



State of Utah

SPENCER J. COX  
Governor

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Lieutenant Governor

Department of  
Environmental Quality

Kimberly D. Shelley  
Executive Director

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL

Douglas J. Hansen  
Director

June 24, 2022

William Simmons, Facility GM III  
Clean Harbors Aragonite, LLC  
11600 North Aptus Road  
Grantsville, UT 84029-1339

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
7003 2260 0003 2359 0189

RE: Notice of Violation and Consent Order No. 2205051  
UTD 981 552 177

Dear Mr. Simmons:

On April 26, 2022, the Division of Waste Management and Radiation Control (Division) sent Clean Harbors Aragonite, LLC (Aragonite) Intent to Cite Minor Violations (ICMV) No. 2203023 (DSHW-2022-004962). Pursuant to Stipulation and Consent Order No. 2106050, the ICMV found seven minor violations that were potentially subject to resolution without additional enforcement action, pending Aragonite's submittal of the ICMV certification, prevention, and commitment specified therein.

On May 10, 2022, Aragonite submitted a response to ICMV No. 2203023 certifying that actions were immediately taken to correct the seven minor violations and that corrective actions had been implemented to prevent future recurrences of the violations. The Division has reviewed this response and agrees that the requirements listed in the ICMV have been met. The Division therefore agrees to resolve the seven minor violations without further enforcement proceedings.

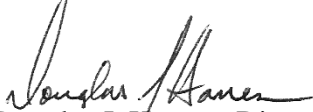
Enclosed is **NOTICE OF VIOLATION AND CONSENT ORDER (NOV/CO)** Number 2205051, based on findings documented by Division of Waste Management and Radiation Control inspectors during a compliance inspection from August 30 to September 16, 2021.

You have 30 days from the date of the attached NOV/CO to contest it in the manner and within the time period prescribed by R305-7-303, Utah Administrative Code.

(Over)

If you have any questions, please call Adam Wingate at (801) 536-0212.

Sincerely,



Douglas J. Hansen, Director  
Division of Waste Management and Radiation Control

DJH/AJW/wa

Enclosure: Notice of Violation and Consent Order Number 2205051 (DSHW-2022-012842)

c: Jeff Coombs, EHS, Health Officer, Tooele County Health Department  
Bryan Slade, Environmental Health Director, Tooele County Health Department  
Annette Maxwell, U.S. EPA, Region VIII (ENF-R)  
Connie Nakahara, Assistant Attorney General, Office of Utah Attorney General (Email)  
Kimberly D. Shelley, Executive Director, UDEQ  
Gabrielle Marinick, Division of Waste Management and Radiation Control, UDEQ  
Boyd Swenson, Division of Waste Management and Radiation Control, UDEQ

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In the Matter of:	:	<b>NOTICE OF VIOLATION /</b>
	:	<b>COMPLIANCE ORDER</b>
Clean Harbors Aragonite, LLC	:	<b>No. 2205051</b>
UTD981552177	:	

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This **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO)** is issued by the Director of the Division of Waste Management and Radiation Control (Director) pursuant to the Utah Solid and Hazardous Waste Act (the Act), Utah Code § 19-6-101, *et seq.* The Director has authority to issue such NOTICES and ORDERS in accordance with Utah Code § 19-6-112.

**FINDINGS**

1. Clean Harbors Aragonite, LLC (CHA) is a Limited Liability Company incorporated in the state of Delaware and registered to conduct business in the State of Utah, and is a subsidiary of Clean Harbors Environmental Services, Inc., a corporation incorporated in the state of Massachusetts and registered to conduct business in the State of Utah.
2. The Aragonite facility is a commercial hazardous waste incinerator, transfer station, and storage facility located in Tooele County, Utah. CHA operates the Aragonite facility under the provisions of a State-issued Hazardous Waste Part B Permit (the Permit).
3. CHA is a "person" as defined in Utah Code §19-1-103(4) and is subject to all applicable provisions of the Act, the Utah Administrative Code (UAC) (the Rules) and the Permit issued to CHA as owner and operator of the Aragonite facility.
4. On March 30, 1990, the Director issued the Permit to CHA to operate a hazardous waste treatment and storage facility. The Director renewed and reissued the Permit, effective September 28, 2012.
5. CHA generates, treats, and stores listed and characteristic hazardous waste as defined by R315-261 UAC at the Aragonite facility.
6. Pursuant to Utah Code § 19-6-109, authorized representatives of the Director conducted a hazardous waste inspection at the Aragonite facility from August 30 through September 16, 2021 (the FY2021 inspection). In addition, CHA self-reported several noncompliance issues during the 2021 fiscal year (October 1, 2020, through September 30, 2021) (FY2021). The inspectors documented the following findings:
7. Condition 1.Q.11. of the Permit requires CHA to notify the Director in writing within seven days of the baghouse being bypassed. On August 20, 2021, CHA notified the Director (DSHW-2021-012661) that CHA had failed to report a baghouse bypass that occurred on October 09, 2020, within seven days of the bypass occurrence.

