

## ENVIROCARE COMPLIANCE HISTORY

**ACTION:**           **WARNING LETTER** issued May 23, 1991

**ISSUES:**

1.     Improper certification statement on permit submissions.

**RESOLUTION:**    Envirocare made changes to operations. No penalty was associated with this action.

**ACTION:**           **WARNING LETTER** issued July 11, 1991

**ISSUES:**

1.     Exceeding limitations for initial gross excavation of landfill cell.
2.     Failure to stop work and notify Executive Secretary upon encountering unexpected material during initial excavation.

**RESOLUTION:**    Envirocare made changes to operations. No penalty was associated with this action.

**ACTION:**           **NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE**  
issued September 20, 1991

**ISSUES:**

1.     Failure to provide require reports giving groundwater elevation measurements, groundwater flow nets, and well completion data.
2.     Failure to track and control samples using specified chain-of-custody procedures.
3.     Failure to ensure that all members of the groundwater sampling team were trained in accordance with Groundwater Sampling and Analysis Plan Standard Operating Procedures.
4.     Failure to record in the field notebook certain items specified in the Groundwater Sampling and Analysis Plan.
5.     Failure to take well depth measurements as required.

6. Failure to take proper precautions to avoid contamination of cross-contamination of the groundwater or samples.
7. Failure to take two photoionization readings close to the groundwater.
8. Failure to take specific conductivity readings as required.
9. Failure to take groundwater parameter samples in the prescribed order.
10. Failure to transfer required information from the Groundwater Monitoring Field Notebook to the Groundwater Data Sheet.

**RESOLUTION:** Through formal correspondence and several meetings with Envirocare officials, each of the issues identified in the September 20, 1991 compliance action were satisfactorily resolved. No penalty was assessed in connection with this action.

**ACTION:** **NOTICE OF VIOLATION** issued November 3, 1992

**ISSUES:**

1. Failure of the groundwater sampling team to take water level readings as required.
2. Failure of the groundwater sampling team to use bottles with the minimum required volume.
3. Failure of the groundwater sampling team to take successive equivalent water level readings as required.
4. Failure of the groundwater team to take pH and temperature readings as required.
5. Failure to track and control groundwater samples using required chain-of-custody procedures.

**RESOLUTION:** Through formal correspondence and a subsequent permit modification, each of the issues identified in the November 3, 1992, compliance action was satisfactorily resolved. No penalty was assessed in connection with this action.

**ACTION** **WARNING LETTER** issued January 5, 1993

**ISSUES:**

1. Inadequate sampling procedures used to obtain incoming load samples.
2. Heavy equipment allowed on the outdoor container storage pad.
3. Failure to construct a permitted concrete waterway along the north side of the outdoor container pad.

**RESOLUTION:** Resolved by adding better sampling procedures, not allowing heavy equipment on pad, and construction of the concrete water way. No penalty was associated with this action.

**ACTION:** **WARNING LETTER** issued May 26, 1994

**ISSUES:**

1. Failure to properly notify the Division of damage to a monitoring well as required by permit condition VI.E.3.g.

**RESOLUTION:** Submission of a plan for corrective action for damaged well. No penalty was associated with this action.

**ACTION:** **NOTICE OF VIOLATION/ORDER FOR COMPLIANCE**  
Issued December 19, 1995

**ISSUES:**

1. R315-5-10 of the Rules by storing site generated hazardous waste on-site for greater than ninety days without placing the waste into permitted storage or otherwise managing it properly.
2. Condition III.E.12, and 3.5 and 4.0 of Attachment III-1 of the Permit by storing containers of hazardous waste outside of permitted storage areas.
3. R315-5-10 of the Rules by failing to label site generated waste with the words "hazardous waste" and the date of accumulation.
4. Paragraph 4.0 in Attachment III-1 of the Permit by storing containers of waste that contained free liquid on the outdoor permitted storage pad.
5. Condition II.F.2.a and Attachment II-3 of the Permit by failing to remedy any

deterioration or malfunction discovered by an inspection within the allotted time frames or to provide the required notice to the Executive Secretary.

