I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Dorothy Lassiter Date: 9/7/12

OHIO E.P.A.

SEP -7 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Fisher-Titus Medical Center **272 Benedict Avenue** **Norwalk, Ohio 44857** **Respondent**	: : : : : : :	**Expedited Settlement Agreement and Director's Order**

I. JURISDICTION

This Expedited Settlement Agreement and Director's Order ("ESA") is issued to the Fisher-Titus Medical Center (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code ("ORC") 3734.13 and 3745.01.

II. FINDINGS

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).

2. Respondent operates an incorporated nonprofit medical center located at 272 Benedict Avenue, Norwalk, Huron County, Ohio 44857(Facility).

3. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent is a small quantity generator of hazardous waste and has been assigned EPA ID number OHD076893635. The hazardous wastes generated by Respondent at the Facility include hazardous waste pharmaceuticals (D001, D007, D010, D011, D022, D024, P001 P075, P188, U010, U058 U122, U188 and U239), as described in OAC Chapter 3745-51.

4. Ohio EPA conducted a compliance evaluation inspection of the Facility on March 29, and April 3, 2012. As a result of the inspection, Ohio EPA determined Respondent caused the transportation of hazardous waste pharmaceuticals off-site to a facility which does not hold a hazardous waste facility installation and operation permit, in violation of ORC § 3734.02(F). Specifically, Respondent was

causing hazardous waste pharmaceuticals to be transported to the Stericycle, Inc. facility located in Warren, Ohio. Stericycle, Inc. does not hold a hazardous waste facility installation and operation permit nor is it otherwise authorized to accept hazardous waste. Respondent generated hazardous waste and transported it to Stericycle, Inc. from at least 1997 to August 8, 2011.

5. By letter dated May 9, 2012, Ohio EPA notified Respondent of the violations referenced in Finding No. 4. of this ESA as well as other hazardous waste generator violations and violations relating to the management of universal wastes. Respondent has abated all of the violations cited in Ohio EPA's May 9, 2012 letter.

6. In consideration of the benefits of compliance to the public, efficient use of Ohio EPA resources, Respondent's status as a nonprofit medical center and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in these Findings.

III. ORDER

1. Within sixty (60) days from the date of the Director's letter inviting Respondent to sign this ESA, Respondent shall pay to the Ohio EPA the amount of $2,530.00 in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 3734. of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the full amount, and shall be deposited in the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be mailed to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent. A copy of this check shall be submitted to Supervisor, Processing/Records Management Unit, Ohio EPA, Division of Materials and Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049.

IV. TERMINATION

Respondent's obligations under this ESA shall terminate upon both Ohio EPA's entry of this ESA in the Ohio EPA Director's journal and Ohio EPA's receipt of the civil penalty payment required by this ESA.

V. RESERVATION OF RIGHTS AND WAIVER

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived herein.

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in this ESA, Respondent consents to the issuance of this ESA and agrees to comply with this ESA. Compliance with this ESA shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of this ESA, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of this ESA either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

VI. EFFECTIVE DATE

The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Scott J. Nally, Director — September 7, 2012
Date

IT IS SO AGREED:

Fisher-Titus Medical Center

Lorna S. Strayer — 8-17-12
Signature — Date

Lorna S. Strayer
Printed or Typed Name

Senior Vice President
Title