



Stericycle®

28161 North Keith Drive
Lake Forest, IL 60045
800-643-0240

Bank of America
Commercial Disbursement Account
Northbrook, IL

0-2328
0719 IL

901111483

CHECK DATE
July 27 2016

AMOUNT
\$450.00***

PAY

*** Four Hundred Fifty and 00/100 US Dollar

TO THE ORDER OF
NEW MEXICO ENVIRONMENT DEPARTMENT DBA HAZARDOUS WASTE BUREAU
2905 RODEO PARK DRIVE, BLDG 1
SANTA FE, NM 87505-6303
USA

MP *Bert Arnold*

MP

⑈0901111483⑈ ⑆071923284⑆ 8765802766⑈



0901111483

OUR REF. NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
Vendor : 0001016041, NEW MEXICO ENVIRONMENT DEPARTMENT DBA HAZARDOUS WASTE BUREAU APB-00480430	NMDEQ-July2016	7/1/2016	450.00	450.00	0.00	450.00
Total						450.00

NM0000590240 - 2018



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.env.nm.gov

This Agreement must accompany check
Deputy Secretary

AGREEMENT AUTHORIZING THE MANAGEMENT OF CONDITIONALLY EXEMPT HAZARDOUS WASTE AT STERICYCLE SPECIALTY WASTE SOLUTIONS, INC.- EPA ID# NM0000590240

The New Mexico Environment Department ("NMED") and Stericycle Specialty Waste Solutions, Inc. ("SSWSI") (collectively the "Parties") hereby enter into this Agreement Authorizing the Management of Conditionally Exempt Hazardous Waste ("Agreement") whereby NMED authorizes SSWSI to manage at its Albuquerque Facility, located at 5338 Williams Street, Albuquerque, New Mexico, "conditionally exempt" hazardous wastes, also known as "CESQG waste," from persons generating less than 100 kilograms per month of hazardous waste, less than 1 kilogram per month of acute hazardous waste, or less than 100 kilograms per month of residue or debris from the cleanup of a spill of acute hazardous waste, as defined in 40 C.F.R. § 261.5. NMED and SSWSI enter into this Agreement pursuant to the New Mexico Hazardous Waste Act ("HWA"), NMSA 1978, §§ 74-4-1 to -14; the federal Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 to 6992k; and the State and federal regulations promulgated thereunder.

I. BACKGROUND

1. NMED is an agency within the executive branch of the government of the State of New Mexico. Under the HWA, NMED has responsibility for the administration and enforcement of the HWA and the State regulations promulgated thereunder, as found at 20.4.1 to .5 NMAC.

RECEIVED

Jan 25 2001

**NMED
Hazardous Waste Bureau**

2. SSWSI is a company incorporated under the laws of the State of Delaware, headquartered in Lake Forest, Illinois, and doing business in the State of New Mexico.

3. SSWSI owns and operates a facility located at 5338 Williams Street, S.E., Albuquerque, Bernalillo County, New Mexico (the "Albuquerque Facility"). SSWSI stores and otherwise handles and manages hazardous waste from conditionally exempt small quantity generators, non-hazardous waste, universal waste, household hazardous waste, and used oil at its Albuquerque Facility.

4. SSWSI also operates a 10-day transfer facility for non-exempt hazardous waste from other generators at its Albuquerque Facility.

5. Under State and Federal hazardous waste regulations, hazardous waste generated by persons generating less than 100 kilograms per month of hazardous waste, less than 1 kilogram per month of acute hazardous waste, or less than 100 kilograms per month of residue or debris from the cleanup of a spill of acute hazardous waste is conditionally exempt from regulation under the HWA and 40 C.F.R. § 261.5 (adopted by 20.4.1.200 NMAC). Such waste is not regulated, provided that it is managed in accordance with certain conditions specified in the regulations. Among those conditions are that the generator must ensure delivery of the waste to a facility that: A) is permitted to treat, store, or dispose of hazardous waste; B) has interim status to treat, store, or dispose of hazardous waste; C) is "authorized" to manage hazardous waste by a State; D) is permitted to manage municipal solid waste; or E) recycles or reclaims the waste. 40 C.F.R. § 261.5(g)(3) (adopted by 20.4.1.200 NMAC). If this condition is not met, the waste is not exempt from regulation as a hazardous waste.