6. Conditions III.E.2 and 3 of the Permit by failing to keep all containers in storage and all containers held elsewhere at the facility in a closed condition.
7. Attachment II-3 of the Permit by failing to either document deficiencies noted during inspections on the required forms, failing to do the required inspections or failing to use the required forms.
8. Attachment II-3 of the Permit by failing to keep containers in storage labeled with the words "hazardous waste", the waste name and the Envirocare tracking number.
9. Condition V.C.9 of the Permit by failing to submit construction documentation for cell 1B no later than ninety days after construction was complete.
10. Condition IV.E.7 of the Permit by failing to maintain the required two feet of freeboard in both of the evaporation tanks.
11. Attachment II-1 of the Permit by failing to answer the questions on form EC-525 correctly and by failing to record the required explanations and obtain the required signatures.
12. Attachment II-1 of the Permit by allowing waste to be unloaded for management before the manifest was signed.
13. Condition IV.A.2 of the Permit by evaporating hazardous waste at places other than the permitted evaporation tanks.
14. Condition V.E.1 of the Permit by failing to submit leachate volumes to the Executive Secretary when required.
15. Attachment III-4 of the Permit by failing to use form EC-0825 to document the inspection of containers after decontamination.
16. Conditions I.F.10 and III.F of the Permit by failing to give the required notice prior to a planned physical addition to the storage pad and by failing to maintain the containment system in accordance with the drawing titled "concrete water way" in Attachment III-2. Also, paragraph 3.5 of Attachment III-1 by failing to maintain the outdoor storage pad at a 2% slope.
17. Condition V.E.4 of the Permit by placing leachate into containers for up to 90 days before moving it to the evaporation tanks.

18. Condition III.E.4, Attachment III-1, and Attachment III-3 of the Permit by not accounting for waste in its operating record from clean-up of the treatment building on forms EC-950 and EC-1025 and some of its own site generated waste on form EC-950.
19. Condition VI.E.3.g of the Permit by failing to use annually updated depth to bottom measurements on well purging volume calculations.
20. Condition II.D.11 of the Permit by failing to require pre-acceptance samples to be sent and the last condition on page four of the Waste Analysis Plan by failing to treat waste to meet the Land Disposal Restrictions before placement in its landfill.
21. R315-5-10 of the Rules by failing to maintain satellite accumulation containers of hazardous waste purge water under the control of the operator of the process generating the waste.
22. Condition VI.E.4.c.iii(a) of the Permit by failing to provide at least one field blank during groundwater monitoring.
23. Attachment VI-2 of the Permit by failing to seal coolers containing groundwater samples with a custody seal.
24. Table 1 of the CQA Manual in Attachment I-A of the Permit by operating a dozer tractor on one foot of soil protective cover in its cell.
25. Section 7.2 of Method EC-0700 in Appendix II-1-4 of the Permit by failing to stir samples for five minutes before measuring pH.
26. Section 7.3 of Method EC-0700 in Appendix II-1-4 of the Permit by failing to immerse the electrodes deep enough to establish a good electrical contact.
27. Section 7.1 of Method EC-0800 in Appendix II-1-4 of the Permit by failing to standardize the photoionizer according to the manufacturers operating procedures for standardization.
28. Section 10.0 of Method EC-0800 in Appendix II-1-4 of the Permit by failing to have all laboratory personnel conducting this test wear laboratory eye wear with side guards or goggles.
29. Section 5.8 of Method EC-2300 in Attachment II-1-6-1 of the Permit by failing to record the reasons pH adjustments were not required.
30. Section 5.2 of Method EC-2300 in Attachment II-1-6-1 of the Permit by failing to use at least 100ml of sample.

31. Section 4.0 in Attachment III-1 of the Permit by holding waste on the rail unloading dock.
32. Attachment II-4 of the Permit by failing to keep an on-the-job training record on the form in Appendix II-4-2.2 for David Comstock.

**RESOLUTION:** First resolution was November 22, 1996 with the signature of Stipulation and Consent Order (9606022). Final resolution on January 13, 1998 with the signature of **Consent Order (9606022B)**. Total penalty of \$197,065.20 was collected to resolve these issues.