8. Condition 2.B. of the Permit requires CHA to inform a generator in writing that Clean Harbors Aragonite has the appropriate permits for, and will accept, the waste the generator is planning on shipping prior to the waste being shipped by the generator. During the FY2021 inspection, the inspectors documented the following:
  - 8.1. Drum 96965610 was shipped to CHA under profile LRCTD on line 5 of manifest 015752279FLE. The container was labelled as DOT Hazard Class 4.2 PGI. Condition 2.C.2.b. of the Permit prohibits CHA from accepting DOT Hazard Class 4.2 PGI wastes. Both the manifest and profile identify the waste as DOT Hazard Class 4.2 PGI. Manifest 015752279FLE, signed by CHA, states “Clean Harbors has the appropriate permits for and will accept the waste the generator is shipping.” Clean Harbors also stated on the bottom of profile LRCTD “notice is hereby provided that all Clean Harbors facilities that may be used to treat, store, and/or dispose of the hazardous waste described on this waste profile have the appropriate permits and the capacity to manage these wastes.” CHA ultimately rejected the container to an alternate facility (Clean Harbors El Dorado) on September 13, 2021.
  - 8.2. Drum 94865900 was shipped to CHA under profile LA99H on line 2 of manifest 014768314FLE. It was a pyrophoric material. Condition 2.C.2.b. of the Permit prohibits CHA from accepting pyrophoric waste (defined as DOT Hazard Class 4.2 PGI). Manifest 014768314FLE, signed by CHA, states “Clean Harbors has the appropriate permits for and will accept the waste the generator is shipping.” Clean Harbors also stated on the bottom of profile LA99H that “notice is hereby provided that all Clean Harbors facilities that may be used to treat, store, and/or dispose of the hazardous waste described on this waste profile have the appropriate permits and the capacity to manage these wastes.” CHA did not have the appropriate permits to accept this waste. It was rejected to another facility.
  - 8.3. Drum 95770558 was shipped to CHA under profile LRCTD on line 12 of manifest 014275623FLE. It was a self-heating material. Condition 2.C.2.c. of the Permit prohibits CHA from accepting self-reactive materials. There was no statement on the manifest indicating that Clean Harbors had the appropriate permits for and would accept the waste the generator was shipping. Clean Harbors stated on the bottom of profile LRCTD that “notice is hereby provided that all Clean Harbors facilities that may be used to treat, store, and/or dispose of the hazardous waste described on this waste profile have the appropriate permits and the capacity to manage these wastes.” CHA did not have the appropriate permits to accept this waste. CHA accepted and incinerated the self-heating waste in violation of its permit.
  - 8.4. Drum 96120393 was shipped to CHA under profile LRCTD on line 6 of manifest 015737146FLE. It was a pyrophoric material. Condition 2.C.2.b. of the Permit prohibits CHA from accepting pyrophoric waste (defined as DOT Hazard Class 4.2 PGI). Manifest 015737146FLE states “Clean Harbors has the appropriate permits for and will accept the waste the generator is shipping.” Clean Harbors also stated on the bottom of profile LRCTD that “notice is hereby provided that all Clean Harbors facilities that may be used to treat, store, and/or dispose of the hazardous waste described on this waste profile have the appropriate permits and the capacity to manage these wastes.” CHA did not have the appropriate permits to accept this waste. CHA accepted and incinerated the pyrophoric waste in violation of its permit.
9. Condition 2.C.2.b. of the Permit prohibits CHA from accepting pyrophoric materials at any time. On July 27, 2021, CHA notified the Director (DSHW-2021-010706) that CHA improperly handled and incinerated two containers of pyrophoric materials.

10. Condition 3.C.3. of the Permit requires CHA to store flammable liquids (liquids with a flash point less than 140°F) in Buildings E6 and E7. CHA may also store flammable liquids in other locations (including buildings E1, E5, E4, and the breezeway) for up to ten days as part of the process for staging feed to the incinerator or other processing operations. During the FY2021 inspection, the inspectors documented the following:
  - 10.1. Drums 94482201-4 arrived at CHA on May 21, 2021. CHA did not accept drums 94482201-4 until July 28, 2021. The CHA lab results document that the waste in drums 94482201-4 tested positive for ambient ignitability on August 16, 2021. CHA stored drums 94482201-4 in the refrigerated van from July 12, 2021 until September 7, 2021 (57 days).
  - 10.2. Drum 91212757 arrived at CHA on July 26, 2021. CHA off-loaded the drum to Building E5 on August 3, 2021, and then moved it to a refrigerated van on August 4, 2021. CHA stored drum 91212757 in the refrigerated van until August 15, 2021 (11 days), when CHA moved the drum to Building E4. CHA stored drum 91212757 in Building E4 until September 4, 2021 (20 days), until CHA processed the waste through the shred tower. CHA accepted drum 91212757 on August 14, 2021. The CHA lab results document drum 91212757 contained a lab pack. The manifest, manifest 012239038FLE, identifies the waste in drum 91212757 as a flammable liquid.
  - 10.3. Drum 93657226 arrived at CHA on March 29, 2021. CHA off-loaded drum 93657226 to Building E5 on June 26, 2021, and CHA then moved the drum to Building E4 later that day. CHA stored drum 93657226 in Building E4 until September 4, 2021 (70 days), when CHA moved it to Building E6. The CHA lab results document drum 93657226 tested positive for ambient ignitability on November 18, 2021.
  - 10.4. Drum 96420329 arrived at CHA on August 3, 2021. CHA off-loaded drum 96420329 to Building E1 on August 22, 2021 and CHA accepted the drum that same day. CHA stored drum 96420329 in Building E1 until September 4, 2021 (13 days), when CHA moved the drum to Building E2. CHA stored drum 96420329 in Building E2 until September 6, 2021, when CHA processed it through the shred tower. The CHA lab results document drum 96420329 was a lab pack. The manifest, manifest 015856903FLE identifies the waste in drum 96420329 as a flammable liquid.
11. Condition 3.C.5. of the Permit requires CHA to store oxidizer waste in Building 68. CHA may also store oxidizer waste in other locations (including buildings E1, E5, E4, and the breezeway) for up to ten days as part of the process for staging feed to the incinerator or other processing operations. While in these other areas, CHA may not store potentially incompatible materials in the same area as these materials. During the FY2021 inspection, the inspectors documented a drum of flammable liquid (96498100) on the same pallet as an incompatible drum labeled as an oxidizer (96562042) in Building E1.
12. Condition 3.D.1. of the Permit requires CHA to transfer hazardous waste from a container that is not in good condition or is leaking to a DOT acceptable container as soon as possible, but no later than two hours from the time the problem was first discovered. During the FY2021 inspection, the inspectors documented the following:
  - 12.1. An oily liquid around the edge and bung on the top of drum 93286538, located in Building E7.
  - 12.2. A spill in the containment of Building 69, near the southwest corner, that had not been cleaned up.
  - 12.3. The tops bulging on drums 94991609 and 94991611 in Building E3.
  - 12.4. Containers 95356548-9, five-gallon plastic containers, located in Building 68 with bulging tops.
  - 12.5. Several 55-gallon poly drums in Building 69 that were bulging.

