation during the reporting year;
  - No penalties or fines have been assessed during the reporting year; and
  - No reportable events have occurred at the Facility during the reporting year;
- DTSC's allegation that the Facility has received 11 manifests of D003 waste, in violation of Section 9.12 of the 2018 Stipulation, has been addressed:
  - Four of the alleged violations were mistaken, as described further in the annual report;
  - The remaining seven manifests of reactive waste were received into the Facility as alleged by DTSC; however, all but one of the shipments were received within 30 days of the 2018 Stipulation going into effect, and appear to have been related to transition and training to a new restricted mode of operation at the Facility;
  - The Facility has taken steps to ensure that D003 waste is no longer received at the Facility by:
    - Working with information technology to prohibit D003-coded waste from being able to be entered into the Facility system;
    - Using visual aids to remind employees that D003 wastes are not permitted at the Facility;
    - Implementing additional awareness training for Facility operators and documentation for personnel to identify any D003 wastes inadvertently shipped to the Facility and not caught by electronic restrictions; and
    - Creating additional information technology options to identify reactive wastes in the Facility system beyond the D003 code.

Similarly, the latest annual report under the 2018 Stipulation shows that Stericycle is in substantial compliance with the training verification and certification requirements of the



Stipulation. DTSC alleged in the proposed permit non-renewal that Stericycle had failed to keep adequate records of required training. The annual report demonstrates that Stericycle timely completed the required trainings and that the records were available.<sup>18</sup> Additionally, Stericycle has implemented a revised training verification and certification recordkeeping system with an emphasis on clarity and transparency.<sup>19</sup> Stericycle's updated training recordkeeping system will ensure its compliance with training certification and verification requirements under the 2018 Stipulation is clearly traceable by DTSC.

## **B. Denying Stericycle's Permit Application Now Violates the Promises of the 2018 Stipulation**

California agencies are bound by their promises made to regulated entities, whether explicit or implicit.<sup>20</sup> When an agency makes a promise (implicit or otherwise) that is relied on to the detriment of a regulated entity, the promise will be enforced to prevent injustice.<sup>21</sup>

DTSC and Stericycle executed the 2018 Stipulation as a good-faith effort to resolve past alleged Facility compliance violations and ensure future Facility operations would not endanger human health and safety or the environment.<sup>22</sup> Explicit in the 2018 Stipulation is that Stericycle would implement measures to ensure compliant Facility operations going forward.<sup>23</sup> Implicit in the 2018 Stipulation is DTSC's promise that it would give the agreement time to work, and would give Stericycle the opportunity to demonstrate that the permit renewal application—which was pending before and during the negotiations on the 2018 Stipulation—should be approved.

Absent DTSC's implicit promise that it would allow the Facility a reasonable time to demonstrate the efficacy of the 2018 Stipulation, Stericycle would not have agreed to the 2018 Stipulation and invested the substantial sums necessary for its implementation. Stericycle's reliance has come at a significant cost and effort.

Shutting the Facility down on the heels of Stericycle's significant investment—before even one annual report has been prepared or environmental audit conducted, with no

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<sup>18</sup> Ex. 2, Annual Status Report at 9-12.

<sup>19</sup> *Id.* at 10.

<sup>20</sup> *See, e.g., US Ecology, Inc. v. State of California*, 92 Cal. App. 4th 113, 130 (2001) (promissory estoppel applies to state agencies); *Swinerton & Walberg Co. v. City of Inglewood-L.A. Cty. Civic Ctr. Auth.*, 40 Cal. App. 3d 98, 103-05 (Ct. App. 1974) (implicit agency promises are binding and can give rise to promissory estoppel).

<sup>21</sup> *See Swinerton*, 40 Cal. App. 3d at 103-04; *Kajima/Ray Wilson v. Los Angeles Cty. Metro. Transp. Auth.*, 23 Cal. 4th 305, 310 (2000).

<sup>22</sup> 2018 Stipulation at 2:3-21.

<sup>23</sup> *Id.* at 6:23-22:25.

environmental releases or safety violations, and when there is substantial compliance with the 2018 Stipulation—is manifestly unjust and violates due process.

The remedy for breach of a promise may be “as justice requires.”<sup>24</sup> Here, justice would require that Stericycle be given a reasonable opportunity under the 2018 Stipulation to demonstrate that the additional oversight and operational restrictions have produced a safer facility, and that a future permit will not pose an unreasonable risk to human health and safety or the environment. Stericycle is open to a defined duration, “probationary” permit that incorporates the terms of the 2018 Stipulation. An administrative death sentence is not acceptable.

**C. Closing the Rancho Cordova Facility Is Contrary to the Public Interest and Would Harm Rather than Protect the Environment**

The Facility helps protect California’s environment, and closing it would harm the environment and the public interest. Between 2015 and 2017, Rancho Cordova processed an average of approximately 12,500 tons of hazardous waste annually.<sup>25</sup> The Facility processes a wide variety of wastes, including organic and inorganic materials, household waste, alkaline solutions, and detergent and soap. The Facility serves a wide variety of customers, including household hazardous waste (“HHW”) programs, cities, counties, retail stores, and hospitals. Facility operations currently include packaging and repackaging of waste, bulking of liquid wastes in tanks and containers, container crushing, and equipment flushing. After temporary storage, bulk liquid and containerized wastes are transferred off-site to an end-user (*i.e.*, recycler) or an off-site permitted disposal facility.

Rancho Cordova is one of only 18 treatment facilities for hazardous waste in California. The Facility provides a waste disposal and recycling service to cities, counties, and institutional, commercial, and private industry in the region by packaging and repackaging waste for ultimate recycling or disposal. Currently, approximately 60% of the materials processed by the Facility are recycled through fuels blending or other activities.

The independent environmental analysts, Ramboll, conducted an analysis of the environmental effects of closing the Facility. As set forth more fully in the Ramboll report and summarized below, the unintended environmental consequences from Facility closure due to a DTSC permit denial include:

- Increased pollutant and greenhouse gas emissions from increased waste shipping distances;

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<sup>24</sup> *Kajima/Ray Wilson*, 23 Cal. 4th at 310.

<sup>25</sup> Ramboll Report at 1.

- Increased illegal dumping and disposal or improper storage of hazardous wastes, which may lead to impacts on air and water quality, plant and animal life, and human health and safety;
- Increased shipments of hazardous wastes to out-of-state facilities where statutory and permit requirements are less stringent and recycling targets are lower (*e.g.*, Nevada);
- Lost opportunities to collect and recycle HHW from over 20 California communities; and
- Impairment to California's paint and waste recycling goals.

1. *Closure of the Facility Results in Unintended Travel-Related Environmental Impacts*

Many of Rancho Cordova's generators are regionally based. If the Facility is closed, those waste streams would likely have to travel farther (and possibly out of state) for processing. This could lead to an increase in transportation-related emissions and hazards.<sup>26</sup>

a. Profile of Rancho Cordova Customers

The Facility serves a wide variety of customers, including household hazardous waste programs, cities, counties, hardware stores, hospitals, wholesale and big box stores, and waste services. It is also only one of two main haulers participating in California's paint recycling program, which focuses on post-consumer paint management to dispose of or recycle leftover paints.<sup>27</sup> The waste is shipped from five western states and over 500 cities across California, including as far south as San Diego. In 2018, 85% of this waste originated from within 180 miles of the Facility.<sup>28</sup> Waste shipped to the Facility consists of paint, adhesives, asbestos-containing wastes, contaminated soils from site clean-ups, halogenated and hydrocarbon solvents, household waste, laboratory chemicals, liquids containing cyanides, lead, or mercury, metal dust and machining waste, pesticides, pharmaceutical waste, and oil-containing wastes.<sup>29</sup>

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<sup>26</sup> Ramboll Report at 3.

<sup>27</sup> California Paint Stewardship Program. Available at: <https://www.calrecycle.ca.gov/docs/cr/paint/annualreport/2018paintannualreport.pdf>. Accessed: September 2019.

<sup>28</sup> Ramboll Report at 3.

<sup>29</sup> *Id.*

b. Increases in Transportation-Related Emissions and Hazards Result from Facility Permit Denial

If DTSC closed the Facility, transportation-related emissions and hazards would increase because waste streams served by the Facility must be transferred to facilities farther away. For instance, the closest Stericycle facility of comparable size with comparable services is located in Fernley, Nevada—more than 160 miles from Rancho Cordova. Rerouting all waste streams to other TSDFs, including the Stericycle Fernley facility, results in a net increase in vehicle miles traveled (“VMT”). Increasing VMT increases the chances of transportation-related accidents and increases emissions of criteria pollutants, toxic air contaminants, and greenhouse gases.<sup>30</sup>

2. *Reducing Access to Legal Means of Hazardous Waste Disposal Can Have Unintended Environmental Consequences*

Rancho Cordova is one of only 18 treatment facilities for hazardous waste in California. Reducing the number of TSDFs and legal waste drop-off locations increases the risk of unintended environmental consequences. For example, illegal dumping rates tend to increase with limited access to free or low-cost disposal points. Per the “Area-Wide Illegal Dumping Analysis for the City of Sacramento and County of Sacramento Recommendation Report”, illegal dumping in California is increasing. Despite a 40% increase in preventative measures, the number of reported illegal dumping incidences has risen by 32% since 2015.<sup>31</sup>

The environmental impacts from illegal dumping are unique to each type of waste. Chemical hazards at illegal dump sites can come from multiple sources, including asbestos, oil, medical waste, and commercial cleaning compounds, all of which are processed at Rancho Cordova. Improperly handled asbestos fibers can disperse into air and, if inhaled, pose a threat to human health.<sup>32</sup> Improperly handled oil, medical waste, and commercial cleaning compounds can contaminate surface and ground waters, and they could find their way into drinking water.<sup>33</sup> Improperly handled waste could release toxics that could leach into the surrounding environment, contaminating food sources and causing the death of animals and plants.

State, county, municipal, and private property owners spend tens of millions of dollars every year remediating illegally dumped materials.<sup>34</sup> The City and County of Sacramento spent nearly \$1.4 million to clean up illegally dumped waste in 2017 alone, with an additional \$600,000 spent on enforcement.<sup>35</sup> Reducing access to facilities such as Rancho Cordova

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<sup>30</sup> *Id.* at 3-5.

<sup>31</sup> *Id.* at 4, 5.

<sup>32</sup> *Id.* at 5.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

increases the risk of illegal dumping, negatively impacting the environment and human health and safety, and resulting in considerable public cost.

If DTSC decides to close the Facility, some of Rancho Cordova's customers may be forced to stockpile waste materials for longer time periods while they identify and establish contracts with a substitute provider, and thus, may be unable to comply with the Resource Conservation and Recovery Act ("RCRA").<sup>36</sup> Extended storage times and the resultant accumulation of waste can have adverse environmental consequences. Containers could be damaged or toppled and large numbers of stacked containers can be difficult to inspect for spills and leaks, thereby increasing the risk of environment contamination.<sup>37</sup>

3. *Hazardous Waste Management Is a Complicated and Regulatory-Intensive Process, and the Facility is Subject to More Rigorous Oversight Than Alternate Facilities*

Wastes no longer handled by the highly supervised Rancho Cordova Facility could be sent to less supervised operators or out of state where requirements are less stringent (e.g., Nevada) which could result in unintended environmental consequences.

California's Hazardous Waste Control Law ("HWCL") has unique requirements that meet, and substantially exceed the requirements of RCRA.<sup>38</sup> In addition to the substantial requirements of the HWCL, Rancho Cordova is also subject to the 2018 Stipulation, the requirements of which exceed typical HWCL permitting requirements. Between the HWCL, Facility permit, and 2018 Stipulation, Rancho Cordova is one of the most heavily regulated TSDFs anywhere in the country. If waste is no longer handled by the Facility, it could be sent to less experienced and supervised handlers, or out of state where waste handling is less heavily regulated.

For example, one option would be for Rancho Cordova customers to send their waste to Stericycle's nearest comparable facility, which is located in Nevada. The Nevada Division of Environmental Protection enforces federal and state hazardous waste statutes and regulations.<sup>39</sup> Nevada has adopted by reference the federal hazardous waste regulations, but it does not have a state counterpart similar to California's HWCL. Thus, any hazardous waste redirected from an

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<sup>36</sup> Under California's Hazardous Waste Control Law ("HWCL"), which implements RCRA, hazardous wastes may not accumulate on-site for more than 90 days for large quantity hazardous waste generators (greater than or equal to 1,000 kilograms per month) without a permit. 22 CCR § 66262.34(a) & (c).

<sup>37</sup> Ramboll Report at 5.

<sup>38</sup> *Id.* at 6.

<sup>39</sup> Nevada Division of Environmental Protection. Hazardous Waste. Available at: <https://ndep.nv.gov/land/waste/hazardous-waste-management>. Accessed: September 2019; *see also* Ramboll Report at 7.

administratively shuttered Rancho Cordova facility to neighboring Nevada, would not be handled, stored, treated, or disposed of under requirements as stringent as the Facility.

#### 4. *Closing the Facility Is Antithetical to State Recycling Goals*

The Facility is important for meeting California's ambitious recycling goals. In 2011, the California Legislature adopted Assembly Bill 341, which set a policy goal for the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020. CalRecycle's 2015 report to the Legislature on Assembly Bill 341 makes clear that recycling has been at the center of California's success in reducing waste:

"In moving away from its historically disposal-dominated approach to waste management, California developed an infrastructure for collection, sorting, and preliminary processing of recyclable materials in order to meet the state's statutory recycling and diversion directives. This was accomplished with the hard work and dedication of all of our partners including local jurisdictions, the waste and recycling industry, and an enlightened public that embraced the new programs and changed its behavior."<sup>40</sup>

The report also states that California has a long way to go to reach the 75% goal—as a state, California needs to increase source reduction, composting, and recycling from about 37 million tons to about 60 million tons per year. One of the key strategies CalRecycle identifies in its 2015 report to the Legislature on Assembly Bill 341 is expanding California's current recycling and manufacturing infrastructure. *Id.* at 7. California's recycling rates are closer to 50% and are dropping, with DTSC seeking to eliminate a key recycling facility in California. DTSC's proposed action works contrary to the state's recycling objectives.

The Rancho Cordova facility collected approximately 700 tons of recycling over the past twelve months alone. Approximately 60% of the waste entering the Facility is processed through fuels blending and recycling. Denying Stericycle its permit and shutting down the Rancho Cordova facility will contract, not expand, California's recycling infrastructure, thereby making it more difficult to achieve the legislative mandate of Assembly Bill 341.

Similarly, in 2010, the California legislature adopted the Paint Stewardship Law—Assembly Bill 1343—to manage the generation, reuse, and recycling of paint in California.<sup>41</sup> Rancho Cordova is an important facility in achieving California's paint recycling goals, partnering with local businesses and individuals to recycle leftover, unwanted paint. Stericycle sponsors special one-day paint drop-off events and collects leftover paint from more than 130 established volunteer drop-off sites. Latex paint collected at the Facility is consolidated and sent for recycling into fresh paint while non-latex paint becomes part of a fuel blending process used in waste-to-energy production. Over the past 12 months, the Facility has serviced approximately

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<sup>40</sup> CalRecycle, AB 341 Report to the Legislature 1 (Aug. 2015), <https://www2.calrecycle.ca.gov/Publications/Documents/1538/20151538.pdf>.

<sup>41</sup> Cal. Pub. Res. Code §§ 48700-48706.

1,450 tons of post-consumer paint for recycling purposes.<sup>42</sup> Closing the Rancho Cordova facility handicaps the implementation of the Paint Stewardship Law.

**5. *Prohibiting the Facility from Participating in Household Hazardous Waste Programs Increases the Risks of Unintended Environmental Consequences***

Proper use, storage, and disposal of household products with potentially hazardous substances—*e.g.*, paints, cleaners and solvents, used oils, unwanted electronic equipment and batteries—is essential to California’s hazardous waste management program. Improper disposal of HHW can pollute the environment through soil leaching and groundwater seepage from landfills, and pose a threat to human health.<sup>43</sup> Improper management of HHW can also adversely impact the quality of the environment due to contamination of surface water bodies and air pollution. In addition, certain HHWs can potentially contaminate septic tanks and wastewater treatment systems, if poured down drains or toilets, or cause physical injury to sanitation workers.<sup>44</sup> They can also pose hazards to children and pets if left open in the house.<sup>45</sup>

Rancho Cordova currently works with approximately 20 different California communities to collect and process HHW. If the Facility is forced to close, these communities must find alternatives and may not be able to continue HHW collection, if cost-effective alternative providers cannot be readily identified.

**D. DTSC Must Comply with CEQA Before Denying the Facility’s Permit**

As described above, closing the Facility increases the risk of a broad range of environmental consequences, including increasing criteria air pollutants and greenhouse gases, increasing the travel of hazardous waste (and therefore increasing the chances for a travel-related accident), reducing recycling, and increasing the improper disposal of waste. DTSC must prepare an environmental impact report (“EIR”) under the California Environmental Quality Act (“CEQA”) to analyze these impacts before making a decision on whether to deny the permit and terminate Facility operations over the owner’s objections.<sup>46</sup> DTSC argues that CEQA does not

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<sup>42</sup> Ramboll Report at 8.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *See, e.g., Union of Medical Marijuana Patients, Inc. v. City of San Diego*, 7 Cal. 5th 1171, 1185 (2019) (“CEQA embodies a central state policy to require state and local governmental entities to perform their duties ‘so that major consideration is given to preventing environmental damage. CEQA prescribes how governmental decisions will be made when public entities, including the state itself, are charged with approving, funding—or themselves undertaking—a project with significant effects on the environment.’”) (citation omitted).



apply because DTSC proposes to deny the permit renewal.<sup>47</sup> But DTSC is proposing to remove a long-operating waste-reduction facility from the community. This is not a situation where a complete new facility is proposed. Also, DTSC is not just proposing to deny the permit for the Facility. It is, at the same time, deviating from its own regulations, which require DTSC to apply the Violation Scoring Procedure (“VSP”) regulations to any permit denial. *See infra*, Section II.F. This discretionary decision by DTSC to deviate from its own regulations is an independent discretionary action “capable of causing indirect physical changes in the environment” that triggers agency review under and compliance with CEQA.<sup>48</sup>

#### **E. The Rancho Cordova Facility is Important for the Local Economy and Community**

Rancho Cordova, like all Stericycle facilities, specializes in full-service hazardous waste management support. The Facility serves as a transportation center for the collection of hazardous and universal wastes in the local community and three transfer stations located in Fresno, San Jose and Fitzgerald. The Facility manages the collection and packaging of household hazardous waste materials from fixed collection locations or residential collection events for more than 20 different California communities. In addition, the Facility specializes in bulking wastes (*i.e.*, blending small volumes of like-material together), consolidating wastes (combining like-items in their original containers into a larger container), and fuel blending to allow more efficient and cost-effective treatment of wastes. The Facility also provides short-term waste storage in preparation for transportation to third-party waste-to-energy facilities, recycling centers, and other hazardous waste final disposal facilities. These are important public benefits, the loss of which must be fully evaluated under the law and Stericycle’s due process rights protected.

The Rancho Cordova facility supports a wide range of customers including more than 400 retailers, 15 hospitals and healthcare providers, local governments and municipalities, small manufacturers, educational facilities, as well as other local solid and hazardous waste companies. Materials managed include canned paints, aerosols, cylinders, fuels, chemotherapy waste, and unused pharmaceuticals. All material considered hazardous according the U.S. Environmental Protection Agency’s Resource, Conservation and Recovery Act and similar state regulations are accompanied by a waste profile—pre-acceptance procedures are in place to ensure that only approved materials are accepted at the facility.

By providing waste services to such a broad range of mostly smaller businesses or organizations, the Facility helps ensure the proper disposal of hazardous wastes and safeguards California’s environment. Many of Stericycle’s customers rely on the Rancho Cordova Facility

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<sup>47</sup> August 2019 Community Update, citing Cal. Pub. Res. Code § 21080(b)(5) (EIR requirements do not apply to “[p]rojects which a public agency rejects or disapproves”).

<sup>48</sup> *E.g.*, *Union of Medical Marijuana Patients, Inc.*, 7 Cal. 5th at 1199 (activity that “is capable of causing indirect physical changes in the environment” constitutes a “project” requiring review under CEQA).



to support training, segregation, packaging, and reporting of wastes to ensure their compliance with federal and state waste handling requirements.

In addition to supporting the needs of customers across California, Stericycle and the Rancho Cordova facility contribute to the local economy. The facility adds approximately \$13 million per year to the region through wages, operational support goods and services, taxes, and disposal fees. In addition, the Facility has supported the local community through donation efforts to collect food for victims of the Mendocino fires and raise money for the area's homeless.

Stericycle also provides solutions for the secure and compliant disposal of DEA controlled pharmaceuticals (including opioids) for healthcare providers, pharmacies and the community in an effort against the opioid crisis. Stericycle provides services for healthcare facilities and pharmacies to pick up controlled substances from inventory for proper destruction and also provides DEA compliant drug take back kiosk services. Operations from Rancho Cordova play an important role in this effort providing management and pick up services for discarded, expired, or unused DEA-controlled pharmaceuticals which are then prepared for transportation to Stericycle's Indianapolis facility or other properly permitted treatment facilities for proper incineration destruction. Additionally, this facility would assist programs complying with CA SB 212 once the regulations are put in place for extended producer responsible drug take back programs.

#### **F. DTSC's Proposed Permit Denial Violates DTSC's Own Regulations**

The California Legislature adopted Senate Bill ("SB") 673 in 2015, which required DTSC to adopt mandatory regulations governing standards for permit renewal, revocation, and denial.<sup>49</sup> Under SB 673, DTSC adopted regulations that set forth specific criteria, referred to as the "violations scoring procedure" ("VSP"), which establish "the totality of criteria and steps . . . that govern the consideration of a facility's compliance history by the Department in making specified permit decisions."<sup>50</sup>

The letter and spirit of SB 673 is unmistakably clear: DTSC *must* follow the newly adopted VSP regulations when making a permit decision for *all* operating hazardous waste facilities. Section 66271.50 is explicit that the VSP regulations "appl[y] to *all operating hazardous waste facilities*" (with narrow exceptions inapplicable here).<sup>51</sup> Moreover, DTSC recognizes that the VSP regulations comprise "a detailed regulatory scheme that outlines

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<sup>49</sup> Cal. Health & Safety Code ("HSC") § 25200.23.

