



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

ENVIRONMENTAL APPEALS BOARD

SEP 13 2013

Janet McCabe  
Acting Assistant Administrator  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
1200 Pennsylvania Avenue, NW  
Mail Code 6101A  
Washington, DC 20460

Re: Stericycle Inc.  
Permit: Utah Title V No.1100055002  
Appeal Number: CAA 13-01

Dear Ms. McCabe:

This is to advise you that the Environmental Appeals Board (“Board” or “EAB”) received an appeal from Greenaction for Health and Environmental Justice and Concerned Salt Lake City Area Residents Against Stericycle Incinerator on August 15, 2013. The appeal asks the Board to “expedite consideration” of a “petition for review” filed with the Environmental Protection Agency four years ago requesting that the Agency object to the Stericycle Title V permit decision issued by the Utah Division of Air Quality to Stericycle Medical Waste Incinerator.

A copy of the 2013 appeal and exhibits, if any, can be found on the Board’s website at [www.epa.gov/eab](http://www.epa.gov/eab) (click “EAB Dockets” on the sidebar, click on the “Active Dockets” link, and then click on the appropriate case name). If you have any difficulty accessing these documents, please let me know. We are also enclosing a copy.

To assist the Environmental Appeals Board in deciding whether the matters petitioners raise should be reviewed, please have your staff prepare a response to the attached 2013 appeal. Such response should be filed no later than **October 15, 2013**.

A copy of this letter is being sent to Stericycle Inc. as notification of this appeal and these filing requirements. A copy of this letter is also being sent to the petitioners as notification of these filing requirements

## **Filing Requirements**

Filing may be accomplished electronically pursuant to the Board's Order of August 12, 2013.<sup>1</sup> Alternatively, filing may be accomplished by filing a paper original (signed in blue ink) and two copies of these materials with the Board (at the address shown below) by the date specified above. A copy must be sent to Petitioner, and a certificate of service showing the date and method of service should be included with the filing.

**IMPORTANT:** All documents filed, including the materials due October 15, 2013, must reference the appeal number and the name, address, and telephone number of the filer. If available, the filer also should provide a fax number and an email address. **In addition, any envelope or other packaging containing documents sent to the Environmental Appeals Board's mailing address or hand-delivery address, as prescribed below, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and appeal number in the lower left hand corner.**<sup>2</sup>

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address, which is:

Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, NW  
Mail Code 1103M  
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

## **Hand Delivery Address**

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<sup>1</sup> The Board has issued an Order authorizing the electronic filing of documents in cases involving permit appeals. See Order Authorizing Electronic Filing in Proceedings Before the Environmental Appeals Board Not Governed by 40 C.F.R. Part 22 (Aug. 12, 2013), *available at* <http://www.epa.gov/eab> (click "Standing Orders" on sidebar). Instructions on registration and document filing are available by using the "Electronic Filing" link on the Board's website.

<sup>2</sup> All mail sent to the Environmental Protection Agency may be delayed by a random sterilization procedure. Parties are encouraged to utilize the Board's e-filing system or hand or courier delivery when filing pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website ([www.epa.gov/eab](http://www.epa.gov/eab)) at the Clerk of the Board or Frequently Asked Questions links.

Documents that are **hand-carried**, delivered via Courier, mailed by Express Mail or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
WJC East, Room 3332  
Washington, D.C. 20004

The contact number for hand delivery is (202) 233-0122. Such documents may be delivered from 8:30 a.m. to 4:30 p.m., Monday through Friday (excluding federal holidays). Documents filed electronically may be filed at any time up to 11:59 p.m. Eastern Time on the day the document is required to be filed with the Board.

Thank you for your attention to these matters.

Sincerely,



Eurika Durr  
Clerk of the Board

Enclosure

cc: Bradley Angel  
Greenaction for Health and Environmental Justice  
703 Market Street, Suite 501  
San Francisco, CA 94103

Cindy King  
Concerned Salt Lake City Area Residents Against Stericycle Incinerator  
2963 South 2300 East  
Salt Lake City, Utah 84109

Avi Garbow  
General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
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Washington, DC 20460

Steve Page  
Office of Air Quality, Planning, and Standards  
U.S. Environmental Protection Agency  
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Research Triangle Park, NC 27709

Lorie Schmidt  
Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
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Stericycle Inc.  
Corporate Headquarters  
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Lake Forest, IL 60045

Utah Department of Environmental Quality  
Division of Air Quality  
P.O. Box 144820  
Salt Lake City, UT 84114

**Concerned Salt Lake City Area Residents Against Stericycle Incinerator  
Greenaction for Health and Environmental Justice**

August 9, 2013

Ms. Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, NW  
Mail Code 1103M  
Washington, D.C. 20460-0001

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ENVIR. APPEALS BOARD

**RE: Appeal of the Title V Permit Issued by Utah Division of Air Quality to Stericycle Inc.**

Dear Ms Durr,

We are writing to request expedited consideration by the Environmental Appeals Board of the Petition for Review filed four years ago by the Concerned Salt Lake City Area Residents Against the Stericycle Incinerator and Greenaction for Health and Environmental Justice, in response to the Title V permit improperly issued to Stericycle by the Utah Division of Air Quality.

EPA has improperly ignored our appeal for four years, repeatedly telling us the appeal was under review when in fact nothing has happened. It has been four years and Stericycle is within 60 days of filing for a Title V permit renewal. During this time you ignored our appeal and young families living within feet of the incineration facility have been polluted with illegal levels of dioxin, furans and other hazardous and criteria pollutants from a facility that has blatantly violated the law – all as USEPA has failed to act in a timely fashion on our appeal.

We will briefly demonstrate that we have spent substantial time and resources inquiring about our decision on our appeal and following various actions of Stericycle to get enforcement and compliance action from both the State of Utah's Division of Air Quality and EPA.

This appeal was filed and a letter of acknowledgement of receipt was received from the United States Environmental Protection Agency (EPA) Administrator dated March 31, 2009. Several more inquires have been made to Mr. Stephen D. Page, Director, Office of Air Quality Planning and Standards, with the last correspondence dated May 23, 2013. All of the various correspondences claim that that "EPA will issue a response as soon as practicable."

In April 2013, Stericycle had fire coming out of the bypass stack (see enclosed photo). On May 23, 2013, the Division of Air Quality, State of Utah issued a Notice of Violation and Order to

Comply for extremely serious violations. It should also be noted that some of the violations were brought to Stericycle's attention as early as 2008 in a warning letter from the Division of Air Quality State of Utah. On July 3, we were informed by the Director of DAQ that a criminal investigation of Stericycle by state and federal authorities was underway.

On July 25, 2013 we received confirmation that the Division of Air Quality State of Utah does not have to have Startup, Shut down and Malfunctions (SSM) Plan as part of Stericycle's Title V permit but only "procedures posted at the facility." Therefore, this is not enforceable by the Title V permit, even though some of the issues brought up in the recent Notice of Violation might be considered additional violations of a SSM plan.

It is a sad situation when EPA ignores a properly submitted and legitimate appeal of a permit improperly issued to a polluter who then goes on to repeatedly fail tests, and according to the State of Utah has engaged in submitting several false reports and manipulated tests. Our appeal should be granted and this polluter must be shut down.

Therefore we are requesting an expedited decision on our March 2009 appeal.

Respectfully submitted,



Bradley Angel  
Greenaction for Health and Environmental Justice  
703 Market Street, Suite 501, San Francisco, CA 94103



Cindy King  
Concerned Salt Lake City Area Residents Against Stericycle Incinerator  
2963 South 2300 East, Salt Lake City, Utah 84109