**NOTE:** There is a companion document that is related to the December 19, 1995, NOV/CO. An Information Request letter was sent the same day to gather clarifications on issues that were identified in 1995 but not included in the NOV/CO.

**ACTION: NOTICE OF VIOLATION ISSUED: April 3, 1997**

**ISSUES:**

1. Attachment III-1, item 3 of the Permit by failing to sign manifest 96124 from Envirocare customer 6011 on the day of receipt of the waste to the Envirocare site.
2. Module III-E.2 and 3 of the Permit by failing to keep all containers of hazardous waste closed except when it is necessary to add or remove waste.
3. R315-5-10 of the Rules (references 40 CFR 262.34) by failing to mark containers of hazardous waste with the date upon which accumulation began and the words "hazardous waste."
4. R315-5-10 of the Rules (references 40 CFR 262.34) by failing to place accumulated hazardous waste into containers.
- 5.a. Module III-K.3 of the Permit by failing to separate containers of different, incompatible waste streams by at least 10 feet.
- b. Attachment II-3 of the Permit by failing to ensure through inspections that incompatible wastes were properly segregated by at least 10 feet.
6. Attachments II-1-6, II-1-7 and IV-1 of the Permit by failing to comply with applicable portions for the treatment of that part of waste stream 6011-01 that was placed into the containers without being treated by the appropriate formula in the mixer system.
7. Attachment II-1-6, item 4 of the Permit by failing to conduct a paint filter liquid test on two treatment runs before the waste left the mixer tank system.

8. Module IV-E.7 of the Permit by failing to maintain a minimum of six inches of freeboard in the treatment facility tanks.
9. Attachment III-4 of the Permit by failing to maintain Form EC-0825 in the operating record to document the inspection of a decontaminated box.
10. Attachment III-3 of the Permit by failing to maintain Form EC-0950 with the required information from Table III-3-1.
11. Modules II-J.4 and III-E.10 of the Permit by failing to maintain a minimum of 2.5 feet in the container storage area for aisle space.
12. Module II-F.2.b and Attachment II-3 of the Permit by failing to maintain the June 10-16, 1996, EC-0425, container storage weekly inspection checklist, in the operating record.
13. Module I-G of the Permit by failing to have only authorized persons submit information to the Executive Secretary and by failing to provide the required certifications as found in R315-3-8 of the Rules.
14. Module I-F.19 of the Permit by failing to submit an unmanifested waste report within 15 days of receipt of the unmanifested hazardous wastes.
15. Module II-E.4 and Attachment II-2 of the Permit by failing to have a guard stationed at an open access point or to have access controlled through a locked gate.
- 16.a. Attachment III-1 of the Permit by failing to notify the Executive Secretary on or before the 20th day when the delivery and pre-acceptance process will take longer than 20 days.
- b. Attachment II-11 of the Permit by disposing of waste before receiving analytical verification that the waste met LDR treatment standards.
17. Attachment III-3 of the Permit by failing to include the Envirocare tracking number on forms EC-0900 or EC-1904 for disposed wastes.
- 18.a. Attachment III-1 of the Permit by failing to store containers of liquid waste that were on an outdoor storage area within a secondary containment unit of the proper specifications.
- b. Module III-C of the Permit by failing to immediately transfer hazardous waste from a leaking container to one in good condition, or to otherwise manage the waste in compliance with the Permit.
19. Attachment II-7 of the Permit by failing to limit the amount of untreated waste at the facility to 2000 cubic yards.

**RESOLUTION:** This NOV was resolved on January 13, 1998 with the signature of a Stipulation and Consent Order (9709018). The penalty associated with this NOV was \$129,897.00.

**ACTION:** COMPLIANCE ORDER

**ISSUED:** October 21, 1997

**ISSUES:**

1. The Compliance Order identified eighteen (18) waste streams that exceeded or may exceed the LDR allowable one year storage period as of the date of the Order, and up to and including December 31, 1997.

**RESOLUTION:** All waste streams identified in the Compliance Order were treated, including verification of analytical data, to meet Land Disposal Restrictions by April 30, 1998. No penalty was associated with this action.