13. Condition 3.D.6. of the Permit requires CHA to maintain containers in a closed state except when the Permittee is adding or removing wastes or treatment reagents, as allowed by the Permit, to or from the containers. During the FY2021 inspection, the inspectors documented the following:
  - 13.1. Four metal drums with caution tape around them in row K of Building E5, two of which were missing bungs.
  - 13.2. Containers 96981096-7 stored in Building E5 that were bent such that the lids would not securely fit on them, and waste was visible.
  - 13.3. A tote in Building E1 (96543016) with a missing upper cap. A piece of plastic had been stuffed into the hole.
  - 13.4. Seventeen drums located on the sludge direct burn pad did not have bungs in them. Tape had been placed over the bung holes. The tape did not seal the openings.
14. Condition 3.D.22 of the Permit requires CHA to store infectious waste at or below 40 degrees Fahrenheit if it is on site longer than seven days.
  - 14.1. On March 30, 2021, CHA notified the Director (DSHW-2021-004721) that CHA held two containers of infectious waste outside of refrigerated storage for more than seven days.
  - 14.2. On April 7, 2021, CHA notified the Director (DSHW-2021-005604) that CHA held a container of infectious waste outside of refrigerated storage for more than seven days.
15. Condition 3.D.23 of the Permit requires CHA to incinerate infectious waste as soon as possible, but not to exceed 60 days after collection from the generator.
  - 15.1. On February 25, 2021, CHA notified the Director (DSHW-2021-003151) that CHA failed to incinerate a container of infectious waste within 60 days.
  - 15.2. On March 30, 2021, CHA notified the Director (DSHW-2021-004721) that CHA failed to destroy 12 containers of infectious waste within 60 days.
  - 15.3. On August 27, 2021, CHA notified the Director (DSHW-2021-013202) that CHA failed to incinerate two containers of infectious waste within 60 days.
16. Condition 4.D.23 of the Permit requires CHA to bring the pH of a tank contents to within 4.5 and 12.5 within four days of noticing the excursion. On April 20, 2021, CHA notified the Director (DSHW-2021-005941) that CHA failed to bring a tank's pH back within 4.5 to 12.5 or feed the contents to the incinerator within four days.
17. Section 1 of Attachment 1 to the Permit requires CHA to manage wastes generated and then processed at the facility in accordance with the same waste analyses and procedures as waste received from off-site sources. During the FY2021 inspection, the inspectors documented the following:
  - 17.1. CHA generated the waste contained in drums 97158662-5. Before use, the drums held a flammable fiberglass resin. The In-House Sample Form indicated drums 97158662-5 were empty. The incineration chemistry assigned to drums 97158662-5 corresponds to a DOT Hazard Division of 2.1 (flammable gas). However, CHA assigned profile AG-LCCRD to drums 97158662-5, which specifies that the waste is a liquid with no solids. Profile AG-LCCRD also indicates that the DOT Hazard Class should be 3 (flammable liquids).

