



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

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

August 3, 2020

Vern C. Rogers, Director of Regulatory Affairs
EnergySolutions, LLC
299 South Main Street, Suite 1700
Salt Lake City, UT 84111

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7003 2260 0003 2353 4831

RE: Notice of Violation No. 2007067
UTD982598898

Dear Mr. Rogers:

Enclosed is a **NOTICE OF VIOLATION (NOV)** No. 2007067, based on self-reported non-compliance with Macroencapsulation requirements.

On April 27, 2020 and May 1, 2020, EnergySolutions notified the Division of Waste Management and Radiation Control of issues of non-compliance with conditions of the state-issued Part B permit. Both notifications dealt with MACRO treatment issues conducted between December 2018 and May 2020.

Please be aware that you have 30 days from the date of the attached NOV to contest it in the manner and within the time prescribed by R305-7-303, Utah Admin. Code.

If you have any questions, please call Otis Willoughby at (801) 536-0220.

Sincerely,

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

(Over)

TLH/OHW/ar

Enclosure: NOV No.2007067

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

---oo0oo---

In the Matter of:	:	NOTICE OF VIOLATION
	:	
EnergySolutions, LLC	:	No. 2007067
UTD982598898	:	

---oo0oo---

This **NOTICE OF VIOLATION (NOV)** 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 in accordance with Utah Code § 19-6-112.

FINDINGS

1. EnergySolutions, LLC (EnergySolutions) is a Limited Liability Company. EnergySolutions is the owner and operator of the Clive Mixed Waste Facility.
2. The Clive Mixed Waste Facility is a mixed waste treatment, storage and disposal facility located in Tooele County, Utah. EnergySolutions operates the Clive Mixed Waste Facility under the provisions of a state-issued Part B permit.
3. EnergySolutions 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 (Rules) and the state-issued Part B permit issued to EnergySolutions.
4. On April 27, 2020 and May 1, 2020, EnergySolutions notified the Division of Waste Management and Radiation Control of issues of non-compliance with conditions of the state-issued Part B permit.
5. Condition 5.b.iii.B.(12) of Attachment II-1-5 requires a bonding agent be applied to the perimeter surface of the existing floor when a MACRO Vault is constructed on top of an existing MACRO Vault.
 - 5.01 Contrary to this requirement, bonding agents have not been applied for all MACRO Vaults constructed from December, 2018 to the present.
6. Condition 5.b.iii.M.(3) of Attachment II-1-5 requires each batch ticket be reviewed to ensure the mixture is within tolerances described in the proprietary mix design documentation.
 - 6.01 During a review of MACRO documentation, it was noted that one batch ticket of Macro Mix that was used for macroencapsulation had a Macro Mix additive that did not meet the ± 1% tolerance requirement; another batch ticket did not identify the actual value for the same additive, so it was unclear if the tolerance was met.

DETERMINATION OF VIOLATIONS

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

1. Permit Condition 5.b.iii.M.(3) of Attachment II-1-5 by failing to apply bonding agents between MACRO Vaults constructed between December 2018 to May 2020.
2. Permit Condition 5.b.iii.M.(3) of Attachment II-1-5 by not reviewing batch tickets and using Macro Mix outside of required tolerances.

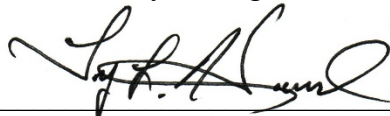
OPPORTUNITY FOR HEARING

This NOTICE OF VIOLATION is effective immediately and shall become final unless EnergySolutions administratively contests it. Failure to contest this NOTICE OF VIOLATION 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 3rd day of August 2020.

By: _____



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

Track Another Package +

Tracking Number: 70032260000323534831

Remove X

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

In Transit to Next Facility

August 9, 2020

Get Updates ✓

Feedback

Text & Email Updates



Tracking History



August 9, 2020

In Transit to Next Facility

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

August 5, 2020, 6:05 pm

Departed USPS Regional Facility

SALT LAKE CITY UT NETWORK DISTRIBUTION CENTER

August 4, 2020, 8:35 pm

Arrived at USPS Regional Facility

SALT LAKE CITY UT NETWORK DISTRIBUTION CENTER