<sup>50</sup> 22 CCR § 66271.50(a)(4); Ex. 3, DTSC Final Statement of Reasons, Hazardous Waste Facility Permitting Criteria, R-2016-03 (excerpts), at 86; *see also* Ex. 4, DTSC Sept. 2017 Response to Comments, Proposed Regulation, R-2016-03 (excerpts), at 89 ("The VSP provisions address the criteria specified in [Health and Safety Code] section 25200.21(a) regarding a facility's past violations.").

<sup>51</sup> 22 CCR § 66271.50(b) (emphasis added).

transparent and consistent standards and procedures *for permitting decisions*.”<sup>52</sup> Indeed, DTSC itself acknowledges that the VSP regulations “*require* DTSC to evaluate a facility’s compliance history as part of DTSC’s *permit decision-making process*,” and “is needed to ensure that each facility’s compliance is evaluated in a . . . transparently fair and consistent manner, *when DTSC makes a permit decision*.”<sup>53</sup>

DTSC has calculated an initial VSP Score of 99.68 for the Rancho Cordova Facility.<sup>54</sup> Under the regulations, the initial score is just the beginning of a process designed to give the Facility an opportunity to demonstrate it has come into compliance. Stericycle is being denied that opportunity here. Procedural protections under the regulations that Stericycle is being denied include:

1. The Facility may challenge the provisional inspection violation scores that comprise the VSP Score and the compliance tier assignment;<sup>55</sup>
2. The Facility is entitled to a public hearing on DTSC’s compliance tier assignment;<sup>56</sup>

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<sup>52</sup> Ex. 3, DTSC Final Statement of Reasons, Hazardous Waste Facility Permitting Criteria, R-2016-03, at 86 (emphasis added).

<sup>53</sup> *Id.* (emphasis added).

<sup>54</sup> Ex. 5, DTSC, Notice of Provisional Inspection Violation Scores (Sept. 27, 2019). Stericycle disputes this score and the arbitrary application of the regulations to the Facility, and will be commenting separately on the score.

<sup>55</sup> To overcome an “unacceptable” compliance tier and change the determination to “conditionally acceptable,” an owner or operator must demonstrate in writing: (1) The owner or operator is able to operate the facility in compliance with the terms and conditions of its permit and applicable orders and stipulations (and applicable laws and regulations); (2) The facility, as constructed, can be operated in compliance with the terms and conditions of its permit and applicable orders and stipulations (and applicable laws and regulations); (3) The owner’s or operator’s continued operation of the facility is unlikely to adversely affect human health, safety, or the environment; (4) The facility’s compliance with financial assurance or liability coverage requirements for closure, post-closure, or corrective action, pursuant to article 8, chapter 14 and article 8, chapter 15 of this division, as applicable; and (5) At least one audit report required pursuant to this article that demonstrates both of the following: (A) an ongoing pattern of compliance with applicable hazardous waste management requirements; and (B) full implementation of actions to correct deficiencies and address findings of prior audits. 22 CCR § 66271.57(d). The third-party annual report demonstrates the Facility is in substantial compliance with all criteria, which DTSC’s Notice of Intent ignores.

<sup>56</sup> 22 CCR §§ 66271.53(c), 66271.57(b)-(e).

3. DTSC must base its final compliance tier determination on the evidence presented by the owner or operator, and any other relevant evidence presented at the public hearing;<sup>57</sup>
4. Even if the Facility has a final score of “unacceptable,” the facility owner or operator has an opportunity to cure and is still entitled to demonstrate that granting a limited, five-year permit “will not impose a threat to public health or safety or the environment.”<sup>58</sup> In addition, the owner or operator may demonstrate that (1) it has implemented enforceable improvements to facility operations or equipment that will prevent future violations, and (2) there are substantial and overriding benefits to the people of California resulting from the continued operation of the facility.<sup>59</sup> If the evidence supports such determinations, DTSC may grant a limited permit for a facility with an “unacceptable” compliance tier.<sup>60</sup>

Denying Stericycle these essential procedural safeguards is arbitrary and an abuse of discretion. DTSC’s permitting decisions cannot violate its own regulations and Due Process.

**G. DTSC’s Tentative Permit Denial Based on Past Facility Conduct Settled Through the 2018 Stipulation Would be Unprecedented and a Violation of the Equal Protection Clause and Due Process Clauses of the Fourteenth Amendment**

In the past ten years, DTSC has denied only two hazardous waste facility permit applications—both for reasons entirely unrelated to facility conduct, unlike here (Ecology Control Industries failed to pay for its application review and Certainteed Corporation failed to make required disclosures under its permit application).<sup>61</sup> Stericycle has been unable to locate any other instances of DTSC denying a hazardous waste facility application in the past ten years for any reason.

DTSC’s Official Policy of Enforcement Response (“Enforcement Policy”) mandates that hazardous waste facilities shall be treated “equally and consistently.”<sup>62</sup> We are unaware of a single hazardous waste facility with a spotless compliance record over the course of a decade. Yet the Facility is the first to have its permit renewal application denied because of past violations—the most serious of which occurred *before* Stericycle owned or had any control over the Facility, and for which Stericycle less than one year ago paid \$1.4 million in good faith to resolve in collaboration with DTSC. And DTSC is making this decision before any opportunity

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<sup>57</sup> 22 CCR § 66271.57(f).

<sup>58</sup> 22 CCR §§ 66271.57(a)(2) & (g).

<sup>59</sup> 22 CCR § 66271.57(f).

<sup>60</sup> 22 CCR §§ 66271.57(a)(2) & (g).

<sup>61</sup> Ex. 6, Summary Table of Past 10 Years of Permit Renewal Proceedings.

<sup>62</sup> Ex. 7, DTSC-OP-0006 at 4 (June 29, 2017).

to demonstrate compliance with an agency-approved Stipulation. Such unequal treatment plainly violates the Enforcement Policy and the Equal Protection Clause of the Fourteenth Amendment.<sup>63</sup>

DTSC is also singling out the Facility for unfavorable treatment by failing to apply the VSP regulations to the permit renewal decision. Selectively denying an operating hazardous waste facility applicant the “transparency and certainty” of the VSP regulations’ procedural and substantive safeguards would be another violation of the Equal Protection Clause. At the time SB 673 was adopted, DTSC had a backlog of 24 facilities operating under “continued permits,”<sup>64</sup> each with permit renewal applications pending.<sup>65</sup> As of the filing of this comment letter, that backlog has grown to 39 “continued permit” facilities with permit applications pending, including the Rancho Cordova Facility.<sup>66</sup> Yet, *not one* of those facilities has been denied the benefit of the VSP regulations for its pending application, *except* for the Rancho Cordova Facility.

There is no rational basis for DTSC to deny Stericycle’s, *and no other facility’s*, permit renewal. Similarly, there is no rational basis for DTSC to deny Stericycle the benefit of the procedural and substantive safeguards of the VSP regulations in this permit decision. This is especially true considering Stericycle’s record of cooperating with DTSC after it purchased the Facility to address safety and environmental concerns, and the marked improvement in Facility performance under the 2018 Stipulation.

Similarly, DTSC’s actions in rescinding the permit, when Stericycle is working with DTSC to ensure the Facility is in compliance with regulations and continues its important

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<sup>63</sup> See, e.g., *Vill. of Willowbrook v. Olech*, 528 U.S. 562 (2000) (“Our cases have recognized successful equal protection claims brought by a ‘class of one,’ where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment.”); *N. Pacifica LLC v. City of Pacifica*, 526 F.3d 478, 486 (9th Cir. 2008) (“In order to claim a violation of equal protection in a class of one case, the plaintiff must establish that the [defendant] intentionally, and without rational basis, treated the plaintiff differently from others similarly situated.”).

<sup>64</sup> Hazardous waste facility permits expire after 10 years; however, a facility may continue operating lawfully past its permit expiration date while DTSC considers its permit renewal application. Such permits are referred to as “continued permits.” 22 CCR § 66270.51.

<sup>65</sup> Ex. 8, Assembly Committee on Appropriations at 2, 2015 California Senate Bill No. 673, California 2015-2016 Regular Session (Aug. 19, 2015).

<sup>66</sup> Ex. 9, [https://www.envirostor.dtsc.ca.gov/public/report\\_permitted\\_public](https://www.envirostor.dtsc.ca.gov/public/report_permitted_public).

mission of managing California's hazardous waste, is arbitrary and capricious and violates the Due Process Clause of the Fourteenth Amendment.<sup>67</sup>

#### **H. DTSC Has Failed to Provide Important Public Participation Opportunities**

DTSC's Public Participation Manual sets forth the public participation activities that may be required for a hazardous waste facility full permit application like Stericycle's.<sup>68</sup> DTSC has failed to provide the public participation opportunities that benefit the community, Stericycle, and DTSC alike. For example, DTSC has not circulated a community survey "to persons living in the vicinity of the facility to further assess community interest," even though the manual recommends that DTSC do so.<sup>69</sup> For projects with high community interest—for example, DTSC's first-ever permit denial based on past facility conduct, such as the case here—DTSC must develop and distribute a public participation plan based on "community interviews to identify issues and concerns, and to plan appropriate public participation activities."<sup>70</sup> Notwithstanding DTSC's tentative landmark decision here, it has failed to conduct any community interviews and identify any actual concerns or issues with potential closure of the Facility—whether in support of or opposed to such a decision. Similarly, DTSC has not offered any open house or availability session in connection with its tentative decision to deny an operating permit and force the Facility's closure.<sup>71</sup>

DTSC's decision will affect not just Stericycle; rather, it will have a long-term and broad impact on the entire Rancho Cordova community as well as regional hazardous waste management capabilities. Such community-wide impact is deserving of robust opportunities for public participation in the decision-making, yet DTSC has deprived the community of those opportunities here. Moreover, DTSC's pursuit of minimum public participation is in direct contravention to the legislature's mandate in SB 673, which requires DTSC to "increase[e] public participation and outreach activities" in its permitting decisions by "using procedures that provide for early identification and integration of public concerns."<sup>72</sup> This is particularly troubling for the Rancho Cordova Facility, since all comments made at the lone public meeting concerning the agency's tentative decision—a hearing held on September 13, 2019 at the Ranch Cordova Public Library—were in support of *keeping the Facility open*. DTSC has failed to provide adequate public participation opportunities for this important and precedent-setting

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<sup>67</sup> See, e.g., *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 540-541 (2005) (contested regulatory action is violation of due process if it is arbitrary and capricious, and thus not a proper exercise of police power).

<sup>68</sup> See generally, Ex. 10, DTSC Public Participation Policy and Procedures Manual at 4-11–4-17 (Oct. 2011).

<sup>69</sup> *Id.* at 4-14.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> Cal. Health and Safety Code § 25200.23.

permitting decision to terminate administratively a facility on the heels of a negotiated Stipulation and with documented compliance improvements.

### **I. Stericycle Has a Fundamental Vested Right in Operating the Rancho Cordova Facility**

When, as here, a facility owner invests significant sums of money in its facility, and has been operating for years pursuant to a lawful permit, the owner is “vested” with a fundamental right to continue operations at that facility.<sup>73</sup> Such a fundamental vested right is not inalienable, but it requires “heightened review” to deny permit renewal.<sup>74</sup> Unlike an initial permit application, “[i]nterference with the right to continue an established business is far more serious than the interference a property owner experiences when denied a . . . permit in the first instance.”<sup>75</sup> In short, “[o]nce a use permit has been properly issued the power of a[n agency] to revoke it is limited.”<sup>76</sup> Where a permit has been properly obtained and the permittee has incurred material expense in reliance thereon, the permittee “acquires a vested property right to the protection of which he is entitled.”<sup>77</sup> Agencies are not entitled to impose an administrative death sentence on a facility without due process and compliance with all laws.

In *Goat Hill Tavern*, the tavern owner had invested more than \$1.75 million in the facility, which had been operated for more than 35 years under a conditional use permit.<sup>78</sup> Upon expiration of the permit, the City declined to grant the owner’s permit renewal application on the grounds that the facility was not in conformance with the City’s zoning ordinance and building code.<sup>79</sup> The court held that the owner had a fundamental vested right in the facility, and the city could not terminate operations without either establishing that the facility was a public nuisance or demonstrating a compelling public necessity to close the facility.<sup>80</sup> Because the city made no such demonstration, the city was compelled to renew the owner’s permit.<sup>81</sup>

Stericycle has a fundamental vested right in the Facility’s continued operation. The Facility has been in operation under a lawful permit since 1983, and Stericycle has invested heavily in its continued operation. As in *Goat Hill Tavern*, DTSC has not shown a public necessity to terminate operations at the Facility, or that the Facility is a public nuisance. Indeed,

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<sup>73</sup> See *Goat Hill Tavern v. City of Costa Mesa*, 6 Cal. App. 4th 1519, 1529 (1992) (denial of permit renewal violated tavern owner’s vested right in continuing to operate tavern).

<sup>74</sup> *Id.* at 1530.

<sup>75</sup> *Id.* at 1529.

<sup>76</sup> *Id.* at 1530.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at 1522-23.

<sup>80</sup> *Id.* at 1525, 1530-31.

<sup>81</sup> *Id.* at 1525, 1531.



the very purpose of the 2018 Stipulation—to which DTSC agreed—is to establish procedures under which the Facility can operate without posing a threat to public health and safety or the environment. DTSC’s tentative permit denial does not contend compliance with the terms of the 2018 Stipulation is inadequate to safeguard public health and the environment. Instead, the tentative denial presupposes that the Facility’s past violations—many of which occurred long before Stericycle took ownership of the Facility—predict future compliance failure. The evidence demonstrates otherwise, and that evidence needs to be considered by DTSC. Denial at this stage, before the 2018 Stipulation has been given a fair opportunity to work, violates Stericycle’s fundamental vested right in continued operation of the Facility.

### **III. CONCLUSION**

Stericycle’s Facility is entitled to be treated equally with all other California hazardous waste facilities. Most notably here, that includes DTSC adhering to the VSP regulations and allowing Stericycle the opportunity to cure and demonstrate the 2018 Stipulation provides for safe Facility operation. Stericycle requests that DTSC comply with all due process, public participation, and laws, and grant Stericycle a limited duration (up to five years, consistent with 22 CCR § 66271.57) “probationary” permit incorporating the terms of the 2018 Stipulation.

Respectfully submitted,



Daniel P. Brunton  
of LATHAM & WATKINS LLP

#### **Attachments**

cc: Kurt Rogers  
Executive Vice President and General Counsel  
Stericycle, Inc.  
Kurt.Rogers@Stericycle.com

Amanda Metts  
VP & Assistant General Counsel  
Stericycle, Inc.  
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Selin Hoboy  
Vice President, Government Affairs and Compliance  
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Robert Howard  
Latham & Watkins  
Robert.Howard@lw.com

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 80 of 86

**Attachment 13: Hazardous Waste Manifests Containing D003 Reactive Wastes, 22 pages**



527820-18

3431075

Form Approved. OMB No. 2050-0039

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number CAL000374706	2. Page 1 of 2	3. Emergency Response Phone (877) 577-2669	4. Manifest Tracking Number 000228213 DAT		
5. Generator's Name and Mailing Address Team Amvets Thrift Store 4125 E. Shields Ave Fresno CA 93726			Generator's Site Address (if different than mailing address) Team Amvets Thrift Store 4125 E. Shields Ave Fresno CA 93726				
6. Transporter 1 Company Name STERICYCLE SPECIALTY WASTE SOLUTIONS INC			U.S. EPA ID Number FWS000110924				
7. Transporter 2 Company Name			U.S. EPA ID Number				
8. Designated Facility Name and Site Address GEN RANCHO CORDOVA LLC DBA PSC ENVIRONMENTAL SERVICES 11855 White Rock Road FACILITY'S PHONE: RANCHO CORDOVA, CA 95742 (916) 351-8980			U.S. EPA ID Number CAD980884183				
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No. Type		11. Total Quantity	12. Unit Wt/Vol	13. Waste Codes	
	1. NON-RCRA HAZARDOUS WASTE, <del>SOLID</del> (SOAPS, SURFACTANTS) Liquid	1 DF		350	P	331	
X	2. UN1263 WASTE PAINT 3 PGII RD(D001)	2 DM		325	P	D001 343	
X	3. UN1263 WASTE PAINT 3 PGII RD(D001)	1 DF		150	P	D001 343	
X	4. UN2802 WASTE PESTICIDES, LIQUID, TOXIC, N.O.S. (CHLORDANE, LINDANE) 6.I PGII RD(D013/D020)	1 DF		95	P	D013 D020 232	
14. Special Handling Instructions and Additional Information (1) 819193-01 - NON RCRA WASTE SOLID (2) 767039-02 - ER6(120) PAINTS (LOOSEPACK) (3) 767039-02 - ER6(120) PAINTS (LOOSEPACK) (4) 961415-00 - ER6(151) PESTICIDES LIQUIDS L 1) 1X55 2) 2X55 3) 1X30 4) 1X30							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Offeror's Printed/Typed Name Stephen Gonzalez			Signature 		Month Day Year 12 27 18		
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Transporter signature (for exports only): _____ Date leaving U.S.: _____							
17. Transporter Acknowledgment of Receipt of Materials							
Transporter 1 Printed/Typed Name JEFF Johnson			Signature 		Month Day Year 12 27 18		
Transporter 2 Printed/Typed Name			Signature		Month Day Year		
18. Discrepancy							
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection							
Manifest Reference Number: _____							
18b. Alternate Facility (or Generator) U.S. EPA ID Number							
Facility's Phone: _____							
18c. Signature of Alternate Facility (or Generator) Month Day Year							
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							
1. H141 2. H141 3. H141 4. H141							
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 19a							
Printed/Typed Name Temi Corral			Signature 		Month Day Year 11 14 19		

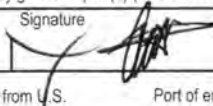
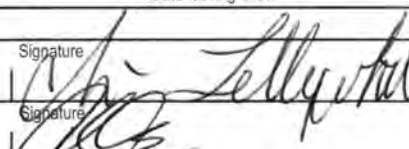
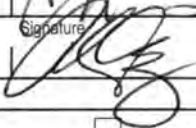
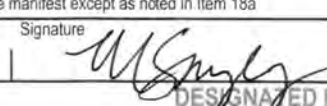
Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b> (Continuation Sheet)		21. Generator ID Number CAL000374706	22. Page 2 of 2	23. Manifest Tracking Number 000228213DAT		
24. Generator's Name Team Amvets Thrift Store 4125 E. Shields Ave, Fresno CA 93726						
25. Transporter _____ Company Name				U.S. EPA ID Number		
26. Transporter _____ Company Name				U.S. EPA ID Number		
27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	28. Containers No. Type		29. Total Quantity	30. Unit Wt./Vol.	31. Waste Codes
X	5 UN1331 WASTE MATCHES, STRIKE ANYWHERE 4.1 PGIII RQ(D001)	1	DM	20	P	D001 331
X	6 UN1325 WASTE FLAMMABLE SOLIDS, ORGANIC, N.O.S. (STERNO FUEL) 4.1 PGII	1	DF	12	P	D001 331
X	7 UN0336 WASTE FIREWORKS 1.4G RQ(D001/D003)	1	DM	25	P	D001 D003 331
X	8 UN1013 CARBON DIOXIDE 2.2	1	DF	20	P	551
X	9 UN3267 WASTE CORROSIVE LIQUID, BASIC, ORGANIC, N.O.S. (WINDEX WITH AMMONIA) 8 PGII	1	DF	4	P	551 D002
	10 NON RCRA HAZARDOUS WASTE SOLID (HAND WARMERS)	1	DF	6	P	352
	11 UN1950 WASTE Aerosols, 2.1	1	DF	120	P	D001 343
	12					
	13					
	14					
32. Special Handling Instructions and Additional Information (5) 820607-01 - ERG(133) FLAMMABLE SOLIDS (MA (6) 819178-01 - ERG(133) FLAMMABLE SOLIDS (ST (7) 819179-01 - ERG(114) FIREWORKS UNDER WATE (8) 768042-02 - ERG(120) CARBON DIOXIDE CYLIN (9) 997472-00 - ERG(153) LP # 1 (10) 997342-00 - HAND WARMERS 11/1A Aerosols 767940 5) 1X5 6) 1X5 7) 1X5 8) 1X5 9) 1X5 10) 1X5 11) 1X55						
33. Transporter _____ Acknowledgment of Receipt of Materials Printed/Typed Name _____ Signature _____ Month _____ Day _____ Year _____						
34. Transporter _____ Acknowledgment of Receipt of Materials Printed/Typed Name _____ Signature _____ Month _____ Day _____ Year _____						
35. Discrepancy						
36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) (5) H141 (6) H141 (7) H141 (8) H141 (9) H141 (10) H141						

Please print or type.

Form Approved. OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>078000513382</b>		2. Page 1 of <b>1</b>		3. Emergency Response Phone <b>8775772669</b>		4. Manifest Tracking Number <b>013006890 FLE</b>							
		5. Generator's Name and Mailing Address <b>Attn: Site Safety Manager AMAZON.COM (PHX7) (318) 277-6352 800 North 75th Avenue Phoenix, AZ 85043</b>						Generator's Site Address (if different than mailing address) <b>AMAZON.COM (PHX7) #PHX7 800 North 75th Avenue Phoenix, AZ 85043</b>							
<b>GENERATOR</b>		6. Transporter 1 Company Name <b>Stericycle Specialty Waste Solutions Inc</b>						U.S. EPA ID Number <b>MNS000110924</b>							
		7. Transporter 2 Company Name <b>Rocketline Carrier Services, LLC</b>						U.S. EPA ID Number <b>TXR000025072</b>							
<b>DESIGNATED FACILITY</b>		8. Designated Facility Name and Site Address <b>General Environmental Mgt, LLC 11855 White Rock Road Rancho Cordova, CA 95742</b>						U.S. EPA ID Number <b>CAD980834183</b>							
		Facility's Phone: <b>9163510980</b>													
<b>TRANSPORTER</b>		9a. HM		9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))				10. Containers		11. Total Quantity		12. Unit Wt./Vol.		13. Waste Codes	
								No. Type							
		X		1. UN0323, Waste Cartridges, power device 1.45				1 CF		00011		P		352 0001 D003	
				2.										0005 0008	
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<b>INT'L</b>				4.											
<b>DESIGNATED FACILITY</b>		14. Special Handling Instructions and Additional Information <b>1.109734 (DX- Cartridges) (br) (br) a</b>													
		15. <b>GENERATOR'S/OFFEROR'S CERTIFICATION:</b> I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.													
<b>DESIGNATED FACILITY</b>		Generator's/Officer's Printed/Typed Name <b>Griselda Perez Paredes</b>						Signature 		Month <b>01</b>		Day <b>09</b>		Year <b>2019</b>	
		16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.						Port of entry/exit: Date leaving U.S.:							
<b>DESIGNATED FACILITY</b>		17. Transporter Acknowledgment of Receipt of Materials						Signature 		Month <b>01</b>		Day <b>09</b>		Year <b>2019</b>	
		18. Discrepancy						Signature 		Month <b>11</b>		Day <b>11</b>		Year <b>19</b>	
<b>DESIGNATED FACILITY</b>		18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						Manifest Reference Number:							
		18b. Alternate Facility (or Generator)						U.S. EPA ID Number							
<b>DESIGNATED FACILITY</b>		Facility's Phone:													
		18c. Signature of Alternate Facility (or Generator)						Month <b>11</b>		Day <b>24</b>		Year <b>19</b>			
<b>DESIGNATED FACILITY</b>		19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)													
		1. <b>HM1</b>		2.		3.		4.							
<b>DESIGNATED FACILITY</b>		20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a													
		Printed/Typed Name <b>M. Smyly</b>						Signature 		Month <b>11</b>		Day <b>24</b>		Year <b>19</b>	

EPA Form 8700-22 (Rev. 12-17) Previous editions are obsolete.