**ACTION: NOTICE OF VIOLATION**

**ISSUED: March 13, 1998**

**ISSUES:**

1. Module III-E.2 and 3 of the Permit by failing to keep containers of hazardous waste closed except when it is necessary to add or remove waste.
2. Module II-E.4 and Attachment II-2 of the Permit by failing to have the man way gate locked between LARW and mixed waste.
3. Attachment II-1-9.C of the Permit by failing to apply MACRO technology so as to completely surround the waste with a minimum exterior surface coating thickness of two inches for waste forms larger than 30 gallons
4. Attachment II-1-9 of the Permit by failing to inspect 100% of the cured macroencapsulated waste forms, and meeting the acceptance criteria before the waste was placed in the mixed waste cell for disposal.
5. Module I.F.7, II.J.1.a., and II-5 of the Permit by failing to properly maintain the fire suppression system or back-up system to achieve compliance with the conditions of the Permit during operations of the MWTB.
6. R315-7-17 of the Rules by failing to provide an impermeable interior coating or lining on the interior of the secondary containment vault for the tanks associated with the outdoor wash bay pad.
7. Attachment III-1(11) of the Permit by storing a container of liquid waste on the storage pad without a portable secondary containment unit.
8. Attachment II-9, table 1, page I-A-17 of the Permit by failing to submit a copy of the annual audits of the CQA/QC report to the Division by the end of each spring for 1995, 1996 and 1997.
9. Module VIII-V.D.18.b of the Permit by failing to provide adequate proof that storage beyond one year was solely for the purpose of accumulation of such quantities necessary to facilitate proper recovery, treatment or disposal.
10. Module III.E.12 and II.D.14 of the Permit by failing to store hazardous waste within the permitted fenced storage areas.
11. Module III-1(5) and Attachment III-3 of the Permit by failing to maintain an accurate record for the movement of waste containers.
12. Module VIII-V.D.15.b. of the Permit by disposing of waste which did not meet the

treatment standards.

13. Attachment II-9, Table 1, page I-A-75 of the Permit by failing to conduct the required QC testing frequency for lifts of oversized debris.
14. Attachment II-9, 1.2.3, f.3 of the Permit by failing to provide documentation on a weekly basis of any non-conforming work to the Division during the course of construction.
15. Attachment II-1-6 of the Permit by treating a waste stream with a different treatment formula than what was originally established and approved.

**RESOLUTION:** This NOV was resolved on April 23, 1999 with the signature of Stipulation and Consent Order No. 9808020. The penalty associated with this NOV was \$121,968.00

**ACTION: COMPLIANCE ORDER                      DATE:            SEPTEMBER 21, 1998**

**ISSUES:**

1. The waste stream identified in the Compliance Order (9809026) had been in storage for over one year.

**RESOLUTION:** This CO was resolved on April 23, 1999 with the signature of Stipulation and Consent Order No. 9808020.

**ACTION: NOTICE OF VIOLATION                      DATE:            JULY 21, 1998**

**ISSUES:**

1. Failing to have a Utah Registered Professional Engineer acting in the capacity of Construction Quality Assurance Officer.
2. Submitting plans, specifications, or reports under the certification stamp of the Certifying Engineer who was not a Utah Registered Professional Engineer.

**RESOLUTION:** This NOV was resolved on September 1, 1999 with the signature of Stipulation and Consent Order No. 9809021. The penalty associated with this NOV was \$91,900. (**Note:** This Stipulation and Consent Order was also used to resolve a second NOV, dated December 21, 1998.)

**ACTION: COMPLIANCE ORDER                      DATE:            OCTOBER 1, 1998**

**ISSUES:**

1. The two waste streams identified in the Compliance Order (9809028) had been in storage for over one year.

**RESOLUTION:** This CO was resolved on April 23, 1999 with the signature of Stipulation and Consent Order No. 9808020.

**ACTION: NOTICE OF VIOLATION                      DATE:                      DECEMBER 21, 1998**

**ISSUES:**

1. Having a person in the position of Executive Vice President while he was not a Utah Registered Professional Engineer.
2. Submitting plans, specifications, or reports bearing the certification stamp of engineers that had let their certifications lapse and were, therefore, not Utah Registered Professional Engineers.

