



State of Utah

SPENCER J. COX  
*Governor*

DEIDRE HENDERSON  
*Lieutenant Governor*

Department of  
Environmental Quality

Kimberly D. Shelley  
*Executive Director*

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL

Douglas J. Hansen  
*Director*

April 8, 2022

Eric Jorgensen, Director  
Environmental Health and Safety  
Utah State University  
8315 Old Main Hill  
Logan, UT 84322-8315

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
7019 2970 0000 5340 2708

RE: Notice of Violation No. 2108087  
UTD000651653

Dear Mr. Jorgensen:

Enclosed is a **NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE (NOV/OC)** Number 2108087, based on findings documented by the Division of Waste Management and Radiation Control during a compliance inspection on August 8, 2021.

You are hereby required to submit to the Director within 30 days of issuance of this Order, written verification that the violations documented in the NOV have been corrected. Please include a description of the corrective actions implemented to ensure these violations do not recur. Your response to this request will not constitute an administrative contest to the attached NOV.

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

If you have any questions, please call Judy Moran at (801) 536-0255.

Sincerely,

Douglas J. Hansen, Director  
Division of Waste Management and Radiation Control

(Over)

DJH/JAM/wa

Enclosure: Notice of Violation No. 2108087

c: Jordan Mathis, Health Officer, Bear River Health Department  
Grant Koford, EHS, Environmental Health Director, Bear River Health Department  
Annette Maxwell, U.S. EPA, Region VIII, ENF-R  
Lisa Berreau, Vice President, Research, USU (Email)  
Mica McKinney, Vice President, Legal Affairs (Email)  
Stevie Norcross, PhD, Assistant Director, Div. of Waste Management and Radiation Control, UDEQ  
Connie Nakahara, Assistant Attorney General, Utah Attorney General's Office  
Kimberly D. Shelley, Executive Director, Utah Department of Environmental Quality

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In the Matter of:	:	<b>NOTICE OF VIOLATION and</b>
	:	<b>ORDER for COMPLIANCE</b>
<b>Utah State University</b>	:	<b>No. 2108087</b>
<b>UTD000651653</b>	:	

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This **NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE (NOV/OC)** 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.*, and Utah Code § 19-6-701, *et seq.* The Director has authority to issue such NOTICES and ORDERS in accordance with Utah Code § 19-6-112.

**FINDINGS**

1. Utah State University (USU) is a non-profit public state higher-education institution.
2. USU is a Utah public university located at 8315 Old Main Hill, Logan, Utah in Cache County.
3. USU is a "person" as defined in Utah Code § 19-1-103(4) and is subject to all applicable provisions of the Act and the Utah Administrative Code (the "Rules" or "UAC").
4. USU operates a public university that generates listed and characteristic hazardous wastes as defined in the Act and the Rules from laboratories, a printing plant, a warehouse, a vehicle maintenance facility, and other plant operations facilities on the approximately 400-acre property.
5. On December 12, 2016, USU submitted a universal waste "Drum-Top Lamp Crusher Registration Application" (Application), UT-DTLC-001, (DSHW-2016-015129). Based on the information certified in the Application on February 8, 2017, the Division confirmed that USU's Application was in compliance with the application requirements of R315-273-13 UAC.
6. On May 2, 2018, USU submitted an EPA Form 8700-12 notification to the Division as a large quantity generator (LQG) consolidating very small quantity generator (VSQG) waste from Utah State University – Blanding; Utah State University – Eastern (Price); Utah State University – Space Dynamics Laboratory (Logan); Utah State University – Kaysville; Utah State University – Caine; and Utah State University – Vernal.
7. On April 15, 2021, USU revised its prior EPA Form 8700-12 notification, indicating that it would no longer consolidate VSQG waste.
8. On August 19, 2021, USU revised its EPA Form 8700-12 notification as an LQG consolidating VSQG waste from Utah State University – Blanding; Utah State University – Kaysville; Utah State University – Caine; USDA APHIS ADC Predator Research Project; and Utah State University Ecology Center. USU did not provide justification for the "under control" provision for USU consolidating waste from the USDA APHIS ADC Predator Research Project.