DESIGNATED FACILITY TO EPA's e-MANIFEST SYSTEM

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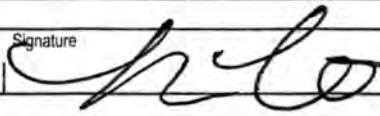
SD010919

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)





<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>CAL000410154</b>	2. Page 1 of <b>2</b>	3. Emergency Response Phone <b>8775772669</b>	4. Manifest Tracking Number <b>011430027 FLE</b>		
5. Generator's Name and Mailing Address <b>Big 5 Sporting Goods #113 9257787101 4701 Century Blvd. Pittsburg, CA 94565</b>			Generator's Site Address (if different than mailing address) <b>Big 5 Sporting Goods #113 4701 Century Blvd. Pittsburg, CA 94565</b>				
6. Transporter 1 Company Name <b>Stericycle Specialty Waste Solutions Inc</b>			U.S. EPA ID Number <b>MNS000110924</b>				
7. Transporter 2 Company Name <b>TSMT</b>			U.S. EPA ID Number <b>MOD-06-058-998</b>				
8. Designated Facility Name and Site Address <b>General Environmental Mgt, LLC 11855 White Rock Road Rancho Cordova, CA 95742</b>			U.S. EPA ID Number <b>CAD980884183</b>				
Facility's Phone: <b>9163510980</b>							
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
			No.	Type			
	X	<b>UN0012, Waste Cartridges, small arms 1.45</b>	1	CM	00001	P	352 D001 D003 D005 D008
	2.						
	3.						
4.							
14. Special Handling Instructions and Additional Information <b>1.109452 (Ammunition- Small Arms)</b>							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Officer's Printed/Typed Name		Signature				Month Day Year	
<b>David Bowen</b>		<b>David Bowen</b>				<b>08 13 2018</b>	
INT'L	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____						
	Transporter signature (for exports only): _____						
TRANSPORTER	17. Transporter Acknowledgment of Receipt of Materials						
	Transporter 1 Printed/Typed Name		Signature				Month Day Year
<b>David Bowen</b>		<b>David Bowen</b>				<b>08 13 2018</b>	
Transporter 2 Printed/Typed Name		Signature				Month Day Year	
<b>Andres Delubria</b>		<b>Andres Delubria</b>				<b>8 24 18</b>	
DESIGNATED FACILITY	18. Discrepancy						
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
	Manifest Reference Number: _____ U.S. EPA ID Number _____						
	18b. Alternate Facility (or Generator) _____ Facility's Phone: _____						
18c. Signature of Alternate Facility (or Generator) _____ Month Day Year _____							
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							
1. <b>H141</b>		2. _____		3. _____		4. _____	
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a							
Printed/Typed Name				Signature		Month Day Year	
<b>Terra Corral</b>				<b>Terra Corral</b>		<b>9 14 18</b>	

UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)		21. Generator ID Number <b>CAL000410164</b>	22. Page <b>2</b>	23. Manifest Tracking Number <b>011430027 FLE</b>		
24. Generator's Name <b>BIG 5 SPORTING GOODS #113</b>						
25. Transporter <b>3</b> Company Name <b>STERICYCLE SPECIALTY WASTE SOLUTIONS INC.</b>		U.S. EPA ID Number <b>MNS000110924</b>				
26. Transporter _____ Company Name		U.S. EPA ID Number				
27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	28. Containers		29. Total Quantity	30. Unit Wt./Vol.	31. Waste Codes
		No.	Type			
32. Special Handling Instructions and Additional Information						
33. Transporter <b>3</b> Acknowledgment of Receipt of Materials						
Printed/Typed Name		Signature		Month Day Year		
<b>MARISSA WARREN</b>				<b>08 29 18</b>		
34. Transporter _____ Acknowledgment of Receipt of Materials						
Printed/Typed Name		Signature		Month Day Year		
35. Discrepancy						
36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						



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<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number CAL000410183	2. Page 1 of <b>2</b>	3. Emergency Response Phone 8775772669	4. Manifest Tracking Number <b>012414196 FLE</b>	
5. Generator's Name and Mailing Address Big 5 Sporting Goods #140 6503238520 700 El Camino Real Menlo Park, CA 94025 Generator's Phone: 9163510980			Generator's Site Address (if different than mailing address) Big 5 Sporting Goods #140 700 El Camino Real Menlo Park, CA 94025			
6. Transporter 1 Company Name Stericycle Specialty Waste Solutions Inc			U.S. EPA ID Number MNS000110924			
7. Transporter 2 Company Name <b>Tri-state Motor Transp Co</b>			U.S. EPA ID Number <b>M000095038998</b>			
8. Designated Facility Name and Site Address General Environmental Mgt, LLC 11855 White Rock Road Rancho Cordova, CA 95742 Facility's Phone: 9163510980			U.S. EPA ID Number CAD960884183			
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit WL/Vol.
			No.	Type		
	X	UN0012, Waste Cartridges, small arms 1.45	1	CM	00002	P
13. Waste Codes						
					352	D001
						D003
						D005
						D008
14. Special Handling Instructions and Additional Information <b>1.109452 (Ammunition- Small Arms)</b>						
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.						
Generator's/Officer's Printed/Typed Name <b>JZ 14800</b>			Signature On Behalf of <b>Big 5 Sporting</b>			Month Day Year <b>10 09 2018</b>
INT'L	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Transporter signature (for exports only): _____ Date leaving U.S.: _____					
	17. Transporter Acknowledgment of Receipt of Materials					
TRANSPORTER	Transporter 1 Printed/Typed Name <b>Jerome Rizon</b>			Signature		Month Day Year <b>10 09 2018</b>
	Transporter 2 Printed/Typed Name <b>Louis D Loving</b>			Signature		Month Day Year <b>10 15 18</b>
DESIGNATED FACILITY	18. Discrepancy					
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection					
	Manifest Reference Number: _____					
	18b. Alternate Facility (or Generator) _____ U.S. EPA ID Number _____					
	Facility's Phone: _____					
	18c. Signature of Alternate Facility (or Generator) _____ Month Day Year _____					
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
	1. <b>H141</b>		2. _____		3. _____	
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
	Printed/Typed Name <b>Terri Connal</b>			Signature		Month Day Year <b>10 13 18</b>

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)



<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>CAL000410233</b>		2. Page 1 of <b>2</b>		3. Emergency Response Phone <b>8775772669</b>		4. Manifest Tracking Number <b>011431260 FLE</b>					
		5. Generator's Name and Mailing Address <b>Big 5 Sporting Goods #175 1083 S. Green Valley Road Watsonville, CA 95076</b>						Generator's Site Address (if different than mailing address) <b>Big 5 Sporting Goods #175 1083 S. Green Valley Road Watsonville, CA 95076</b>					
6. Transporter 1 Company Name <b>Stericycle Specialty Waste Solutions Inc</b>		U.S. EPA ID Number <b>MNS000110924</b>											
7. Transporter 2 Company Name <b>Bed Rock Inc DBA TSM Tco</b>		U.S. EPA ID Number <b>MOD095038998</b>											
8. Designated Facility Name and Site Address <b>General Environmental Mgt, LLC 11855 White Rock Road Rancho Cordova, CA 95742</b>		U.S. EPA ID Number <b>CAD9A0884183</b>											
Facility's Phone: <b>916.3510980</b>													
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))				10. Containers		11. Total Quantity	12. Unit WL/Vol.	13. Waste Codes			
					No.	Type							
	X	UN0012, Waste Cartridges, small arms 1.4S				1	CM	00009	P	352	D001	D003	
										D005	D008		
14. Special Handling Instructions and Additional Information <b>1.109452 (Ammunition- Small Arms)</b>													
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.													
Generator's/Offor's Printed/Typed Name <b>ANTONIO VARGAS</b>						Signature <i>[Signature]</i>		On Behalf of <b>Big 5 Sporting</b>		Month <b>10</b>	Day <b>10</b>	Year <b>2018</b>	
INT'L	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____												
	Transporter signature (for exports only): _____												
TRANSPORTER	17. Transporter Acknowledgment of Receipt of Materials												
	Transporter 1 Printed/Typed Name <b>Antonio Vargas</b>						Signature <i>[Signature]</i>		Month <b>10</b>		Day <b>10</b>		Year <b>2018</b>
	Transporter 2 Printed/Typed Name <b>Vince Roberts</b>						Signature <i>[Signature]</i>		Month <b>10</b>		Day <b>19</b>		Year <b>18</b>
DESIGNATED FACILITY	18. Discrepancy												
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection												
	Manifest Reference Number: _____ U.S. EPA ID Number _____												
	18b. Alternate Facility (or Generator) _____ Facility's Phone: _____												
	18c. Signature of Alternate Facility (or Generator) _____ Month _____ Day _____ Year _____												
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)													
1. <b>H141</b>		2. _____		3. _____		4. _____							
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a													
Printed/Typed Name <b>Toni Corral</b>						Signature <i>[Signature]</i>		Month <b>11</b>		Day <b>17</b>		Year <b>18</b>	

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>CAL000410113</b>		2. Page 1 of 2		3. Emergency Response Phone <b>8775772669</b>		4. Manifest Tracking Number <b>011464000 FLE</b>			
		5. Generator's Name and Mailing Address <b>Big 5 Sporting Goods #40 666 Fletcher Parkway El Cajon, CA 92020</b>						Generator's Site Address (if different than mailing address) <b>Big 5 Sporting Goods #40 666 Fletcher Parkway El Cajon, CA 92020</b>			
6. Transporter 1 Company Name <b>Stericycle Specialty Waste Solutions Inc</b>		U.S. EPA ID Number <b>MNS000110924</b>									
7. Transporter 2 Company Name <b>Best Rock Inc dba BMTL</b>		U.S. EPA ID Number <b>MO0095638558</b>									
8. Designated Facility Name and Site Address <b>General Environmental Mgt, LLC 11855 White Rock Road Rancho Cordova, CA 95742</b>		U.S. EPA ID Number <b>CAD900884163</b>									
Facility's Phone: <b>9163510980</b>											
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))				10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes	
	X	1. <b>UN0012, Waste Cartridges, small arms 1.4S</b>				1 <b>CM</b>		<b>00004</b>	<b>P</b>	<b>352</b>	<b>0001 0003</b>
		2.								<b>0005 0008</b>	
		3.									
		4.									
14. Special Handling Instructions and Additional Information <b>1.109452(Ammunition- Small Arms)</b>											
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.											
Generator's/Officer's Printed/Typed Name: <b>On Behalf of Big 5 Sporting</b> Signature: <i>[Signature]</i> Month: <b>09</b> Day: <b>13</b> Year: <b>2010</b>											
INT'L	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.:										
	Transporter signature (for exports only):										
TRANSPORTER	17. Transporter Acknowledgment of Receipt of Materials										
	Transporter 1 Printed/Typed Name: <b>Are Parker</b> Signature: <i>[Signature]</i> Month: <b>09</b> Day: <b>13</b> Year: <b>2010</b>										
DESIGNATED FACILITY	Transporter 2 Printed/Typed Name: <b>Mercy Lopez</b> Signature: <i>[Signature]</i> Month: <b>09</b> Day: <b>13</b> Year: <b>2010</b>										
	18. Discrepancy										
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection											
Manifest Reference Number:											
18b. Alternate Facility (or Generator) U.S. EPA ID Number:											
Facility's Phone:											
18c. Signature of Alternate Facility (or Generator) Month: Day: Year:											
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)											
1. <b>H14</b> 2. 3. 4.											
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a											
Printed/Typed Name: <b>Temi Corral</b> Signature: <i>[Signature]</i> Month: <b>09</b> Day: <b>13</b> Year: <b>2010</b>											

UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)		21. Generator ID Number	22. Page	23. Manifest Tracking Number				
		CAL000410113	2013	011464000 FLE				
24. Generator's Name								
Big 5 Sporting Goods #40								
25. Transporter		U.S. EPA ID Number						
3		Stencyle Specialty Waste Solutions Inc MN5000110924						
26. Transporter		U.S. EPA ID Number						
4		Bedrock Inc DBA TSM/COI MO0095038998						
27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		28. Containers No.	Type	29. Total Quantity	30. Unit Wt./Vol.	31. Waste Codes	
32. Special Handling Instructions and Additional Information								
33. Transporter Acknowledgment of Receipt of Materials								
Printed/Typed Name		Signature		Month	Day	Year		
Michelle Winningham		mg		11	01	18		
34. Transporter Acknowledgment of Receipt of Materials								
Printed/Typed Name		Signature		Month	Day	Year		
BRET BROWN		B.B.		10	19	18		
35. Discrepancy								
36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)								



DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

DATE 83187 TAX 6510 (2)



WHS 0260927

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7457A

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number CAR000206631	2. Page 1 of 2	3. Emergency Response Phone 8446702030	4. Manifest Tracking Number 011464202 FLE		
5. Generator's Name and Mailing Address Walmart #1917 6194497900 170 Town Center Parkway Santee, CA 92071 Generator's Phone: 92071			Generator's Site Address (if different than mailing address) Walmart #1917 170 Town Center Parkway Santee, CA 92071				
6. Transporter 1 Company Name Stericycle Specialty Waste Solutions Inc			U.S. EPA ID Number MNS000110924				
7. Transporter 2 Company Name BED ROCK INC DBA TSMT CO.			U.S. EPA ID Number MNS000110924				
8. Designated Facility Name and Site Address General Environmental Mgt, LLC 11855 White Rock Road Rancho Cordova, CA 95742 Facility's Phone: 9163510980			U.S. EPA ID Number CAD980884183				
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers		11. Total Quantity	12. Unit WL/Vol.	13. Waste Codes
	X UN0312, Waste Cartridges, signal 1.4G, (EX-8604108)		1	CF	00001	P	141 D001 D003
	X UN0336, Waste Fireworks 1.4G, (EX-8712212)		1	CF	00001	P	141 D001 D003
	3.						
	4.						
14. Special Handling Instructions and Additional Information 1.100967(Explosives 1 (Signal Flares)) 2.100969(Explosives 3 (Fireworks))							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true. Generator's/Offeror's Printed/Typed Name: Ace Parker Signature: [Signature] Date: 10/19/2018							
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.: 10/19/2018							
17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name: Ace Parker Signature: [Signature] Date: 10/19/2018 Transporter 2 Printed/Typed Name: MARY ALICE VELA Signature: [Signature] Date: 11/12/18							
18. Discrepancy 18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection Manifest Reference Number: 18b. Alternate Facility (or Generator) U.S. EPA ID Number: Facility's Phone: 18c. Signature of Alternate Facility (or Generator) Date: 11/27/18							
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) 1. H141 2. H141 3. 4.							
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a Printed/Typed Name: Terri Corral Signature: [Signature] Date: 11/27/18							

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)



ERTS #HMA132010 SPK

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<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number CAR00024016A	2. Page 1 of 2	3. Emergency Response Phone 8009246804	4. Manifest Tracking Number 012414325 FLE		
5. Generator's Name and Mailing Address CVS #9879 6505704631 987 East Hillsdale Boulevard Generator's Phone: Foster City, CA 94404		Generator's Site Address (if different than mailing address) CVS#09879 987 East Hillsdale Boulevard Foster City, CA 94404					
6. Transporter 1 Company Name Stericycle Specialty Waste Solutions Inc		U.S. EPA ID Number MNS000110924					
7. Transporter 2 Company Name Bed Rock Inc. DBA TSM Tco		U.S. EPA ID Number MOP09508998					
8. Designated Facility Name and Site Address General Environmental Mgt, LLC 11855 White Rock Road Rancho Cordova, CA 95742 Facility's Phone: 9163510980		U.S. EPA ID Number CAD980884183					
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes	
X	UN0336, Waste Fireworks 1.4G, (EX-B712212)	1	CF	00002	P	141	0001 0003
2.							
3.							
4.							
14. Special Handling Instructions and Additional Information 1.102929(Explosives 3 (Fireworks))							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Offor's Printed/Typed Name JERRICK CHIN		Signature		Month Day Year 10 31 2018			
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.		Port of entry/exit:		Date leaving U.S.:			
Transporter signature (for exports only):							
17. Transporter Acknowledgment of Receipt of Materials							
Transporter 1 Printed/Typed Name Jerome Rizon		Signature		Month Day Year 10 31 2018			
Transporter 2 Printed/Typed Name Vince Roberts		Signature		Month Day Year 11 9 18			
18. Discrepancy							
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection		Manifest Reference Number:					
18b. Alternate Facility (or Generator)		U.S. EPA ID Number					
Facility's Phone:							
18c. Signature of Alternate Facility (or Generator)				Month Day Year			
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							
1.	2.	3.	4.				
1.	2.	3.	4.				
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a							
Printed/Typed Name Terri Corral		Signature		Month Day Year 11 29 18			



DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

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<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>CAL000410180</b>		2. Page 1 of <b>2</b>	3. Emergency Response Phone <b>8775772669</b>		4. Manifest Tracking Number <b>012433156 FLE</b>	
5. Generator's Name and Mailing Address <b>Big 5 Sporting Goods #135</b> <b>5108656486</b> <b>325 Park Street</b> <b>Alameda, CA 94501</b>				Generator's Site Address (if different than mailing address) <b>Big 5 Sporting Goods #135</b> <b>325 Park Street</b> <b>Alameda, CA 94501</b>				
6. Transporter 1 Company Name <b>Stericycle Specialty Waste Solutions Inc</b>				U.S. EPA ID Number <b>MNS000110924</b>				
7. Transporter 2 Company Name <b>Red Rocks inc. DBA TSM Tco</b>				U.S. EPA ID Number <b>MOD095038998</b>				
8. Designated Facility Name and Site Address <b>General Environmental Mgt, LLC</b> <b>11855 White Rock Road</b> <b>Rancho Cordova, CA 95742</b>				U.S. EPA ID Number <b>CAD980884183</b>				
Facility's Phone: <b>9163510980</b>								
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
				No.	Type			
	X	UN0012, Waste Cartridges, small arms 1.4S		1	CM	00001	P	352 D001 D003 D005 D008
	2.							
	3.							
	4.							
14. Special Handling Instructions and Additional Information <b>1.109452(Ammunition- Small Arms)</b>								
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.								
Generator's/Officer's Printed/Typed Name <b>Chris Garrison</b> Signature <b>Chris Garrison</b> On behalf of <b>Big 5 Sporting</b> Month <b>10</b> Day <b>25</b> Year <b>2018</b>								
TRANSPORTER INT'L	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit _____ Date leaving U.S.: _____							
	17. Transporter Acknowledgment of Receipt of Materials							
	Transporter 1 Printed/Typed Name <b>Chris Garrison</b> Signature <b>Chris Garrison</b> Month <b>10</b> Day <b>25</b> Year <b>2018</b>							
	Transporter 2 Printed/Typed Name <b>Vince Roberts</b> Signature <b>V. Roberts</b> Month <b>11</b> Day <b>9</b> Year <b>18</b>							
DESIGNATED FACILITY	18. Discrepancy							
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection							
	Manifest Reference Number: _____							
	18b. Alternate Facility (or Generator) _____ U.S. EPA ID Number _____							
	Facility's Phone: _____							
	18c. Signature of Alternate Facility (or Generator) _____ Month _____ Day _____ Year _____							
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)								
1. <b>H141</b> 2. 3. 4.								
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a								
Printed/Typed Name <b>Terri Conroy</b> Signature <b>Terri Conroy</b> Month <b>11</b> Day <b>29</b> Year <b>18</b>								

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>WAR000009712</b>	2. Page 1 of <b>1</b>	3. Emergency Response Phone <b>8446702030</b>	4. Manifest Tracking Number <b>012048902 FLE</b>					
5. Generator's Name and Mailing Address <b>Walmart #2450 3606471400 4420 Meridian Street Bellingham, WA 98226</b>				Generator's Site Address (if different than mailing address) <b>Walmart#2450 4420 Meridian Street Bellingham, WA 98226</b>						
6. Transporter 1 Company Name <b>Stericycle Specialty Waste Solutions Inc</b>				U.S. EPA ID Number <b>MNS000110924</b>						
7. Transporter 2 Company Name				U.S. EPA ID Number						
8. Designated Facility Name and Site Address <b>General Environmental Mgt, LLC 11855 White Rock Road Rancho Cordova, CA 95742</b>				U.S. EPA ID Number <b>CAD9A08A41A3</b>						
Facility's Phone: <b>9163510980</b>										
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))			10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes		
				No.	Type					
X	1. UN0403, Waste Flares, aerial 1.4G, (EX-2004110275)			1	CF	00001	P	141	D001	D003
	2.							D005		
	3.									
	4.									
14. Special Handling Instructions and Additional Information <b>1.100970(Explosives 4 (Aerial Flares))</b>  <b>2004110275</b>										
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.										
Generator's/Offor's Printed/Typed Name <b>Kingsley Ononwu</b>				Signature <i>[Signature]</i>				On Behalf of Walmart <b>11 30 2018</b>		
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____										
17. Transporter Acknowledgment of Receipt of Materials										
Transporter 1 Printed/Typed Name <b>Kingsley Ononwu</b>				Signature <i>[Signature]</i>				Month Day Year <b>11 30 2018</b>		
Transporter 2 Printed/Typed Name				Signature				Month Day Year		
18. Discrepancy										
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection										
Manifest Reference Number: _____										
18b. Alternate Facility (or Generator) U.S. EPA ID Number										
Facility's Phone: _____										
18c. Signature of Alternate Facility (or Generator) Month Day Year										
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)										
1.			2.			3.			4.	
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a										
Printed/Typed Name <b>Kevin Wiferno</b>				Signature <i>[Signature]</i>				Month Day Year <b>12 6 18</b>		

Please print or type.