**RESOLUTION:** This NOV was resolved on September 1, 1999, with the signature of Consent Order No. 9809021. The penalty associated with this NOV was \$91,900. (**Note:** This Stipulation and Consent Order was also used to resolve a second NOV, dated July 21, 1998.)

**ACTION: NOTICE OF VIOLATION                      DATE:                      JANUARY 12, 2000**

**ISSUES:**

1. Module III.E.2 and E.3 of the Permit by failing to keep containers of hazardous waste in a closed condition except when it is necessary to add or remove waste.
2. Attachment III-1.9.a of the Permit by failing to provide at least 2.5 feet of aisle space between containers in neighboring rows on all storage pad areas.
3. Module II..J.1.a of the Permit by failing to maintain in good operating condition all emergency equipment.
4. Module V.F.7 of the Permit by failing to cover or otherwise manage the landfill to control wind dispersal of particulate matter.

5. Module V.E.3.b of the Permit by disposing of hazardous waste in the hazardous waste landfill cell which did not meet the treatment standards.
6. Module II.F.2.b and Attachment II-3 of the Permit by failing to keep operating records at the facility for at least 3 years.
7. Module V.E.3.d of the Permit by disposing of containerized hazardous waste having free liquids in the hazardous waste landfill cell.
8. Module VI.E.2.d. of the Permit by failing to submit an annual groundwater report to the Executive Secretary by March 31 for the preceding year of groundwater activity.
9. Module V.F.10 of the Permit by failing to submit to the Executive Secretary an Annual Groundwater Report by February 1 for the preceding year's waste embankment construction activities for the Mixed Waste Landfill Cell.
10. Module I.D.2 of the Permit by modifying the permit without approval from the Executive Secretary.

**RESOLUTION:** The NOV was resolved on August 11, 2000, with the signature of Stipulation and Consent Order No. 0003013. A penalty in the amount of \$34,496.00 was associated with this action.

**ACTION: NOTICE OF VIOLATION**

**ISSUED: June 6, 2001**

**ISSUES:**

1. Condition II.B.1 of the Permit by failing to operate the facility to minimize the possibility of any sudden or non-sudden release of hazardous waste constituents which could threaten human health or the environment.
2. Solid Waste Rule UAC R315-318-1 by failing to submit an application to receive approval for disposal of solid waste.
3. Conditions III.1.b and III.2.a of Attachment II-1 of the Permit by failing to document that an inspection discrepancy existed, and by failing to resolve the discrepancy with the generator.
4. Conditions III.E.2 and III.E.3 of the Permit by failing to keep containers of hazardous waste in a closed condition except when it is necessary to add or remove waste.
5. Condition 2.a of Attachment III-3 and Condition 3.d of Attachment III-1 of the Permit by failing to document in the operating record changes of location or management status of

waste.

6. Conditions III.1.a and III.2.a of Attachment II-1 of the Permit by failing to document that a manifest discrepancy existed for a shipment of bulk waste where the weight varied by more than 10%, and by failing to resolve the discrepancy with the generator.
7. Condition II.Q.1.b of the Permit by failing to submit an approvable certificate of hazardous waste liability insurance worded as required by UAC R315-8-8.

**RESOLUTION:** The NOV was resolved on December 5, 2001, with the signature of Stipulation and Consent Order 0108023. A penalty in the amount of \$11,600.00 was associated with this penalty.

