

**THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

Civil Action No. 1:21-cv-00012-JNP

United States of America,

Plaintiff

v.

Stericycle, Inc.,

Defendant.

CONSENT DECREE

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WHEREAS, Plaintiff United States of America, on behalf of the United States Environmental Protection Agency (“EPA”) has filed a Complaint concurrently with the lodging of this Consent Decree, pursuant to Section 113(b) of the Clean Air Act (“Act”), 42 U.S.C. § 7413(b). The Complaint alleges that Defendant, Stericycle, Inc. (“Stericycle”) violated regulations set forth in 40 C.F.R. Part 60, Subpart Ce, promulgated by EPA pursuant to Title I of the CAA, 42 U.S.C. §§ 7411 and 7429; Section 129(f)(3) of the CAA, 42 U.S.C. § 7429(f)(3); and requirements of an operating permit issued pursuant to Title V of the CAA, 42 U.S.C. § 7661.

WHEREAS, the Complaint alleges that Defendant violated the above-listed federal environmental statutes and regulations and operating permit requirements at Stericycle’s hospital, medical, and infectious waste incinerator located at 90 North 1100 West, North Salt Lake, Utah (the “Facility”). The Facility is designed to treat non-hazardous medical waste and other approved non-medical waste.

WHEREAS, the Complaint specifically alleges that between September 14, 2012, and May 6, 2013, Defendant exceeded emission limits for nitrogen oxides (“NOx”) at the Facility, in violation of regulations set forth in 40 C.F.R. Part 60, Subpart Ce, as incorporated into the State of Utah’s plan for hospital, medical, and infectious waste incinerators, Utah Admin. Code r.307-222 (the “Utah HMIWI Plan”); and the Facility’s operating permit issued pursuant to Title V of the CAA. The Complaint further alleges Defendant failed to conduct required performance tests, submit data from performance tests, report its use of the Facility’s bypass stack, and accurately report the Facility’s maximum charge rates, in violation of the Facility’s operating permit issued pursuant to Title V of the CAA and applicable regulations set forth in 40 C.F.R. Part 60, Subpart Ce, as incorporated into the Utah HMIWI Plan.

WHEREAS, on or around May 6, 2013, Defendant began operating selective non-catalytic reduction technology at the Facility to reduce emissions of NOx.

WHEREAS, pursuant to an administrative settlement with the State of Utah dated November 25, 2014, Defendant agreed to relocate the Facility's operations and to permanently cease incineration operations at the Facility within three years of obtaining all necessary permits and approvals for the relocated facility, if applicable.

WHEREAS, Defendant does not admit any of the allegations of the Complaint or any liability to the United States arising out of the allegations in the Complaint.

WHEREAS, The Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith and will avoid litigation between the Parties and that this Consent Decree is fair, reasonable, and in the public interest.

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided in Section I (Jurisdiction and Venue), with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action, pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and Section 113(b) of the Act, 42 U.S.C. § 7413(b). Venue is proper in this District pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1391(b) and 1395(a), because the violations alleged in the Complaint are alleged to have occurred in, and Defendant conducts business in, this judicial district. For purposes of this Decree, or any action to enforce this Decree, Defendant consents to the Court's jurisdiction over this Decree and any such action and over Defendant and consents to venue in this judicial district.

2. For purposes of this Consent Decree, Defendant agrees that the Complaint states claims upon which relief may be granted pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b).

3. Notice of commencement of this action has been given to the State of Utah, specifically the State of Utah Department of Environmental Quality, Division of Air Quality by the United States.

II. APPLICABILITY

4. The obligations of this Consent Decree apply to and are binding upon the United States, and upon Defendant and any successors, assigns, or other entities or persons otherwise bound by law.

5. No transfer of ownership or operation of the Facility, whether in compliance with the procedures of this Paragraph or otherwise, shall relieve Defendant of its obligation to ensure that the terms of the Decree are implemented. At least 30 Days prior to such transfer, Defendant shall provide a copy of this Consent Decree to the proposed transferee and shall simultaneously provide written notice of the prospective transfer, together with a copy of the proposed written agreement, to EPA Region 8, the United States Attorney for the District of Utah, and the United States Department of Justice, in accordance with Section XIII (Notices). Any attempt to transfer ownership or operation of the Facility without complying with this Paragraph constitutes a violation of this Decree.

6. Defendant shall provide a copy of this Consent Decree to all officers, employees, and agents whose duties might reasonably include compliance with any provision of this Decree, as well as to any contractor retained to perform work required under this Consent Decree. Defendant shall condition any such contract upon performance of the work in conformity with the terms of this Consent Decree.

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