

**Statement of Basis**  
**Clean Harbors Aragonite Class 3 Modification Request**  
**Add Additional Compressed Gas Waste Types to Permit**

1. INTRODUCTION

This Statement of Basis provides the rationale of the Director of the Division of Waste Management and Radiation Control (Director) for issuing a Draft Approval to Clean Harbors Aragonite (Aragonite) and, pending a public comment period, approving a Class 3 permit modification request to add additional compressed gas waste types as acceptable for management under the facility's State hazardous waste permit. The Director's staff has evaluated Aragonite's Class 3 modification request to ensure compliance with the applicable Hazardous Waste Rules. Boyd Swenson prepared this Statement of Basis.

2. FACILITY BACKGROUND

A. Facility Location

The Aragonite hazardous waste incineration facility is located approximately 2.5 miles south of Interstate 80 at the Aragonite exit, Exit #56, Tooele County, Utah, latitude 40° 44' 004" North and longitude 112° 58' 005" West.

B. Regulatory History

Aragonite first applied for a State RCRA Part B permit to store and treat hazardous waste on July 22, 1987. Subsequent renewal applications were submitted on February 1, 1999, December 14, 2009, and March 11, 2022. The current permit was reissued on June 20, 2023.

Aragonite was first authorized to manage compressed gas waste at the facility in June 2003 with the approval of a Class 2 permit modification request submitted in January 2003. This approval was limited to inert compressed gas wastes and those meeting the definition of flammable or corrosive under the International Fire Code. Later, the permit was modified to allow the acceptance, storage, and feeding of compressed gas wastes in tankers in addition to the previously authorized management in cylinders and the permit was clarified to allow the acceptance of cryogenic fluids in compressed gas cylinders, but prohibited these from being fed to the incinerator until Aragonite replaced the necessary valves in the compressed gas feed system as required by International Fire Code and the facility provided notification to the Director.

3. EVALUATION OF THE DRAFT APPROVAL

A. On August 26, 2022, Aragonite submitted a Class 3 permit modification request seeking approval to accept and manage additional types of compressed gas wastes at the Aragonite hazardous waste incineration facility. Specifically, the request seeks approval to add oxidizing and toxic materials in compressed gas cylinders and tankers as acceptable waste types for management at the Aragonite facility.

B. Changes to Module 2 of the Aragonite permit in the Draft Approval add the capability to accept and manage toxic and oxidizing materials in compressed gas cylinders and tankers and clarifies those materials in compressed gas cylinders and tankers that are still prohibited from management at the facility.

Clarifying language was added to Module 2 in the Draft Approval indicating that any future approval of the ability to feed cryogenic fluids from compressed gas cylinders to the incinerator and management of highly toxic material in compressed gas cylinders at the facility will come as approvals of Class 1 permit modification requests.

Changes to Module 3 and Attachment 1 – Waste Analysis Plan were very minor in the Draft Approval. References to specific portions of the International Fire Code were changed to a more universal reference of simply, the International Fire Code.

- C. No changes to management standards for compressed gases were made in the Draft Approval. Requirements for managing compressed gases, including separation of incompatible materials, proper securement, storage in an upright condition and limits of the time cylinders may be held in the storage buildings are all existing conditions in the permit.

Specific storage capacity limitations based upon compressed gas type are not specified in the permit. These limitations are specified in the International Fire Code and enforcement resides with local fire code enforcement authority. An overall storage capacity for compressed gas waste is specified in the Aragonite permit and remains unchanged by this draft action.

- D. After reviewing the modification request, the Division of Waste Management and Radiation Control (Division) prepared a Draft Approval in accordance with Utah Administrative Code Section R315-124-6 and this Statement of Basis in accordance with Utah Administrative Code Section R315-124-7.

#### 4. JUSTIFICATION FOR ISSUING THE DRAFT APPROVAL

The Director’s staff has evaluated the Class 3 permit modification request as required by the applicable portions of R315-101 through 273 of the Utah Administrative Code (Rules). After evaluation of the request, the Director has concluded that the applicable requirements of the Rules have been met and that it is therefore appropriate to issue this Draft Approval.

#### 5. PUBLIC PARTICIPATION

As required by Utah Administrative Code Section R315-124-10 through R315-124-12, a Public Notice has been prepared and a 45-day public comment period will be held from October 12, 2023, through 5:00 pm on November 27, 2023. A public hearing has been scheduled at noon on Monday, November 20, 2023, at the offices of the Division of Waste Management and Radiation Control, 2<sup>nd</sup> Floor of the Multi-Agency State Office Building, Anasazi Conference Room #2122, located at 195 North 1950 West, Salt Lake City, Utah.

The public hearing can also be accessed virtually:

Google Meet link: <https://meet.google.com/gmr-hwio-iro>  
Telephonically, dial: (US) +1 770-852-5392 PIN: 421 146 721#