**ACTION: NOTICE OF VIOLATION ISSUED: MARCH 18, 2003**

**ISSUES:**

1. Condition II.B.1 of the Permit by failing to maintain and operate the facility to minimize the possibility of any sudden or non-sudden release of hazardous constituents to the air, soil, groundwater or surface water.
2. Conditions I.1 and IV.1 of Attachment II-1 of the Permit by failing to properly evaluate Waste Profile Records (WPR) to ensure the waste is acceptable for management, by failing to ensure there is a current WPR in the operating record, and by failing to ensure that all personnel responsible for inspecting incoming waste shipments are familiar with the current WPR.
3. Condition V.E.3.b of the Permit by placing hazardous waste in the RCRA landfill cells that did not meet the LDR treatment standards.
4. Condition VI.3.a of Attachment II-1-7 and Condition II.3 of Attachment II-1-6 of the Permit by failing to verify treatment by sampling and analyzing stabilization residues in accordance with the specified minimum frequency to confirm that the applicable treatment standards have been met.
5. Condition II.J.5.b of the Permit by failing to document all necessary arrangements made with local authorities.
6. An additional violation has been added to the Stipulated Consent Order for this Notice of Violation. Condition V.F.13 of the Permit by failing to submit the Annual As-Built Report showing the design top of waste.

**RESOLUTION:** The NOV was resolved on November 13, 2003, with the signature of the Stipulation and Consent Order 0305015. A penalty in the amount of \$9,160.00 was associated with this action.

**ACTION:** NOTICE OF VIOLATION                      **ISSUED:** MARCH 9, 2004

**ISSUES:**

1. Specification 15 of Table 1 of Attachment II-9 of the Permit by failing to receive foundation approval from the Construction Quality Assurance Officer prior to placing clay liner.
2. Specification 12 and 14 of Table 1 of Attachment II-9 of the Permit by failing to compact the foundation to a 95.0% of a Standard Proctor and by ensuring that final grading of the foundation is free of soft spots.
3. Condition I.G.1. of Module I of the Permit by failing to include the certification statement in certain documents relating to construction and contingency actions.
4. Specification 33 of Table 1 of Attachment II-9 of the Permit by approving the test pad with the permeability of the clay liner greater than  $1 \times 10^{-7}$  cm/sec.
5. Specification 51 of Table 1 of Attachment II-9 of the Permit by failing to key-in the clay liner between sumps six and seven.
6. Specification 24 of Table 1 of Attachment II-9 of the Permit by failing to follow the proposed procedure of applying and mixing deflocculant into the clay at the test pad.
7. Specification 25 of Table 1 of Attachment II-9 of the Permit by failing to construct a new test pad each time there is a significant change in specification or construction procedures.
8. Condition 2.0 of Attachment II-9 of the Permit by using testing equipment that had an expired calibration date.
9. Specification 100 of Attachment II-9 of the Permit by placing soil protective cover that did not meet specification.
10. Condition I.F.24. of Module I of the Permit by failing to notify the Executive Secretary of noncompliance within ten working days of discovery.

**RESOLUTION:** The NOV was resolved on January 12, 2005, with the signature of the Stipulation and Consent Order 0407018. A penalty in the amount of \$22,140.00 was associated with this action.

**ACTION:** NOTICE OF VIOLATION                      **ISSUED:** MARCH 10, 2005

**ISSUES:**

1. Condition VI.G.2. of Module VI (*Groundwater Monitoring*) of the Permit by failing to submit the results for the First Semi-Annual Groundwater Monitoring Event to the Executive Secretary by July 15, 2004.
2. Condition V.6.e. of Attachment II-1 (*Waste Analysis Plan*) of the Permit by disposing of four shipments of waste stream 0421-33 prior to receiving the first round of sample results.
3. Condition V.6.e. of Attachment II-1 (*Waste Analysis Plan*) of the Permit by disposing of four shipments of waste stream 6047-07 prior to receiving the first round of sample results. Moreover, Condition V.4.c.i. of Attachment II-1 (*Waste Analysis Plan*) by disposing an LDR non-compliant waste stream 6047-07 in the Mixed Waste Landfill Cell.
4. Condition V.6.e. (prior to revision, the condition was V.5.e.) of Attachment II-1 (*Waste Analysis Plan*) of the Permit by not sampling two waste streams as required. A shipment of Waste Stream 6002-13 (~1317 cubic feet) arrived ten months following its initial arrival and was disposed in the Mixed Waste Landfill Cell without being sampled. Two shipments of Waste Stream 6047-01 arrived 12 - 13 months following the previous shipments and were disposed in the Mixed Waste Landfill Cell without being sampled.
5. Condition V.E.5. of Module V (*Disposal in Landfills*) of the Permit by disposing of LDR non-compliant waste stream 6042 in the Mixed Waste Landfill Cell.
6. Specification 17 of Attachment II-9 (*Construction Quality Assurance/Quality Control Project Plans*) of the Permit by exceeding the 3000 cubic yard lot size for clay liner stockpile material.
7. Specification 42 of Attachment II-9 (*Construction Quality Assurance/Quality Control Project Plans*) of the Permit by failing to perform in-place moisture-density tests as required.

