

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

NOV # 2007067

Violation Number 1

Violation description Bonding Agent

1. Gravity Based Penalty

- (a) Potential for Harm - **Minor:** The macroencapsulation treatment process creates a protective layer around the waste to protect it from contact with precipitation and leaching. The lack of bonding agent alone does not significantly diminish the system's overall ability to treat the waste.
- (b) Extent of Deviation – **Major:** – For a period of time there were 43 instances where no bonding agent was applied to the MACRO Vaults as required.

\$1,170.00 (mid-range)

- (c) Multiple – 43 individual occurrences where application of bonding agent was not applied as required.

\$1,170 X 43 = \$50,130

2. Adjustment Factors (if applicable)

- (a) Good faith -15% reduction in penalty for self-reporting violation.

\$50,130 X (0.85) = \$42,611

- (b) Willfulness/Negligence-
- (c) History of Compliance or Noncompliance-
- (d) Ability to pay-
- (e) Other Unique Factors-

- 3. Economic Benefit- Facility documents indicate that the labor and material cost savings for not applying the polymer was \$2,824.

\$2,824 + \$42,611 = \$45,435.00

4. Recalculation of Penalty based on New Information-

Total Penalty: \$45,435.00

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

NOV # 2007067

Violation Number 2

Violation description Batch Tickets

1. Gravity Based Penalty

- (a) Potential for Harm - **Moderate:** Macro Mix is specifically formulated to provide lasting protection against leaching and degradation. Failing to follow the recipe as designed could create a situation where the waste is subject to the elements and leaching could occur.
- (b) Extent of Deviation – **Moderate:** Generally, the facility personnel follow Macro Mix recipe as designed. In these instances, the mix recipe was not followed,

\$3,380 (mid-range)

- (c) Multiple – 2 individual occurrences where application of batch tickets indicated that the formula was not followed, or adherence could not be confirmed.

\$3,380 X 2 = \$6,760

2. Adjustment Factors (if applicable)

- (b) Good faith -15% reduction in penalty for self-reporting violation.

\$6,760 X (085) = \$5,746

- (b) Willfulness/Negligence-
 - (c) History of Compliance or Noncompliance-
 - (d) Ability to pay-
 - (e) Other Unique Factors-
3. Economic Benefit-
4. Recalculation of Penalty based on New Information-

Total Penalty: \$5,746.00