- 17.2. Drum 97045262 contained CHA site-generated waste (samples from the on-site lab). CHA assigned an incineration chemistry to drum 97045262 that corresponds to a DOT Hazard Division of 4.1 (flammable solids). However, CHA also assigned the waste to profile AG-LCCRD which specifies that the waste is a liquid with no solids and that the DOT Hazard Class should be 3 (flammable liquids) instead of 4.1.
18. Section 3.0 of Attachment 1 to the Permit requires that CHA clearly document the waste category for each waste stream accepted at the facility by noting the Waste Category Code (WCC) for each waste stream on the Waste Receiving Report (WRR) and/or in the waste tracking system. Table 2 in Section 3.0 of Attachment 1 to the Permit assigns APHIS waste the WCC of 8. This waste category is then used to determine the proper incineration chemistry per Section 3.3 of Attachment 1 to the Permit. During the FY2021 inspection, the inspectors documented the following:
  - 18.1. CHA assigned 17 drums of APHIS waste (from manifests 015510071FLE and 015905511FLE) the WCC of 3 (consolidation containers). The incineration chemistry applied to those containers corresponds to that for the DOT hazard class of 5.1 (oxidizers).
  - 18.2. CHA assigned 23 drums of APHIS waste (from manifests 015394808FLE and 015736540FLE) the WCC of 4 (debris).
  - 18.3. CHA assigned six drums of APHIS waste (from manifest 015502685FLE) the WCC of 1.4 (sampleable mixture).
  - 18.4. On September 1, 2021, CHA notified the Director (DSHW-2021-013822) that CHA used improper Waste Analysis Plan characterization codes for several containers. CHA had assigned five shipments of waste containing APHIS materials the incorrect WAP characterization codes.
19. Section 3.1 of Attachment 1 to the Permit requires each waste stream (defined as a line item on a manifest from the same source of generation delivered with the same waste load) to have a profile prepared and signed by the generator. The profile must include the generator's name and address. During the FY2021 inspection, the inspectors documented the following:
  - 19.1. Drum 95909354 was shipped to CHA on June 29, 2021 on line 1 of manifest 015422192FLE. The manifest identified the generator as Versum Materials US, LLC in Carlsbad, California. Drum 95909354 was shipped under profile LRCTD. The LRCTD profile lists Clean Harbors Environmental Services in Norwell, Massachusetts as the generator.
  - 19.2. Drum 96218898 was shipped to CHA on July 16, 2021 on line 2 of manifest 015524887FLE. The manifest identified the generator as Carson High School in Carson City, Nevada. Drum 96218898 was also shipped under profile LRCTD. The LRCTD profile lists Clean Harbors Environmental Services in Norwell, Massachusetts as the generator.
  - 19.3. Drum 94865900 was shipped to CHA on May 24, 2021, on line 2 of manifest 014768314FLE. The manifest identifies the generator as the Arizona Department of Public Safety in Phoenix, Arizona. Drum 94865900 was shipped under profile LA99H. The LA99H profile lists Clean Harbors Environmental Services in Norwell, Massachusetts as the generator.
  - 19.4. Drum 96755525 was shipped to CHA on August 12, 2021 on line 2 of manifest 015863468FLE. The manifest identifies the generator as the Diamond Fork Middle School in Springville, Utah. Drum 96755525 was also shipped under profile LA99H. The LA99H profile lists Clean Harbors Environmental Services in Norwell, Massachusetts as the generator.

- 19.5. Drum 96386419 was shipped to CHA on July 23, 2021 on line 1 of manifest 011771375FLE. The manifest identifies the generator as Seattle Children's Hospital in Seattle, Washington. Drum 96386419 was shipped under profile LBRU. The LBRU profile lists Clean Harbors Environmental Services in Norwell, Massachusetts as the generator.
20. Section 3.1 of Attachment 1 to the Permit requires CHA to electronically document each final profile approval in CHA's WIN database as approved with a one-year expiration date, and that CHA must provide this electronic documentation upon request. During the FY2021 inspection, the inspectors documented the following:
- 20.1. CHA failed to provide the electronic documentation of approval for the profile LRCTD as it was applied to drums 95770558 and 96120393. CHA stated that the process for approving generic profiles was not followed by the field technicians, so they have no documentation to show that the profiles for drums 95770558 and 96120393 were approved by Clean Harbors.
  - 20.2. Drum 96848220 was shipped to CHA on manifest 022039430JJK under the profile CH2218411-LP. The manifest listed the generator as the Drug Enforcement Administration. On the manifest, the profile was switched to LCCRB. CHA accepted the drum under the new profile (LCCRB). CHA failed to provide documentation that profile LCCRB is associated with profile CH2218411-LP or drum 96848220. CHA failed to provide documentation that profile LCCRB is approved for the Drug Enforcement Administration.
  - 20.3. Drum 96848221 was shipped to CHA on manifest 022039430JJK under the profile CH2218411-LP. The manifest listed the generator as the Drug Enforcement Administration. On the manifest, the profile was switched to LCCRD. CHA accepted the drum under the new profile (LCCRD). CHA failed to provide documentation that profile LCCRD is associated with profile CH2218411-LP. CHA failed to provide documentation that profile LCCRD is approved for the Drug Enforcement Administration.
21. Section 3.2 of Attachment 1 to the Permit requires CHA to comply with the procedures specified in Attachment 1 for receiving loads of waste, performing fingerprint analyses, accepting the waste, and handling discrepancies. During the FY2021 inspection, the inspectors documented the following:
- 21.1. CHA accepted drums 94482201-4 under the non-ignitable, non-hazardous waste profile 1882809 even though they had tested positive for ambient ignitability.
  - 21.2. The WAPCC on the waste receiving report did not match the WAPCC in waste tracking for drum 96341828.
  - 21.3. The lab results in waste tracking indicate that drums 97158662-5 were consolidation containers. CHA assigned drums 97158662-5 to the profile AG-LCCRD which indicates the drums are lab packs. The In-House Sample Form indicates that they are empty drums.
  - 21.4. The lab results in waste tracking indicate that drum 91212757 was a lab pack. CHA did not have an inventory sheet for the drum. The manifest viewing section in waste tracking indicated the waste in the drum was DOT hazard class 3 (flammable liquid). CHA assigned incineration chemistry to this container that did not match that for a flammable liquid lab pack.
  - 21.5. The lab results in waste tracking indicate that drum 96420329 was a lab pack. The WRR indicated that it was a consolidation container. CHA did not have an inventory sheet for the drum. The manifest viewing section in waste tracking indicated the waste in the drum was DOT hazard class 3 (flammable liquid). CHA assigned incineration chemistry to this container that did not match that for a flammable liquid lab pack. The chemistry did match that for a flammable liquid consolidation container.