8. Specification 4 of Attachment II-9 (*Construction Quality Assurance/Quality Control Project Plans*) of the Permit by failing to ensure proper calibration of the nuclear density gauge.
9. Condition 4.e.iv. of Attachment II-1-8 (*Microencapsulation Plan*) of the Permit by increasing the LDPE/waste to 85/20 while treating waste stream 9027-01 without prior approval from the Executive Secretary. Approximately 8,040 lbs (22 treatment runs) of waste stream 9027-01 were treated using this formula.
10. Condition 5.b.iv.A. of Attachment II-1-5 (*Macroencapsulation Plan*) of the Permit by failing to flag out-of-specification load forms and by placing non-conforming Macroencapsulation material in the Mixed Waste Landfill Cell.

**RESOLUTION:** The NOV was resolved on August 12, 2005, with the signature of the Stipulation and Consent Order 0504011. A penalty in the amount of \$22,264.00 was associated with this action.

**ACTION:** NOTICE OF VIOLATION                      **ISSUED:** MAY 3, 2005

**ISSUES:**

1. Condition 3.e.i. of Attachment III-1 (*Container Management Plan*) of its Permit by storing containers of waste in a non-designated, non-approved area.
2. Condition 1.a. of Attachment II-7 (*Closure Plan*) of its Permit by exceeding the maximum height-of-waste limit.

**RESOLUTION:** The NOV was resolved on September 21, 2005, with the signature of the Stipulation and Consent Order 0504013. A penalty in the amount of \$18,800.00 was associated with this action.

**ACTION:** NOTICE OF VIOLATION                      **ISSUED:** February 28, 2006

**ISSUES:**



1. Condition V.E.5. of Module V (*Disposal in Landfills*) by not treating the waste prior to disposal as required.
2. R315-3-1.1.1(a) of the Hazardous Waste Management Rules by disposing of hazardous waste in a non-permitted LARW Class A north cell.
3. Condition IV.b.i. of Attachment II-3 (*Site Inspection Plan*) by not performing a daily inspection of the leachate collection system for the presence of leachate.
4. Condition VII.2.b. of Attachment II-1 (*Waste Analysis Plan*) by using expired buffer solutions for quality control checks of the pH meter.

**RESOLUTION:** The NOV was resolved on September 19, 2006, with the signature of the Stipulation and Consent Order 0602011. A penalty in the amount of \$27,160.00 was associated with this action.

**ACTION:** NOTICE OF VIOLATION                      **ISSUED:** December 8, 2006

**ISSUES:**

1. Table 1, Specification 47, of Attachment II-9 (Construction QAQC Manual) of the Permit by approving a lift without performing the procedures that were developed on the test pad.
2. Condition 3.c. of Attachment IV-3 (Fire Protection Plan) of the Permit by not having a switch that activates the emergency evacuation alarm located within the work area of the Mixed Waste Storage Building.
3. Condition 1.2.3.e.1. of Attachment II-9 (Construction QA/QC Manual) of the Permit by not notifying the Executive Secretary of non-conforming work within seven calendar days of identification for mixed waste liner and waste placement activities .
4. Table 1, Specification 50, of Attachment II-9 (Construction QAQC Manual) of the Permit by not performing the limit equation calculations to standardize the nuclear gauge.
5. Condition II.Q.2. of Module II (General Facility Conditions) of the Permit by not providing documentation of hazardous waste liability coverage prior to the date of the policy expiration.

