State of Utah

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Executive Secretary

October 28, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
[7004 1160 0005 5671 2443]

Anthony Stoddard, CEO
Stone Castle, LLC
2532 West 700 South
Syracuse, Utah 84075

RE: Notice of Violation and Order for Compliance
UTR000012591

Dear Mr. Stoddard:

Enclosed is a NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO) Number 1308018, based on findings documented by Division of Solid and Hazardous Waste inspectors during inspections of Stone Castle's electronic waste recycling, storage and disposal and fluorescent tube processing operations. Please be advised that compliance with this ORDER is mandatory and will not relieve Stone Castle, LLC of liability for past violations.

If you have any questions, please call Patrick Sheehan at (801) 536-0248.

Sincerely,

Scott T. Anderson, Director
Division of Solid and Hazardous Waste

STA/PS/al

Enclosure

c: Lewis R. Garrett, A.P.R.N., M.P.H., Health Officer, Davis County Health Dept.
David W. Spence, EHS, MBA, Env. Health Director, Davis County Health Dept.
David Duster, U.S. EPA, Region VIII, ENF-R

DSHW-2013-005532

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In the Matter of:	:	**NOTICE OF VIOLATION AND COMPLIANCE ORDER**
Stone Castle, LLC UTR000012591	:	**No. 1308018**

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This **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO)** is issued by the Director of the Division of Solid and Hazardous Waste (Director) pursuant to the Utah Solid and Hazardous Waste Act (the Act), Utah Code Annotated § 19-6-101, *et seq.* The Director has authority to issue such NOTICES and ORDERS in accordance with § 19-6-112 of the Act.

FINDINGS

1. Stone Castle, LLC (Stone Castle) is a Utah corporation licensed to do business in the State of Utah. Stone Castle is the owner and operator of the Stone Castle Recycling facility located at D-3 Freeport Center in Clearfield, Utah (Clearfield facility).

2. Stone Castle is subject to all applicable provisions of the Act and R315 of the Utah Administrative Code (the Code).

3. Stone Castle is a "person" as defined in § 19-1-103(4) of the Utah Code Annotated and is subject to all applicable provisions of the Act and the Code as owner and operator of the Clearfield facility.

4. Stone Castle is an electronic waste recycler and universal waste handler and generates solid and hazardous waste as defined by the Act and the Code. Stone Castle receives electronic waste at its Clearfield facility and separates and processes various components of the electronic waste for recycling, including plastics, various metals, and Cathode Ray Tube (CRT) glass. Stone Castle also receives universal wastes at its Clearfield facility for processing and recycling.

5. On April 17, 2013, representatives of the Division of Solid and Hazardous Waste (inspectors) sampled crushed CRT glass from a hazardous waste transport truck and trailer at the Clean Harbors' Grassy Mountain landfill in Clive, Utah. The crushed CRT glass had been transported from Stone Castle's Clearfield facility via uniform hazardous waste manifest to the Clean Harbors Grassy Mountain landfill for disposal as a solid waste.

   On May 28, July 9, and July 30, 2013, Division inspectors conducted compliance evaluation inspections at Stone Castle's Clearfield facility. The inspections included a review of applicable records and the facility's operations.

6a. R315-2-4(a)(22) of the Code states, in part, that used, broken CRTs are not solid wastes when certain requirements of R315-2-27 of the Code are met. R315-2-27 incorporates 40 CFR 261.39 by reference.

40 CFR 261.39 states that used, broken CRTs are not solid wastes if they are destined for recycling, are either stored inside a building, or if stored outside, are stored in appropriate containers that are constructed, filled and closed to minimize releases to the environment. In addition, each container must be properly labeled, "Used cathode ray tube(s) - contains leaded glass" or "Leaded glass from televisions or computers." Containers must also be labeled, "Do not mix with other glass materials."

6b. During the inspections, the inspectors documented used, broken CRTs destined for recycling stored in cardboard Gaylord boxes outside the Clearfield facility. Most of these containers were not labeled as required and many had leaked or spilled CRTs and CRT glass on the ground. Therefore, the used, broken CRTs were solid wastes by definition.

7a. R315-5-1.11 of the Code (which incorporates 40 CFR Part 262.11 by reference) requires a generator of solid waste to determine if his waste is a hazardous waste by testing a representative sample of the waste according to the methods outlined in Subpart C of 40 CFR Part 261 or by applying knowledge of the hazard characteristic of the waste. A representative sample is defined as a sample of a waste pile which can be expected to exhibit the average properties of the waste pile.

7b. Stone Castle, via uniform hazardous waste manifest, sent a total of four dump truck loads (304,000 pounds) of crushed CRT glass to the Clean Harbors' Grassy Mountain facility on April 15, 16, and 17, 2013 for disposal. The crushed CRT glass was characterized as a solid waste, specifically "NON HAZARDOUS, NON D.O.T. REGULATED MATERIAL" by Stone Castle on the uniform hazardous waste manifest.