Form Approved. OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>AZP000034553</b>		2. Page 1 of <b>1</b>	3. Emergency Response Phone <b>8446702030</b>		4. Manifest Tracking Number <b>013005293 FLE</b>		
5. Generator's Name and Mailing Address <b>Walmart Supercenter #1230</b> <b>9285373141 5401 South White Mountain Road</b> Generator's Phone: <b>Show Low, AZ 85901</b>				Generator's Site Address (if different than mailing address) <b>Walmart Supercenter #1230</b> <b>5401 South White Mountain Road</b> <b>Show Low, AZ 85901</b>					
6. Transporter 1 Company Name <b>Stericycle Specialty Waste Solutions Inc</b>				U.S. EPA ID Number <b>MNS000110924</b>					
7. Transporter 2 Company Name <b>Rocketline Carrier Services, LLC</b>				U.S. EPA ID Number <b>TXR000025072</b>					
8. Designated Facility Name and Site Address <b>General Environmental Mgt. LLC Allworth, LLC</b> <b>11855 White Rock Road</b> <b>Rancho Cordova, CA 95742</b> Facility's Phone: <b>9163510980</b>				U.S. EPA ID Number <b>ALD094476793</b> <b>CA0900084183</b>					
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))			10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
	X	UN0403, Waste Flares, aerial 1.4G. (EX-2004110275)			1 CF		00001	P	141 D001 D003 D005
	2.								
	3.								
	4.								
14. Special Handling Instructions and Additional Information <b>1.100970(Explosives 4 (Aerial Flares))</b>									
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.									
Generator's/Offor's Printed/Typed Name <b>Ryan Brandenburg</b>				Signature <i>[Signature]</i>			Month Day Year <b>11 28 2018</b>		
INT'L	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____								
	17. Transporter Acknowledgment of Receipt of Materials								
TRANSPORTER	Transporter 1 Printed/Typed Name <b>Ryan Brandenburg</b>				Signature <i>[Signature]</i>		Month Day Year <b>11 28 2018</b>		
	Transporter 2 Printed/Typed Name <b>George Ortega</b>				Signature <i>[Signature]</i>		Month Day Year <b>12 4 18</b>		
DESIGNATED FACILITY	18. Discrepancy								
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection								
	18b. Alternate Facility (or Generator) U.S. EPA ID Number								
	Facility's Phone: _____								
	18c. Signature of Alternate Facility (or Generator) Month Day Year								
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)									
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a									
Printed/Typed Name <b>M Smyly</b>				Signature <i>[Signature]</i>			Month Day Year <b>12 26 18</b>		

EPA Form 8700-22 (Rev. 12-17) Previous editions are obsolete.

DESIGNATED FACILITY TO EPA's e-MANIFEST SYSTEM

8700-22 12v3 CA20050062

S9708

041263027 M

PD112818

SD112818

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

**Attachment 14: Hazardous Waste Treatment Facilities in  
California, 1 page**

## Treatment Facilities in California

- 1 AERC RECYCLING SOLUTIONS
- 2 CHEMICAL WASTE MANAGEMENT KETTLEMAN
- 3 CLEAN HARBORS BUTTONWILLOW
- 4 CLEAN HARBORS LOS ANGELES LLC
- 5 CLEAN HARBORS SAN JOSE LLC
- 6 CLEAN HARBORS WESTMORLAND
- 7 CLEAN HARBORS WILMINGTON LLC
- 8 CLEANTECH ENVIRONMENTAL
- 9 CROSBY & OVERTON
- 10 GEM OF RANCHO CORDOVA LLC DBA PSC ENVIRONMENTAL SVS OF RANCHO CORDOVA
- 11 GLENCORE RECYCLING LLC
- 12 HAZMAT TSDF INC FORMER FILTER RECYCLING SERVICES INC
- 13 HERAEUS METAL PROCESSING LLC
- 14 INDUSTRIAL SERVICE OIL CO INC
- 15 KINSBURSKY BROTHERS SUPPLY INC
- 16 LIGHTING RESOURCES LLC
- 17 P KAY METAL INC
- 18 PACIFIC RESOURCE RECOVERY SERVICES INC
- 19 PHIBRO-TECH INC
- 20 QUEMETCO INC
- 21 RHO-CHEM LLC
- 22 SAFETY-KLEEN OF CALIFORNIA - CARSON
- 23 SAFETY-KLEEN OF CALIFORNIA INC
- 24 SAFETY-KLEEN SYSTEMS, INC.
- 25 US ECOLOGY VERNON INC
- 26 VEOLIA ES TECHNICAL SOLUTIONS LLC AZUSA
- 27 WIT SALES AND REFINING
- 28 WORLD OIL RECYCLING



Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 82 of 86

**Attachment 15: DTSC History of Permit Denials and  
Revocations, 5 pages**

## Permit Denial and Revocation History 1985 - Present

#	EPA ID	Facility	Existing staff most knowledagble	Location	DTSC Action	Date	Summary or Basis
1	CAD093435022	CERTAINEED CHOWCHILLA PLANT	Peter Bailey	Chowchilla	Denial	2/18/2009	Permit was denied due to the applicant's failure to complete disclosure statement requirements. (Source: Permit denial letter from Peter Bailey, DTSC, to Mr. James G. Vicary, Certaineed Corporation, dated 2/18/2009)
2	CAD050099696	LEACH OIL COMPANY INC	Mike Eshagian	Rancho Dominguez	Denial	11/18/2008	Permit was denied due to the applicant's long history of repeated and recurring vioations of the State hazardous waste laws and regulations (Source: Response to Comment document on the Notice of Intent to Deny a Standardized Permit for Leach Oil Company, Inc., dated 11/18/2008)
3	CAD089446710	AMERICAN RECOVERY, INC.	Allan Plaza	Alhambra	Denial	6/30/2000	Permit was denied due to the applicant's failure to submit a complete application after receiving three Notice of Deficiency. (Source: Permit denial letter from Jose Kou, DTSC, to Mr. Bezad Cohen, American Recovery, Inc., dated 6/30/2000)
4	CAT080011059	ENVIROPUR WEST - PRC Signal Hills	Allan Plaza	Signal Hills	Denial	1997	Permit was denied due to the applicant's failure to submit a complete application, failure to comply with financial responsiblity requirements, violation of or non-compliance with State hazardous waste laws and regulations, and violation of or non-compliance with the Consent Agreement issued by DTSC. (Source: Public notice letter signed by Allan Plaza, DTSC, to the mailing list, dated 12/17/1996 with the public notice and factsheet)
5	CAD000088252	STATEWIDE ENVIRONMENTAL SERVICES	Yolanda Garza	Los Angeles	Denial	7/1/1999	Permit was denied due to the applicant's failure to submit a complete application, violation of or non-compliance with State laws and regulations, and non-compliance with tbe settlement agreement. (Source: DTSC press release, dated 5/18/1999)

## Permit Denial and Revocation History 1985 - Present

#	EPA ID	Facility	Existing staff most knowledagble	Location	DTSC Action	Date	Summary or Basis
6	CAD083166728	PRC PATTERSON, INC. - Patterson	Allan Plaza	Patterson	Denial	6/28/1996	Permit was denied due to the applicant's failure to submit a complete application and violations of or non-compliance with State laws and regulations. (Source: Hazardous Waste Permit Application Technical Completeness and Intent to Deny a Hazardous Waste Facility letter from Allan Plan, DTSC, to Mr. Robert J. Wessels, Enviropur West Corporation, dated 6/28/1996)
7	CAD980883177	GIBSON ENV - Bakersfield	Paul Ruffin	Bakersfield	Denial	6/25/1996	Permit was denied due to the applicant's repeated violations and mismanagement of hazardous waste, and federal indictment charges against Gibson Environmental's management. (Source: DTSC Notice of Final Decision letter from Jose Kou, DTSC, to Mr. Page Van Loben Sels, Gibson Environmental, dated 6/25/1996)
8	CAD980737076	DICO	Allan Plaza	Signal Hills	Denial	7/28/1995	Permit was denied due to the applicant's failure to submit a complete application, failure to comply with financial responsibility requirements, violation of or non-compliance with State hazardous waste laws and regulations, violation of or non-compliance with Enforcement Orders issued by DTSC, and misrepresentation or omission of a significant fact in information reported to DTSC. (Source: DTSC Notice of Final Permit Decision letter from Jose Kou, DTSC, to Mr. Jim Ennis, Dico Oil Company, dated August 22, 1995)
9	CAT080031628	SYSTECH ENVIRONMENTAL CORP	Bill Veile	Lebec	Denial	3/31/1994	Systech and National Cement Company were joint leasee and operators of a hazardous waste incinerator. US EPA denied the permit because the landowner would not sign the permit application March 31, 1994. US EPA later denied Systech/National Cement Company appeal of the fina decision on July 28, 1994. Systech/National Cement Company sued US EPA. The US Court of Appeals, Ninth Circuits, vacate EPA's Final Decision denying National's application and order EPA to process the application on its merits. After the Court's decision, nothing more is found on Systech/National Cement Company. Additional research is needed to the ultimate fate of permit application.
10	CAD982444887	NATIONAL CEMENT CO	Bill Veile	Lebec	Denial	10/14/1993	See above.

## Permit Denial and Revocation History 1985 - Present

#	EPA ID	Facility	Existing staff most knowledagble	Location	DTSC Action	Date	Summary or Basis
11	CAD980737548	ROEHL DISPOSAL SERVICES	N/A	Wilmington	Denial	1/9/1992	Permit was denied due to DTSC finding that the applicant lacked the fitness to perform the duties and activities under any hazardous waste facility permit. DTSC's determination was based upon the multiple convictions of the faciity owner for violating or failing to comply with State hazardous waste laws and regulations. (Source: DTSC Final Permit Denial Decision letter from John Hinton, DTSC, to Mr. Paul DeVries, Americhem, Inc., dated January 9, 1992)
12	CAD000629501	RIO BRAVO REFINING COMPANY	N/A	Bakersfield	Denial	1/28/1995	Permit was denied due to the Applicant's mispresentation or omission of signficants facts: (1) facility was not operating as a hazardous waste facility prior to November 20, 1980 (2) there were only vacant buildings on the land parcel identified in hazardous waste facility Part A application submitted to EPA in 1980; and (3) the facility was operating as a hazardous waste facility was constructed after March 9, 1982 and was not located on the land parcel identified in your original Part A application. Additionally, the applicant violated hazardous waste laws and regulations resulting in resulting in releases of hazardous wastes and hazardous substances to the environment. (Source: DTSC letter from Ricard Wilcoxon, TSCD (predecessor to DTSC) to Mr. Kenneth Nelson, Rio Bravo Disposal Facility, dated January 28, 1995)
13	CAT080022148	BROCO ENVIRONMENTAL INC.	Robert Senga	Rialto	Denial	5/1/1998	Permit was denied due to the applicant's repeated and major violations. (Source: DTSC Final Permit Decision letter from Jose Kou, DTSC, to Mr. Daniel J. McCabe, Environmental Enterprises, Inc., dated May 1, 1998)
14	CAD009452657	ROMIC - EAST PALO ALTO	Alfred Wong	East Palo Alto	Forced Closure	5/30/2007	Facility was closed due to Enforcement Order charging the applicant with state violations such as unsafe operations that resulted in a June 2006 release and reckless disregard for the risk of serious injury to an employee in March 2006. The order also alleges that Romic violated a civil judgment brought by DTSC and filed in April 2005. (Source: DTSC Press Release and Factsheet, dated May 30, 2007)
15	CAD004771168*	H & H SHIP SERVICE CO.	Alfred Wong	San Francisco	Forced Closure	8/23/1990	Facility agreed to close due numerous safety violations which resulted in the death of two employees. (Source: Interview with project manager (Alfred Wong) at time of incidents and closure)

## Permit Denial and Revocation History 1985 - Present

#	EPA ID	Facility	Existing staff most knowledagble	Location	DTSC Action	Date	Summary or Basis
16	CAD983650490	PURE-ETCH	James Pappas	Salinas	Forced Closure	10/1997	Facility agreed to close due to settlement agreement with DTSC for multiple violations of State hazardous waste laws and regulations and a series of hazardous waste safety violations. The settlement allowed Pure-Etch to find a buyer in 6 months from the settlement date or close. No buyer was found. (Source: DTSC Factsheets, dated April 1997 and October 1997)
17	CAD981397417	AAD DISTRIBUTION & DRY CLEANING	Yolanda Garza	Vernon	Revocation	11/13/2000	Permit was revoked due to DTSC finding that a condition of Imminent and Substantial Endangerment exist at the site because of the applicant's failiure to comply with State hazardous waste laws and regulations. (Source: DTSC Revocation of Permit letter from Jose Kou, DTSC, to Mr. Harry Pourat, AAD Distribution and Dry Cleaning Services Inc., dated November 13, 2000)
18	CAD981424732	QUICKSILVER - BRISBANE	N/A	Brisbane	Revocation	5/9/1996	Permit was revoked due to the felony convictions of the owner and operator for illegal storage and treatment of hazardous waste. (Source: DTSC Public Notice, dated May 16, 1996)
19	CAD008247629	LUBRICATION COMPANY OF AMERICA	N/A	Los Angeles	Denial	11/22/1991	Permit was denied due to DTSC's finding that a condition of Imminent and Substantial Endangerment exist at the site because of the applicant's failure to comply with State hazardous waste laws and regulations. DTSC also found that LCA did not have the financial ability necessary to fund characterization and remediation activities at the LCA Site. (Source: DTSC and EPA Final Permit Decision letter from Jeffrey Zelikson, U.S. EPA, and Dennis Dickerson, DTSC, to Mr. Grant Ivey, Lubrication Company of America, dated Sept 27, 1991. Order Denying Petition for Review of Permit Decision, signed by Dennis Dickerson, DTSC, dated November 22, 1991)
20	CAD009466392	ECOLOGY CONTROL INDUSTRIES	Gary Hammond	Richmond	Denial	2/9/2018	Permit was denied due to applicant's failure to pay DTSC's cost for processing ECI's permit application. (Source: DTSC Denial of Hazardous Waste Facility Permit Application from Wayne Lorentzen, DTSC, to Mr. Shon Spence, Ecology Control Industries, dated February 9, 2018)

Permit Denial and Revocation History 1985 - Present

#	EPA ID	Facility	Existing staff most knowledagble	Location	DTSC Action	Date	Summary or Basis
21	CAD097854541	EXIDE TECHNOLOGIES	Wayne Lorentzen	Vernon	Forced Withdrawal	4/7/2015	Applicant withdrew permit application due to Enforcement Order citing number violations of State hazardous waste laws and regulations. (Source: Letter from Mr. Thomas Strang, Exide Technologies, to Ms. Barbara Lee and Mr. Rizgar Ghazi, DTSC, dated April 7, 2015
22	CAD981427669	AMERICAN OIL COMPANY	Paulette Penton	Van Nuys	Denial	Pending	Permit is tentatively denied due to the applicant's misrepresentation or omission of significant or relevant facts or information in information subsequently reported to DTSC, during the permit issuance process, or at any time. (Source: Intent to Deny Hazardous Waste Facility Permit Application letter from Nelline Kowbel, DTSC. to Mr. Bill Gomelsky, dated March 14, 2019)
Term		Description					
Denial (D) =		DTSC issued Notice of Intent to deny and completed the denial process by issuing a final decision document to deny to the permit.					
Revocation (R) =		DTSC revoked the permit pursuant to CCR, Title 22, section 66270.43					
Forced Closure (FC) =		DTSC issued Notice of Intent to Deny and/or Enforcement Orders and the Faciity, rather to contest the denial or comply with the Enforcement Orders, instead chooses to close to facility.					
Forced Withdrawal (FW) =		For new facilities, DTSC informs facility or issues Notice of Intent to Deny the permit and the Applicant chooses to withdraw the application.					

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page **83** of **86**

**Attachment 16: Ramboll Report, 10/23/2019, 11  
pages**

# MEMORANDUM

To: Daniel P. Brunton, Esq.  
Latham & Watkins LLP

From: Eric Lu and Emily Weissinger  
Ramboll

Subject: **POTENTIAL ENVIRONMENTAL IMPACTS OF PROPOSED  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL PERMIT  
DENIAL FOR STERICYCLE ENVIRONMENTAL SOLUTIONS  
(USEPA ID CAD980884183)**

## EXECUTIVE SUMMARY

In this analysis, Ramboll evaluated the potential environmental impacts in the event that Stericycle Environmental Solutions in Rancho Cordova ("Stericycle RC" or "Facility") is shutdown. We understand that the Facility is a treatment, storage, and disposal facility (TSDF) for hazardous and non-hazardous wastes operating under United States Environmental Protection Agency (USEPA) ID CAD980884183. Between 2015 and 2017, the Facility processed an average of approximately 12,500 tons of hazardous waste annually.<sup>1</sup> The Facility processes a wide variety of wastes including, organic and inorganic materials, household waste, alkaline solutions, and detergent and soap. The Facility serves a wide variety of customers, including household hazardous waste (HHW) programs, cities, counties, retail stores, and hospitals. Operations at the Facility were curtailed in 2018 due to the "Final Judgment on Consent and Permanent Injunction" issued by the Superior Court of the State of California ("2018 Judgment").<sup>2</sup>

The Facility was established in the early 1980s and has had multiple owners since that time. It is currently permitted under a Department of Toxic Substances Control (DTSC) Hazardous Waste Facility Permit. Stericycle RC has owned and operated the Facility since 2014 and operates a laboratory and five waste management units.

Facility operations currently include packaging and repackaging of waste, bulking of liquid wastes in tanks and containers, container crushing, and equipment flushing.

Date October 23, 2019

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<sup>1</sup> Department of Toxic Substances Control (DTSC). 2019. California and Non-California Manifest Tonnage Total Report. Available at:

[https://hwts.dtsc.ca.gov/hwts\\_Reports/ReportPages/Report03.aspx?epaid=CAD980884183](https://hwts.dtsc.ca.gov/hwts_Reports/ReportPages/Report03.aspx?epaid=CAD980884183). Accessed: September 2019.

<sup>2</sup> Superior Court of the State of California, County of Sacramento. 2018. Final Judgment on Consent and Permanent Injunction. Available at:

[https://www.envirostor.dtsc.ca.gov/public/eerppublicdocs/1781781852/GEM\\_CEI2011\\_Judgmnt\\_101918.pdf](https://www.envirostor.dtsc.ca.gov/public/eerppublicdocs/1781781852/GEM_CEI2011_Judgmnt_101918.pdf). Accessed: September 2019.



After temporary storage, bulk liquid and containerized wastes are transferred off-site to an end user (i.e., recycler) or an off-site permitted disposal facility.

The Facility provides a waste disposal and recycling service to cities, counties, and institutional, commercial, and private industry in the region by packaging and repackaging waste for ultimate recycling or disposal. Currently, approximately 60% of the materials processed by the Facility are recycled through fuels blending or other activities.

Ramboll evaluated the potential environmental impacts that could result from the proposed shutdown of the Facility due to a DTSC permit denial. The findings from our evaluation include:

- Criteria pollutant and greenhouse gas emissions could increase as a result of having to ship waste to facilities located further from existing customers.
- An unintended consequence of closing a permitted facility could be an increase in illegal dumping/disposal or improper storage, which may lead to impacts on air and water quality, plant and animal life, and human health and safety.
- Stericycle RC is one of the most highly regulated facilities in California. Waste no longer handled by the Stericycle RC facility could be sent to out-of-state facilities where requirements are less stringent (e.g., Nevada) and recycling targets are lower.
- Stericycle RC works with over 20 California communities to recycle household hazardous waste. If the facility is denied a permit to operate, household hazardous waste may not have a process to be collected and recycled.
- Stericycle RC participates in California's Paint Stewardship Program by collecting, transporting, and processing used paint. If the Facility is denied a permit to operate and municipalities are not able to find an alternative provider, the waste will not be recycled.

## RESEARCH FINDINGS

### **I. Many of Stericycle RC's customers are regionally based. If this Facility closed, there is the potential that those waste streams would travel long distances (and possibly out of state) to be processed. This could lead to an increase in transportation-related emissions and hazards.**

#### **a. Profile of Stericycle RC customers**

The Stericycle RC facility serves a wide variety of customers, including HHW programs, cities, counties, hardware stores, hospitals, wholesale and big box stores, and other waste service companies. The Facility is also a key participant in California's Paint Stewardship Program. The waste shipped to the Facility comes from five western states and over 500 cities across California, including as far south as San Diego. According to Stericycle RC, in 2018, approximately 85% of this waste originated from within 180 miles of the Facility. Waste shipped to the Facility consists of paint, adhesives, asbestos containing wastes, contaminated soils from site clean-ups, halogenated and hydrocarbon solvents, household waste, laboratory chemicals, liquids containing cyanides, lead, or mercury, metal dust and machining waste, pesticides, pharmaceutical waste, oil-containing wastes, and other unspecified types of waste.<sup>3</sup>

#### **b. Increases in transportation-related emissions and hazards could result from increased travel distances for waste streams.**

If the Stericycle RC facility closes, transportation-related emissions and hazards could increase if existing waste streams need to be transported to facilities that are farther away. For instance, the closest Stericycle facility of comparable size and with comparable services is located in Fernley, Nevada (more than 160 miles away). Rerouting all waste streams to other TSDFs, including the Stericycle Fernley facility, is likely to result in a net increase in vehicle miles traveled (VMT). The increase in transportation VMT increases the chances of transportation-related accidents and emissions of criteria pollutants, toxic air contaminants, and greenhouse gases.

To estimate the potential emissions that could result from an increase in VMT, Ramboll reviewed data for all waste shipped to the Stericycle RC facility over a one-year period (August 2018 to July 2019). From that data, Ramboll identified the top ten cities that shipped the highest tonnage of waste (approximately 35% of the total waste shipped) and calculated the change in emissions were the waste from those customers to be shipped to the Stericycle Fernley facility upon closure of the Stericycle RC facility. For those calculations, Ramboll used the California Air Resources Board (CARB) Emission FACTors (EMFAC2017 v.1.0.2) model for vehicle emission factors. Detailed emissions calculations are presented in Appendix A. Table 1 presents the criteria pollutant emissions totals associated with the rerouted waste streams from these ten cities.

