



State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

Department of  
Environmental Quality

Alan Matheson  
*Executive Director*

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL  
Ty L. Howard  
*Director*

March 22, 2019

Kris Blauer, Manager  
Environmental Services  
ATK Launch Systems – Promontory  
P.O. Box 707  
Brigham City, UT 84302-0707

RE: Emergency Permit #UT-004-2019  
ATK Launch Systems - Promontory Facility  
UTD009081357

Dear Mr. Blauer:

The Division of Waste Management and Radiation Control has completed its review of your March 18, 2019 request for an emergency permit for 90 days to treat, by open burning, military flares that fail to ignite during quality control testing procedures. As described in your letter, the quality control testing is required by ATK Launch System's (ATK) contract with the Department of Defense.

ATK has determined that flares that fail to ignite, or only partially ignite during these tests, once located, are unsafe to move due to the potential damage sustained from the impact with the ground. An emergency permit for treatment is needed so that ATK may open burn flares that fail to ignite properly in-place at the Kosmo testing area. The flares that will be tested and covered by this permit are LUU-19, LUU-1, LUU2-C/B, M257 and M278.

Enclosed is Utah Hazardous Waste Emergency Permit #UT-004-2019 authorizing ATK to treat the flares identified above that are characterized as unsafe to move. This permit is based on the premise that the information provided by ATK is accurate and that treatment of flares will be conducted as specified in your letter.

Waste material collected after the treatment is complete must be properly characterized and transported to an approved disposal facility. ATK is also required to maintain records of the open burning activities. These records should include the date and time of treatment, the name of the person(s) conducting the treatment, the number and type of flares treated, the location of treatment, a description of the treatment effectiveness, and the final disposition of waste residues.

(Over)

DSHW-2019-002828

195 North 1950 West • Salt Lake City, UT  
Mailing Address: P.O. Box 144880 • Salt Lake City, UT 84114-4880  
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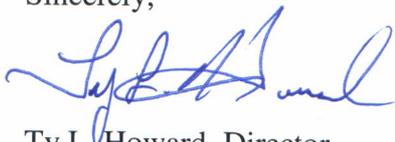
These records must be included in the report that is to be submitted to the Division within 14 days of the expiration date of the permit.

In the event that a flare doesn't deploy or ignite as designed and cannot be located for treatment under this permit, ATK should notify the Division as soon as possible. In addition, all lost flares must be recorded and included in the report described above.

This permit becomes effective on April 2, 2019 and will expire on June 30, 2019. Emergency permits are issued under the authority of 19-6-101 through 122, Utah Code Annotated, as amended and R315-270-61 of the Utah Administrative Code.

If you have any questions, please contact Jeff Vandel at (801) 536-0257.

Sincerely,



Ty L. Howard, Director  
Division of Waste Management and Radiation Control

TLH/JV/km

Enclosure: Emergency Permit #UT-004-2019

c: Jason Wells, ATK Launch Systems  
Lloyd C. Berentzen, MBA, Health Officer, Bear River Health Department  
Grant Koford, EHS, Environmental Health Director, Bear River Health Department  
Donna Spangler (Email), Carlee Christoffersen (Email), Tom Ball (Email)  
Katie Crane (Email), Kimberly Diamond-Smith (Email), Larene Wyss (Email)  
Facility File, Public Participation File, Alisa Westenskow

STATE OF UTAH EMERGENCY PERMIT UT-004-2019

Permittee:  
ATK LAUNCH SYSTEMS – PROMONTORY  
UTD009081357  
P.O. BOX 707  
BRIGHAM CITY, UT 84302-0707

Pursuant to the Utah Solid and Hazardous Waste Act, 19.6.101-123, et. seq., Utah Code Annotated, as amended, and the Utah Administrative Code (R315-260 through R315-270 and R315-124) as adopted by the Waste Management and Radiation Control Board, an emergency permit is issued to ATK Launch Systems - Promontory (hereafter called the "Permittee") to treat, by open burning, military flares (type LUU-1, LUU2-C/B, LUU-19, M257 or M278) that fail to ignite during quality control testing. The Permittee has requested an emergency permit based on its determination that it is unsafe to move flares that fail to ignite properly after being dropped from an airplane or launched from the ground during testing procedures. It was determined that the safest way to manage these potentially damaged flares is to burn them in place prior to transporting it for disposal. The U.S. Environmental Protection Agency has authorized the Director of the Division of Waste Management and Radiation Control to issue such a permit under Section 3006(b) of the Resource Conservation and Recovery Act.