6. Condition V.E.5. of Module V (Disposal in Landfills) of the Permit by disposing untreated characteristic hazardous waste in the Mixed Waste Landfill Cell.
7. Specification 58 of Attachment II-9 (Construction QA/QC Manual) of the Permit by constructing segments of clay liner outside the 30-day timeframe without the required key-in procedure.
8. R315-3-1.1.1(a) of the Hazardous Waste Management Rules by disposing of hazardous waste in a non-permitted Class A Embankment.
9. Table 1, Specification 51, of Attachment II-9 (*Construction QA/QC Manual*) of the Permit by approving a lot even though the lot size exceeded the 1000 cubic yard requirement.
10. Table 1, Specification 50, of Attachment II-9 (*Construction QA/QC Manual*) of the Permit by approving two lots even though the lot size exceeded the 200 cubic yard requirement.
11. Condition 3.2 c. of Attachment II-9 (*Construction QA/QC Manual*) of the Permit by not submitting proposed design, engineering, or construction changes to the Director of Engineering and by not notifying the Executive Secretary 24 hours prior to implementation of a change or that the Executive Secretary approve the change.
12. Specification 71 of Attachment II-9 (*Construction QA/QC Manual*) of the Permit by not performing pre-weld tests on welded repairs SEP2, SEP7, STEP38, SP19, SP20, SP21 and SEP40 prior to welding at the beginning of the shift.

**RESOLUTION:** The NOV was resolved on June 18, 2007, with the signature of the Stipulation and Consent Order 0701004. A penalty in the amount of \$27,160.00 was associated with this action.

**ACTION:** NOTICE OF VIOLATION issued January 24, 2008

**ISSUES:**

1. Condition 7.g.iii of Attachment II-1-10 (*Management of Waste Containing PCBs*) of the Permit by not rejecting for receipt a container with free liquids present and returning it to the generator.

2. Condition IV.6 of Attachment II-1-3 (*Waste Stabilization Plan*) of the Permit by not providing the Executive Secretary the established treatment formula and estimated schedule of treatment for two containers of waste.
3. Condition IV.6 of Attachment II-1-3 (*Waste Stabilization Plan*) of the Permit by not notifying the Executive Secretary and receiving approval for using a treatment formula for two containers of waste that had a weight ratio that exceeded two.
4. Condition 7.c. of Attachment II-6 (*Contingency Plan*) of the Permit by not providing copies of revisions to the Contingency Plan to the response agencies identified in the Permit.

**RESOLUTION:** The NOV was resolved on September 8, 2008, with the signature of the Stipulation and Consent Order 0801002. A penalty in the amount of \$2,314.00 was associated with this action.

**ACTION:** **WARNING LETTER** issued December 30, 2008

**ISSUES:**

1. Condition 8.c.(1) of Attachment II-1-10 (*Management of Waste Containing PCBs*) of the Permit by not following proper sampling procedure.

**RESOLUTION:** EnergySolutions made changes to operations. No penalty was associated with this action. Close-Out letter sent December 30, 2008.

**ACTION:** **NOTICE OF VIOLATION** issued April 20, 2011

**ISSUES:**

1. Permit Condition V.5. of Attachment II-1-3, *Waste Stabilization Plan*, by not meeting the treatment formula for Waste Stream 9080-01. The facility failed to use the proper amount of reagent.
2. Permit Condition V.E.5. of the Permit by disposing of non-LDR compliant waste in the Mixed Waste Landfill Cell.
3. Permit Condition 7.1.ix of Attachment II-1-10, *Management of Wastes Containing Polychlorinated Biphenyls (PCBs)* by not notifying the Executive Secretary of manifest discrepancies within 15 days.

**RESOLUTION:** The NOV was resolved on November 9, 2011, with the signature of the Stipulation and Consent Order 1106027. A penalty in the amount of \$2,012.00 was associated with this action.

**ACTION:** **WARNING LETTER** issued on February 3, 2012

**ISSUES:**

1. Employee training records do not reflect current work position of employees and therefore expired training may be noted on unneeded duties.
2. pH buffer solution for 1.68 solution expired 08/31/11, two weeks prior to the inspection.
3. The eye wash station in the access area of LLRW Operations Building noted in Exhibit II-6z was not actually there.
4. Water present in sumps near MW Evaporation Tanks. The water had not been removed as required.

**RESOLUTION:** The facility proved compliance with these issues through corrective action and permit modification.