- 21.6. The lab results in waste tracking indicate that drums 96527850-2 were lab packs. The WRR indicated that they were consolidation containers. CHA did not have inventory sheets for the drums. The manifest viewing section in waste tracking indicated the waste in the drums was DOT hazard class 3 (flammable liquid). CHA assigned incineration chemistry to these containers that did not match that for flammable liquid lab packs. The chemistry did match that for flammable liquid consolidation containers.
- 21.7. Drum 96848221 was categorized as a lab pack. The drum had a Clean Harbors Packing List which indicated that there were 55 gallons of acetone in a 55-gallon container and not a lab pack. The container also was a 10-gallon plastic bucket, not a 55-gallon drum.
- 21.8. Drum 96848220 was categorized as a lab pack. The drum had a Clean Harbors Packing List which indicated that there were 55 gallons of sulfuric/hydrochloric acid in a 55-gallon container and not a lab pack. Waste tracking indicates that it was a 5-gallon container.
- 21.9. Drum 96723683 was categorized as a lab pack. The drum was shipped as a non-DOT regulated material. The assigned chemistry did not correspond with a non-hazardous lab pack combination but did correspond with a non-hazardous consolidation container combination. The WRR indicated that it was medical waste.
- 21.10. Additionally, on June 25, 2021, CHA notified the Director (DSHW-2021-009533) that CHA failed to complete the ignitability screen at 140°F for containers before acceptance. CHA discovered their Setaflash in E5 had become inoperable on May 27, 2021 and had not been replaced.
22. Table 7 in Section 5 of Attachment 1 to the Permit requires CHA to comply with ASTM D4978-89 Test Method B when conducting the Reactive Sulfide Screen (Dräger) Prime test. The CHA SOP developed based on this method, SOP #405, describes the formulations for necessary reagents including a phosphate buffer. During the FY2021 inspection, the inspectors documented the phosphate buffer used in the E5 fingerprint lab was past the expiration date on the label. The phosphate buffer was also labelled as 3592-15-11, but the logbook 3592 did not exist. Inspectors determined that the buffer should have been labelled 3392-15-11. Based on the correct entry for the phosphate buffer, 3392-15-11, the solution was formulated from DI water, potassium phosphate monobasic, and sodium phosphate tribasic. In accordance with the approved SOP #405, the correct formulation is DI Water, trisodium phosphate, and phosphoric acid.
23. Section 3.3.1.2 of Attachment 1 to the Permit requires CHA to conduct compatibility testing as described in ASTM method D5058-90 Test Method A for all liquids and sludges, either containerized or in bulk, prior to being commingled. On January 19, 2021, CHA notified the Director (DSHW-2021-000963) that CHA did not perform compatibility testing as described in ASTM method D5058-90 before liquid from a tanker was pumped into a tank.
24. Section 3.3.1.3 of Attachment 1 to the Permit requires CHA to conduct compatibility testing as described in EPA-600/2-80-076 or ASTM method D5058-90 Test Method A for all solids, either containerized or in bulk, prior to being commingled. On February 4, 2021, CHA notified the Director (DSHW-2021-001911) that CHA placed site generated slag into a bulk solids tank without verifying compatibility.
25. Section 3.3.2 of Attachment 1 to the Permit states CHA may choose not to evaluate lab pack matrix samples for PCBs and instead rely on generator knowledge. If CHA elects to rely on generator knowledge, then CHA must (1) evaluate profile information for each individual lab pack subject to the matrix requirements and (2) use the highest documented PCB concentration from the generator profile or inventory sheet to determine the PCB burn chemistry. On February 25, 2021, CHA notified the Director (DSHW-2021-003152) that CHA incinerated a lab pack container that contained PCB without entering the PCB burn chemistry.

26. Section 7.3 of Appendix 1 to Attachment 1 to the Permit requires CHA to maintain logbooks with sufficient information recorded to allow someone to reconstruct the sampling without reliance on the collector's memory. During the FY2021 inspection, the inspector(s) documented the following:
- 26.1. Potassium permanganate in the data packet for Mercury analysis conducted on September 10, 2021 was listed as 3421-02-04. The logbook entry at 3421-02-04 is not potassium permanganate.
  - 26.2. Potassium persulfate in the data packet for Mercury analysis conducted on September 10, 2021 was listed as 3419-01-19. This number traced correctly, but the logbook listed the expiration date of the potassium persulfate later than the expiration date of one of the constituent reagents.
  - 26.3. One of the constituent reagents for hydroxylamine hydrochloride had an expiration date of January 22, 2024 when it was logged in book 3496 as a constituent reagent. The expiration date listed in book 3421 and on the bottle was January 22, 2021.
  - 26.4. There is no standard on how expiration dates are established. These dates were logged inconsistently, and numerous reagents were used past expiration dates. This was mentioned in a quarterly audit and not addressed.
27. Section 15 of Appendix 1 to Attachment 1 to the Permit states the Clean Harbors Aragonite Quality Control Officer is responsible for reporting to the Laboratory Manager every four months on the performance of measurement systems and data quality. Section 4.1 of the same Appendix states the role of QA Compliance Officer will be filled by the Laboratory Supervisor. During the FY2021 inspection, the inspectors documented that the Laboratory Manager, Dave Lunt, not the Laboratory Supervisor, compiled both Reports to Management.
28. Section 5 of Attachment 3 to the Permit lists the items that will be inspected, the frequency of inspection, and a brief description of what is being inspected. CHA is required to conduct the inspections for the items listed in Section 5. During the FY2021 inspection, the inspectors documented the following:
- 28.1. The Daily When in Use check of Shred Tower equipment and piping integrity was not being inspected.
  - 28.2. The drill for the 1st quarter had "no" listed as the response for multiple groups in answer to the question of whether the personnel listed on the form responded properly. "No" was also the answer to the question of whether all plant personnel were accounted for, yet the inspection was listed as passing.
29. Section 2 of Attachment 4 to the Permit outlines CHA's required training program. CHA is required for all personnel to have job titles from the list in Table 2 and complete the training specified in Table 2. The required training must occur within six months of the date of hire, six months of assignment to Aragonite, or six months of a new position at Aragonite, whichever is applicable.
- 29.1. The roster provided to document the forklift training for G. Perez on January 15, 2021 listed the course as HS4020, which is an old course number for forklift training supposedly no longer in use.
  - 29.2. L. Thomas did not complete HS6000 (CPR), SS3242 (Venting Lines), HS6020 (Fire Prevention), or SS4016 (Compressed Gases) within the first six months of employment.
  - 29.3. There is no record of HS6005, First Aid, or SS2016, Site Orientation, in the training summary or supporting documentation provided for L. Thomas.
  - 29.4. T. Young's training transcript shows that he completed all eight of the HAZWOPER refresher courses in 2021, but no documentation was provided for any of these courses.

