

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV #2201008

Violation Number 1

Violation Description: **Failing to make an accurate waste determination after mixing non-hazardous and hazardous wastes in the same container.**

1. Gravity Based Penalty – \$ 13,000.00

(a) Potential for Harm – **MAJOR**

Clean Harbors Environmental Services' (CHES) failure to accurately characterize and document hazardous waste led to the mismanagement and subsequent disposal of untreated hazardous waste at Clean Harbors Grassy Mountain (CHGM). Mismanagement of hazardous waste risks exposure to workers at CHGM and poses a risk to the environment due to the disposal of untreated waste. CHES' non-compliance with this regulation has a MAJOR impact on the foundational regulatory purpose of the hazardous waste program, which includes proper characterization and treatment of hazardous waste.

(b) Extent of Deviation – **MAJOR**

CHES did not follow procedures for characterizing and documenting hazardous waste, which is substantial non-compliance with the rules (R315-263-10(c)(2) and R315-262-11 UAC).

(c) Multiple/Multi-day – N/A

2. Adjustment Factors (if applicable): N/A

(a) Good faith – N/A

(b) Willfulness/Negligence – An increase of 15% is appropriate but was not applied because the gravity-based penalty meets the statutory maximum.

(c) History of Compliance or Noncompliance – N/A

(d) Ability to pay – N/A

(e) Other Unique Factors – N/A

3. Economic Benefit – N/A

Economic benefit was calculated at \$1,800.00 but not applied because the gravity-based penalty meets the statutory maximum.

4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$ 13,000.00

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Violation Number 2

Violation Description: **Failing to ensure that the manifest accompanied the hazardous waste and failing to provide a copy of the manifest to the designated facility.**

1. Gravity Based Penalty – \$ 12,000.00

(a) Potential for Harm – **MAJOR**

CHES' failure to include the appropriate manifest and deliver it to the designated facility led to the mismanagement and subsequent disposal of untreated hazardous waste at CHGM. CHES' non-compliance with this regulation has a MAJOR impact on the foundational regulatory purpose of the hazardous waste program, which includes proper transportation, treatment, and disposal of hazardous waste.

(b) Extent of Deviation – **MAJOR**

CHES did not include the original manifest with the waste shipment and did not provide it to CHGM, which is substantial non-compliance with the rules (R315-263-20(c) – (d) UAC).

(c) Multiple/Multi-day (2 days) – \$ 1,500.00

CHES shipped hazardous waste to CHGM on non-hazardous waste manifests in two separate shipments (6/14/2021 & 6/22/2021). Because CHES did not include the correct hazardous waste manifest, the waste was disposed of without treatment on both days.

2. Adjustment Factors (if applicable): N/A

(a) Good faith – N/A

(b) Willfulness/Negligence – N/A

(c) History of Compliance or Noncompliance – N/A

(d) Ability to pay – N/A

(e) Other Unique Factors – N/A

3. Economic Benefit – \$40.00

Economic benefit was calculated – \$40.00 filing fee for e-manifest.

4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$ 13,540.00

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Violation Number 3

Violation Description: **Transporting hazardous waste on non-hazardous waste manifests.**

1. Gravity Based Penalty – \$12,000.00

(a) Potential for Harm – **MAJOR**

Clean Harbors Environmental Services' (CHES) failure to accurately characterize and document hazardous waste led to the mismanagement and subsequent disposal of untreated hazardous waste at Clean Harbors Grassy Mountain (CHGM). Mismanagement of hazardous waste risks exposure to workers at CHGM and poses a risk to the environment due to the disposal of untreated waste. CHES' non-compliance with this regulation has a MAJOR impact on the foundational regulatory purpose of the hazardous waste program, which includes proper characterization and treatment of hazardous waste.

(b) Extent of Deviation – **MAJOR**

The improperly manifested waste caused CHES to transport hazardous waste without a hazardous waste manifest. This was substantial non-compliance with Utah Code (§19-6-113(d)).

(c) Multiple/Multi-day (2 days) – \$ 1,500.00

CHES shipped hazardous waste to CHGM on non-hazardous waste profiles in two separate shipments (6/14/2021 & 6/22/2021). Because of the inaccurate documentation (profile and manifest), the waste was disposed of without treatment on both days.

2. Adjustment Factors (if applicable)

(a) Good faith – N/A

(b) Willfulness/Negligence – N/A

(c) History of Compliance or Noncompliance – N/A

(d) Ability to pay – N/A

(e) Other Unique Factors – N/A

3. Economic Benefit – \$40.00

The economic benefit of inappropriate manifesting was evaluated. CHES did not include the original hazardous waste manifests and instead provided non-hazardous manifests. The cost to complete the E-Manifest information pertains to hazardous waste manifests but not to non-hazardous manifests/bills of lading. CHES would have saved \$20/manifest in documentation costs for each manifest for a total of \$40.00.

4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$ 13,540.00