9. On August 11, 2021, pursuant to Utah Code § 19-6-109, authorized representatives of the Director (inspectors) conducted a compliance evaluation inspection at Utah State University (Logan).
10. On February 28, 2022, pursuant to Utah Code § 19-6-109, authorized representatives of the Director (inspectors) conducted a compliance evaluation inspection at Utah State University - Vernal (UTR000014282). Based on waste disposal records and employee interviews, it appears that USU - Vernal was a very small quantity hazardous waste generator in 2019; 2020; 2021; and January 2022 despite having submitted an EPA Form 8700-12 notification to the Division as a small quantity generator (SQG) on April 14, 2021.
11. On March 1, 2022, pursuant to Utah Code § 19-6-109, authorized representatives of the Director (inspectors) conducted a compliance evaluation inspection at Utah State University – Nephi Vet Diagnostic Lab (UT000015396). Based on waste disposal records and employee interviews, inspectors determined that USU – Nephi Vet Diagnostic Lab was a very small quantity hazardous waste generator in 2019; 2020; 2021; and January 2022 despite having submitted an EPA Form 8700-12 notification to the Division as a small quantity generator (SQG) on April 14, 2021.
12. R315-262-11 UAC requires a person who generates a solid waste, as defined in Section R315- 261-2 UAC, to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable regulations.
  - 12.1 On August 11, 2021, inspectors observed and documented a small unlabeled vial of white powder in a cardboard box in the hazardous waste satellite accumulation area (SAA) outside of the “Baker Lab” in the Biology Building. USU failed to determine if this solid waste was a hazardous waste.
  - 12.2 On August 11, 2021, inspectors observed and documented at least 100 small containers of waste laboratory chemicals in 5-gallon carboys, glass jugs, and other smaller containers in the hazardous waste central accumulation area (CAA) at the Research Agent Containment Center (RACC). USU was storing these waste chemicals picked up from laboratory SAAs at the RACC while USU Environmental Staff determined (i) whether the wastes are hazardous, (ii) what waste codes applied, (iii) whether the waste could be bulked, and (iv) which waste chemicals to combine together in lab-packs. USU failed to make hazardous waste determinations at the point of waste generation in the laboratory SAAs.
  - 12.3 On August 11, 2021, USU failed to determine if wipes used to apply and remove cleaning solvent containing toluene, isopropyl alcohol (IPA), xylene, and naphtha from the printing press at "Aggie Print," the campus printing plan, were hazardous wastes.
13. R315-262-15(a)(5) UAC requires a generator to mark or label each container of hazardous waste in a satellite accumulation area (SAA) with the following: (i) the words “Hazardous Waste” and (ii) an indication of the hazards of the contents.
  - 13.1 On August 11, 2021, inspectors observed and documented a small vial of white powder in a cardboard box in the hazardous waste SAA outside of the “Baker Lab” in the Biology Building. USU failed to mark or label the waste “Hazardous Waste” and failed to mark or label the container with an indication of the hazards of the contents.
  - 13.2 On August 11, 2021, inspectors observed and documented two containers of hazardous waste laboratory chemicals in the SAA in the “Freeman lab” in the Biology Building. USU failed to mark or label the waste laboratory chemical containers with an indication of the hazards of the contents.

