



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 3, 2020

Mr. Averil Rance
Senior Vice President EH&S
Clean Earth, Inc.
334 S Warminster Road
Hatboro, PA 19040

RE: Washington State Dangerous Waste Management Permits

Dear Averil Rance:

This letter is a follow up to the telephone conversation we had on April 14, 2020 with your staff and legal counsel, and Ecology's staff and assistant attorney general. We appreciated the information you provided during the call, and have carefully considered the information.

We have determined Clean Earth Holdings, LLC, should be identified as an operator to the Burlington Environmental Dangerous Waste Permits for the four sites listed below in Washington State:

1. Permit WAD020257945, located at 1701 Alexander Avenue, Tacoma
2. Permit WAD991281767, located at 20320 80th Avenue S, Kent
3. Permit WAD000812909, located at 734 S Lucile Street, Seattle
4. Permit WAD092300250, located at 625 S 32nd Street, Washougal

As we discussed in our April 14 call, Ecology made the same determination when other commercial Treatment Storage and Disposal Facilities (TSDs) were purchased, and the new parent company took a very similar approach to what we see here. Changes to facility operations included integration of operations, introduction of new practices and processes, and creation of a new management structure and reporting hierarchy that made managers from the parent company responsible for operations of the subsidiary's facilities. We are already seeing these changes since Clean Earth purchased the Stericycle stock.

Additionally, in a March 26, 2020 letter to Ecology, Clean Earth stated its intention to operate the Burlington Environmental facilities in Kent and Tacoma identifying "... while the facility will benefit from the oversight and support of Clean Earth's professional management team based in Hatboro, PA, which currently manages operations at over 27 locations throughout the

United States.” This indicates that the Washington facilities will be directed by Clean Earth management, which is an operational change.

Based on the above information, we believe that the permits need to be modified to clearly reflect the operator status of all of the legal entities. Clean Earth will need to submit the modifications for each of these permits as a Class 1 Prime. See WAC 173-303-830, Appendix I, A.7. For a Class 1 Prime with prior approval, the permittee must send a notice of the modification to all persons on the facility mailing list and appropriate units of state and local government within 90 days after the director approves the request (WAC 173-303-830(4)(a)(i)(B)). Please submit the modifications in writing to Mark Furnish, the HWTR Program’s TSD Permit Writer, by June 17, 2020.

Ecology is prepared to move forward with agency initiated permit modifications, requiring public notice, comment period and public hearings if Clean Earth does not submit Class 1 Prime permit modifications. Agency initiated permit modifications are appealable to the Washington State Pollution Controls Hearings Board, which can be a lengthy process.

If you have any questions, please feel free to give me a call on my cell at 360-791-0879.

Sincerely,



Darin Rice, Program Manager
Hazardous Waste and Toxics Reduction Program

Attachment: March 26, 2020 letter

cc: Nels Johnson, Senior Counsel, AGO
John Level, Assistant Attorney General, AGO
Mark Furnish, Ecology HWTR Program
Joanna Richards, Ecology HWTR Program
Michelle Underwood, Ecology SWRO HWTR Program
Leslie Morris, Ecology SWRO HWTR Program
Kaia Petersen, Ecology SWRO HWTR Program
Andy Rippert, Ecology SWRO HWTR Program
Raman Iyer, Ecology NWRO HWTR Program
Ed Jones, Ecology NWRO HWTR Program
Christa Colouzis, Ecology NWRO HWTR Program