<sup>3</sup> DTSC. 2019. Total Yearly Tonnage by Waste Code by EPA ID Report. EPA ID CAD980884183. Available at: [https://hwts.dtsc.ca.gov/hwts\\_Reports/ReportPages/Report08.aspx?epaid=CAD980884183&NbrRecs=All&sort=CODE\\_VALUE\\_DESC&year=2017&entity=TSDF&wasteCode=All](https://hwts.dtsc.ca.gov/hwts_Reports/ReportPages/Report08.aspx?epaid=CAD980884183&NbrRecs=All&sort=CODE_VALUE_DESC&year=2017&entity=TSDF&wasteCode=All). Accessed: September 2019.

**Table 1: Estimated Criteria Pollutant Emissions Resulting from Increased VMT**

Criteria Air Pollutant Emissions (lbs/year)					
VOC	CO	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
29.9	107.5	800.9	80.6	32.3	2.4
Acronyms and Abbreviations: CO – carbon monoxide lbs – pounds NO <sub>x</sub> – oxides of nitrogen PM <sub>10</sub> – particulate matter less than 10 microns in diameter PM <sub>2.5</sub> – particulate matter less than 2.5 microns in diameter SO <sub>x</sub> – sulfur oxides VOC – volatile organic compound					

Table 2 presents greenhouse gas emission totals associated with the same rerouted waste streams.

**Table 2: Estimated Greenhouse Gas Emissions Resulting from Increased VMT**

Greenhouse Gas Emissions (MT/year)			
N <sub>2</sub> O	CO <sub>2</sub>	CH <sub>4</sub>	CO <sub>2</sub> e
0.02	116.8	6.3E-04	122.3
Acronyms and Abbreviations: CH <sub>4</sub> – methane CO <sub>2</sub> – carbon dioxide CO <sub>2</sub> e – carbon dioxide equivalents MT – metric tons N <sub>2</sub> O – nitrous oxide			

**II. There are limited locations where hazardous waste can be legally disposed of in California. Reducing access to legal means of hazardous waste disposal can have unintended environmental consequences.**

**a. Environmental impacts could occur if there is an increase in illegal dumping, improper storage, or improper disposal as a result of the proposed closure of the Stericycle RC facility.**

As of October 2019, only 17 other facilities were similarly categorized in the sub-group of “treatment” facilities in DTSC’s listing of commercial offsite hazardous waste permitted facilities.<sup>4</sup> Reducing the number of TSDFs and legal waste drop-off locations could have unintended environmental consequences. For example, illegal dumping rates may increase due to limited

<sup>4</sup> DTSC. 2019. Commercial Offsite Hazardous Waste Permitted Facilities. Available at: [https://www.envirostor.dtsc.ca.gov/public/commercial\\_offsite](https://www.envirostor.dtsc.ca.gov/public/commercial_offsite). Accessed: October 2019. DTSC’s full list of commercial offsite hazardous waste permitted facilities features 54 unique facilities, some of which may perform similar activities as the Stericycle RC facility.

access to free or low-cost disposal points. Per the “Area-Wide Illegal Dumping Analysis for the City of Sacramento and County of Sacramento Recommendation Report”, illegal dumping is increasing. Despite a 40% increase in preventative measures, the number of reported illegal dumping incidences has risen by 32% since 2015.<sup>5</sup>

The environmental impacts that can result from illegal dumping are unique to each type of waste. Chemical hazards at illegal dump sites can come from multiple sources, including asbestos, oil, medical waste, and commercial cleaning compounds, all of which are processed by Stericycle RC. Improperly handled asbestos fibers can disperse into air and, if inhaled, pose a threat to human health.<sup>6</sup> Improperly handled oil, medical waste, and commercial cleaning compounds can contaminate surface and ground waters, and could find their way into drinking water.<sup>7</sup> Improperly handled waste could release toxics that could leach into the surrounding environment, contaminating food sources and causing the death of animals and plants.

In order to remediate illegally dumped materials, state, counties, cities, and private property owners spend tens of millions of dollars every year.<sup>8</sup> The City and County of Sacramento spent nearly \$1.4m to clean up illegally dumped waste in 2017, with an additional \$600k spent on enforcement.<sup>9</sup> Reducing access to facilities such as Stericycle RC may lead to an increase in illegal dumping, negatively impacting the environment and human health and safety, and resulting in considerable cost.

**b. Environmental impacts could occur if there is waste storage times and accumulation of waste increases as a result of the proposed closure of the Stericycle RC facility.**

If the Stericycle RC facility closes, some of its customers may be forced to stockpile waste materials for longer time periods while they identify and set up contracts with a new provider, and thus, they may be unable to comply with the Resource Conservation and Recovery Act (RCRA).

Extended storage times and the resultant accumulation of waste can have environmental consequences. Containers could be damaged or toppled and large numbers of stacked containers can be difficult to inspect for spills and leaks.<sup>10</sup> In these circumstances, there can be an increased likelihood of environment contamination.

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<sup>5</sup> Eunomia Research & Consulting, Inc. 2018. Area-Wide Illegal Dumping Analysis for City of Sacramento and County of Sacramento. Available at: <https://www.calrecycle.ca.gov/docs/cr/illegaldump/saccitycountyidrecommendationrpt.pdf>. Accessed: September 2019.

<sup>6</sup> North Carolina Environmental Quality. Illegal Dumping. Available at: <https://deq.nc.gov/about/divisions/waste-management/waste-management-permit-guidance/solid-waste-section/illegal-dumping>. Accessed: September 2019.

<sup>7</sup> World Health Organization. Health-care Waste. Available at: <https://www.who.int/news-room/fact-sheets/detail/health-care-waste>. Accessed: September 2019.

<sup>8</sup> CalRecycle. 2018. Illegal Dumping Resources. Available at: <https://www.calrecycle.ca.gov/illegaldump>. Accessed: September 2019.

<sup>9</sup> Eunomia Research & Consulting, Inc. 2018. Area-Wide Illegal Dumping Analysis for City of Sacramento and County of Sacramento. Available at: <https://www.calrecycle.ca.gov/docs/cr/illegaldump/saccitycountyidrecommendationrpt.pdf>. Accessed: September 2019.

<sup>10</sup> Muralikrishna, I.V. and Manickam, V. 2017. Hazardous Waste Management. Excerpt. Available at: <https://www.sciencedirect.com/topics/earth-and-planetary-sciences/hazardous-waste-management>. Accessed: September 2019.

**III. Hazardous waste management is a complicated and regulatory-intensive process. Waste no longer handled by the Stericycle RC facility could be routed to less experienced handlers, or out-of-state facilities where requirements could be less stringent, all of which could result in unintended environmental consequences.**

**a. Extensive requirements are placed on hazardous waste facilities in California and the Stericycle RC facility is one of the most regulated and monitored TSDFs in California.**

RCRA was enacted in 1976 and gives the USEPA the authority to control hazardous waste from “cradle-to-grave,” including generation, transportation, treatment, storage, and disposal. USEPA has developed regulations that ensure the safe management and clean-up of solid and hazardous waste. Hazardous waste is regulated under Subtitle C of RCRA. Under Subtitle C, USEPA may authorize states to implement key provisions of hazardous waste requirements in lieu of the Federal Government. The USEPA requires authorized state hazardous waste regulations to be at least as stringent as those established at the federal level.

In California, the Hazardous Waste Control Law (HWCL) was enacted in 1972, four years prior to the enactment of RCRA. California has unique regulations that include, and substantially exceed the requirements of RCRA. For example:<sup>11</sup>

- California has added hazardous waste characteristics beyond those defined by federal regulation, including:
  - Wastes with total hazardous constituent levels exceeding specified Total Threshold Limit Concentration values
  - Wastes with an acute aquatic 96-hr LC50 <500 milligrams per liter
  - Wastes with more than 0.001% of certain specified constituents
  - Wastes that have been shown through experience or testing to pose a hazard due to carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative potential, or persistence in the environment
  - Wastes with potential to corrode
- California requires that Conditionally Exempt Small Quantity Generators (CESQG) and Small Quantity Commercial Sources to comply with the same requirements as Small Quantity Generators (SQG) with a few exceptions

In addition to the substantial requirements of the HWCL, in October 2018 the 2018 Judgment was placed on Stericycle RC requiring them to abide by additional provisions not required by state law, including:<sup>12</sup>

- The Facility may not store, manage, treat, bulk, or consolidate reactive waste
- The Facility must perform daily inspections of the loading and unloading area for cracks and storage of incompatible waste

<sup>11</sup> Retail Compliance Center. 2017. Hazardous Waste Variations by State. Available at:

<http://www.retailcrc.org/RegGuidance/rcracompliance/Pages/default.aspx>. Accessed: September 2019.

<sup>12</sup> Superior Court of the State of California, County of Sacramento. 2018. Final Judgment on Consent and Permanent Injunction. Available at:

[https://www.envirostor.dtsc.ca.gov/public/eeppublicdocs/1781781852/GEM\\_CEI2011\\_Judgmnt\\_101918.pdf](https://www.envirostor.dtsc.ca.gov/public/eeppublicdocs/1781781852/GEM_CEI2011_Judgmnt_101918.pdf).

Accessed: September 2019.

- The Facility must retain audio and video footage to monitor Areas A, B, C, and D, and the loading and unloading areas and make the footage available to DTSC upon request
- The Facility must ensure that training is completed as follows:
  - All Stericycle RC employees must complete a program of classroom instruction that teaches them to perform their duties at the Facility
  - All Stericycle RC employees who handle hazardous waste must complete training modules from the California Compliance School
  - Eight hours of training must be provided every six months to Stericycle RC employees on identifying, storing, and separating incompatible waste, and explaining the dangers of storing incompatible materials together. Testing must be performed, and a score of 90% must be achieved.
  - Four hours of Universal Waste Training must be provided every six months on the handling and management of universal waste
  - Stericycle RC must provide training on Area C and Area D Standard Operating Procedures, specifically compatibility training for bulking and consolidation of lab packs, loose packs, and solid waste in roll off bins
- The Facility is required to employ for a period of five years a third-party contractor knowledgeable in the California environmental laws applicable to the Facility. This “Environmental Compliance Assurance Officer” will manage the Facility’s compliance with the 2018 Judgment.
- The Facility is required to submit annual reports which include the efforts to comply with the 2018 Judgment, reportable events, actions taken in response to reportable events, penalties incurred in association with notice of violations and summary of violations.
- The Facility is required to retain the services of an independent 3<sup>rd</sup> party auditor who is qualified to conduct hazardous waste audits. This auditor must be a Registered Environmental Assessor or Professional Engineer licensed in California. The auditor must conduct three hazardous waste compliance audits at intervals of 18-months each.

Due to the regulations imposed by California law, and the additional requirements imposed by the 2018 Judgment, Stericycle RC is one of the most heavily regulated TSDFs in California. If waste is no longer handled by the Facility, it could be sent to less experienced handlers, or out-of-state where waste handling is less heavily regulated.

**b. Rerouted waste streams could be sent out of state where waste regulations are less stringent.**

As discussed in Section I, if the Stericycle RC facility closed, customers may be forced to send their waste out of state where hazardous waste regulations may be less stringent. One option would be to send the waste to Nevada. The Nevada Division of Environmental Protection is responsible for enforcing state hazardous waste statutes and regulations. Staff are authorized to enforce federal hazardous waste regulations in lieu of the USEPA.<sup>13</sup> Nevada has adopted by

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<sup>13</sup> Nevada Division of Environmental Protection (NDEP). Hazardous Waste. Available at: <https://ndep.nv.gov/land/waste/hazardous-waste-management>. Accessed: September 2019.

reference, the federal hazardous waste regulations, including hazardous waste characteristics, thresholds for generator categories, requirements for wastes generated by Very Small Quantity Generators (VSQG) and CESQG, and the Universal Waste Rule.<sup>14</sup> As discussed above, there are fundamental differences between the federal hazardous waste laws and those of California, making the hazardous waste treatment, storage, and disposal requirements in Nevada less stringent than those of California.

#### **IV. The Stericycle RC facility is a key partner for many regional HHW collection programs.**

##### **Closure of the Stericycle RC facility could have unintended environmental consequences.**

##### **a. The Stericycle RC facility plays a vital role in California's Paint Stewardship Program.**

California's Paint Stewardship Program encourages the reuse of paint, recycling of materials back into paint or other products, and proper management of leftover paint. The Stericycle RC facility has been participating in this program for seven years and plays a key role. Specifically, Stericycle is one of the two main companies that provides collection and hauling services for program. Under the program, Stericycle RC schedules pick-up appointments both by request and on a set schedule. Stericycle RC also provides empty paint collection bins and program supplies, and picks up full bins from drop-off sites.

The following paint reuse, repurpose, and recycling services are offered by Stericycle:

- Reclamation of paint to recover usable components;
- Direct use or reuse of latex paint as an ingredient in a product or substitute product. More specifically, latex paint can be mixed with ash to make cement mix for concrete;
- Recovery and/or purification of spent solvents, petroleum and used oils: recycling initiatives for paint thinner, engine oil, etc.<sup>15</sup>

If the Stericycle RC facility closes, there will be less capacity for the handling and processing of used paint. For instance, from August 2018 through July 2019 Stericycle RC processed more than 1,450 tons of used paint under the program.

##### **b. Environmental impacts can result from the improper handling and treatment of HHW.**

Proper use, storage, and disposal of household products containing hazardous substances such as paints, cleaners and solvents, and used oils is crucial in preventing risks associated with household hazardous wastes. Improper disposal of these wastes can pollute the environment, such as through contaminating soil and seeping into groundwater.<sup>16</sup> In addition, certain HHWs if poured down drains or toilets can potentially contaminate septic tanks and wastewater treatment

<sup>14</sup> Retail Compliance Center – Hazardous Waste Variations by State. Available at:

<http://www.retailcrc.org/RegGuidance/rcracompliance/Pages/default.aspx>. Accessed September 2019.

<sup>15</sup> Stericycle's Industrial Waste Services. Available at: <https://www.stericleenvironmental.com/service/industrial-waste-services/>. Accessed: September 2019.

<sup>16</sup> Los Angeles Sanitation & Environment (LASAN). Hazardous Waste. Available at:

[https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-c/s-lsh-wwd-s-c-hw?\\_afLoop=9852235216675879&\\_afWindowMode=0&\\_afWindowId=ap0jp10cm&\\_adf.ctrl-state=ufoa1d3lx\\_397](https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-c/s-lsh-wwd-s-c-hw?_afLoop=9852235216675879&_afWindowMode=0&_afWindowId=ap0jp10cm&_adf.ctrl-state=ufoa1d3lx_397). Accessed: September 2019.

systems or cause physical injury to sanitation workers. HHWs can also pose hazards to children and pets if left open in the house.<sup>17</sup>

Stericycle RC currently works with 20 different California communities to collect and process HHW. If the Stericycle RC facility closes, these communities may not be able to continue HHW collection if cost-effective alternative providers cannot be readily identified.

**V. Waste not handled by the Stericycle RC facility could be sent elsewhere (i.e., out of state) where there may be less recycling.**

**a. The benefits of recycling and recycling activities at the Stericycle RC facility.**

Recycling reduces reliance on natural resources.<sup>18</sup> For instance, when recycled materials are used it reduces the energy needed to extract, transport, and process raw materials and manufacture products, thereby lowering emissions of criteria pollutants and greenhouse gases. In addition, recycling of hazardous material reduces the volume of waste materials that must be treated and disposed of—processes which in themselves can result in emissions (e.g., waste incineration). Overall, recycling reduces water, air, and soil pollution.

Stericycle RC plays an important role in the recycling of hazardous waste in California. Approximately 60% of the waste entering the Stericycle RC facility is recycled through fuels blending and reuse.

**b. Rerouted waste streams could be sent out of state where recycling is less of a priority.**

In 2011, the California legislature adopted Assembly Bill 341 (AB 341), which established a new statewide goal of 75% recycling through source reduction, recycling, and composting by 2020.<sup>19</sup> The purpose of the bill is to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts, and expand the opportunity for additional recycling services and recycling manufacturing facilities in California. AB 341 establishes commercial recycling requirements for businesses that generate four cubic yards or more of commercial solid waste per week, or is a multifamily residential dwelling of five units or more. It also requires local governments to implement a commercial solid waste recycling program consisting of education, outreach, and monitoring of businesses. Table 3 lists historic recycling rates for California.<sup>20</sup>

**Table 3: California Historic Recycling Rates**

Year	Recycling Rate
2010	49%

<sup>17</sup> Environmental Protection Agency (USEPA). Household Hazardous Waste. Available at: <https://www.epa.gov/hw/household-hazardous-waste-hhw>. Accessed: September 2019.

<sup>18</sup> USEPA. Hazardous Waste Recycling Benefits. Available at: <https://archive.epa.gov/epawaste/hazard/web/html/benefits.html>. Accessed: September 2019.

<sup>19</sup> California Assembly Bill No. 341. 2011. Available at: [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120AB341](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB341). Accessed: September 2019.

<sup>20</sup> CalRecycle. California Statewide Recycling Rate. Available at: <https://www.calrecycle.ca.gov/75percent/RecycleRate/>. Accessed: September 2019.



2011	49%
2012	50%
2013	50%
2014	50%
2015	47%
2016	44%

Nevada, the closest state to the Facility, has less ambitious recycling goals than California. In 1991, Nevada adopted Assembly Bill 320 (AB 320) which established a recycling goal of 25% of municipal waste generated in Nevada.<sup>21</sup> This goal was established to meet the demands of waste reduction and to extend the life of landfills in the state. Nevada Department of Conservation and Natural Resources Bureau of Sustainable Materials Management (Nevada Recycles) publishes an annual Recycling and Waste Reduction Report. Table 4 lists historic recycling rates for Nevada.<sup>22</sup>

**Table 4: Nevada Historic Recycling Rates**

Year	Recycling Rate
2010	20.3%
2011	20.6%
2012	25.3%
2013	28.8%
2014	25.1%
2015	23.4%
2016	20.8%
2017	20.7%

Closure of the Stericycle RC facility may lead to rerouted waste streams to Nevada, which has only a 25% recycling goal. As a result, hazardous waste that was once intended for recycling could potentially end up in a landfill or be incinerated.

<sup>21</sup> Nevada Assembly Bill No. 320. 1991. Available at: [https://www.leg.state.nv.us/statutes/66th/Stats199108.html#Stats199108\\_CH525](https://www.leg.state.nv.us/statutes/66th/Stats199108.html#Stats199108_CH525). Accessed: September 2019.

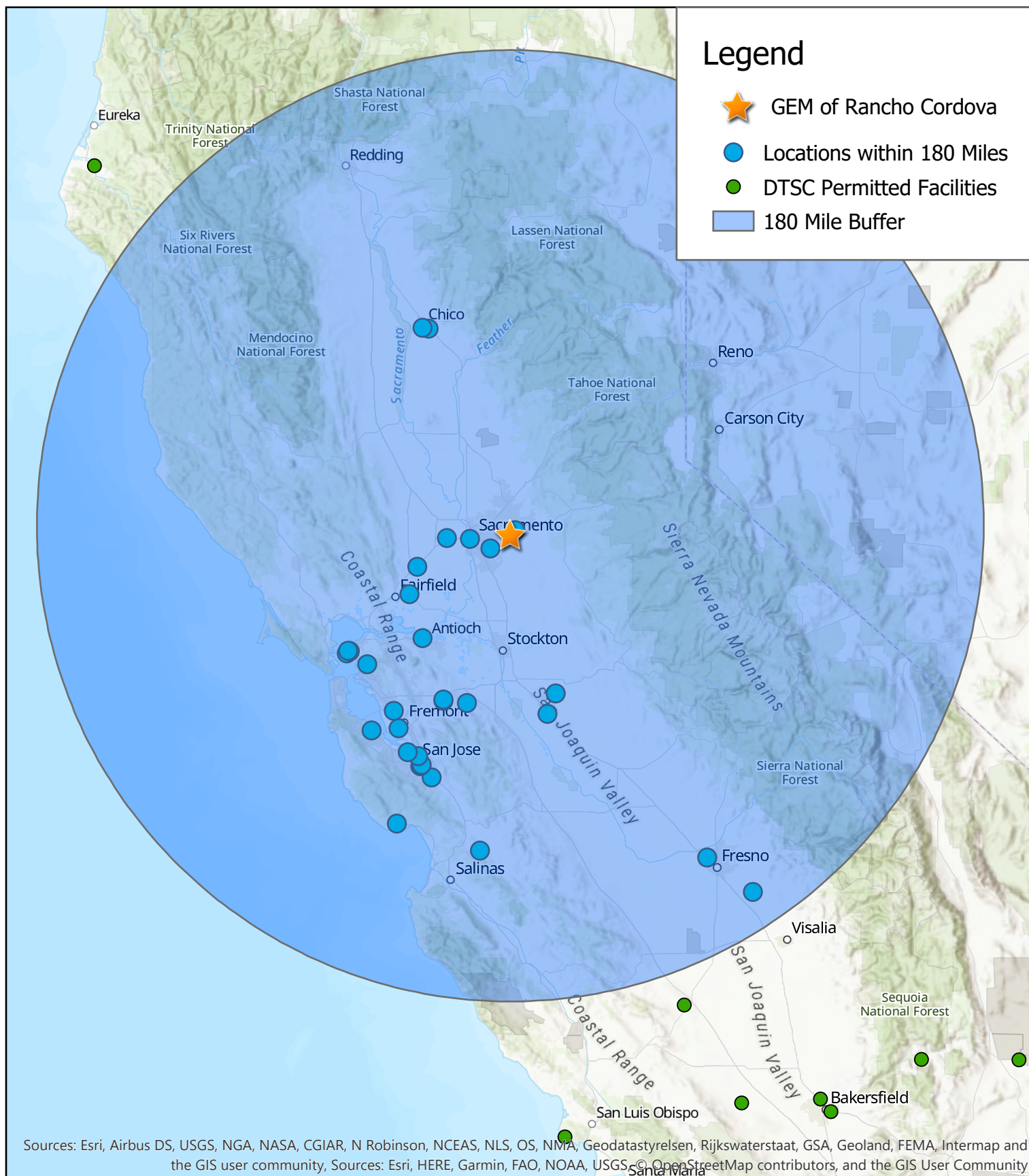
<sup>22</sup> NDEP. Nevada Recycles 2019 Recycling and Waste Reduction Report. Available at: <https://ndep.nv.gov/uploads/documents/19-recyc-rpt-final.pdf>. Accessed: September 2019.

