



State of Utah

JON M. HUNTSMAN, JR.  
Governor

GARY HERBERT  
Lieutenant Governor

Department of  
Environmental Quality

William J. Sinclair  
Acting Executive Director

DIVISION OF SOLID AND  
HAZARDOUS WASTE  
Dennis R. Downs  
Director

FILE COPY

July 28, 2009

Hal Jaussi  
The Ensign-Bickford Company  
8305 South Highway 6  
Spanish Fork, Utah 84660-0310

**RE: Correction Action Order No. 0906006  
Consolidation Corrective Action Management Unit (CAMU)  
EPA ID No. UTD041310962**

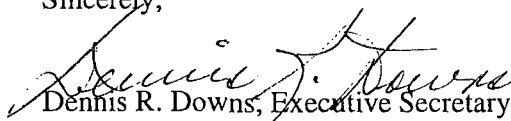
Dear Mr. Jaussi:

Enclosed please find Corrective Action Order No 0906006 that designates a Consolidation CAMU at the Ensign-Bickford Facility (EBCo). The Utah Division of Solid and Hazardous Waste has completed a 30-day public comment period for the revised Consolidation CAMU application dated June 3, 2009. No comments were received during the public comment period. This designation provides EBCo the authority to begin placement in the Consolidation CAMU of the non-hazardous contaminated soil and debris generated from the SWMUs identified in the Order.

Please note that the Division has corrected the date identified in Number 26 of the Order for the annual submittal of the Groundwater Monitoring Report. The Order had incorrectly specified September 30<sup>th</sup> as the date for the submittal. The correct date for the submittal is April 30<sup>th</sup> of each required year.

If you have any questions, please contact Hao Zhu or Brad Maulding of my staff at (801) 538-6170.

Sincerely,

  
Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board

DRD/HZ/tjm

c: Joseph K. Miner, M.D., M.S.P.H., Executive Director, Utah County Health Dept.  
Paul Torcoletti, Charter Oak Environmental Services, Inc.  
Mark Franson, Charter Oak Environmental Services, Inc.

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BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the Matter of:  
The Ensign-Bickford Company  
8305 South Highway 6  
Spanish Fork, Utah 84660-0310  
UTD041310962

Corrective Action Order

No: 0906006

--ooOoo--

This Corrective Action Order is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Solid and Hazardous Waste Act (the Act), 19-6-101 et. seq., Utah Code Annotated 1953, as amended. The Board has delegated to the Executive Secretary authority to issue such Orders in accordance with R315-8-21 of the Utah Administrative Code (the Rules).

**FINDINGS**

1. The Ensign-Bickford Company (EBCo) owns property located near the mouth of Spanish Fork Canyon at the junction of Highways 6 and 89, Spanish Fork, Utah. EBCo operated an explosives manufacturing facility on the property until the facility was closed in 2006. EBCo is a Connecticut corporation authorized to do business in the State of Utah.
2. EBCo purchased the facility from the Trojan Corporation on December 24, 1986. From December of 1986 until December of 1995, the facility was operated under the Trojan Corporation name. Effective January 1, 1996, Trojan Corporation was merged with and into EBCo, with EBCo as the surviving company.
3. Trojan Corporation and EBCo operated the facility's open burning units under interim status, the period of time prior to issuance of a RCRA Hazardous Waste Treatment Permit. Interim status facilities are required to determine if there are any environmental impacts from the release of hazardous waste or constituents from solid waste management units (SWMUs) at the facility. To formalize its corrective action program, the Trojan Corporation entered into Stipulation and Consent Agreement No. 9412069 (SCA) with the Executive Secretary of the Board on December 1, 1995. The responsibilities of interim status and the SCA were transferred to EBCo after the merger.
4. EBCo is subject to all applicable provisions of the Act and the Rules.
5. EBCo is conducting corrective action on its SWMUs in accordance with the provisions of the Act, Rules and the SCA.

6. Final corrective measures, including contaminated soil removal, are proposed for some SWMUs. On April 27, 2009, EBCo submitted an application to the Executive Secretary for a Corrective Action Management Unit (CAMU) to be used for consolidation of contaminated soils excavated from different SWMUs pursuant to the requirements of R315-8-21 of the Rules [Subpart S of 40 CFR 264.550-555].
7. On May 14, 2009, the Executive Secretary provided EBCo with written comments on the April 27, 2009 CAMU application.
8. On June 3, 2009, EBCo submitted responses to the comments and a revised CAMU application.
9. The Executive Secretary has determined that the revised CAMU application is complete and all comments have been adequately addressed.
10. R315-8-21 of the Rules [40 CFR 264.552(a)] provides the Executive Secretary the authority to designate an area at the facility as a CAMU.
11. R315-8-21 of the Rules [CFR 264.552(e)] requires the Executive Secretary to specify the requirements for the CAMU in an Order.