- 13.3 On August 11, 2021, inspectors observed and documented seven containers of hazardous waste laboratory chemicals in the SAA in the “Berreau lab” in the Widsow Chemistry Building. USU failed to mark or label the waste laboratory chemical containers with an indication of the hazards of the contents.
14. R315-262-17(a)(1)(v) UAC requires an LQG to inspect central accumulation areas at least weekly. The Rule requires LQGs to identify leaking containers and deterioration of containers caused by corrosion or other factors.
- 14.1 On August 11, 2021, inspectors observed and documented 12 containers of hazardous laboratory chemical wastes in fume hoods in a room in the Widsow Chemistry Building across the hall from the “Berreau lab” where the wastes were generated. USU informed the inspectors that graduate students move full containers of hazardous waste from SAAs in the Berreau lab to this room. Additionally, USU stated that students and faculty from other labs on the floor use the storage room to store laboratory chemicals. USU failed to inspect the containers of hazardous waste stored in the Widsow Chemistry Building CAA weekly.
15. R315-262-17(a)(5)(i)(B) UAC requires an LQG that accumulates hazardous waste on site without a permit or interim status, mark or label each container of hazardous waste with the words “Hazardous Waste” and an indication of the hazards of the contents.
- 15.1 On August 11, 2021, inspectors observed and documented at least 100 small containers of waste laboratory chemicals in 5-gallon carboys, glass jugs, and other smaller containers in the receiving and staging area of the hazardous waste CAA at the RACC. USU failed to label a glass bottle of methanol waste and at least a dozen other containers of laboratory waste in the receiving and staging area with the words “Hazardous Waste.”
- 15.2 On August 11, 2021, inspectors observed twelve containers of hazardous laboratory chemical wastes from the Berreau lab in a CAA on the third floor of the Widsow Chemistry Building. USU failed to mark or label the twelve containers of hazardous laboratory wastes with an indication of the hazards of the contents.
16. R315-262-17(a)(5)(i)(C) UAC requires an LQG to mark their containers of hazardous waste with the date they began accumulating.
- 16.1 On August 11, 2021, inspectors observed and documented 12 containers of hazardous laboratory chemical wastes from the Berreau lab in a CAA on the third floor of the Widsow Chemistry Building. USU failed to mark the containers of hazardous waste with the date the waste began accumulating.
- 16.2 On August 11, 2021, inspectors observed and documented at least 100 small containers of waste laboratory chemicals in 5-gallon carboys, glass jugs, and other smaller containers in the receiving and staging area of the hazardous waste CAA at the RACC. Most of the containers in the RACC receiving and staging area were not marked with the accumulation start date. Inspectors observed and documented at least eight containers of waste isopropyl alcohol with hazardous waste labels in the RACC CAA on which USU failed to mark the date the hazardous waste began accumulating in the CAA. USU also failed to mark the accumulation start date on six containers of tannin assay hazardous waste in the RACC CAA.

17. R315-262-17(a)(7)(iv) UAC requires that an LQG maintain the following documents and records at the facility: The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job; a written job description for each position that includes the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a listed position; and records that document that the training or job experience has been given to, and completed by, facility personnel.
- 17.1 During the inspection on August 11, 2021, inspectors documented that USU did not maintain a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management.
- 17.2 During the inspection on August 11, 2021, inspectors observed and documented that E. Jorgensen is listed as the tertiary emergency coordinator in the USU hazardous waste contingency plan. USU failed to maintain records documenting that training or job experience has been given to, and completed by, E. Jorgensen.
- 17.3 During the inspection on August 11, 2021, inspectors observed and documented that M. Williams fills a position related to hazardous waste management. USU failed to maintain records documenting that M. Williams has been given and completed 40-hour HAZWOPER training.
18. R315-262-17(f) UAC allows large quantity generators to accumulate on site hazardous waste received from very small quantity generators under control of the same person, as defined in R315-260-10 UAC, without a storage permit or interim status provided that they comply with the following conditions: (a) the large quantity generator notifies the Director at least thirty (30) days prior to receiving the first shipment from each VSQG using EPA Form 8700-12; (b) the LQG identifies on the form the name and site address for each VSQG as well as the name and business telephone number for a contact person for each VSQG; and (c) the LQG maintains records of each shipment for three years from the date the hazardous waste was received from each VSQG. The shipment records must identify the name, site address, and contact information for each VSQG and include a description of the hazardous waste received, the quantity of waste, and the date the waste was received.
- 18.1 During records review, inspectors observed and documented instances when USU accepted hazardous waste from offsite very small quantity (VSQG) hazardous waste generators that USU failed to identify on EPA Form 8700-12 and failed to notify the Director 30 days prior to receiving the first shipment from each VSQG that it intended to consolidate waste from:
- 18.1.1 On December 28, 2018, USU hazardous waste staff signed a bill of lading (BOL) accepting four containers of waste flammable formaldehyde solution from the USU Veterinary Diagnostic Lab in Spanish Fork, Utah who USU failed to identify on EPA Form 8700-12 as a VSQG from whom it was consolidating hazardous waste and failed to notify the Director 30 days prior to receiving the waste.
- 18.1.2 A "Waste Request Pickup Listing" printed on August 28, 2019, reflecting pickups from August 1, 2019 to August 20, 2019, shows that USU picked up 5 gallons of waste formaldehyde solution from the USU Veterinary Diagnostic Lab in Spanish Fork, Utah which were in storage at the RACC CAA at USU (Logan). USU failed to notify the Director 30 days prior to receiving the waste from the USU Veterinary Diagnostic Lab in Spanish Fork as a VSQG.