**c. Potential environmental consequences when hazardous waste materials are not recycled.**

Hazardous wastes can include paints, solvents, oils, cleaning agents, and many other recyclable materials. The reduced recycling capacity resulting from the closure of Stericycle RC means that more waste is simply disposed, and this disposal could lead to more air pollution and more water and soil contamination.

**Attachment 17: Operating Hazardous Waste Facilities in 180-Mile Radius of  
GEM, 2 pages**

# GEM of Rancho Cordova Distance Evaluation



	<b>FACILITY_NAME</b>	<b>CITY</b>
1	WORLD OIL - SAN JOAQUIN LLC	PARLIER
2	SAFETY-KLEEN OF CALIFORNIA INC - FRESNO	FRESNO
3	BAYSIDE OIL II INC	SANTA CRUZ
4	GLENCORE RECYCLING LLC	SAN JOSE
5	WIT SALES AND REFINING	SAN JOSE
6	CLEAN HARBORS SAN JOSE LLC	SAN JOSE
7	J&B REFINING DBA J&B ENTERPRISES	SANTA CLARA
8	CLEAN HARBORS ENVIRONMENTAL SERVICES INC PORT OF REDWOOD CITY	REDWOOD CITY
9	SAFETY-KLEEN OF CALIFORNIA INC	NEWARK
10	ASBURY ENVIRONMENTAL SERVICES - CERES DBA WORLD OIL ENVIRONMENTAL SERV	CERES
11	AERC RECYCLING SOLUTIONS	HAYWARD
12	CALIFORNIA OIL TRANSFER LLC	RIVERBANK
13	VEOLIA ES TECHNICAL SOLUTIONS LLC RICHMOND	RICHMOND
14	D K DIXON	DIXON
15	SAFETY-KLEEN SYSTEMS,INC.	SACRAMENTO
16	RAMOS ENVIRONMENTAL SERVICES	WEST SACRAMENTO
17	SAFETY-KLEEN OF CALIFORNIA INC - DAVIS	DAVIS
18	ASBURY ENVIRONMENTAL SERVICES-CHICO II LLC	CHICO

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 85 of 86

**Attachment 18: Annual Status Report, CEC Consultants,  
10/10/2019, 29 pages**



**ANNUAL STATUS REPORT**

**ENVIRONMENTAL COMPLIANCE ASSURANCE  
CONTRACTOR SERVICES**

**11855 WHITE ROCK ROAD  
CORDOVA, CA**

**Prepared for:**

**STERICYCLE, INC.**

**Prepared by:**

**CIVIL & ENVIRONMENTAL CONSULTANTS, INC.  
PHOENIX, AZ**

**CEC Project 194-875**

**October 10, 2019**



October 10, 2019

Denise Tsuji  
Branch Chief  
Department of Toxic Substances Control  
Enforcement and Emergency Response Division  
8800 Cal Center Drive  
Sacramento, CA 95826-3200

Brooke O'Hanley Selzer  
Senior Attorney  
Office Legal Counsel  
Department of Toxic Substances Control  
700 Heinz Ave  
Berkley, CA 94710

Dear Ms. Tsuji and Selzer:

Subject: Annual Status Report  
Environmental Compliance Assurance Contractor  
11855 White Rock Road, Rancho Cordova, CA  
CEC Project 194-875

Civil & Environmental Consultants, Inc. (CEC) is pleased to submit the attached Annual Status Report for the above referenced Subject Property.

If you have any questions, please feel free to contact us at 602.760.2324.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Diana Quinn  
Assistant Project Manager

Randal F. Bodnar, P.E.  
Vice President



## EXECUTIVE SUMMARY

Civil & Environmental Consultants, Inc. (CEC) in conjunction with Sweetser & Associates, Inc. (Larry Sweetser) have provided Environmental Compliance Assurance Contractor (ECAC) services on the property located at 11855 White Rock Road, Rancho Cordova, California (Subject Property). The Subject Property is used as a hazardous waste treatment and storage facility owned, operated, and managed by Stericycle.

This Annual Status Report describes the results of the ECAC services and inspection of Stericycle's hazardous waste facility. CEC and Larry Sweetser (collectively the ECAC) conducted a two-day inspection of the Subject Property on September 9 and 10, 2019. This report is intended to meet the requirements of the Stipulation for Entry of Order and Final Judgement on Consent, Section 9.31 Environmental Compliance Assurance Contractor and Section 9.32 Annual Reports.

The Annual Status Report is required to describe:

- The efforts by GEM and Stericycle (Stericycle) to comply with the terms of the Stipulation and Final Judgement;
- The occurrence of a reportable event or reportable events as defined in Health and Safety Code section 25508.1, NOVs or SOVs issued;
- Any actions taken by the facility in response to a reportable event and NOVs/SOVs; and
- Any penalties paid by Stericycle with respect to such NOVs/SOVs.

As described further in the body of the report below, the efforts by Stericycle to comply with the terms of the Stipulation and Final Judgement are the following:

- Stericycle is maintaining and complying with required permits with a few exceptions (which have been or plan to be corrected) as indicated in this report. The Subject Property is generally compliant with applicable laws and regulations related to hazardous waste.
- At the time of the site operation walk-through, the Subject Property appeared to be in good standing.
- Regarding the Industrial General Permit (IGP), several required documents or records have not been submitted to Storm Water Multiple Application and Report Tracking System (SMARTS) due to delay in the State Water Resources Control Board (SWRCB) issuing a new Waste Discharge Identification (WDID). The required monthly visual stormwater observations were performed.
- All employees were current on their required training. Initially, the training material and status of employees were not in a user-friendly format to provide quick determination of compliance. Stericycle has resolved this with replacement of the tracking system with a system that is more user friendly for Stericycle, the regulatory agency, and ECAC review.
- Upon federal e-Manifest system review, Stericycle accepted reactive hazardous waste carrying the D003 waste code on seven (7) occasions. Stericycle was able to verify that from the eleven (11) manifests reported in the Stipulation, three (3) were incorrectly reported and the shipments were not accepted at the Subject Property; and one manifest

shipment was received prior to the date of the Stipulation. Stericycle has incorporated changes to their system to ensure that the acceptance of D003 does not occur in the future.

- Daily inspections reviewed appeared to be within compliance and performed on a daily basis with any observed items reported as corrected.
- The Subject Property has not received any NOV or SOVs during the reporting year. Additionally, no penalties and/or fines have occurred during the reporting year.
- No reportable events have occurred at the Subject Property during the reporting year.
- Stericycle has made significant changes to the Subject Property to achieve improvements in compliance and incorporate best management practices, such as:
  - Management changes including a new Chief Executive Office, Executive Vice President of North American Operations, Senior Vice President of Environmental Health and Safety, and Facility Manager.
  - Voluntarily ceasing certain higher risk operations, such as bulking and liquids management, until a full assessment could be completed.
  - New record keeping systems for waste manifests and employee training including more oversight.
  - Improved training for Stericycle employees. A Certificate of Training program for all future hires to verify completion of the required training prior to beginning work at the treatment, storage, and disposal facility (TSDF). Stericycle also created a training certificate for the Commingled Compatibility Certification.
  - Implementation of visual aids for employees as a reminder that reactive wastes are not permitted.
- Stericycle also implemented several practices above and beyond regulatory requirements that assisted operation compliance.
- Stericycle has represented that it is committed to achieving and maintaining compliance with applicable laws and regulations and intends to implement all recommended best practices. The company's actions are consistent with this representation, and it has already begun to implement many of the recommended best practices.

## TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION .....	1
1.1 Project Background.....	1
1.2 Site Description.....	1
1.3 Purpose.....	2
1.4 Scope of Services .....	2
2.0 SUMMARY OF FINDINGS .....	4
2.1 Site Operation Walk-Through.....	4
2.2 Regulatory Agency Inspection Reports and Responses.....	7
2.3 Facility Permits and Compliance Records .....	8
2.4 Training records .....	9
2.5 Waste System Process.....	12
2.6 Facility Inspection Checklists .....	14
2.7 NOV's and SOV's .....	14
2.8 Reportable Events and Agency Reports .....	14
2.9 Other Regulatory Compliance Requirements .....	14
3.0 SUMMARY OF STERICYCLE EFFORTS .....	16
3.1 Management Changes .....	16
3.2 Voluntary Curtailment of Certain Operations.....	16
3.3 New Record Keeping Systems.....	17
3.4 Improved Training .....	18
4.0 RECOMMENDATIONS .....	19
5.0 QUALIFICATIONS AND SIGNATURES OF ENVIRONMENTAL PROFESSIONALS .....	21

## APPENDICES

Appendix A	Final Judgement on Consent and Permanent Injunction
Appendix B	Hazardous Waste Generator Inspection Report Checklist
Appendix C	Site Walk-Through Photographs
Appendix D	Training Record Tracker
Appendix E	Stericycle Training Certifications
Appendix F	Waste Manifest Blank Form
Appendix G	GEM Interim Daily Inspection Form TSDF
Appendix H	Qualifications of CEC Personnel

## **1.0 INTRODUCTION**

Civil & Environmental Consultants, Inc. (CEC) in conjunction with Sweetser & Associates, Inc. (Larry Sweetser) have provided Environmental Compliance Assurance Contractor (ECAC) services on the property located at 11855 White Rock Road, Rancho Cordova, California (Subject Property).

### **1.1 PROJECT BACKGROUND**

On October 26, 2017 California Department of Toxic Substances Control (DTSC) filed an enforcement action against GEM / Stericycle Environmental Solutions, Inc. (Stericycle) for Permanent Injunction and Civil Penalties (Complaint) under the California Hazardous Waste Control Law (HWCL) and its implementing regulations, California Code of Regulations, title 22, division 4.5, section 66260.1 et seq. ("Title 22") in connection with the Stericycle Hazardous Waste Treatment and Storage Facility.

DTSC and Stericycle entered into a Stipulation and Final Judgement as a final and binding resolution and settlement of the HWCL and Title 22 violations specifically alleged by DTSC against Stericycle in the Complaint, signed and dated as October 19, 2018. A copy of the Final Judgement is attached in Appendix A.

### **1.2 SITE DESCRIPTION**

The Subject Property is located in Sacramento, California, approximately 1.77 miles south of US Interstate 50 and immediately north of White Rock Road, between Sunrise Boulevard and Grant Line Road. The parcel is a 0.81 acre portion of the larger parent parcel identified as Assessor parcel number 072-0530-007-0000, which is owned by Stericycle. This parcel has been zoned by the County of Sacramento as special planning area-industrial.

The land is currently used as a hazardous waste treatment and storage facility; owned, operated, and managed by a subsidiary of Stericycle. Adjacent to the treatment and storage facility is a ten-day transfer station that is not included in this review.

### **1.3 PURPOSE**

The purpose of this Annual Status Report is to identify, to the extent feasible pursuant to the process prescribed herein, good faith efforts to assess Stericycle's compliance with applicable laws and regulations; advise Stericycle employees on compliance with all applicable laws and regulations; and to correct any noted deficiencies or violations.

Based on the Final Judgement, Stericycle agreed to employ and maintain the services of an independent third-party contractor knowledgeable in the California environmental laws that are the subject of the Final Judgement, as an ECAC for a period of five (5) years. The ECAC's responsibility is to manage Stericycle's compliance with the injunction terms in the Final Judgement. Stericycle remains responsible for the actions of ECAC and is not otherwise relieved of any requirements set forth in the Permit or the Final Judgement.

### **1.4 SCOPE OF SERVICES**

CEC and their subcontractor, Sweetser & Associates, Inc. (Larry Sweetser) performed the following ECAC scope of services in order to manage the responsibilities of the ECAC and meet the purpose of this Annual Status Report:

- Records review;
- Site Inspections; and
- Annual Status Report.

#### **1.4.1 Records Review**

The purpose of the records review is to identify, obtain, and review reasonably ascertainable records that will help identify compliance with applicable laws and regulations in connection with the Subject Property. The records review consisted of the following:

- Regulatory agency inspections and responses;
- Subject Property permits and operation procedures;
- Training records;
- Waste system process;
- Subject Property Inspection Checklists;

- Summary of Violations (SOV) and Notice of Violations (NOV);
- Reportable Events and Agency Reports; and
- Other Regulatory Compliance Requirements.

#### 1.4.2 Site Inspections

An on-site environmental compliance inspection of the Subject Property was performed to assess Stericycle's compliance with applicable laws and regulations; to identify and advise on any compliance; and correct any noted deficiencies or violations. The compliance inspection consisted of a visit to observe the entire facility and operations and evaluate its current environmental compliance status.

#### 1.4.3 Annual Status Report

The Annual Status Report, continuing for five (5) years, will be submitted to DTSC by Stericycle's ECAC and CEC detailing the following:

- Efforts by Stericycle to comply with the terms of the Stipulation and Final Judgement;
- The occurrence of a reportable event or reportable events as defined in Health and Safety Code 25508.1;
- NOV's or SOV's issued to Stericycle for the facility, and actions taken by the facility in response to a reportable event and NOV's/SOV's; and
- Penalties paid by Stericycle with respect to such NOV's/SOV's.

After completion of the above tasks, CEC and their subcontractor, Sweetser & Associates, Inc. as the ECAC, prepared this Annual Status Report describing the scope of services performed, the identification of non-compliance findings, and recommendations for the Subject Property.

## **2.0 SUMMARY OF FINDINGS**

On September 9 and 10, 2019, Curt Fujii, Diana Quinn, and Larry Sweetser performed an on-site environmental compliance inspection of the Subject Property to assess Stericycle's compliance with applicable permits, laws and regulations and to identify and advise for non-compliance findings. The following subsections identify the methodology used when performing ECAC services and the environmental compliance inspection of the Subject Property.

### **2.1 SITE OPERATION WALK-THROUGH**

The Hazardous Waste Generator Inspection Report Checklist was used as a guide during the inspection to verify Stericycle is meeting the requirements of the Hazardous Waste Control Law (HWCL), Permit, Stipulation, and the Final Judgement. The generator checklist is attached in Appendix B. At the time of the site operation walk-through, the Subject Property appeared to be in good standing. Operational Areas A, B, C, and D were observed when performing the walk-through. Observations focused on facility signage, aisle space between containers, compatibility of wastes to designated area, accumulation dates, container labeling, container stacking, container integrity, and waste tracking. Photographs of the site operation walk-through are found in Appendix C. Based on the inspection at the Subject Property, the following findings were identified:

- No incompatible wastes were identified in the A, B, C, or D storage areas;
- Incompatible wastes in storage A (e.g. oxidizers) were placed on containment pallets as required;
- No exceedance of storage limits was identified;
- Proper aisle space was observed as designated for each area;
- Department of Transportation lithium battery labels were out-of-date. The labels need to be replaced with the new hazardous waste labels for lithium batteries. Stericycle provided documentation that the new labels were applied on the containers on September 13, 2019 and that new permanent drum labels were ordered;

- A box of broken florescent tubes by the generator was labeled with both a hazardous waste and universal waste sticker. Since the disposition of the broken lamps is a hazardous waste, the universal waste label needs to be crossed-out or removed to avoid confusion. This label item was corrected during the walk-through;
- One (1) drum, from Metz Road Incident, CAD 982 522 666, was noted with two (2) “Hazardous Waste” labels with different dates (3/27/19 and 4/26/19). Stericycle plans to perform quality assurance and quality checks during their daily inspections to flag any label errors;
- Several small boxes were observed, shrink wrapped on a pallet. DTSC has indicated that individual small boxes count as a container for double stacking purposes. Section VIII-E 1.b. allows that containers may be double stacked only. The Department of Transportation (DOT) considers smaller containers, shrink wrapped to a pallet, to be a single container or type of over pack (Code of Federal Regulations, Title 49, Section 173.25). Multiple items placed on a pallet and shrink wrapped, such as auto batteries and large computer monitors, is a standard method of packaging these items for shipment. California Code of Regulations, Title 22, Section 66260.10 states the following as a definition of a container:

*“Container” means any device that is open or closed, and portable in which a material can be stored, handled, treated, transported, recycled or disposed of.*

This review will utilize the interpretation that a shrink-wrapped pallet of smaller containers is considered a single container for storage purposes until more clear guidance is provided by DTSC. Based on interpretation by the DOT, the stacking of containers is in compliance.

- Area D had two (2) non-hazardous waste trash receptacles that were not labeled. It is suggested to label the receptacle on all sides to clearly identify the container for non-hazardous waste only; and
- Area B, Bay 6 signs identify explosives storage. Area B, Bay 5 signs identify Water Reactives. These waste classifications are not currently allowed to be accepted. As a reminder not to accept explosives or reactives, at the Subject Property, it is suggested to



cross-out this portion of the sign until these items can be accepted again. Stericycle is working to cover this portion of the sign as an added reminder for staff of the prohibition

## **2.2 REGULATORY AGENCY INSPECTION REPORTS AND RESPONSES**

A review of the regulatory agency inspection reports and responses during the reporting year was performed. There were no inspections from any agency during the reporting year. The following subsections describe the current exchanges and standing with DTSC.

### **2.2.1 October 2018 Case Status**

On October 19, 2018, a Final Judgement on Consent and Permanent Injunction was entered in Sacramento County Superior Court resolving all violations from March 2011 through October 2017. Stericycle agreed to pay DTSC a penalty of \$1.4 million and to enhanced oversight and reduced operations. Stericycle also agreed not to accept reactive hazardous waste as defined in California Code of Regulations, Title 22, Section 66261.23 (including federal regulated hazardous wastes with a D003 code) at the Subject Property per the Final Judgement Section 9.12.

### **2.2.2 DTSC Issues of Concern**

On April 19, 2019, Stericycle submitted documents to DTSC pertaining to the training verification and certification requirements of the Final Judgement Section 9.28 and 9.29. DTSC asserts that the documents failed to demonstrate that employees were properly trained, in accordance with the Final Judgement, to safely operate on the Subject Property.

DTSC visited the Subject Property on May 15, 2019 for a pre-permit inspection. According to DTSC, during the visit, it observed activities that were not in compliance with the regulations and the Permit.

- Containers were observed stacked more than two containers high in Area B and Area C.
- A review of records on the federal e-Manifest system showed that on 11 occasions, since the entry of the Final Judgement, Stericycle accepted reactive hazardous waste carrying the D003 waste code in direct violation of Section 9.12 of the Final Judgement.

While this information was noted in the Statement of Basis for DTSC Denial for Permit Renewal, an official inspection report was not provided to Stericycle for the May 15, 2019 pre-permit

inspection nor was there any final correspondence from DTSC enforcement that the training materials submitted in April were compliant.

### 2.2.3 DTSC Denial for Permit Renewal

DTSC made a tentative decision to deny the hazardous waste facility permit renewal application for Stericycle. DTSC took this action because of the Subject Property's failure to comply with the California hazardous waste laws.

## 2.3 FACILITY PERMITS AND COMPLIANCE RECORDS

Upon record review of the Subject Property, Stericycle is required to maintain and comply with the following permits and records:

- Temporary Wastewater Discharge Permits issued annually, by the Sacramento Regional County Sanitation District (Regional San), for discharge of potentially contaminated stormwater at a Regional San septage disposal site by a Regional San-permitted hauler. Stericycle collects and discharges all stormwater from the Subject Property to a Regional San septage disposal site.
- Resource Conservation and Recovery Act (RCRA) Hazardous Waste Part B Permit.
- State Water Resources Control Board Order 2014-0057-DWQ as amended by Order 2015-0122-DWQ, also known as Order NPDES No. CAS000001, or the Industrial General Permit (IGP).
- Hazardous Materials Business Plan (CERS ID 10166331).

The only IGP-required activity at the Subject Property includes monthly visual stormwater observations and submitting an Annual Report to SMARTS. Stericycle collects all stormwater runoff from the Subject Property and discharges it to a Regional San septage disposal site under the annually issued Temporary Wastewater Discharge Permit

Stericycle terminated previous coverage on July 19, 2018, based on a Notice of Termination submitted to SMARTS. A Notice of Intent (NOI) was submitted into SMARTS along with a

Permit Application fee paid to SWRCB to obtain coverage and a new Waste Discharge Identification (WDID) number. On September 11, 2019, a WDID number (5S34I028336) and Application ID (507848) were obtained. Currently, several required documents or records have not been submitted to SMARTS due to delay in SWRCB issuing a new WDID. Now that the WDID number has been issued, Stericycle's Stormwater Consultant, Frog Environmental, Inc. (FROG), will follow up on submitting the reports.

All Subject Property Permits are active and in compliance.

## 2.4 TRAINING RECORDS

CEC reviewed the readily available training records to evaluate Stericycle's compliance with applicable laws and regulations and to correct any noted deficiencies or violations.

### 2.4.1 Required Training Topics and Refresher Frequency

The following table summarizes Exhibit 2 from the Final Judgement and identifies the required training topics and refresher frequency requirements for Stericycle to abide by:

Training Topic	Training Frequency Requirement
40-Hour HAZWOPER	Initial
8-Hour Supervisor	Initial / As Required by the Stipulation
8-Hour Refresher	Annual
IIPP	Initial
Emergency Response Procedures / Contingency Plan	Initial / Annual
Confined Space	Initial / Annual as required
First Aid / CPR	Initial / Annual as required
DOT Hazardous Materials Regulations and DOT Security Plan	Initial / Every 3 Years
Physicals	Initial / Annual

<b>Training Topic</b>	<b>Training Frequency Requirement</b>
Permit Part B Training for all roles not involving consolidation and/or bulking	Initial / Annual
Permit Part B Training for all roles involving consolidation and/or bulking	Initial / Annual
RCRA Hazardous Waste Generator Training (66264.16)	Initial / Annual
8 Hours Chemical Compatibility and Storage, Chemical Identification and Classification,	Initial / As Required by the Stipulation / Every 6 Months
Contingency Plan Outline / Overview	Initial / Annual
Respiratory Protection Program	Initial / Annual
Respirator Fit Testing	Initial / Annual as required
Laboratory Chemical Hygiene Plan	Initial (Chemist and Laboratory Technicians)
Three Days of CA Compliance School Modules 1-5	Initial / As Required by the Stipulation
4 Hours of Universal Waste Training	Initial / As Required by the Stipulation / Every 6 Months
Area C and Area D SOP Training	Initial / As Required by the Stipulation / Every 6 Months

Upon initial review, CEC did not find verification that the employees were up-to-date on training. However, after a multi-day detailed review of training documents and interviews with Stericycle staff it was confirmed that all employees, working in the TSDF, were up-to-date on their training. The training material and status of employees were not in a user-friendly format to provide quick determination of compliance.