6. SSWSI seeks authorization from NMED to manage hazardous waste from persons generating less than 100 kilograms per month of hazardous waste, less than 1 kilogram per month of acute hazardous waste, or less than 100 kilograms per month of residue or debris from the cleanup of a spill of acute hazardous waste.

II. DEFINITIONS

7. The following definitions shall apply to terms used in this Agreement:

A. "Acute hazardous waste" means any hazardous waste listed as acute hazardous waste (hazard code "H") in 40 C.F.R. §§ 261.31 or 261.32 (adopted by 20.4.1.200 NMAC), and any hazardous waste listed in 40 C.F.R. § 261.33(e) (adopted by 20.4.1.200 NMAC).

B. "Agreement" means this Agreement Authorizing the Management of Conditionally Exempt Hazardous Waste, entered into between NMED and SSWSI.

C. "Conditionally exempt hazardous waste" or "Conditionally Exempt Small Quantity Generator (CESQG) waste" means hazardous waste from persons generating less than 100 kilograms per month of hazardous waste, less than 1 kilogram per month of acute hazardous waste, or less than 100 kilograms per month of residue or debris from the cleanup of a spill of acute hazardous waste, as defined in 40 C.F.R. § 261.5.

D. "Facility" or "Albuquerque Facility" means the facility located at 5338 Williams Street, S.E., Albuquerque, Bernalillo County, New Mexico owned and operated by SSWSI.

E. "HWA" means the New Mexico Hazardous Waste Act, NMSA 1978, §§ 74-4-1 to -14.

F. "Hazardous waste" means any solid waste that either exhibits the characteristics of hazardous waste identified in 40 C.F.R. Part 261, Subpart C (adopted by 20.4.1.200 NMAC), or is listed as hazardous waste in 40 C.F.R. Part 261, Subpart D (adopted by 20.4.1.200 NMAC).

G. "NMED" means the New Mexico Environment Department, and its successor agencies.

H. "Parties" means NMED and SSWSI.

I. "Person" means any individual, trust, firm, joint stock company, federal agency, corporation including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, as defined in the HWA, Section 74-4-3(K).

J. "RCRA" means the federal Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 to 6992 K.

K. "Re-manifest" means to terminate a uniform hazardous waste manifest or shipping document for CESQG waste at the Albuquerque Facility and creating a new uniform hazardous waste manifest for the CESQG waste, naming SSWSI as the generator and using the EPA identification number assigned to the Albuquerque Facility.

L. "SSWSI" means Stericycle Specialty Waste Solutions, Inc., a Delaware corporation doing business in the State of New Mexico, and its successors and assigns.

M. "Universal Waste" means any of the following hazardous wastes that are subject to the universal waste requirements of 40 C.F.R. § 273; 1) Batteries as described in 40 C.F.R. § 273.2, 2) Pesticides as described in 40 C.F.R. § 273.3; 3) Mercury-containing equipment as described in 40 C.F.R. § 273.4; and 4) Lamps as described in 40 C.F.R. § 273.5. In addition to the hazardous waste listed in 40 C.F.R. § 273, universal waste also includes aerosol cans as described in 20.4.1.1001 NMAC.

N. "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities, as defined in 40 C.F.R. § 279.1.

III. AUTHORIZATION

8. NMED hereby authorizes SSWSI, subject to the conditions set forth in Section IV below, to manage at its Albuquerque Facility conditionally exempt hazardous waste.

IV. CONDITIONS

9. The authorization in Section III above is valid only provided that, and only to the extent that, SSWSI fully complies with the following conditions in managing conditionally exempt hazardous waste:

A. For all off-site shipments of conditionally exempt hazardous waste from the Albuquerque Facility, SSWSI shall comply with the requirements of 40 C.F.R. § 261.5(g)(3) (adopted by 20.4.1.200 NMAC) by ensuring delivery to an off-site treatment, storage, or disposal facility that either: 1) is permitted to treat, store, or dispose of hazardous waste; 2) has interim status to treat, store, or dispose of hazardous waste; 3) is "authorized" to manage hazardous waste by a state; 4) is permitted, licensed, or registered to manage municipal solid waste; or 5) recycles or reclaims the waste.