The Permittee shall comply with all terms and conditions of this permit. The permit consists of the applicable portions of R315-260 through R315-270, R315-124 and R315-101. Applicable rules are those which are in effect on the date of issuance of this permit.

In addition, all waste generated from the treatment shall be properly characterized and transported to an approved disposal facility. The Permittee shall maintain records of the open burning activities. These records shall include the date and time of treatment, the name of the person(s) conducting the treatment, the number and type of flares treated, the specific location of treatment within the Kosmo testing area, a record of any lost flares, a description of the treatment effectiveness, and the final disposition of waste residues. These records shall be included in a report that shall be submitted to the Director within 14 days of the expiration date of the permit. In addition, if ATK is unable to find any flares that fail to properly ignite or deploy, ATK shall notify the Director as soon as possible.

This permit is based on the premise that the information received in the letter dated March 18, 2019 and through discussions with ATK personnel is accurate and that the treatment will be conducted as specified in the letter. Any inaccuracies or misrepresentations found in the request described above may be grounds for the termination of this permit, in accordance with R315-270-61(b)(4). The Permittee shall inform the Director of any deviation from, or changes in, the information in the request which would affect the Permittee's ability to comply with the applicable regulations.

This permit becomes effective on April 2, 2019, and shall expire on June 30, 2019, unless terminated in accordance with applicable rules.

Signature:  Date: 3/22/19  
Ty L. Howard, Director  
Division of Waste Management and Radiation Control



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*Director*

March 22, 2019

Newspaper Agency Corporation  
Legal Advertising Department  
143 South Main  
Salt Lake City, Utah 84101

RE: NAC Account #9001350993

Dear Sirs:

This email constitutes authorization to publish the attached NOTICE in the Salt Lake Tribune and Deseret News on March 27, 2019.

Please send invoice and affidavit of publication to:

Ty L. Howard, Director  
Division of Waste Management and Radiation Control  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880

Attachment: Public Notice

c: Jason Wells, ATK Launch Systems  
Lloyd C. Berentzen, MBA, Health Officer, Bear River Health Department  
Grant Koford, EHS, Environmental Health Director, Bear River Health Department  
Donna Spangler (Email), Carlee Christoffersen (Email), Tom Ball (Email)  
Katie Crane (Email), Kimberly Diamond-Smith (Email), Larene Wyss (Email)  
Facility File, Public Participation File, Alisa Westenskow



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Ty L. Howard  
*Director*

March 22, 2019

Box Elder News Journal  
Legal Advertising Department  
55 South 100 West  
Brigham City, UT 84302

Dear Sirs:

This email constitutes authorization to publish the attached NOTICE in the Box Elder News Journal on March 27, 2019.

Please send invoice and affidavit of publication to:

Ty L. Howard, Director  
Division of Waste Management and Radiation Control  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880

Attachment: Public Notice

c: Jason Wells, ATK Launch Systems  
Lloyd C. Berentzen, MBA, Health Officer, Bear River Health Department  
Grant Koford, EHS, Environmental Health Director, Bear River Health Department  
Donna Spangler (Email), Carlee Christoffersen (Email), Tom Ball (Email)  
Katie Crane (Email), Kimberly Diamond-Smith (Email), Larene Wyss (Email)  
Facility File, Public Participation File, Alisa Westenskow

## NOTICE

An emergency hazardous waste permit (#UT-004-2019) has been issued to the ATK Launch Systems – Promontory facility, Box Elder County, Utah authorizing ATK personnel to treat military flares that fail to ignite during airborne and ground launch testing procedures.

This permit is effective on April 2, 2019 and expires on June 30, 2019. Copies of the permit are available for public inspection during normal business hours at the Division of Waste Management and Radiation Control, located on the 2nd floor of the Multi-Agency State Office Building, 195 North 1950 West, Salt Lake City, Utah. For further information, please contact Jeff Vandel at (801) 536-0257. In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Kimberly Diamond-Smith, Office of Human Resources at (801) 536-4285, Telecommunications Relay Service 711, or by email at “[kdiamondsmith@utah.gov](mailto:kdiamondsmith@utah.gov)”.