- 18.1.3 A "Waste Request Pickup Listing" dated January 7, 2019, and printed on February 25, 2022, documents that USU picked up formalin waste from the Nephi Veterinary Diagnostic Lab. USU Drum Inventory sheets show that the formalin waste was in storage at the RACC CAA at USU (Logan). The formalin waste was bulked and shipped out as hazardous waste on manifest #011967245FLE on February 19, 2019. USU failed to notify the Director 30 days prior to receiving the waste from the Nephi Veterinary Diagnostic Lab as a VSQG.
- 18.1.4 A "Waste Request Pickup Listing" printed on February 25, 2022, reflecting a pickup on June 16, 2020, documents that USU picked up 5 gallons of buffered formalin solution waste from the Nephi Veterinary Diagnostic Lab. A USU Drum Inventory sheet shows that the formalin waste was in storage at the RACC CAA at USU (Logan) on July 14, 2020, and the waste formalin was bulked and shipped out as hazardous waste on manifest #13285587FLE on July 28, 2020. USU failed to notify the Director 30 days prior to receiving the waste from the Nephi Veterinary Diagnostic Lab as a VSQG.
- 18.1.5 On August 11, 2021, inspectors observed and documented a plastic carboy bearing a hazardous waste label documenting that the waste solution (containing ddH<sub>2</sub>O, acetonitrile, tetrahydrofuran, DMSO, DNPH, acetone, methanol, and isopropanol) was picked up from the Bingham Research Center Room 218. Pickup requests were dated April 26, 2021, and April 29, 2021. This waste was bulked with other hazardous wastes and shipped offsite as hazardous waste. The Bingham Research Center is located at USU Uintah Basin in Vernal, Utah.
- 18.1.6 On June 10, 2021, USU received one container of flammable liquid and one container of hydrochloric acid on a bill of lading (BOL) from USU-Eastern (Price), by Rule a small quantity generator not a VSQG. USU hazardous waste staff signed the bill of lading (BOL) as both the shipper and carrier, and these wastes were picked up and accepted into the RACC CAA.
- 18.1.7 A "Waste Request Pickup Listing" printed on June 1, 2021, documents that USU picked up ignitable hazardous waste from the Space Dynamics Lab, identified by USU as a small quantity generator not a VSQG.
19. R315-273-13(d)(1) UAC requires a small quantity handler of universal waste to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
- 19.1 During the inspection on August 11, 2021, inspectors observed and documented that USU stored universal waste lamps in the warehouse in one box that was not closed and three fiber barrels that were not closed.
20. R315-273-14(e) UAC requires that a small quantity handler of universal waste label or mark each lamp, as defined in R315-273-5 UAC, or a container or package in which such lamps are contained with one of the following phrases: "Universal Waste-Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)".

- 20.1 During the inspection on August 11, 2021, inspectors observed and documented that USU failed to label or mark a box of universal waste lamps at the Facilities Warehouse with one of the following phrases: "Universal Waste-Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)".
21. R315-273-13(d)(3)(ii) UAC requires that a small quantity handler of universal waste lamps operate the registered drum-top lamp crusher (DTC) to ensure the lamps are crushed in a controlled manner that prevents the release of mercury vapor or other contaminants in exceedance of the manufacturer's specifications.
- 21.1 During the inspection on August 11, 2021, inspectors observed and documented that USU failed to crush the lamps in a controlled manner that prevents release of mercury when the 8-foot lamps break. N. Moore, USU Warehouse Worker, told the inspectors that the 8-foot lamps always break while he is feeding them into the lamp crusher. USU failed to record reported malfunctions in the operating record as required.
22. R315-273-13(d)(3)(iv) UAC requires that a small quantity handler of universal waste lamps operate the DTC to ensure the DTC is installed, maintained, and operated in accordance with written procedures developed by the manufacturer of the equipment including specific instructions for the frequency of filter changes.
- 22.1 USU failed to maintain and operate the DTC in accordance with written manufacturer instructions as follows:
- 22.1.1 Due to health concerns related to mercury exposure, the manufacturer's owner manual states that the operator of the machine should crush no more than one full drum of lamps per 8-hour work shift. Nevertheless, the operator crushed more than one full drum per day 18 times between October 2018 through July 15, 2021.
- 22.1.1.a On June 24, 2019, December 3, 2019, March 9, 2020, March 23, 2020, April 3, 2020, April 24, 2020, May 18, 2020, May 22, 2020, June 18, 2020, June 19, 2020, July 2, 2020, July 28, 2020, August 14, 2020, and February 12, 2021, the operator crushed two drums of lamps; on May 6, 2020, May 8, 2020, June 12, 2020, and July 6, 2020 the USU operator crushed three drums of lamps.
- 22.1.2 Because of mercury exposure and contamination concerns, the manufacturer specifies that the first-stage filter should be replaced every half drum of crushed lamps. USU failed to demonstrate in its operating records that it replaced the first-stage filter after each drum was half full and after each drum was completely full.
- 22.1.2.a Between October 30, 2018 and November 16, 2018, the operator recorded crushing 818 bulbs before changing the 1st stage filter on November 16, 2018;
- 22.1.2.b USU crushed 978 more bulbs before the 1st stage filter was changed on January 11, 2019;
- 22.1.2.c USU crushed 1,996 bulbs before the 1st stage filter was changed on March 22, 2019;
- 22.1.2.d USU crushed 1,034 bulbs before a 1st stage filter change on April 12, 2019;
- 22.1.2.e USU crushed 1,203 bulbs before a 1st stage filter change on May 24, 2019;
- 22.1.2.f USU crushed 1,190 bulbs before a 1st stage filter change on June 24, 2019;
- 22.1.2.g USU crushed 940 bulbs before a 1st stage filter change on July 10, 2019;