### **ORDER**

Based on the foregoing Findings, EBCo, pursuant to Sections 19-6-107 and 112 of the Code, is hereby ordered to comply with the following:

### **CONSTRUCTION**

12. EBCo shall construct the CAMU in the area of SWMUs 1, 30, and 42 as described in the revised CAMU application.
13. EBCo shall use the CAMU to only consolidate the CAMU-eligible waste [as defined in 40 CFR 264.552 (a)(1)(i)] which includes at this site, non-hazardous contaminated soil and debris generated from SWMUs 2, 3, 5, 6, 7, 10, 12, 15, 16, 17, 18, 19, 22, 24, 26, 27, 28, 31, 33, 35, 36, 39, and 41 and the Treatment CAMU area. No hazardous waste shall be managed in the CAMU.
14. EBCo shall document in a CAMU operating record, the date of placement and the estimated quantity of non-hazardous contaminated soil and debris that are placed in the CAMU.
15. EBCo shall machine compact all non-hazardous contaminated soil placed in the CAMU to a minimum of 90% compaction and in maximum one-foot lifts as specified and described in the revised CAMU application. Non-hazardous debris shall be placed so as to allow the overlying non-hazardous soil to achieve the compaction standard as described in the CAMU application.

16. Upon completion of the placement of non-hazardous contaminated soil and debris in the CAMU, EBCo shall place a minimum of two feet of silty soil over the entire CAMU as specified and described in the revised CAMU application.
17. After the silty soil has been placed over the CAMU, EBCo shall establish native vegetation on top of the CAMU as specified and described in the revised CAMU application.

### **CLOSURE REPORT**

18. Within 90 days of placing the silty soil and establishing native vegetation on top of the Consolidation CAMU, EBCO shall submit to the Executive Secretary for review and approval, a Closure Report that summarizes field activities. The report shall document the total volumes of non-hazardous contaminated soil and debris received from each SWMU and placed into the CAMU, proctor testing results, and confirmation that two feet of silty soil cover was placed over the CAMU. The Closure Report shall also include a Certificate of Closure signed by a Utah licensed professional engineer.

### **POST CLOSURE CARE: INSPECTION AND MANAGEMENT**

19. EBCo shall conduct inspections of the CAMU area in accordance with the schedule and inspection form found in the CAMU application. A Report of Inspection shall be submitted to the Executive Secretary by April 30<sup>th</sup> of each year. The Report of Inspection may be included in the Groundwater Monitoring Report, identified below, which is also required to be submitted by April 30<sup>th</sup> of each year.
20. Based on the results of the CAMU inspections, EBCo shall conduct necessary actions to maintain the integrity of the silty soil cover that may have been compromised by soil erosion, soil displacement, settlement, animal burrows, and any others factors that may compromise the soil cover.
21. Unless otherwise authorized by the Executive Secretary, no irrigation shall be allowed in the CAMU area except during the initial period of establishing vegetation on the soil cover.
22. EBCo shall reseed native grasses in areas where the vegetation failed to grow. Irrigation will be allowed to re-establish these areas.
23. No physical soil disturbance of the vegetative and soil cover shall be allowed in the CAMU area unless EBCo submits to the Executive Secretary for approval, a written work plan for such an activity.