- 29.5. T. Newman's course SS2001, Permit Refresher, is shown on the training summary as being completed on April 5, 2021, but the supporting documentation indicates the course was completed on August 30, 2021.
- 29.6. There is no record of SS2017 (Site Orientation Refresher) or HS6020 (Fire Prevention Refresher) in either the training summary or provided documentation for T. Newman.
- 29.7. There is no record of AG1300 (Forklift) or AG1685 (Permit Refresher (TSCA Portion)) in either the training summary or provided documentation for T. Culver.
- 29.8. For T. Culver, Courses HS6020 (Fire Prevention Refresher) and SS2025 (Contingency Plan Refresher) were not listed in the training summary. Rosters and exams were provided indicating both courses were completed on September 9, 2021. However, both courses were late, as the initial Fire Prevention and Contingency Plan trainings were completed March 18, 2020.
- 29.9. Additionally, on July 20, 2021, CHA notified the Director (DSHW-2021-010408) that two employees did not complete required training within six months of their dates of hire.
30. Section 1.2 of Attachment 8 to the Permit specifies how CHA is to manage reject wastes. Several different scenarios are presented, but under no circumstance can waste rejected by CHA remain at the facility for longer than 60 days.
  - 30.1. On January 7, 2021, CHA notified the Director (DSHW-2021-000387) that CHA failed to ship a rejected tanker off-site within 60 days.
  - 30.2. On January 14, 2021, CHA notified the Director (DSHW-2021-000895) that CHA failed to ship a rejected container off-site within 60 days.
  - 30.3. On February 25, 2021, CHA notified the Director (DSHW-2021-003148) that CHA failed to ship a rejected container off-site within 60 days.
  - 30.4. On June 2, 2021, CHA notified the Director (DSHW-2021-008458) that CHA failed to ship a rejected container off-site within 60 days.
  - 30.5. On June 29, 2021, CHA notified the Director (DSHW-2021-009665) that CHA failed to ship a rejected container off-site within 60 days.
  - 30.6. On July 8, 2021, CHA notified the Director (DSHW-2021-009930) that CHA failed to ship two rejected containers off-site within 60 days.
31. Attachment 13 to the Permit requires CHA to conduct calibrations at least as often as the minimum required frequency of calibration for each instrument listed in the Instrument Calibration Schedule. During the FY2021 inspection, the inspectors documented the following:
  - 31.1. CHA failed to provide records for the monthly calibration for tag AT3013, Drum Direct Burn Glove Box LEL, being completed in April 2021.
  - 31.2. CHA failed to calibrate tag numbers AT1010, Laser ABC O2 measurement monitors, though they are listed in Attachment 13.
  - 31.3. CHA failed to conduct weekly function tests/operability checks, at least on the paper record, in April 2021 for the O2 and LEL monitors in the Shred Tower. The expected results for weekly function testing for the O2 and LEL were also unclear. Some inspections showed Yes/No, while other inspections showed N/A.