- 22.1.2.h USU crushed 1,090 bulbs before a 1st stage filter change on August 2, 2019;
- 22.1.2.i USU crushed 1,179 bulbs before a 1st stage filter change on August 9, 2019;
- 22.1.2.j USU crushed 1,174 bulbs before a 1st stage filter change on September 5, 2019;
- 22.1.2.k USU crushed 958 bulbs before a 1st stage filter change on October 15, 2019;
- 22.1.2.l USU crushed 1,047 bulbs before a 1st stage filter change on October 18, 2019;
- 22.1.2.m USU crushed 921 bulbs before a 1st stage filter change on October 25, 2019;
- 22.1.2.n USU crushed 1,147 bulbs before a 1st stage filter change on November 11, 2019;
- 22.1.2.o USU crushed 964 bulbs before a 1st stage filter change on December 3, 2019;
- 22.1.2.p USU crushed 1,223 bulbs before a 1st stage filter change on January 2, 2020;
- 22.1.2.q USU crushed 1,227 bulbs before a 1<sup>st</sup> stage filter change on January 15, 2020;
- 22.1.2.r USU crushed 1,252 lamps before a 1<sup>st</sup> stage filter change on February 19, 2020;
- 22.1.2.s USU crushed 1,145 bulbs before a 1<sup>st</sup> stage filter change on March 5, 2020;
- 22.1.2.t USU crushed 1,308 bulbs before a 1<sup>st</sup> stage filter change on March 9, 2020;
- 22.1.2.u USU crushed 1,528 bulbs before a 1<sup>st</sup> stage filter change on March 23, 2020;
- 22.1.2.v USU crushed 1,160 bulbs before a 1<sup>st</sup> stage filter change on April 3, 2020;
- 22.1.2.w USU crushed 916 bulbs before a 1st stage filter change on April 13, 2020;
- 22.1.2.x USU crushed 1,251 bulbs before a 1st stage and HEPA filter change on April 17, 2020;
- 22.1.2.y USU crushed 1,300 bulbs before a 1<sup>st</sup> stage filter change on April 29, 2020
- 22.1.2.z Between May 6, 2020 and August 20, 2021, inspectors documented 53 times that USU crushed 1,200 bulbs between 1<sup>st</sup> stage filter changes; and
- 22.1.2.aa USU crushed 1,100 bulbs between 1<sup>st</sup> stage filter change on September 3, 2021.
- 22.1.3 The manufacturer requires the 2nd stage filter (the HEPA filter) replacement after every 10 full drums. USU's operating record shows that it failed to change the HEPA filter until after processing (a) 20 drums of lamps on April 17, 2020; (b) 29 drums of lamps June 19, 2020; and (c) 21 drums of lamps on December 18, 2020.
23. R315-273-13(d)(3)(vii) UAC requires “[t]he area in which the drum top crusher is operated is well ventilated and monitored to ensure compliance with applicable Occupational Safety and Health Administration (OSHA) exposure levels for mercury.”
- 23.1 USU stated it conducted a single monitoring event over the three plus-year operational period. USU failed to provide to the Director any monitoring records for the three plus-year operational period to document compliance with applicable OSHA exposure levels for mercury.
24. R315-273-13(d)(3)(x) UAC requires that a small quantity handler of universal waste lamps keep an operating record consisting of the following: (A) the number and size of lamps crushed per calendar day, per calendar month, and per calendar year; (B) the schedule for the change out of filters; (C) date and time of filter change out; (D) date, type, and time of equipment maintenance; (E) any occurrence of equipment malfunction; and (F) procedures for preventing equipment malfunctions.

