



REGION 9

SAN FRANCISCO, CA 94105

Sent Via Email:
RETURN RECEIPT REQUESTED

Kyu Rhee
Vice President of Operations
Sharp Healthcare Laboratory
5651 Copley Dr, San Diego, CA 92111

Re: EXPEDITED SETTLEMENT OPPORTUNITY
Notice of Investigation Results under the Resource Conservation and Recovery Act
Sharp Healthcare Laboratory
EPA ID Number: CAL000434201
Docket Number: RCRA-09-2025-0026

Dear Kyu Rhee:

Representatives from the U.S. Environmental Protection Agency ("EPA"), Region IX, have identified potential violations of the Resource Conservation and Recovery Act ("RCRA") (42 U.S.C. § 6901 *et seq.*) and the authorized California hazardous waste management program at Sharp Healthcare Laboratory, located at 5651 Copley Dr, San Diego, CA 92111.¹

By this letter, EPA is providing you with an opportunity to quickly resolve the violations by entering into an Expedited Settlement Agreement. EPA has authority to pursue civil penalties for the violation of RCRA requirements, including violations that are easily identifiable and easily correctable, such as the violations cited below. You may resolve the alleged violation by correcting the violations cited below, signing, and returning the enclosed Expedited Settlement Agreement within 30 days of your receipt of this letter, and paying the specified penalty in accordance with the terms after you are notified it has been entered and is effective. Once you receive the final order from the Regional Judicial Officer, your penalty payment must be received within 30 days.

If you dispute this violation, please provide a written explanation, along with any documentation to Mark Anthony Relon at the address below within 30 days of your receipt of this letter.

As a result of the EPA file review of your facility, Sharp Healthcare Laboratory failed to comply with the following RCRA regulations:

¹ See, e.g., Section 3006 of RCRA, 42 U.S.C. § 6906.

[1] – Failure to Keep Hazardous Waste Containers Closed

Review by the EPA, Region IX indicates that you may have failed to keep hazardous waste containers closed in the Central Accumulation Area (CAA) and Satellite Accumulation Area (SAA), in violation of 22 California Code of Regulations (“CCR”) §§ 66262.15(a)(4), formerly 22 CCR §§ 66262.34(a)(1)(A) and 66265.173(b) [40 CFR § 262.15(a)(4)].

[2] – Failure to Comply with Container Labeling Requirements

Review by the EPA, Region IX indicates that you may have failed to properly label CAA containers and SAA containers, in violation of 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 CFR § 262.17(a)(5)(i)(A)-(5)(i)(C)].

[3] – Failure to Mark Containers as “Universal Waste-Lamps”, “Waste Lamps”, or “Used Lamps”

Review by the EPA, Region IX indicates that you may have failed to properly label or mark containers clearly with one of the following phrases: “Universal Waste-Lamps”, “Waste Lamps”, or “Used Lamps”, in violation of 22 CCR § 66273.34(c) [40 CFR § 273.14(e)].

[4] – Failure to Mark Containers as “Universal Waste-Batteries”, “Waste Batteries”, or “Used Batteries”

Review by the EPA, Region IX indicates that you may have failed to properly label or mark container(s) clearly with one of the following phrases: “Universal Waste-Batteries”, “Waste Batteries”, or “Used Batteries”, in violation of 22 CCR § 66273.34(a) [40 CFR § 273.14(a)].

[5] – Failure to Manage Universal Waste Lamps in a Manner that Prevents Release

Review by the EPA, Region IX indicates that you may have 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 22 CCR § 66273.33(a) [40 CFR § 273.13(a)].

[6] – Failure to Provide Manifest Exception Report

Review by the EPA, Region IX indicates that you may have failed to provide a manifest exception report, in violation of 22 CCR § 66262.42 [40 CFR 262.42].

[7] – Failure to Submit a 2023 Biennial Report

Review by the EPA, Region IX indicates that you may have failed to submit a 2023 Biennial Report despite qualifying as a Large Quantity Generator, in violation of 22 CCR § 66262.41(b) [40 CFR 262.41(a)].