32. Section 2.1 of Attachment 14 to the Permit specifies that CHA shall maintain the flow of combustion air above 12,000 acfm when the vacuum pump and dilution air fan are operating, and above 6,775 acfm when they are not operating. During the FY2021 inspection, the inspectors documented three instances (June 9, 2021, June 24, 2021, and July 16, 2021) where the dilution air fan was operating, and the combustion air flow was less than 12,000 acfm.
33. Section R315-262-17(a) of the Utah Administrative Code specifies the units a large quantity generator is allowed to use when accumulating hazardous waste. These units are containers (§262-17(a)(1)), tanks (§262-17(a)(2)), drip pads (§262-17(a)(3)), and containment buildings (§262-17(a)(4)). During the FY2021 inspection, the inspectors documented a large, uncontained pile of hazardous waste debris inside the double doors on the west side, second floor of the bulk solids building (the room that contains the NDOs associated with the shredder side access door). CHA indicated the waste had been removed from the shredder.
34. Section R315-262-17(a) of the Utah Administrative Code states a large quantity generator may not accumulate waste onsite for longer than 90 days.
  - 34.1. On December 4, 2020, CHA notified the Director (DSHW-2020-017708) that CHA held a roll-off of site-generated residue in excess of 90 days.
  - 34.2. On June 9, 2021, CHA notified the Director (DSHW-2021-008745) that CHA held a roll-off of site-generated residue in excess of 90 days.
  - 34.3. On September 29, 2021, CHA notified the Director (DSHW-2021-015781) that CHA held a roll-off of site-generated residue in excess of 90 days.
35. Section R315-262-17(a)(1)(iv)(A) of the Utah Administrative Code requires containers of hazardous waste be closed except when it is necessary to add or remove waste. Section R315-262-17(a)(5)(i) requires containers of hazardous waste to be labelled with the words “Hazardous Waste”, and indication of the hazards, and the accumulation start date. During the FY2021 inspection, the inspector(s) documented the following:
  - 35.1. An unlabeled and open blue poly 55-gallon drum located in the corrosive direct feed station.
  - 35.2. An open white poly 55-gallon drum labelled as hazardous waste in the north pumphouse of the tank farm.
  - 35.3. An open 5-gallon plastic bucket labelled as hazardous waste located on the grating below the Komar auger.
  - 35.4. Approximately 16 one- to five-gallon cans/buckets and a clear plastic garbage bag containing what CHA ultimately determined to be hazardous waste. None of the containers were labelled and many were open.
36. Section R315-262-23(f) of the Utah Administrative Code requires rejected shipments of hazardous waste to be shipped on a manifest. On January 29, 2021, CHA notified the Director (DSHW-2021-001650) that CHA sent three rejected hazardous waste containers off-site without a manifest.
37. Section R315-268-50(b) of the Utah Administrative Code prohibits treatment, storage, and disposal facilities from accumulating hazardous waste for greater than one year.
  - 37.1. During the FY2021 inspection, the inspectors documented drum 89301243 was received at CHA on August 13, 2020 and was not incinerated until September 3, 2021.

- 37.2. On May 19, 2021, CHA notified the Director (DSHW-2021-007794) that CHA stored a hazardous waste container over a year.
38. Section R315-268-57 of the Utah Administrative Code prohibits the dilution of metal bearing wastes via incineration.
- 38.1. On November 6, 2020, CHA notified the Director (DSHW-2020-016308) that CHA improperly incinerated metal bearing waste.
- 38.2. On July 9, 2021, CHA notified the Director (DSHW-2021-009931) that CHA improperly incinerated mercury bearing waste.

## **DETERMINATION OF VIOLATIONS**

In accordance with Utah Code § 19-6-101, *et seq.*, and based on the foregoing FINDINGS, CHA has violated provisions of the Rules, the Act, and the Permit applicable to its facility. Specifically, CHA has violated the following:

1. Condition 1.Q.11. of the Permit by failing to report a baghouse bypass within seven days. (*See Finding 7*).
2. Condition 2.B. of the Permit by failing to or incorrectly notifying generators that they had the appropriate permits for, and will accept, the waste the generator is planning on shipping. (*See Finding 8*).
3. Condition 2.C.2.b. of the Permit by improperly handling and incinerating two containers of pyrophoric materials. (*See Finding 9*).
4. Condition 3.C.3. of the Permit by storing flammable liquids outside of Buildings E6 and E7 for longer than ten days. (*See Finding 10*).
5. Condition 3.C.5. of the Permit by storing oxidizers next to incompatible materials. (*See Finding 11*).
6. Condition 3.D.1. of the Permit by failing to transfer hazardous waste from a container that is not in good condition or is leaking to a DOT acceptable container. (*See Finding 12*).
7. Condition 3.D.6. of the Permit by storing hazardous waste in containers that were not closed. (*See Finding 13*).
8. Condition 3.D.22 of the Permit by failing to store infectious waste at or below 40 degrees Fahrenheit if it is on site longer than seven days. (*See Finding 14*).
9. Condition 3.D.23 of the Permit by failing to incinerate infectious waste within 60 days after collection from the generator. (*See Finding 15*).
10. Condition 4.D.23 of the Permit by failing to bring the pH of a tank contents to within 4.5 and 12.5 within four days of noticing the excursion. (*See Finding 16*).
11. Section 1 of Attachment 1 to the Permit by failing to conduct adequate waste analyses on wastes generated onsite. (*See Finding 17*).
12. Section 3.0 of Attachment 1 to the Permit by failing to categorize APHIS wastes with the proper Waste Category Code (WCC). (*See Finding 18*).
13. Section 3.1 of Attachment 1 to the Permit by failing to have profiles that are specific to a generator and waste stream, and that include the generator's name and address. (*See Finding 19*).
14. Section 3.1 of Attachment 1 to the Permit by failing to provide electronic documentation for final profile approval. (*See Finding 20*).
15. Section 3.2 of Attachment 1 to the Permit by failing to properly receive loads of waste, perform fingerprint analyses, accept the waste, and handle discrepancies. (*See Finding 21*).
16. Section 5 of Attachment 1 to the Permit by failing to follow ASTM D4978-89 Test Method B and SOP #405 when running the Reactive Sulfide Screen (Dräger) Prime test. (*See Finding 22*).