- 24.1 During records review, inspectors observed that USU failed to document in the DTC operating record: the size of the lamps crushed; the time of each filter changeout; the date, time, and type of maintenance (other than filter changes); occurrence of any malfunctions; and procedures for preventing malfunction.
25. R315-262-42(a) of the Utah Administrative Code requires an LQG who does not receive a copy of their manifest with the signature of the operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter to submit an Exception Report to the Director.
- 25.1 USU failed to file an Exception Report for manifest #015243262FLE which was accepted by the initial transporter on June 3, 2021, but not signed by the destination facility until July 20, 2021, in excess of 45 days.
26. R315-273-14(f) UAC requires that a small quantity handler of universal waste label or mark each container, tank, or transport vehicle or vessel in which universal waste antifreeze is contained with the words "Universal Waste-Antifreeze".
- 26.1 On August 11, 2021, USU failed to label or mark a container of used antifreeze in the Motorpool Shop with the words "universal waste-antifreeze."
27. R315-273-14(g) UAC requires that a small quantity handler of universal waste label or mark each aerosol can, or a container in which the aerosol cans are contained, with any of the following phrases: "Universal Waste-Aerosol Can(s)", "Waste Aerosol Can(s)", or "Used Aerosol Can(s)".
- 27.1 USU failed to label or mark universal waste aerosols and a drum containing universal waste aerosols in the RACC receiving/staging area "Universal Waste-Aerosol Can(s)", "Waste Aerosol Can(s)", or "Used Aerosol Can(s)".
28. R315-273-15(d) UAC requires that a small quantity handler of universal waste is able to demonstrate the length of time that universal waste has been accumulated from the date it became a waste or was received.
- 28.1 USU failed to demonstrate the length of time the universal waste antifreeze had been accumulating in the Motorpool Shop by documenting the accumulation start date.
- 28.2 USU failed to demonstrate the length of time the universal waste batteries had been accumulating at Chemistry Stores by documenting the accumulation start date.
29. R315-15-2.3(c)(1) UAC requires containers used to store used oil at generator facilities to be labeled or marked clearly with the words "Used Oil".
- 29.1 On August 11, 2021, inspectors observed containers of used oil in the RACC CAA and a container of used oil in the Motorpool Shop which USU failed to label or mark clearly with the words "Used Oil."

30. R315-262-11 UAC requires a person who generates a solid waste, as defined in Section R315- 261-2 UAC, to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable regulations.
  - 30.1 USU failed to determine if wipes used to apply and remove cleaning solvent containing toluene, isopropyl alcohol (IPA), xylene, and naphtha from the printing press at “Aggie Print,” the campus printing plant, were hazardous waste.
  
31. R315-261-4(a)(26) UAC excludes solvent-contaminated wipes from the definition of solid waste provided that the solvent-contaminated wipes are contained in non-leaking, closed containers and are labeled “Excluded Solvent-Contaminated Wipes” and that generators maintain at their site the following documentation: a description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning; and the solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act.
  - 31.1 USU failed to contain Aggie Print’s solvent-contaminated wipes in a closed container that was labeled "Excluded Solvent-Contaminated Wipes," failed to maintain a description of the process used to ensure the solvent-contaminated wipes contained no free liquids at the point of being transported off-site for laundering or dry cleaning, and failed to maintain documentation that the laundry where Aggie Print sends the solvent-contaminated wipes is regulated under sections 301 and 402 or section 307 of the Clean Water Act.