B. For all off-site shipments of re-manifested conditionally exempt hazardous waste from the Albuquerque Facility that was originally shipped on a manifest or shipping document that listed the Albuquerque Facility as the Designated Facility (item 8 of the manifest), SSWSI shall comply with the requirements of 40 C.F.R. Part 262, Subpart B (adopted by 20.4.1.300 NMAC), providing for preparation and use of a hazardous waste manifest (EPA form number 8700-22 and 8700-22A). SSWSI shall identify such waste as "conditionally exempt small quantity generator hazardous waste" or "CESQG waste" in item 14 on the manifest and SSWSI shall list itself as the generator in items 1 and 5 on the outbound manifest for tracking purposes.

C. For all conditionally exempt hazardous waste managed at the Albuquerque Facility prior to off-site shipment, SSWSI shall comply with the requirements of 40 C.F.R. § 262.30 (adopted by 20.4.1.300 NMAC) (packaging), 40 C.F.R. § 262.31 (adopted by 20.4.300

NMAC) (labeling), 40 C.F.R. § 262.32 (adopted by 20.4.1.300 NMAC) (marking), and 40 C.F.R. § 262.33 (adopted by 20.4.1.300 NMAC) (placarding).

D. SSWSI shall not store conditionally exempt hazardous waste at the Albuquerque Facility for more than 180 days from the date of receipt at the Facility, which begins on the date the waste arrives at the Facility. SSWSI shall also comply with the requirements of 40 C.F.R. § 262.34(a)(2) (adopted by 20.4.1.300 NMAC), providing that the date on which the accumulation period at the Albuquerque Facility begins must be marked and visible on each container, and 40 C.F.R. § 262.34(a)(3) (adopted by 20.4.1.300 NMAC), providing that the container must be clearly marked with the words "Hazardous Waste."

E. For all off-site shipments of conditionally exempt hazardous waste, SSWSI shall comply with the recordkeeping and reporting requirements of 40 C.F.R. § 262.40 (adopted by 20.4.1.300 NMAC) (recordkeeping), 40 C.F.R. § 262.42(b) (adopted by 20.4.1.300 NMAC) (exception reporting), and 40 C.F.R. § 262.43 (adopted by 20.4.1.300 NMAC) (additional reporting).

F. For any shipment exporting conditionally exempt hazardous waste to another country, SSWSI shall comply with the requirements of 40 C.F.R. Part 262, Subpart E providing for the export of hazardous waste.

G. For all conditionally exempt hazardous waste managed at the Albuquerque Facility, SSWSI shall comply with the requirements of 40 C.F.R. § 265.13 (adopted by 20.4.1.600 NMAC) (general waste analysis), 40 C.F.R. § 265.14 (adopted by 20.4.1.600 NMAC) (facility security), 40 C.F.R. § 265.15 (adopted by 20.4.1.600 NMAC) (general facility inspections), 40 C.F.R. § 265.16 (adopted by 20.4.1.600 NMAC) (personnel training), and 40 C.F.R. § 265.17 (adopted by 20.4.1.600 NMAC) (general requirements for ignitable, reactive, or incompatible wastes).

H. For all conditionally exempt hazardous waste managed at the Albuquerque Facility, SSWSI shall comply with the requirements of 40 C.F.R. Part 265, Subpart C (adopted by 20.4.1.600 NMAC) providing for maintenance and operation of the Facility, testing and maintenance of equipment, access to communications or alarm system, required aisle space, and arrangements with local authorities. In addition, SSWSI shall store containers in rows no more than four feet wide, no more than seven feet high, except that overpack drums and tote containers may be stored two containers high, and with a minimum of two feet of aisle space between rows. All stored containers must be easily accessible for inspection, and the labels on stored containers must be plainly visible.

I. SSWSI shall comply with the requirements of 40 C.F.R. Part 265, Subpart D (adopted by 20.4.1.600 NMAC) providing for a contingency plan and emergency procedures.

J. For all conditionally exempt hazardous waste managed at the Albuquerque Facility, SSWSI shall comply with the requirements of 40 C.F.R. § 265.73 (adopted by 20.4.1.600 NMAC), providing for an operating record, except for 40 C.F.R. § 265.73(b)(6)-(14). In addition to the information expressly required by 40 C.F.R. § 265.73(b)(1)-(5) (adopted by 20.4.1.600 NMAC), SSWSI shall record and maintain in the operating record until closure of the Facility the date that each conditionally exempt hazardous waste is received at the Facility and the date that each conditionally exempt hazardous waste is shipped off-site from the Facility, with cross references to the specific manifest document numbers, or other shipping document numbers, for both the incoming and outgoing shipments.