17. Section 3.3.1.2 of Attachment 1 to the Permit by failing to test all liquids or sludges for compatibility as described in ASTM method D5058-90 Test Method A prior to commingling. (*See Finding 23*).
18. Section 3.3.1.3 of Attachment 1 to the Permit by failing to test solids for compatibility as described in EPA-600/2-80-076 or ASTM method D5058-90 Test Method A prior to commingling. (*See Finding 24*).
19. Section 3.3.2 of Attachment 1 to the Permit by failing to use the highest documented PCB concentration from the generator profile or inventory sheet when assigning PCB chemistry to a lab pack. (*See Finding 25*).
20. Section 7.3 of Appendix 1 to Attachment 1 to the Permit by failing to maintain logbooks that contain sufficient information to allow someone to reconstruct the sampling without reliance on the collector's memory. (*See Finding 26*).
21. Section 15 of Appendix 1 to Attachment 1 to the Permit by having the Laboratory Manager complete reports on the performance of measurement systems and data quality. (*See Finding 27*).
22. Section 5 of Attachment 3 to the Permit by failing to complete required inspections. (*See Finding 28*).
23. Section 2 of Attachment 4 to the Permit by failing to complete required trainings at the prescribed intervals and frequencies. (*See Finding 29*).
24. Section 1.2 of Attachment 8 to the Permit by failing to ship rejected waste offsite within 60 days of the date it was received. (*See Finding 30*).
25. Attachment 13 to the Permit by failing to conduct calibrations at the required frequency or intervals. (*See Finding 31*).
26. Section 2.1 of Attachment 14 to the Permit by failing to maintain the flow of combustion air above 12,000 acfm when the vacuum pump and dilution air fan are operating. (*See Finding 32*).
27. Section R315-262-17(a) of the Utah Administrative Code by failing to accumulate waste in a container, tank, drip pad, or containment building. (*See Finding 33*).
28. Section R315-262-17(a) of the Utah Administrative Code by accumulating site-generated waste onsite for longer than 90 days. (*See Finding 34*).
29. Section R315-262-17(a)(1)(iv)(A) of the Utah Administrative Code by failing to store site-generated hazardous waste in closed containers labelled with the words "Hazardous Waste", and indication of the hazards, and the accumulation start date. (*See Finding 35*).
30. Section R315-262-23(f) of the Utah Administrative Code by failing to ship rejected hazardous waste offsite on a manifest. (*See Finding 36*).
31. Section R315-268-50(b) of the Utah Administrative Code by accumulating hazardous waste for greater than one year. (*See Finding 37*).
32. Section R315-268-57 of the Utah Administrative Code by incinerating and therefore improperly diluting metal bearing. (*See Finding 38*).

## ORDER

Clean Harbors Aragonite, LLC is hereby ordered to take the following actions to address certain FINDINGS and/or correct certain VIOLATIONS. Within 30 days of the date of issuance of this NOV/CO, CHA shall:


1. Provide the Director with the following information and analyses for VIOLATIONS 4 through 7, 11, 12, 15, 16, 20, 26, and 27.
  - a. Determination of the root cause of the violation;
  - b. The specific corrective actions taken; and
  - c. How these corrective actions shall prevent violations from recurring
2. Implement procedures to ensure that all future Laboratory Reports to Management are written by the Laboratory Supervisor / Quality Control Officer and are reviewed by the Laboratory Manager and Plant Manager as specified in Section 15 of Appendix 1 to Attachment 1 to the Permit.

## OPPORTUNITY FOR HEARING

This NOTICE OF VIOLATION AND COMPLIANCE ORDER is effective immediately and shall become final unless Clean Harbors Aragonite, LLC administratively contests it. Failure to contest this NOTICE OF VIOLATION AND COMPLIANCE ORDER in the manner and within the time period prescribed by Utah Admin. Code R305-7-303 constitutes a waiver of any right of administrative contest, reconsideration, review, or judicial appeal.

Utah Code Section 19-6-113(2) provides that violation of any order, plan, rule, or other requirement issued or adopted under Title 19, Ch. 6, Pt. 1 may be subject to a civil penalty of up to \$13,000 per day for each day of violation.

Dated this 24<sup>th</sup> day of June, 2022.

By: 

Douglas J. Hansen, Director  
Division of Waste Management and Radiation Control



**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that I mailed a true and correct copy of the foregoing NOTICE OF VIOLATION AND COMPLIANCE ORDER on the 24<sup>th</sup> day of June, 2022 by US Certified Mail, Return receipt Requested, to:

William Simmons, Facility GM III  
Clean Harbors Aragonite, LLC  
11600 North Aptus Road  
Grantsville, UT 84029-1339

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
7003 2260 0003 2359 0189

  
Wendy Aske

USPS TRACKING #



SALT LAKE CITY UT 84114-4880 04:05 PM

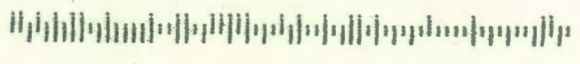
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Permit No. G-10

9590 9402 6090 0125 6272 84

United States  
Postal Service

\* Sender: Please print your name, address, and ZIP+4® in this box\*  
  
Division of Waste Management and  
Radiation Control  
PO Box 144880  
Salt Lake City, UT 84114-4880

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William Simmons, Facility GM III  
 Clean Harbors Aragonite, LLC  
 11600 North Aptus Road  
 Grantsville, UT 84029-1339

A. Signature

*Handwritten Signature*

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

*6/2/00*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No



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2. Article Number (Transfer from service label)

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**KD**