### **DETERMINATION OF VIOLATIONS**

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

1. R315-262-11 UAC for failing to make an accurate determination as to whether its solid waste is a hazardous waste. (*See Finding 12*).
2. R315-262-15(a)(5) UAC for failing to mark containers in a satellite accumulation area with the words “Hazardous Waste” and an indication of the hazards. (*See Finding 13*).
3. R315-262-17(a)(1)(v) UAC for failing to inspect containers at least weekly. (*See Finding 14*).
4. R315-262-17(a)(5)(i)(B) UAC for failing to mark containers of hazardous waste with the words “Hazardous Waste” and an indication of the hazards of the contents. (*See Finding 15*).
5. R315-262-17(a)(5)(i)(C) UAC for failing to mark containers of hazardous waste with the date they began accumulating. (*See finding 16*).

6. R315-262-17(a)(7)(iv) UAC for failing to maintain training records for employees with hazardous waste management duties. (*See Finding 17*).
7. R315-262-17(f) UAC for failing to notify the Director that they were consolidating certain VSQG's hazardous waste and for consolidating hazardous waste from small quantity generators without a permit. (*See Finding 18*).
8. R315-273-13(d)(1) UAC for failing to contain universal waste fluorescent lamps in closed containers or packages. (*See Finding 19*).
9. R315-273-14(e) UAC for failing to mark each container or package of universal waste fluorescent lamps with one of the following phrases: "Universal Waste-Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)". (*See Finding 20*).
10. R315-273-13(d)(ii) UAC for failing to operate the drum-top lamp crusher in a controlled manner that prevents the release of mercury vapor or other contaminants in exceedance of the manufacturer's specifications. (*See Finding 21*).
11. R315-273-13(d)(3)(iv) UAC for failure to operate the registered drum-top lamp crusher to ensure the drum-top lamp crusher (DTC) is installed, maintained, and operated in accordance with written procedures developed by the manufacturer of the equipment including specific instructions for the frequency of filter changes. (*See Finding 22*).
12. R315-273-13(d)(3)(vii) UAC for failing to monitor the area in which the drum-top crusher was operated to ensure compliance with applicable Occupation Safety and Health Administration (OSHA) exposure levels for mercury. (*See Finding 23*).
13. R315-273-13(d)(3)(x) UAC for failing to maintain a complete operating record of the drum-top lamp crusher. (*See Finding 24*).

### **ORDER FOR COMPLIANCE**

Utah State University is hereby ordered to:

1. To address Violation 7, immediately cease accepting hazardous waste generated offsite, except for any VSQGs for which USU has notified the Director at least 30 days prior to receiving the first shipment from each VSQG from which USU will consolidate wastes.
2. To address Violations 10 through 13, within 30 days of the date of issuance of this NOV/OC, submit a report documenting the decontamination steps as well as supporting documentation demonstrating successful remediation to the Director for approval in compliance with all applicable requirements of UAC R315-273-13.
3. To address Violations 4 and 5, immediately cease moving containers of hazardous waste that are not labeled with the words "hazardous waste" and an indication of the hazards of the contents to central accumulation areas. Mark the date that SAA hazardous wastes are brought to any central accumulation area legibly on the hazardous waste label or on the container if there is no label.

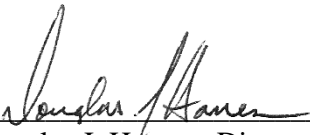
4. To address violations 1 through 3, 6, 8, and 9, within 30 days of the date of issuance of this NOV, USU shall provide the Director with the following information and analyses:
- a. Determination of the root cause of the violations;
  - b. the specific corrective actions taken;
  - c. the date(s) the violations were resolved; and
  - d. how these corrective actions will prevent violations from recurring.

**OPPORTUNITY FOR HEARING**

This NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE is effective immediately and shall become final unless Utah State University administratively contests it. Failure to contest this NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE 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 8<sup>th</sup> day of April, 2022

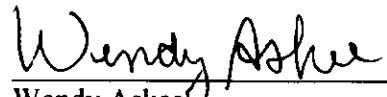
By:  \_\_\_\_\_  
Douglas J. Hansen, Director  
Division of Waste Management and Radiation Control

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed a true and correct copy of the foregoing [NOTICE OF VIOLATION or NOTICE OF VIOLATION AND COMPLIANCE ORDER] on the 8<sup>th</sup> day of April, 2022 by US Certified Mail, Return receipt Requested, to:

Eric Jorgensen, Director  
Environmental Health and Safety  
Utah State University  
8315 Old Main Hill  
Logan, UT 84322-8315

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
7019 2970 0000 5340 2708

  
\_\_\_\_\_  
Wendy Askee