Based on CEC's experience determining compliance, it is believed the non-user-friendly format caused DTSC to state that Stericycle documents failed to demonstrate that employees were properly trained. Therefore on September 12, 2019, Stericycle provided an updated user-friendly employee training tracking system that will make training easier to track for the company and for regulators. A copy of the Stericycle training tracker is attached in Appendix D.

Also identified during the inspection, Stericycle cross-trained their environmental technicians to conduct the activities of the Chemist. After a discussion with Stericycle, it was determined that

going forward they will provide comingled compatibility certificates to applicable employees giving individuals the ability to do the job designated as chemist. On September 12, 2019, Stericycle provided the Commingled Compatibility Certification program they plan to use for all future training. A copy of the Commingled Compatibility Certification can be found in Appendix E.

#### 2.4.2 New Hire Employee Requirements

Per Section 9.26 of the Final Judgement, new employees are required to complete all training prior to commencing work at the TSDF. *Three Days of California Compliance School Modules 1-5* training are to be completed within six (6) months of their hire date.

Final Judgement compliance for new employee training, prior to commencement of work on the TSDF, was difficult to determine because Stericycle used the employee hire date in their training tracker rather than the date the employee began work at the TSDF. Due to this, some of the documentation of training could incorrectly be interpreted as showing that new employees began work before they received the necessary training. Stericycle assured CEC that all employees completed their necessary training prior to working in the TSDF.

Stericycle was advised to create a Certificate of Training program for employees prior to beginning work at the TSDF and to add the new date into the training tracker. On September 12, 2019, Stericycle provided a TSDF Training Certification program that they plan to use for all future hires. A copy of the TSDF Training Certification can be found in Appendix E.

#### 2.4.3 All Employee Requirements

Per Section 9.26 of the Final Judgement, all employees are required to complete the *Three Days of California Compliance School Modules 1-5* training within six (6) months of the Final Judgement and the following training within 30 days of the Final Judgement:

- Eight (8) Hours Chemical Compatibility and Storage, Chemical Identification and Classification, Segregation and Basic Chemistry Training;
- Four (4) Hours Universal Waste Training; and
- Area C and D SOP Training.

Upon review, all employees working in the TSDF were trained within the 30 day and six (6) months per the Final Judgement requirements.

#### 2.4.4 Employee Test Score Requirements

Per Section 9.26.3 of the Final Judgement, all attendees of the eight (8)-hours of Incompatibility Training were required to be tested. Scores of at least 90 percent are considered passing. Employees receiving a score of between 70 and 90 percent must retake the test until a minimum score of 90 percent is obtained. Employees receiving a score of less than 70 percent must retake the training and the test.

Upon review, all attendees of the eight (8)-hours of Incompatibility Training were tested. Going forward, the company has also committed to implementing the best practice of marking test scores at the top of employee tests and recording test results in the training matrix--including any repeated tests or trainings as needed.

## 2.5 WASTE SYSTEM PROCESS

DTSC performed a review of records on the federal e-Manifest system and stated that on 11 occasions, since the entry of the Final Judgement, Stericycle accepted reactive hazardous waste carrying the D003 waste code.

CEC reviewed the 11 occasions and determined the following:

- One (1) was accepted prior to the entry of the Final Judgment;
- Three (3) were manifest discrepancies, never accepted at the Subject Property but rather accepted at the Birmingham or Providence locations; and
- Seven (7) were accepted at the Subject Property.

A blank form of the Stericycle Waste Manifest is attached in Appendix F. The following table summarizes the manifests in question:

<b>Manifest Number</b>	<b>Received Date</b>	<b>Resolution</b>
011430027FLE	9/4/18	Received prior to the date of the Final Order
012414196FLE	10/31/18	Received by GEM/Stericycle
011431260FLE	11/17/18	Received by GEM/Stericycle
011464000FLE	11/18/18	Received by GEM/Stericycle
011464202FLE	11/27/18	Received by GEM/Stericycle
012414325FLE	11/29/18	Received by GEM/Stericycle
012433156FLE	11/29/18	Received by GEM/Stericycle
013005293FLE	12/20/18	The paper "Designated Facility to EPA's e-Manifest System" indicates the actual Designated Facility was Allworth in Alabama. The electronic manifest indicates GEM Rancho Cordova.
012048902FLE	12/6/18	The paper "Designated Facility to EPA's e-Manifest System" indicates the actual Designated Facility was Allworth in Alabama. The electronic manifest indicates GEM Rancho Cordova.
000228213DAT	01/14/19	Received by GEM/Stericycle
013006890FLE	1/24/19	The paper "Designated Facility to EPA's e-Manifest System" indicates the actual Designated Facility was Allworth in Alabama. The electronic manifest indicates GEM Rancho Cordova.

As indicated in the table above, three manifests were incorrectly documented as received D003. The discrepancy was due to inconsistencies between the paper manifest and the Environmental Protection Agency (EPA) electronic manifest system. On the three occasions, the paper manifests were corrected to indicate a different receiving facility but the change was not corrected in the electronic manifest.

Accepting D003 or other reactive waste is a violation of Section 9.12 of the Final Judgment. However, changes have been incorporated to verify that the acceptance of D003 does not occur in the future. Stericycle has made changes to their electronic system to block any manifest with D003 codes from being generated for use of clients and from acceptable waste profiles and process codes. Stericycle indicated that they will continue working with their information systems to increase flagging potential reactive wastes.



In addition, Stericycle will be revising the visual aids in the storage areas for the employees to have signs that remind them that these wastes are not permitted.

Office employees will be trained to perform quality assurance and quality checks to flag manifests with the D003 code or other reactive wastes. Incoming manifests will be reviewed for D003 and other reactive shipping names and hazard class numbers.

No D003 or other reactive wastes were observed at the time of the audit.

## **2.6 FACILITY INSPECTION CHECKLISTS**

Stericycle daily inspection documents were reviewed during the environmental compliance evaluation. Stericycle performs a daily inspection, with Supervisory sign-off, every morning before the commencement of work. A copy of the GEM Interim Daily Inspection Form TSDF can be found in Appendix G. Daily inspections reviewed appeared to be within compliance and performed on a daily basis. Items needing attention were promptly addressed. A standard practice is for daily inspections to also be reviewed by the Facility Manager.

## **2.7 NOVS AND SOVS**

The Subject Property has not received any NOV or SOVs during the reporting year. Additionally, no penalties and/or fines have occurred during the reporting year.

## **2.8 REPORTABLE EVENTS AND AGENCY REPORTS**

No reportable events have occurred at the Subject Property during the reporting year.

## **2.9 OTHER REGULATORY COMPLIANCE REQUIREMENTS**

Stericycle appears to have submitted all required information into the California Environmental Reporting System (CERS). The following documents have been uploaded into CERS:

- Annotated Site Map;
- Business Owner Operator Report;
- Emergency Response Contingency Plan;
- Emergency Response Contingency Plan Site Specific;

- Employee Training Plans;
- GEM Hazardous Material Inventory; and
- Business Activities Report.

Additionally, the Sacramento Air Quality Management District has determined that equipment at the Subject Property, with the potential to impact air quality, is exempt from permitting requirements.

### **3.0 SUMMARY OF STERICYCLE EFFORTS**

Stericycle has incorporated significant changes to the facility to verify improvement in compliance and incorporate best management practices since DTSC and Stericycle entered into a Stipulation and Final Judgement on October 26, 2017. The following subsections identify the efforts Stericycle has performed to ensure environmental compliance and improve best practices.

#### **3.1 MANAGEMENT CHANGES**

Since the Final Judgement, Stericycle has hired key management personnel as a proactive resolution of the previous HWCL and Title 22 violations specifically alleged by DTSC against Stericycle in the Complaint. Personnel changes have allowed for additional oversight on environmental compliance and an improved management structure.

Stericycle hired a new highly experienced Facility Manager for the proper management of the Subject Property. Stericycle appointed a new Chief Executive Officer (May 2019) and Executive Vice President of North American Operations. Both of these individuals are following a 30-year career with UPS and have a keen focus on safety, compliance and environmental sustainability. A new Senior Vice President of Environmental Health and Safety (EHS) was added to the Stericycle team and given the responsibility to create a global, best-in-class EHS organization. This individual has restructured the EHS program to develop specialists in both safety and regulatory management as well as expand the use of an environmental management system.

#### **3.2 VOLUNTARY CURTAILMENT OF CERTAIN OPERATIONS**

As part of the local management changes, the new Facility Manager was required to complete a full evaluation of the Subject Property. Based on this evaluation, it was determined that the Subject Property would voluntarily refrain from certain higher risk operations (i.e., bulking and liquids management) until a full assessment could be completed. This provided an opportunity to evaluate the training needs for the current employees, establish the training regime for new hire employees, and fully vet the training requirements in the Stipulation to ensure compliance.

During this time, systems were evaluated to ensure compliance; a flooring contractor was hired to fill cracks on the floor and install the proper coating per the permit; air handling units were disassembled and rebuilt to ensure proper functioning. CEC did not evaluate air handling units as

they were not in use; however, Stericycle reassured that once complete they would be fully functional and tested prior to use.

Additionally, the Subject Property is functioning in a self-imposed limited capacity. Certain permitted functions are not being conducted (such as liquid bulking) and were not observed; thus, not referenced in this report.

### **3.3 NEW RECORD KEEPING SYSTEMS**

Stericycle has revised their electronic waste record keeping system to block manifests with D003 codes from being generated by staff. Waste profiles and process codes were changed in the system to remove D003 codes. While it was not observed during the inspection, as part of their ongoing improvement process Stericycle indicated that they are working further with their information technology team to identify additional options for identifying reactive wastes in the system beyond D003 denotation on profiles.

Additionally, Stericycle staff will be trained to perform quality assurance and quality checks to flag incoming and outgoing manifests with the D003 code or other reactive wastes, reactive shipping names, and hazard class numbers. When reactive wastes are flagged, Stericycle management will redirect the shipment. This updated system will verify that the acceptance of D003 does not occur in the future. Stericycle also plans to revise the visual aids in the storage areas as a reminder that these wastes are not permitted.

Stericycle incorporated the Safety and Environmental Management System (SEMS) to manage their environmental documentation. While not observed to its full capacity during the inspection, Stericycle confirmed SEMS has the ability to provide recordkeeping and identify report requirements, incident tracking and corrective action plans for any incidents, and store training documentation for employees. SEMS is intended to be the comprehensive system of recordkeeping for the company.

Additionally, Stericycle provided an updated user-friendly employee training tracking system that will make training easier to track and to demonstrate compliance for regulators.

### **3.4 IMPROVED TRAINING**

Since the Final Judgement, Stericycle has incorporated a more stringent hiring structure for TSDF employees. The new structure includes:

- An initial, temporary employee hiring period through the 10-day facility;
- Evaluation of that potential employee and fully vetting their ability to conduct the TSDF function; and
- A training process to ensure all training is complete for a potential TSDF employee, prior to being placed in the TSDF operations area.

Stericycle has proactively created a Certificate of Training for employees who have completed this process and also created a training certificate for the Commingled Compatibility Certification which is the primary activity of the Chemist.

## 4.0 RECOMMENDATIONS

Stericycle is maintaining and complying with required permits and is generally within compliance with applicable laws and regulations related to hazardous waste, with a few exceptions (which have been or plan to be corrected) as indicated in this report. Based on the Annual Status Report findings, CEC offers the following recommendations to perform best practices and maintain compliance with applicable laws and regulations at the Subject Property:

- A new user-friendly tracking system for training that is more user friendly for both the regulatory agency and ECAC review.
  - On September 12, 2019, Stericycle provided an updated user-friendly employee training tracking system.
- Upon completion of all training, employees should receive a notification letter that they are permitted to work in the TSDF.
  - On September 12, 2019 Stericycle provided a TSDF Training Certification letter to use when employees complete all their required training.
- Fill out grade scores on the training tests to verify the employee passed with at least a 90 percent. Stericycle indicated they will commence this requirement on all future tests. Stericycle has added this condition to their revised training tracking tool.
- Indicate an expanded outline of the training material covered on the employee sign-in sheet. This will ease agency and ECAC compliance review for training topics covered.
- Incorporate RCRA training, specific to California regulations, on an annual basis.
- Identify the start date on the training tracker spreadsheet that the employee commenced work in the TSDF.
  - On September 12, 2019, Stericycle provided an updated user friendly employee training tracking system to include this information.

- Continue performing quality checks in all Areas to identify waste having conflicting labels; such as hazardous waste and universal waste.
- The facility that actually received the three shipments of D003 waste, which were attributed to GEM Rancho Cordova, should file corrections with EPA and DTSC.
- As a reminder not to accept explosives or reactives at the Subject Property, it is suggested to cross-out this section on the sign in Area B Bay 6.
- Conduct the Hazardous Waste Generator Inspection Report Checklist (found in Appendix G) at least monthly, in addition to the daily inspections. This will verify that Stericycle is meeting the requirements of the HWCL, Permit, the Stipulation, and the Final Judgement.
- Replace all lithium battery labels with the proper labels.
  - On September 12, 2019 Stericycle provided photographic evidence that the labels were updated.
- Label *trash only, non-hazardous* on all four sides of the receptacle in Area D.

Stericycle has represented that is committed to achieving and maintaining compliance with applicable laws and regulations and that it intends to implement all recommended best practices.

## 5.0 QUALIFICATIONS AND SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

This report was prepared by Diana Quinn and reviewed by EP certified Randal Bodnar, both representatives of CEC. Their qualifications are attached as Appendix H.

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR 312.10 and we have the specific qualifications based on the education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

We declare, under penalty of perjury under the laws of the state of California that the foregoing annual report is true and correct. Executed this tenth (10) day of October, 2019.

**Prepared by:**

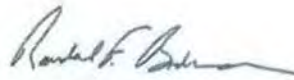


Diana Quinn  
CEC Assistant Project Manager



Larry Sweetser  
Sweetser & Associates, Inc. President

**Reviewed by:**



Randal F. Bodnar  
CEC Vice President



**Declaration for General Environmental Management of Rancho Cordova, LLC**

I declare, under penalty of perjury under the laws of the state of California that the foregoing annual report is true and correct. Executed this ninth (9<sup>th</sup>) day of October, 2019.

Richard Moore

Executive Vice President of North  
American Operations, General  
Environmental Management of Rancho  
Cordova, LLC

A handwritten signature in cursive script, appearing to read "Richard Moore", written over a horizontal line.

Signature

Name and Title

**Declaration for Stericycle Environmental Solutions, Inc.**

I declare, under penalty of perjury under the laws of the state of California that the foregoing annual report is true and correct. Executed this ninth (9<sup>th</sup>) day of October, 2019.

Richard Moore

Executive Vice President of North  
American Operations, Stericycle  
Environmental Solutions, Inc.



Signature

Name and Title

**Declaration for Stericycle, Inc.**

I declare, under penalty of perjury under the laws of the state of California that the foregoing annual report is true and correct. Executed this ninth (9<sup>th</sup>) day of October, 2019.

Richard Moore

Executive Vice President of North  
American Operations, Stericycle, Inc.



Signature

Name and Title

Response to Comments  
Permit Decision for General Environmental Management  
August 25, 2020  
Page 86 of 86

**Attachment 19: EERD Letter “Noncompliance with Final Judgement on Consent and Permanent Injunction”, 01/27/2020, 9 pages**



Jared Blumenfeld  
Secretary of the EPA



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Dr.  
Sacramento, CA 95826



Gavin Newsom  
Governor

January 27, 2020

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Mr. James D. Treloar  
Vice President, TSDF Operations  
28161 N. Keith Drive  
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Certified Mail No: 7016 2710 0001 0165 8135

**RE: NONCOMPLIANCE WITH FINAL JUDGMENT ON CONSENT AND  
PERMANENT INJUNCTION, CASE NO. 34-2017-00221348**

Dear Legal Department, Mr. Marra, and Mr. Treloar:

The purpose of this letter is to notify General Environmental Management of Rancho Cordova dba PSC Environmental Services of Rancho Cordova, LLC (GEM), Stericycle Environmental Solutions, Inc., and Stericycle Inc. (collectively, "Stericycle") that the Department of Toxic Substances Control (DTSC), Enforcement and Emergency Response Division (EERD) has determined that GEM and Stericycle have not complied with the Final Judgment on Consent and Permanent Injunction, entered in Case No. 34-2017-00221348 (Final Judgment), pertaining to GEM and Stericycle's hazardous waste facility located at 11855 White Rock Road, Rancho Cordova, California (Facility). More specifically, GEM and Stericycle have failed to comply with Paragraphs 9.26 and 9.28 of Exhibit A of the Final Judgement, which pertain to hazardous waste training and

verification.<sup>1</sup> In addition, based on information submitted in an Annual Status Report, dated October 10, 2019 (Annual Status Report), which was prepared by GEM and Stericycle's Environmental Compliance Assurance Contractor pursuant to Paragraph 9.32, GEM and Stericycle have also failed to comply with other provisions of the Final Judgment as explained below.

Pursuant to Paragraph 6, the Final Judgment applies to and is binding on GEM and Stericycle and their officers, directors, managers, employees, agents, contractors, representatives, and any successors and assigns in their official capacity. Therefore, GEM and Stericycle are legally required to comply with the Final Judgment.

### **FINAL JUDGMENT COMPLIANCE ISSUES WITH TRAINING REQUIREMENTS AND VERIFICATION**

GEM and Stericycle are required to ensure GEM and Stericycle employees "...who STORE, MANAGE, TREAT, BULK, and CONSOLIDATE HAZARDOUS WASTE..." complete all the trainings identified in Paragraph 9.26(b) and Exhibit 2 of the Final Judgment. Paragraph 9.26(b) and Exhibit 2 of the Final Judgment identify the specific required trainings and the frequency at which trainings shall be provided to GEM and Stericycle employees. Pursuant to Paragraph 9.28(b), GEM and Stericycle are required to submit a training table and associated documents<sup>2</sup> to DTSC every six (6) months from entry of the Final Judgment demonstrating and verifying all the training requirements set forth in the Final Judgment were met.

After reviewing all the training tables and associated documents submitted by GEM and Stericycle, DTSC has determined that GEM and Stericycle have failed to comply with Paragraphs 9.26 and 9.28(b), as detailed below and in the attached table.

#### **Noncompliance with Submittal Timelines for Training Table and Associated Documents**

Entry of the Final Judgment occurred on October 19, 2018. Therefore, the first required submittal of the training table and associated documents were due on April 19, 2019, and the second required submittal was due on October 21, 2019.<sup>3</sup> Subsequent submittals will be due on April 20, 2020,<sup>4</sup> October 19, 2020 and so forth.

<sup>1</sup> Note that all references to "Paragraphs" in this letter are to the Paragraphs that are included in Exhibit A of the Final Judgment.

<sup>2</sup> Associated documents include as outlined in Paragraph 9.28(b)(1)-(3): (1) supporting documentation, including certificates and/or training sign-up sheets, (2) the syllabus used for the eight (8) hours of Incompatibility Training, and (3) course outlines that describe (1) RCRA HAZARDOUS WASTE Generator Training, (b) Four (4) Hours of Universal WASTE Training, (c) Emergency Response Procedures and Contingency Plan Training, (d) PERMIT Training, and (e) Area C and D SOP Training.

<sup>3</sup> Note that the 6-month due date was on October 19, 2019 but because that date was on a Saturday, a due date of October 21, 2019 (i.e., the next business day) was used instead.

<sup>4</sup> Note that the 6-month due date is April 19, 2020 but because that date is on a Sunday, a due date of April 20, 2020 (i.e., the next business day) is being used instead.

On April 19, 2019, Mr. Modesto Granados submitted, on behalf of GEM and Stericycle, a training table and associated documents to DTSC. However, on May 9, 2019, DTSC notified Mr. Granados that the April 19, 2019 submittal was deficient. On June 6, 2019, Mr. Matthew Clutter, on behalf of GEM and Stericycle, requested a 30-day extension to submit the missing training information to DTSC. On June 7, 2019, DTSC granted an extension until June 10, 2019, to submit the missing training information. On June 10, 2019, Mr. Clutter submitted a revised training table and associated documents to DTSC.

DTSC also received training tables and associated documents for newly hired GEM and Stericycle employees<sup>5</sup> on September 3, 2019, October 8, 2019, and October 30, 2019.

On November 7, 2019, Mr. Granados sent an email to DTSC with two attachments as follows: (1) a letter to DTSC dated November 6, 2019, and (2) another training table (for the next six (6) month period) and associated documents.

The training table and associated documents submitted on November 7, 2019, were submitted to DTSC seventeen (17) days late based on an October 21, 2019 due date.

#### Noncompliance with Training Requirements

The attached table identifies the GEM and Stericycle employees that are subject to training, the specific trainings that are required, and the frequency of the required trainings pursuant to the Final Judgment. The dates identified in the table represent when the training was given to GEM and Stericycle employees based on GEM and Stericycle's submittals to DTSC. Any date highlighted in red is a training date DTSC has determined to be late because it was given to GEM and Stericycle employees after the specific training was supposed to be completed. As was stated previously, the frequency at which training is to be provided to GEM and Stericycle employees is specified in Paragraph 9.26(b) and Exhibit 2 of the Final Judgment. Any date with an asterisk (or asterisks) is meant to highlight other noncompliance issues DTSC identified with GEM and Stericycle's submittals, including, but not limited to missing documentation. Paragraph 9.28(b) requires GEM and Stericycle to provide supporting documentation to DTSC with each training table submitted including all certificates, training sign-up sheets, syllabi, and outlines. The specific issue(s) related to any given asterisk is/are identified in the comment section of the table. Note that the asterisks are row specific.

GEM and Stericycle must immediately come into compliance with the Final Judgment concerning training and verification. By February 21, 2020, GEM and Stericycle must provide to the people identified in Paragraph 11.1 a revised training table, that identifies all GEM and Stericycle employees subject to the training requirements, including Mr.

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<sup>5</sup> For the purposes of this letter, newly hired GEM and Stericycle employees are those employees hired on or after the effective date of the Final Judgment, which was October 19, 2018.

Granados as the Facility Manager,<sup>6</sup> and all the associated documents required by Paragraph 9.28(b)(1)-(3) that were not previously submitted as identified in the attached table. For trainings and tables that did not meet applicable time frames, as identified in the attached table or above, GEM and Stericycle shall include, with the revised table and associated documents, a written response that explains why GEM and Stericycle failed to provide timely training and describe the actions and measures GEM and Stericycle will take to ensure compliance with training and verification due dates in the Final Judgment in the future. Where dates and/or timeframes are questioned as identified in the attached table (e.g., in some instances training dates appear to have occurred prior to the hiring of a GEM and Stericycle employee or after an employee was terminated), GEM and Stericycle shall also include a detailed explanation clarifying those issues and describe the actions and measures it will take to ensure such issues do not occur in the future.