K. For all conditionally exempt hazardous waste managed in containers at the Albuquerque Facility, SSWSI shall comply with the requirements of 40 C.F.R. Part 264, Subpart I (adopted by 20.4.1.500 NMAC), (use and management of containers), including 40 C.F.R. § 264.175 (adopted by 20.4.1.500 NMAC), (containment) and 40 C.F.R. § 264.176 (adopted by 20.4.1.500 NMAC), (special requirements for ignitable and reactive waste).

L. For all conditionally exempt hazardous waste managed in a containment building at the Albuquerque Facility, SSWSI shall comply with the requirements of 40 C.F.R. Part 265, Subpart DD (adopted by 20.4.1.600 NMAC), providing for use and management of containment building.

M. For all non-exempt hazardous waste managed at the Albuquerque Facility prior to off-site shipment, SSWSI shall comply with the transfer facility requirements of 40 C.F.R. § 263.12 (adopted by 20.4.1.400 NMAC), allowing on-site storage of the waste for a maximum of ten days. In addition, SSWSI shall ensure that all non-exempt waste is stored in a segregated area specifically designated only for non-exempt waste, and shall ensure that the date upon which storage at the Albuquerque Facility begins (i.e., the date the waste arrives at the Facility) is clearly marked and visible for inspection on each container. SSWSI shall also comply with all other requirements applicable to the management of such non-exempt hazardous waste.

N. For all household hazardous waste managed at the Albuquerque Facility, SSWSI shall ensure that each container of such waste is clearly and visibly marked as containing household hazardous waste.

O. For all universal waste managed at the Albuquerque Facility, SSWSI shall comply with the requirements of 40 C.F.R. § 273 (adopted by 20.4.1.1000 NMAC), providing standards for universal waste management.

P. For all used oil managed at the Albuquerque Facility, SSWSI shall comply with the requirements of 40 C.F.R. § 279, Subpart E, (adopted by 20.4.1.1002 NMAC), providing standards for used oil transporter and transfer facilities.

Q. SSWSI shall immediately notify NMED of any spill or other release at its Albuquerque Facility, including any spill or release for which SSWSI is required to notify the National Response Center pursuant to section 103 of the Federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9603 and 40 C.F.R. §302.6. Such

notification shall be made by calling the NMED 24-hour emergency reporting number at (505) 827-9329.

R. SSWSI shall comply with and be subject to Section 74-4-4.3 of the HWA, and Section 3007 of RCRA, 42 U.S.C. § 6927, providing for entry, inspections, availability of records, collection of samples, and information gathering by NMED and the United States Environmental Protection Agency.

S. SSWSI shall store no more than 15,840 gallons of conditionally exempt hazardous waste on-site at any one time.

T. SSWSI shall pay an Agreement Fee of \$450 annually. This fee shall be remitted to NMED's Hazardous Waste Bureau by August 1 of each year. If the facility re-manifests Large Quantity Generator amounts of hazardous waste at any time since the last fee remittance, Large Quantity Generator fees must be submitted by August 1 in lieu of the Agreement Fee.

U. SSWSI shall not store, treat, or otherwise manage any conditionally exempt hazardous waste in any on-site surface impoundment, landfill, land treatment unit, waste pile, or any other waste management unit other than a container.

10. Nothing herein shall in any way relieve SSWSI of its obligation to comply with any applicable requirements of the HWA, RCRA, the State and federal regulations promulgated thereunder, any permit or order issued thereunder, or any other applicable law or regulations. Nothing herein shall be construed in any way to limit the authority of NMED to enforce such requirements.

11. No later than 30 days before a transfer of ownership of the Albuquerque Facility, SSWSI shall provide notice of such transfer to NMED. Such notice shall include the name of the transferee, the corporate address of the transferee, and the contact information for the manager in

charge of the Albuquerque Facility for the transferee. Upon transfer of ownership, the new owner shall adhere to this Agreement, and all mention of SWSSI within the Agreement shall apply to the new owner, until which time a new Agreement is issued to the new owner, or the existing Agreement is revoked by NMED.

