



State of Utah

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Department of  
Environmental Quality

Alan Matheson  
*Executive Director*

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL  
Scott T. Anderson  
*Director*

April 12, 2017

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
7005 0390 0000 7508 6507

Nathan Jensen  
State Painting Inc.  
6594 West Parkway Blvd.  
West Valley City, UT 84128

RE: Compliance Evaluation Inspection  
Notice of Violation and Compliance Order  
Non-Notifier

Dear Mr. Jensen:

Enclosed is a NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO) based on findings documented by Division of Waste Management and Radiation Control inspectors on December 21, 2016 regarding waste management practices on the property located at 6594 West Parkway Blvd., West Valley City, Utah.

Please be advised that compliance with this NOV/CO is mandatory and will not relieve State Painting Inc. of liability for past violations. Your response will not constitute an administrative contest to this NOV/CO.

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

If you have any questions, please call Ed Costomiris at (801) 536-0219.

Sincerely,

Scott T. Anderson, Director  
Division of Waste Management and Radiation Control

STA/EGC/kl

Enclosure: Notice of Violation and Compliance Order No. 1702005

(Over)

DSHW-2017-001550

195 North 1950 West • Salt Lake City, UT  
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c: Raymond Wixom, Assistant Attorney General  
Alex Huggard, Environmental Enforcement Unit, Salt Lake County District Attorney's Office  
Gary Edwards, MS, Health Officer, Salt Lake County Health Dept.  
Royal DeLegge, MPA, EHS, Environmental Health Director, Salt Lake County Health Dept.  
John Hoggan, Salt Lake County Health Dept.  
David Duster, U.S. EPA, Region VIII, ENF-R

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In the Matter of: : **NOTICE OF VIOLATION and**  
: **COMPLIANCE ORDER**

State Painting Inc. : **No. 1702005**  
Non-Notifier :

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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 pursuant to the Utah Solid and Hazardous Waste Act (the Act), Utah Code Ann. § 19-6-101, *et seq.* The Director has authority to issue such NOTICES and ORDERS in accordance with Utah Code Ann. § 19-6-112.

### **FINDINGS**

1. State Painting Inc. (State Painting) is a Utah company licensed to do business in the State of Utah and is responsible for the waste management activities occurring on the property located at 6594 West Parkway Blvd., West Valley City, Utah, 84128.
2. State Painting is a "person" as defined in Utah Code Ann. § 19-1-103(4) and is subject to all applicable provisions of the Act and the Utah Administrative Code.
3. The Infinity Corrosion Group (IGC) provides engineering services to persons with storage tanks and ancillary equipment.
4. The Jordan Valley Water Conservancy District (JVWCD) provides potable water to persons within the boundaries of the District. JVWCD contracted with State Painting to perform sandblasting and coating of water storage tanks which JVWCD owns at Site 9428, located at 2710 Durban Road, Sandy, Utah. JVWCD also contracted with the Infinity Corrosion Group to evaluate these tanks.
5. R315-263-11 of the Utah Administrative Code specifies that a transporter of hazardous waste shall not transport hazardous waste without having received an EPA identification number from the Director.
6. R315-263-20 of the Utah Administrative Code specifies that a transporter may not accept hazardous waste from a generator unless it has been properly manifested.
7. A representative of ICG notified the Division on December 15, 2016, that on or about November 15, 2016, Nathan Jensen, owner and operator of State Painting, transported six, 55-gallon drums from Site 9428 to State Painting's property located at 6594 West Parkway Blvd., West Valley City, Utah. The IGC representative provided the following information:
  - a. The drums contained waste that included high levels of lead.
  - b. The waste was spent blast media generated in the removal of the exterior paint from a one million-gallon steel water tank.



- c. The paint removed from the water tank had a total lead concentration of 100,000 mg/kg (parts per million).
8. On December 21, 2016, Division inspectors were granted access to State Painting's property by Carrie Jensen. While on site, Division inspectors collected five samples of spent blast media. Three samples were taken from three of the six drums from JCWCD Site 9428. In addition, the inspectors also collected two samples of spent blast media that had been spread over the majority of the 2.5 acre property.
9. On December 26, 2016, samples taken from each of the six drums by ICG were analyzed for metals using the toxicity characteristic leaching procedure (TCLP). The collective analytical results from the Division and ICG sampling events indicated that three of the six drums failed the TCLP for lead and would be characterized as hazardous waste.
7. R315-301-4(1) of the Utah Administrative Code states that no person shall dispose of solid waste in any place except at a facility which has a permit in accordance with R315-310.
8. On December 21, 2016 during the inspection, spent blast media, a solid waste, was observed on the majority of the ground of the equipment storage yard at the State Painting property. Blast media placed on the ground constitutes disposal. The blast grit is identifiable due to its green color. State Painting does not have a permit for disposal of solid waste.

### **DETERMINATION OF VIOLATIONS**

Based on the foregoing FINDINGS, State Painting has violated provisions of the Utah Administrative Code and the Act applicable to its operations. Specifically, State Painting has violated the following:

1. R315-263-11 by failing to obtain an EPA identification number from the Director prior to transporting and storing hazardous waste.
2. R315-263-20 by transporting hazardous waste without a manifest.
3. R315-301-4 by disposing of solid waste without a permit.

### **ORDER**

Based on the foregoing FINDINGS and VIOLATIONS, State Painting is hereby ordered to:

1. Immediately cease disposing of additional spent blast media on the land.
2. Within 30 days, submit to the Director an inventory of all material on site and its intended respective use or disposition.
3. Within 30 days, properly label all hazardous waste containers in accordance with R315-262-32(b).
4. Within 30 days, obtain an EPA ID number and ship all hazardous waste on site to an approved hazardous waste treatment, storage or disposal facility utilizing hazardous waste manifests and submit copies of the manifests to the Director within 45 days following the shipments.

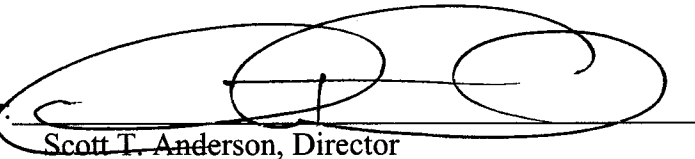
5. Within 60 days, remove and ship the spent blast media waste from the property to an approved permitted facility or apply for a solid waste permit in accordance with R315-301-4.

### **OPPORTUNITY FOR HEARING**

This NOV/CO is effective immediately and shall become final unless State Painting administratively contests it. Failure to contest this NOV/CO in the manner and within the time period prescribed by R305-7-303 of the Utah Administrative Code constitutes a waiver of any right of administrative contest, reconsideration, review or judicial appeal.

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

Dated this 12<sup>th</sup> day of April, 2017

By: 

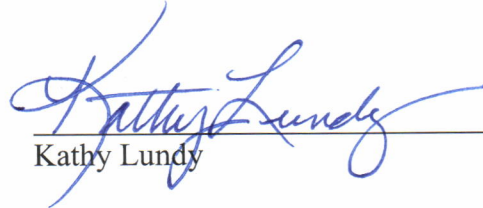
Scott T. Anderson, Director

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 12th day of April 2017 by US Certified Mail, Return receipt Requested, to:

Nathan Jensen  
State Painting Inc.  
6594 West Parkway Blvd.  
West Valley City, UT 84128

  
Kathy Lundy