## **GROUNDWATER MONITORING AND RECOVERY WELL R1**

24. EBCo shall sample the wells identified in the CAMU application on an annual basis and analyze the samples for the parameters set forth in the CAMU application until such time as the Executive Secretary determines that ground water monitoring is no longer required. The annual groundwater sampling shall be conducted in the second quarter of the year.
25. EBCo shall pump recovery well R-1 at a minimum of 200 gpm and shall normally operate the recovery well at 400 gpm, as conditions allow, until such time the Executive Secretary determines that the groundwater pumping is no longer necessary. EBCo shall maintain the integrity of recovery well R1 during the required operational period.
26. A Groundwater Monitoring Report that includes groundwater sampling results and an operational summary of recovery well R1 shall be submitted to the Executive Secretary by April 30<sup>th</sup> of each year of required monitoring and pumping.
27. EBCo shall maintain the integrity of all monitoring wells identified in the CAMU application to ensure they are capable of providing representative groundwater samples. EBCo shall notify the Executive Secretary in writing, within thirty days of discovery, of any malfunction or damage to any of the ground water monitoring wells. The letter shall include a plan for well rehabilitation or well replacement.
28. EBCo may petition the Executive Secretary to discontinue groundwater monitoring when the potential leaching of contaminants from the soils to the groundwater in the CAMU area presents a cancer risk of less than  $10^{-6}$  or a hazard index of less than one in accordance with R315-101-5.2(b)(1) of Utah Administrative Code, The Executive Secretary will either approve or disapprove the petition in writing. If the petition is disapproved, the Executive Secretary will provide EBCo with the basis for the denial.
29. EBCo may petition the Executive Secretary to discontinue pumping recovery well R1 when the potential leaching of contaminants from the soils to the groundwater in the CAMU area presents a cancer risk of less than  $10^{-6}$  or a hazard index of less than one in accordance with R315-101-5.2(b)(1) of Utah Administrative Code. The Executive Secretary will either approve or disapprove the petition in writing. If the petition is disapproved, the Executive Secretary will provide EBCo with the basis for the denial.

## **RECORD KEEPING**

30. EBCo shall retain copies of all reports and records required by this ORDER, and records of all data used to complete the application for this ORDER for at least thirty years after the date the Executive Secretary approved the Closure Report. This period may be extended by the Executive Secretary at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility.

## **NOTICE OF GROUNDWATER MONITORING AND CAMU INSPECTION**

31. EBCo shall provide at least seven (7) working days notice to the Executive Secretary, prior to the dates for the annual groundwater monitoring and CAMU inspection to be conducted under this ORDER.

### **SITE ACCESS**

32. EBCo shall, upon request, provide access to its site at reasonable times to the Executive Secretary or his authorized representative(s) for the purpose of enforcing, monitoring, photographing, sampling, and observing activities conducted under this ORDER. The Executive Secretary and his authorized representatives shall follow and comply with all reasonable health and safety requirements of EBCo as well as any federal, State or local laws or ordinances. Nothing in this paragraph is intended or shall be construed to limit in any way the right of entry or inspection that the Executive Secretary or the State may otherwise have by operation of law.

### **COST REIMBURSEMENT**

33. EBCo shall reimburse the Executive Secretary for all reasonable costs in overseeing compliance with this ORDER and in reviewing any related reports and documents, and any analytical costs during the operational life of the CAMU. The Executive Secretary shall submit quarterly invoices, if any, to EBCo identifying the oversight costs of State employees and analytical costs in accordance with the fee collection schedule in the Utah Appropriations Act. EBCo shall, within 30 days of receipt of each such invoice, remit a check to the State for the full amount of the costs, payable to the Utah Department of Environmental Quality, c/o Executive Secretary, Utah Solid and Hazardous Waste Control Board, P.O. Box 144880, Salt Lake City, Utah 84114-4880.

### **EFFECT OF ORDER**

34. All conditions listed in this ORDER supersede any conflicting statements, requirements, procedures, or specifications found in the CAMU Application and documents referenced in the CAMU Application. The CAMU Application is hereby incorporated by reference into this ORDER.

### **ENFORCEABILITY**

35. Section 19-6-113(2) of the Utah Code Annotated provides that violators of the Utah Solid and Hazardous Waste Act, or any provision of this ORDER issued there under, may be subject to a civil penalty of up to current thirteen thousand (\$13,000.00) dollars per day for each day of violation, which is subject to adjustment at the time of enforcement action as required by applicable Utah laws.

36. Nothing contained herein shall be deemed to constitute a waiver by the State of its right to initiate enforcement action, including civil penalties, against EBCo in the event of future non-compliance with this ORDER, the Act, or the Rules, nor shall the State be precluded in any way from taking appropriate action to abate an imminent endangerment to public health or the environment should such a situation arise at the EBCo facility.
37. Notwithstanding any other provision of this ORDER, the Executive Secretary may impose additional requirements as necessary to protect human health and the environment.

**OPPORTUNITY FOR HEARING**

38. This ORDER is effective immediately and shall become final unless EBCo requests a hearing within thirty (30) days pursuant to R315-12-2.2(b) of the Rules.

Dated this 28 day of July, 2009

By: Dennis R. Downs  
Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board