[8] – Failure to Update EPA ID Number

Review by the EPA, Region IX indicates that you may have failed to update your EPA ID number, in violation of 22 CCR 66262.18(d)(2) [40 CFR 262.18(d)(2)].

[9] – Failure to Perform Weekly Inspections

Review by the EPA, Region IX indicates that you may have failed to perform weekly inspections of the CAA, in violation of 22 CCR § 66262.17(a)(1)(E), formerly 22 CCR §§ 66262.34(a)(1)(A) and 22 CCR 66265.174 [40 CFR § 262.17(a)(1)(v)].

Opportunity for Expedited Settlement

Under the authority of Section 3008 of RCRA, 42 U.S.C. § 6928, EPA may pursue civil penalties of up to \$90,702 per day for each violation of Subtitle C of RCRA, including violation of approved and authorized State program requirements.

However, EPA is offering to resolve the violations described above with an Expedited Settlement Agreement (Agreement), which provides you the opportunity to quickly resolve the violations with payment of a substantially reduced penalty. If you choose to sign the Agreement and EPA determines you have satisfied the requirements for expedited settlement described below, then EPA will settle the violation listed above for \$16,250.

Procedure for Expedited Settlement

To take advantage of the Expedited Settlement offer, within 30 days of your receipt of this letter, you must:

1. Correct the outstanding violation. This must be documented on the enclosed document titled "Injunctive Relief Worksheet."
2. Prior to returning the enclosed Agreement, pay the assessed penalty of \$16,250. Instructions for payment of the penalty can be found at: <https://www.epa.gov/financial/makepayment>. You then are required to provide proof of payment per the Expedited Settlement.
3. Complete and return to EPA the enclosed Agreement with proof of payment of the civil penalty, as instructed below. By signing the Agreement, you are certifying that you: (a) have corrected the violation; (b) have submitted true and accurate documentation of compliance; and (c) have paid the civil penalty. Also, by signing the Agreement, you agree to waive your opportunity for a hearing or appeal concerning the violation.

A copy of the fully executed Agreement will be sent to you via email once it has been filed with the Regional Hearing Clerk.

Within 24 hours of payment, please email a PDF copy of the signed Agreement and proof of payment (e.g., a copy of the check, digital payment receipt or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the below-listed EPA contact.

Mark Anthony Relon
Physical Scientist
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California, 94105
relon.markanthony@epa.gov

If you can demonstrate, in writing, that it is technically infeasible or impracticable to correct your RCRA violation then within thirty days, upon request, EPA, at its discretion, may grant an extension. Extension requests and the above demonstration must be made in writing no later than ten days before the end of the initial 30-day compliance period. The request must clearly indicate whether you intend to take advantage of the expedited settlement agreement. Any extensions must be granted in writing by EPA.

If you do not follow the procedures outlined in this letter for expedited settlement within 30 days of receipt of this letter, then this settlement offer will be automatically withdrawn, without prejudice to the EPA's ability to file a complaint for the cited violation. EPA may seek penalties of up to \$90,702 per day for the violation cited above.

We are committed to the fair and rapid settlement of this matter. If you have any questions or wish to discuss the general circumstances of your case, please contact Mark Anthony Relon of my staff at (415) 972-3252 and/or relon.markanthony@epa.gov.

Sincerely,

AMY MILLER-BOWEN

Digitally signed by AMY MILLER-BOWEN
Date: 2025.01.02 10:56:29 -08'00'

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division

Cc:

Mark Anthony Relon, EPA Region IX; relon.markanthony@epa.gov

Isaac Kim, EPA Region IX; kim.isaac@epa.gov

Andrew Helmlinger, EPA Region IX; helmlinger.andrew@epa.gov

Rick Sakow, EPA Region IX; sakow.rick@epa.gov

Denise Tsuji, California Department of Toxic Substances Control; denise.tsuji@dtsc.ca.gov

Attachments:

- 1) ESA Cover Letter
- 2) ESA Offer
- 3) Injunctive Relief Worksheet