#### **FINAL JUDGMENT COMPLIANCE ISSUES IDENTIFIED IN THE ANNUAL STATUS REPORT**

On October 10, 2019, DTSC received the Annual Status Report pursuant to Paragraph 9.32. The Annual Status Report indicates that GEM and Stericycle have failed to fully comply with the Final Judgement as follows:

- Section 2.5 of the Annual Status Report states that GEM and Stericycle "accepted reactive hazardous waste carrying the D003 [hazardous] waste code". Pursuant to Paragraph 9.12 (Prohibitions Regarding Reactive WASTE), "GEM and Stericycle shall not STORE, MANAGE, TREAT, BULK, or CONSOLIDATE reactive WASTE as defined in California Code of Regulations, title 22, section 66261.23, at the FACILITY." California Code of Regulations, title 22, section 66261.23(b) states "a waste that exhibits a characteristic of reactivity has the EPA Hazardous Waste Number of D003." DTSC notes the steps GEM and Stericycle stated they will take to prevent receipt of D003 hazardous waste at the Facility, which are described on pages 13-14 of the Annual Status Report.
- Section 2.1 of the Annual Status Report identified issues concerning the mis-labeling of containers of hazardous waste. DTSC has cited violations against GEM and Stericycle for mis-labeling hazardous waste containers in the past. Therefore, GEM and Stericycle must address these findings to ensure compliance with the Hazardous Waste Control Law and conditions of its hazardous waste permit.<sup>7</sup>
- Section 2.4.1 of the Annual Status Report states "Stericycle cross-trained their environmental technicians to conduct the activities of the Chemist. It was

<sup>6</sup> See Paragraph 3.6 which defines "GEM AND STERICYCLE EMPLOYEES" to include the FACILITY MANAGER.

<sup>7</sup> The Facility's current hazardous waste permit was issued by DTSC on April 25, 2007 and was subsequently modified (Permit).



determined that going forward they will provide comingled compatibility certificates to applicable employees giving individuals the ability to do the job designated as chemist." This change alters a condition of the Permit Part B Application, which is incorporated by reference into GEM and Stericycle's Permit. GEM and Stericycle must submit a permit modification prior to implementation, unless directed otherwise by DTSC's Permitting Division.

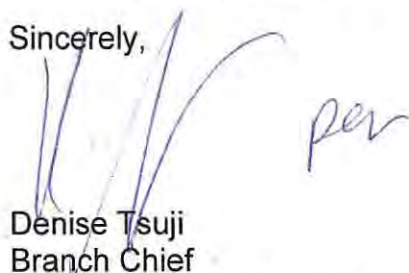
### **Reservation of DTSC's Authority**

Please note the issuance of this letter does not preclude DTSC from taking any action authorized under applicable law to enforce the Final Judgment or to initiate a new action. In addition, the Annual Status Report is not binding on DTSC. DTSC's action or inaction with respect to the Annual Status Report neither impairs nor waives DTSC's authority to enforce the Hazardous Waste Control Law, the Permit, or the Stipulation and Final Judgment. DTSC in no way delegates or waives its enforcement authority.

### **Questions**

If GEM and Stericycle's technical staff have any questions regarding this letter, please contact Mr. Dan Pineschi at (916) 255-6607 or via e-mail at [Dan.Pineschi@dtsc.ca.gov](mailto:Dan.Pineschi@dtsc.ca.gov). If GEM and Stericycle's legal counsel has any questions regarding this letter, please contact Brooke O'Hanley Selzer at (510) 540-2914 or via email at [Brooke.Selzer@dtsc.ca.gov](mailto:Brooke.Selzer@dtsc.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Denise Tsuji', with a stylized flourish extending to the right.

Denise Tsuji  
Branch Chief  
Enforcement and Emergency Response Division  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

Enclosure

cc: Via email:

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Stericycle Environmental Solutions, Inc.  
General Environmental Management of Rancho Cordova  
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cc: Mr. Modesto Granados  
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Legal Department, Mr. Marra, and Mr. Treloar  
Page 7 of 7  
January 27, 2020

cc: Via U.S. mail:

Ms. Diana Quinn  
Assistant Project Manager  
Civil & Environmental Consultants, Inc.  
11811 N. Tatum Blvd., Suite 3057  
Phoenix, Arizona 85028

DTSC Training Verification Spreadsheet																								
Employee information			Paragraph 9.26(b) training of the stipulation - Effective Date = 10/19/2018					Exhibit 2 training submitted 6/10/19 and 11/06/19																
Employee	Date of Hire	Job Title	California Compliance School (Initial w/in 6 months)	8 hrs. Chemical Compatibility and Storage, Chemical Identification and Classification, Segregation and Basic Chemistry Training (Initial 30 days) /(Every 6 months)	Test Score for 8-hrs. Incompatibility Training (Initial 30 days) / (Every 6 months)	4-hrs Universal Waste Training (Initial 30 days) / (Every 6 months)	Area C/D SOP Training (Initial 30 days) / (Every 6 months)*	40hrs Hazwoper (Initial)	8hrs Hazwoper Supervisory (Annual)	8hrs Refresher (Annual)	IIPP (Initial)	Emergency/C ontingency (Annual)	Confined Space: Initial (Annual as required)	First Aid/CPR: Initial (Annual as required)	DOT Training (Refresher Every 3 yrs)	Physicals Initial (Annual)	Permit Part B -Training for all roles,not involving consolidation or bulking (Annual)	Permit Part B -Training for all roles involving consolidation or bulking (Annual)	Generator (Annual)	Contingency Plan Outline Review (Annual)	Respiratory Protection Plan (Annual)	Respiratory Fit Testing (Annual as required)	Laboratory Chemical Hygeine (Initial - only for chemist/lab techs.)	Comments
<u>Anthony Jones</u>	12/5/2016	Env. Tech	11/17/2018	11/15/2018 4/18/2019 10/24/19 (late)	100% 100% 95%	11/7/2018 4/17/2019 10/23/19 (late)	6/13/2017 6/14/2018 11/15/2018 4/18/19 10/24/19 (late)	10/25/2016*	N/A	* 8/26/2017 8/24/2018 9/6/19 (late)	6/13/2017 6/13/2018 7/22/19	12/16/2016 6/13/2017 6/13/2018 4/18/19 10/24/19	6/13/2017 6/13/2018 8/15/19 (late)	11/11/2018	** 3/15/2017 9/5/19	* 8/24/2016 6/13/2017 6/13/2018 10/3/18 11/5/19(late)	11/15/2018 4/17/19 10/24/19	6/13/2017 (late based on hire date) 6/14/2018 (late)	6/13/2017 (late based on hire date) 6/14/2018 (late) 11/15/18 4/17/19 10/24/19	6/13/2017 (late based on hire date) 6/14/2018 (late) 11/15/18 4/17/19 10/24/19	6/13/2017 (late based on hire date) 6/13/2018 4/18/19 8/15/19 (late)	12/7/2017 10/05/2018*** 11/5/19 (late)****	N/A	* Failed to provide 40 hour HAZWOPER, 8 Hr. HAZWOPER Refresher and physical certifications with 6/10/19 and 11/6/19 submittals. **The DOT training sign-up sheet submitted on 4/19/19 was dated 4/18/19 and does not match the 3/15/17 date on GEM/Stericycle's table submitted 6/10/19. The 3/15/17 training certificate was not provided with the 6/10/19 submittal. ***Respiratory Fit test dates on GEM/Stericycle's 6/10/19 table do not match the dates on the submitted sign-up sheets. ****Respiratory Fit tests were not performed annually based on dates on table submitted by GEM/Stericycle on 6/10/19.
<u>Jonathan Pickett</u>	6/15/2015	Env. Tech	11/17/2018	11/15/2018 4/18/2019 10/24/19 (late)	100% 100% 100%	11/7/2018 4/17/2019 10/23/19 (late)	3/4/2016 6/13/2017 6/14/2018 11/15/18 4/18/19 10/24/19 (late)****	8/26/2014*	N/A	* 8/26/2016 8/26/2017 8/24/2018 9/6/19 (late)	12/16/2016 6/13/2018 7/22/19	12/16/2016 No training for 2017*** 6/13/2018 4/18/19 10/24/19	8/26/2016 6/13/2017 6/13/2018 8/15/19 (late)	7/12/2018	3/15/2017** 9/5/19	* 8/24/2016 2017 missing 6/13/2018 10/3/18 11/6/19 (late)	11/15/18 4/17/19 10/24/19	12/27/2016 6/13/2017 6/14/2018 11/15/18 4/17/19 9/24/19	3/23/2016 6/13/2017 (late) 6/14/2018 (late)	1/9/2016 6/13/2018 (late) 6/13/2018 4/18/19 10/24/19	3/23/2016 6/13/2017 (late) 6/13/2018 6/13/2018 8/15/19 (63 days late)	3/28/2016 3/31/2017**** 10/05/2018**** 11/6/19****	N/A	*Failed to provide 40 hour HAZWOPER, 8 Hr. HAZWOPER Refresher and physical certifications with 6/10/19 and 11/6/19 submittals. **The DOT training sign-up sheet submitted on 4/19/19 was dated 4/18/19 and did not match the date on GEM/Stericycle's table submitted on 6/10/19. The 3/15/17 training certificate submitted 11/19/18 was not included with the 6/10/19 submittal. ***There is no signature on sign-up sheet for completing 2017 Emergency Response Procedures training. ****Respiratory Fit tests were not performed annually based on dates on the table submitted by GEM/Stericycle on 6/10/19.
Mathew Rundle	3/18/2015 Terminated on 1/25/19	Env. Tech	11/17/2018	11/15/2018, 4/17/2019 *****	No Test Results	11/7/2018, 4/17/2019 *****	Missing 11/15/18 date 3/4/16, 6/13/17 6/14/2018 ****No training by 4/19/19 (within 180 days of initial training)	10/8/2010*	Not Provided	* 8/26/2016 8/26/2017 8/24/2018	3/23/2016 6/13/2017 6/13/2018	12/16/2016 6/13/2017 6/13/2018	8/26/2016 6/13/2017 6/13/2018	10/26/2018	3/15/2017**	* 8/24/2016 6/13/2017 6/13/2018	N/A	4/4/2016 6/13/2017 (late) 6/14/2018 (late)	3/23/2016 6/13/2017 (late) 6/14/2018 (late)	1/9/2016 6/13/2017 (late) 6/13/2018	3/23/2016 6/13/2017 (late) 6/13/2018	3/28/2016 3/31/2017**** 10/13/2018****	N/A	*Failed to provide 40 hour HAZWOPER, 8 Hr. HAZWOPER Refresher and physical certifications with 6/10/19 and 11/6/19 submittals. **The 3/15/17 training certificate submitted 11/19/18 was not included with the 6/10/19 submittal. ***Respiratory Fit tests were not performed annually based on the dates marked on the table submitted by GEM/Stericycle on 6/10/19. ****There is no Area C/D training date mark on GEM/Stericycle's table submitted on 6/10/19 to verify that training was completed 30 days after the filing date. The initial training was completed on 11/15/18 based on the GEM/Stericycle's 11/19/18 submittal. Subsequent six month training should have been completed on 4/19/19. ***** GEM/Stericycle's table submitted on 6/10/19 indicates that Mr. Mathew Rundle was terminated on 1/25/19. Why did he receive training on 4/17/19. GEM/Stericycle must provide an explanation.
<u>Cory Yamashiro</u>	6/21/2004	Shift Supervisor	11/17/2018	11/15/2018 4/17/2019 10/24/19 (late)	100% 100% 95%	11/7/2018, 4/17/2019 10/23/19 (late)	3/4/16, 6/13/17, 6/14/2018, 11/15/18, 4/16/19, 10/24/19 (late)*****	2/2/2002*	12/9/2016 12/26/2017 8/24/2018 9/6/19 (late)	* Not Provided	12/16/2016 6/13/2017 6/13/2018 7/22/19	12/16/2016 6/13/2017 6/13/2018 4/18/19 10/24/19	6/13/2017 6/13/2018 8/15/19 (late)	7/12/2018	3/15/2017** 9/5/19	* 8/24/2016 6/13/2017 6/13/2018* 10/18/19 11/4/19	11/15/18 4/17/19 9/24/19	12/27/2016 6/13/2017 6/14/2018 (late) 11/15/18 4/17/19	3/23/2016 6/13/2017 (late) 6/14/2018 (late)	1/9/2016 6/13/2017 (late) 6/13/2018 4/18/19 10/24/19	3/23/2016 6/13/2017 (late) 6/13/2018 8/15/19 (late)	3/28/2016 3/30/2017*** 10/08/2018*** 11/4/19 (late)	N/A	*Failed to provide 40 hour HAZWOPER, 8 Hr. HAZWOPER Refresher and physical certifications with 6/10/19 submittal. **The DOT training sign-up sheet submitted on 4/19/19 was dated 4/18/19 and did not match the date on GEM/Stericycle's table submitted on 6/10/19. The 3/15/17 training certificate submitted 11/19/18 was not included with the 6/10/19 submittal. ***Respiratory Fit tests were not performed annually based on the dates on table submitted by GEM/Stericycle on 6/10/19.
<u>Modesto Granados*</u>	Not Provided	Facility Manager	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not provided	Not Provided	Not Provided	Not Provided	N/A	*No training information provided. Paragraph 9.28 and Exhibit 2 of the Final Judgement requires GEM/Stericycle provide documentation demonstrating all GEM/Stericycle employees received required trainings, which includes the facility manager (see paragraph 3.6).
<u>Richard Gonzalez</u>	12/17/2018 ****	Enivormmental Tech	11/17/2018****	11/15/2018**** 4/17/2019 10/24/19 (late)	100% 100% 93%	****11/7/2018 4/17/2019 10/23/19 (late)	**** 11/15/2018, 4/18/19 10/24/19 (late)	*4/17/2016	N/A	* 2/21/2018 4/23/19 9/6/19	10/25/2018 7/22/19	12/20/2018 4/18/19 10/24/19	1/21/2019 8/15/19	12/31/2018	1/29/2017 9/5/19	*12/4/2018 No physical for 2019 *****	1/28/2019 4/18/19 10/24/19	**11/15/2018**** 4/18/19 10/24/19	1/28/2018 4/17/19 9/24/19	12/20/2018	1/24/2019	12/4/2018***	N/A	*Failed to provide IIPP certification or sign-up sheet on 6/10/19 and 11/6/19. **For Permit Part B Training for All Roles Involving Consolidation and Bulking, the date 11/15/18 on the table submitted 6/10/19 does not match the 1/28/19 date on the certificate. ***There was no certificate or sign-up sheet with GEM/Stericycle's 6/10/19 submittal to compare with GEM/Stericycle's Respiratory Fit test date (12/4/18) marked on the table submitted. **** According to GEM/Stericycle's records, Mr. Gonzales was hired 12/17/18. However, the dates on the spreadsheet for Permit training, Compliance School Training, 8 Hour Chemical Compatibility training, Area C and D training, and 4 hour Universal Waste training are before his hire date. GEM/Stericycle must provide an explanation as to how employee took the trainings prior to the date hired. ***** No physical for 2019.

New employee information			Paragraph 9.26(b) training of stipulation - Effective date = 10/19/2018					New employee training submitted 9/3/2019															Comments	
Employee	Date of Hire	Job Title	California Compliance School (6 months)	8 Hour Chemical Compatibility and Storage, Chemical Identification and Classification, Segregation and Basic Chemistry Training (30 days)	Test Score for 8-hr Incompatibility Training (30 days)	4-hr Universal Waste Training (30 days)	Area C/D SOP Training (30 days)	40hr Hazwoper (Initial)	8hr Hazwoper Supervisory (Annual)	8hr Refresher (Annual)	IIPP (Initial)	Emergency/C ontingency (Annual)	Confined Space: Initial (Annual as required)	First Aid/CPR: Initial (Annual as required)	DOT Training (Refresher Every 3 yrs)	Physicals Initial (Annual)	Permit Part B -Training for all roles not involving consolidation or bulking (Annual)	Permit Part B -Training for all roles involving consolidation or bulking (Annual)	Generator (Annual)	Contingency Plan Outline Review (Annual)	Respiratory Protection Plan (Annual)	Respiratory Fit Testing (Annual as required)		Laboratory Chemical Hygeine (Initial - only for Chemist/lab techs.)
Emsee Ivey	3/4/2019 **	Env. Tech.	4/25/2019	4/18/2019*** 10/24/19 (late)	11/15/18 100% ** 4/17/19 100%*** 10/24/19 90%	4/17/19* 10/23/19 (late)	4/18/19 10/24/19 (late)	3/12/2019	N/A	9/6/2019	7/22/19* (6/24/2019 date marked on the sign-up sheet)	4/18/2019 10/24/19	6/20/2019	7/18/2019	7/8/19* ( 4/18/2019 date marked on the sign-up sheet). 9/5/19	8/29/2019	6/13/19 10/24/19	6/13/19* (6/20/2019 date is marked on the sign-up sheet). 10/24/19	7/8/19* (6/20/2019 is marked on the sign-up sheet). 9/24/19	4/18/2019 10/24/19	6/20/2019	6/26/2019	N/A	* The training table submitted by GEM/Stericycle on 9/3/19 identified IIPP training provided on 7/22/2019, Hazardous Waste Generator training provided on 7/08/2019, Universal Waste Training provided on 4/17/19, DOT training provided on 7/8/2019 and Permit Part B training provided on 6/13/2019. These dates are not the same dates provided on the sign-up sheets. **Date of test score is before date of hire. GEM/Stericycle must provide an explanation as to how the employee took the test prior to the date hired. ***Date of test score is before class was given. GEM/Stericycle must provide an explanation for this discrepancy.
Joseph Alexander	3/11/2019 **	Env. Tech	4/25/2019	4/18/2019 *** 10/24/19 (late)	11/15/18 100% ** 4/17/19 100% *** 10/24/19 90%	4/17/19* 10/23/19 (late)	4/18/19 10/24/19 (late)	3/22/2019	N/A	9/6/2019	7/22/19* (6/24/2019 date marked on the sign-up sheet)	4/18/2019	6/20/2019	7/18/2019	7/8/19* ( 4/18/2019 date marked on the sign-up sheet). 9/5/19	3/8/2019 6/26/19	6/13/19 10/24/19	6/13/19* (6/20/2019 date is marked on the sign-up sheet). 10/24/19	7/8/19* (6/20/2019 was marked on the sign-up sheet). 9/24/19	4/18/2019 10/24/19	6/20/2019	6/26/2019	N/A	*The training table submitted by GEM/Stericycle on 9/3/19, Identified IIPP training provided on 7/22/2019, Hazardous Waste Generator training provided on 7/08/2019, Universal Waste Training provided on 4/17/19, DOT training provided on 7/8/2019 and Permit Part B training provided on 6/13/2019. These dates are not the same dates provided on the sign-up sheets. **Date of test score is before date of hire. GEM/Stericycle must provide an explanation as to how the employee took the test prior to the date hired. ***Date of test score is before class was given. GEM/Stericycle must provide an explanation for this discrepancy.
Enoch Taimatuia	4/8/2019**	Env. Tech	5/3/2019	4/18/2019 *** 10/24/19 (late)	11/15/18 100% ** 4/17/19 100% *** 10/24/19 93%	4/17/19* 10/23/19 (late)	4/18/19 10/24/19 (late)	4/15/2019	N/A	9/6/2019	7/22/19* (6/24/2019 date marked on the sign-up sheet)	4/18/2019 10/24/19	6/20/2019	7/18/2019	7/8/19* ( 4/18/2019 date marked on the sign-up sheet) 9/5/19	8/29/19* The date 4/3/2019 is marked on the sign-up sheet, but it is marked 8/29/19 on the table.	6/13/19 10/24/19	6/13/19* (6/20/2019 date is marked on the sign-up sheet). 10/24/19	7/8/19* (The date 6/20/2019 is marked on the sign-up sheet and 7/8/19 on the table) 9/24/19	4/18/2019	6/20/2019	6/26/2019	N/A	*The training table submitted by GEM/Stericycle on 9/3/19 Identified IIPP training provided on 7/22/2019, Hazardous Waste Generator training given on 7/08/2019, Universal Waste Training provided on 4/17/19, DOT training provided on 7/8/2019, Physical provided on 8/29/2019, and Permit Part B training provided on 6/13/2019. These dates are not the same dates provided on the sign-up sheets. **Date of test score is before date of hire. GEM/Stericycle must provide an explanation as to how the employee took the test prior to the date hired. ***Date of test score is before class was provided. GEM/Stericycle must provide an explanation for this discrepancy.
New employee information			Paragraph 9.26(b) training of stipulation - Effective date = 10/19/2018					New employee training submitted 10/8/19																
Alfredo Ramirez	4/8/2019	Env. Tech	4/25/2019	4/18/2019 10/24/19 (late)	100% 90%	4/17/2019 10/23/19 (late)	4/18/2019 10/24/19 (late)	12/14/2018	N/A	9/6/19 *	6/24/2019	4/18/2019 10/24/19	8/15/2019	10/1/2019	4/18/19 9/5/19	4/2/2019	4/18/2019 10/24/19	4/18/2019 10/24/19	9/24/2019	4/18/2019 10/24/19	8/15/2019	10/2/2019 **	N/A	* There was no annual 8 Hour HAZWOPER Refresher Training certification or date on the GEM/Stericycle's table submitted on 10/8/19. **There is no verification or sign-up sheet for the fit testing.
New employee information			Paragraph 9.26(b) training of stipulation - Effective date = 10/19/2018					New employee training submitted 10/30/19																
Arron McGee	4/8/2019	Env. Tech	11/17/2019	10/24/2019	95%	10/23/2019	10/24/2019	6/22/2017	N/A	9/27/2019	6/24/2019	5/30/2019	8/15/2019	10/1/2019	10/7/2019	4/5/2019	10/24/2019	10/24/2019	9/24/2019	*10/24/2019	8/15/2019	10/25/2019	N/A	*There is no verification or sign-up sheet for the Contingency Plan Outline Overview Training.
Dalton Davey	3/6/2013	Env. Tech	11/17/2019	10/24/2019	95%	10/23/2019	10/24/2019	6/17/2011	N/A	10/8/2019	6/24/2019	5/30/2019	8/15/2019	10/1/2019	10/7/2019	5/8/2019	10/24/2019	10/24/2019	9/24/2019	*10/24/2019	8/15/2019	6/13/2019		*There is no verification or sign-up sheet for the Contingency Plan Outline Overview Training.