

FILED
March 20, 2025
11:00 A.M.
U.S. EPA REGION IX
HEARING CLERK

Docket No.

Sharp Healthcare Laboratory
5651 Copley Dr
San Diego, CA 92111
EPA ID No. CAL000434201

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of the Resource Conservation and Recovery Act (“RCRA”) and 40 C.F.R. § 22.13(b).
2. By copy of this letter, EPA is providing the State of California with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
3. Sharp Healthcare Laboratory (“Respondent”) is the owner or operator of the facility located at 5651 Copley Dr, San Diego, CA 92111. EPA alleges that the Respondent violated the following requirements of the RCRA and EPA approved and authorized California hazardous waste management programs.
 - a. Failure to keep hazardous waste containers closed: The Respondent failed to keep hazardous waste containers closed, in violation of 40 C.F.R. § 262.15(a)(4), as incorporated and amended in 22 CCR § 66262.15(a)(4) of CCR, formerly 22 CCR §§ 66262.34(a)(1)(A) and 66265.173(b); [40 C.F.R. § 262.15(a)(4)].
 - b. Failure to comply with container labeling requirements: The Respondent failed to comply with the closed container requirements, in violation of 40 C.F.R. § 262.17(a)(5)(i)(A)-(5)(i)(C), as incorporated and amended in 22 CCR § 66262.17(a)(5)(A)(1)-(5)(A)(3), formerly 22 CCR §§ 66262.34(a)(1)(A) and 66262.34(f)(1) – (3); [40 C.F.R. § 262.17(a)(5)(i)(A)-(5)(i)(C)].
 - c. Failure to mark containers as “Universal Waste-Lamps”, “Waste Lamps”, or “Used Lamps”: The Respondent failed to comply with labeling requirements for universal waste lamps, in violation of 22 CCR § 66273.34(c) [40 C.F.R. § 273.14(e)].

- d. Failure to mark containers as “Universal Waste-Batteries”, “Waste Batteries”, or “Used Batteries”: The Respondent failed to comply with labeling requirements for universal waste batteries, in violation of 40 C.F.R. § 273.14(a), as incorporated and amended in 22 CCR § 66273.34(a); [40 C.F.R. § 273.14(a)].
 - e. Failure to manage universal waste lamps in a manner that prevents release: The Respondent failed to manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, in violation of 40 C.F.R. § 273.13(a), as incorporated and amended in 22 CCR § 66273.33(a); [40 C.F.R. § 273.13(a)].
 - f. Failure to Provide Manifest Exception Report: The Respondent failed to submit a manifest exception report, in violation of 40 C.F.R. 262.42, as incorporated and amended in 22 CCR § 66262.42; [40 C.F.R. 262.42].
 - g. Failure to Submit 2023 Biennial Report by March 1, 2024: The Respondent failed to submit a complete Biennial Report, despite having generated above 1,000 kg of RCRA hazardous waste, in violation of 40 C.F.R. 262.41(a), as incorporated and amended in 22 CCR § 66262.41(b); [40 C.F.R. 262.41(a)].
 - h. Failure to Update EPA ID Number: The Respondent failed to update the EPA ID number for the facility, in violation of 40 C.F.R. 262.18(d)(2), as incorporated and amended in 22 CCR § 66262.18(d)(2); [40 C.F.R. 262.18(d)(2)].
 - i. Failure to Perform Weekly Inspections in Hazardous Waste Accumulation Areas: The Respondent failed to comply with weekly inspection requirements, in violation of 40 C.F.R. § 262.17(a)(1)(v)], as incorporated and amended in 22 CCR § 66262.17(a)(1)(E), formerly 22 CCR §§ 66262.34(a)(1)(A) and 22 CCR 66265.174; [40 C.F.R. § 262.17(a)(1)(v)].
4. EPA and Respondent agree that settlement of this matter for civil penalties of Sixteen Thousand Two Hundred and Fifty Dollars (\$16,250) is in the public interest.
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issues of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the files ESA. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right

to challenge the lawfulness of the final order accompanying the consent agreement.

6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: the alleged violations have been corrected; Respondent has submitted true and accurate documentation of such correction; and, Respondent has submitted proof of payment of the civil penalty.
7. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it.
8. EPA reserves all its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
9. Each party shall bear its own costs and fees, if any.
10. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
11. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, states or local income tax purposes.
12. Entry of the Final Order shall constitute full settlement of the civil claims alleged herein.

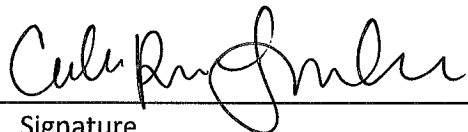
IT IS SO AGREED,

Carla Rose Lumanlan

Name (print):

CLS, Senior Specialist QA and Safety

Title (print):


Signature

Date: 03/11/25

In the matter of Sharp Healthcare Laboratory
Docket No. RCRA-09-2025-0026

APPROVED BY EPA:

AMY MILLER-
BOWEN

Digitally signed by AMY MILLER-
BOWEN
Date: 2025.03.18 15:59:29 -07'00'

Date: 3/18/2025

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. EPA Region IX

FINAL ORDER

It is hereby ordered that this Expedited Settlement Agreement and Final Order be entered:

Beatrice Wong
Regional Judicial Officer
U.S. EPA Region IX

DATE: _____

CERTIFICATE OF SERVICE

I hereby certify the attached Expedited Settlement Agreement and Final Order in the matter of Sharp Healthcare Laboratory (Docket No. RCRA-09-2025-0026) has been filed by the Regional Hearing Clerk, and was served on the parties, via electronic mail, as indicated below:

RESPONDENT:

Kyu Rhee
Vice President of Operations
Sharp Healthcare Laboratory
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San Diego, CA 92111
Kyu.Rhee@sharp.com

COMPLAINANT:

Andrew Helmlinger
Assistant Regional Counsel
U.S. EPA – Region IX
Hazardous Waste Section I (ORC-3-1)
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Ponly Tu
Regional Hearing Clerk
U.S. EPA – Region IX