V. ENFORCEMENT

12. SSWSI agrees and stipulates that the conditions in this Agreement are fully enforceable requirements under HWA and RCRA. Further, SSWSI agrees and stipulates that each of the conditions of this Agreement is an enforceable "requirement" of the HWA within the meaning of Section 74-4-10; an enforceable "requirement" of RCRA within the meaning of section 3008(a)(1) of RCRA, 42 U.S.C. § 6928(a)(1); and an enforceable "condition, requirement, [or] prohibition" which has become effective pursuant to RCRA within the meaning of section 7002(a)(1)(A) of RCRA, 42 U.S.C. § 6972(a)(1)(A).

13. SSWSI agrees and stipulates that any failure to comply with any condition of this Agreement may subject SSWSI, and its officers, directors, employees, parents, subsidiaries, successors, and assigns, to a compliance order or judicial enforcement under Section 74-4-10 of the HWA or section 3008(a) of RCRA, 42 U.S.C. § 6928(a); to an injunction under section 74-4-10 of the HWA, section 3008(a) of RCRA, 42 U.S.C. § 6928(a), or section 7002(a) of RCRA, 42 U.S.C. § 6972(a); to civil penalties under Section 74-4-10 of the HWA, section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), or section 7002(a) of RCRA, 42 U.S.C. § 6972(a); to criminal penalties under Section 74-4-11 of the HWA or section 3008(d), (e), and (f) of RCRA, 42 U.S.C. § 6928(d), (e), and (f); or to some combination of the foregoing.

14. In any administrative or judicial action brought to enforce the conditions of this Agreement, including any action seeking injunctive relief or civil or criminal penalties for violation of a condition of this Agreement, SSWSI agrees not to contest the authority of NMED to bring such an action. Further, in any such judicial action brought in the New Mexico District

Court for the First Judicial District under the HWA, or in the United States District Court for the District of New Mexico under RCRA (or under the HWA asserting supplemental jurisdiction under 28 U.S.C. § 1367), SSWSI waives all objections and defenses it may have to the jurisdiction of either such State or federal court or to venue in either such State or federal district.

VI. REVOCATION

15. NMED may revoke the authorization in Section III of this Agreement upon sixty (60) days prior written notice to SSWSI, except as provided in Paragraph 16 below. NMED will state the reasons for such revocation in the notice. During the sixty-day notice period, SSWSI will have the opportunity to meet with NMED to discuss the reasons for the revocation.

16. If NMED determines that SSWSI is in violation of any condition of this Agreement, or any requirement of the HWA, RCRA, the State or federal regulations promulgated thereunder, or any permit or order issued thereunder, and that such violation is a "major violation," either in its potential for harm or its extent of deviation from the requirement, as that term is used in the *Hazardous Waste Act Civil Penalty Policy* (March 2007) or any revisions thereto, NMED may revoke the authorization in Section III of this Agreement at any time, without prior notice to SSWSI. In the event that the Agreement is revoked without notice to SSWSI, receipt of CESQG hazardous wastes will cease and SSWSI will be given 90 days to make arrangements for the disposal of all CESQG hazardous wastes under the existing agreement.

VII. MODIFICATIONS

17. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof, and supersedes any previous and collateral agreements and understandings. Any modification to this Agreement shall be in writing and executed by both the Parties.

VIII. SIGNATORIES

18. Each undersigned representative of a Party certifies that he or she is fully authorized to enter into this Agreement and to execute and legally bind such Party to this Agreement.

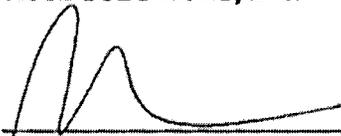
AGREED TO by the Parties on this, the fifteenth (15th) day of June 2015.

FOR THE NEW MEXICO ENVIRONMENT DEPARTMENT:

for  Date 7/17/15
RYAN FLYNN
Secretary
New Mexico Environment Department
PO Box 5469
Santa Fe, NM 87502
505-827-2855

 Date 7/16/15
JEFFREY M. KENDALL
General Counsel
New Mexico Environment Department
PO Box 5469
Santa Fe, NM 87502
505-827-2855

FOR STERICYCLE SPECIALTY WASTE SOLUTIONS, INC:

 Date 6/21/15
MATTHEW MARRA
VP, EHS & Transportation Compliance
5151 San Felipe St.
Houston, TX 77056
713-985-5473