On April 17, 2013, Division inspectors sampled the fourth load of crushed, CRT glass from the transport truck at the Grassy Mountain facility prior to disposal. The inspectors took four samples from the transport truck and submitted the samples to the Utah State Health Laboratory for analysis. All four samples exceeded the maximum concentration for the TCLP (Toxic Characteristic Leaching Procedure) limit for lead (greater than five parts per million), thus confirming that the crushed CRT glass was a hazardous waste.

8a. R315-13-1 of the Code (which incorporates 40 CFR Part 268 by reference) requires a generator of hazardous waste to determine if his waste has to be treated before it can be disposed. The generator must determine if the hazardous waste meets the treatment standards prior to disposal.

8b. Stone Castle sent four loads of hazardous waste (approximately 304,000 pounds of crushed CRT glass) for disposal via uniform hazardous waste manifests to Clean Harbors' Grassy Mountain facility in April 2013. The manifests did not contain appropriate Land

Disposal Restriction forms or notifications and Stone Castle did not determine whether the waste met the land disposal restrictions prior to disposal.

9a. R315-5-1.12(a) of the Code requires a generator of hazardous waste to obtain an EPA Identification Number from the Director prior to transporting or offering his hazardous waste for transport.

9b. Stone Castle sent four loads of hazardous waste (crushed CRT glass) from its Clearfield facility to the Clean Harbors' Grassy Mountain facility on April 15, 16 and 17, 2013 via uniform hazardous waste manifest. The manifests did not contain a generator EPA ID Number in Section 1 of the manifest. Stone Castle did not obtain an EPA ID Number for its Clearfield facility from the Director until April 30, 2013.

10a. R315-1-1 of the Code (which incorporates 40 CFR Part 260.10 by reference) defines a hazardous waste generator as any person, by site, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261 or whose act first causes a hazardous waste to become subject to regulation. A large quantity generator generates 1,000 kilograms (2,200 pounds) or more of hazardous waste per calendar month. Stone Castle sent approximately 304,000 pounds of waste to Clean Harbors' Grassy Mountain facility for disposal in April 2013, which was later determined to be hazardous waste. In addition, on July 11, 2013, Stone Castle sent one truck load of crushed CRT glass for disposal as hazardous waste via uniform hazardous waste manifest to the US Ecology facility in Idaho. The waste sent to US Ecology was identified as "HAZARDOUS WASTE" on the manifest. Stone Castle is a large quantity generator of hazardous waste.

R315-5-3.34 of the Code (which incorporates 40 CFR 262.34 by reference) states, in part, that a large quantity generator may accumulate hazardous waste for 90 days or less without a permit, provided that the generator also complies with subparts C and D of 40 CFR 265, with §265.16, and with all applicable requirements of 40 CFR Part 268.

R315-7-11.2 of the Code (40 CFR 265.51) requires large quantity generators and owners and operators of treatment, storage and disposal facilities to have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents.

10b. During the inspections, the inspectors documented that Stone Castle did not have a contingency plan as required.

11a. R315-16-1.9 (40 CFR 273.9) of the Code defines a Small Quantity Handler of Universal Wastes as a universal waste handler who does not accumulate more than 5,000 kilograms of universal waste, batteries, pesticides, lamps, or mercury-containing equipment, calculated collectively, at any time. A Large Quantity Handler of Universal Wastes is similarly defined in R315-16-1.9 of the Code and accumulates more than 5,000 kilograms of universal wastes at any time.

R315-16-2.4(d)(1) and R315-16-3.4(d)(1) of the Code require both Small Quantity and Large Quantity Universal Waste Handlers to manage lamps in a way that prevents releases of hazardous constituents to the environment. Specifically, Universal Waste Handlers must contain any lamp in appropriate containers or packages that are structurally sound, adequate to prevent breakage and compatible with the content of the lamps. These containers or packages must remain closed with no evidence of leakage, spillage or damage.

11b. During the inspections, the inspectors documented several open containers of broken lamps. In addition, the inspectors documented broken lamps that had spilled from containers onto the adjacent ground.

12a. R315-16-2.4(d)(2) and R315-16-3.4(d)(2) of the Code require both Small Quantity and Large Quantity Universal Waste Handlers to immediately clean up and place in a container any lamp that is broken or that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment.

12b. During the inspections, the inspectors documented several areas where broken lamps had not been cleaned up after breaking and spilling to the ground. In addition, broken lamps had been placed into containers that did not have a lid and were not closed.

13a. R315-16-2.5(e) and R315-16-3.5(e) of the Code require both Small Quantity and Large Quantity Universal Waste Handlers to store lamps in containers or packages that are labeled or marked clearly with the words, "Universal Waste – Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."

13b. During the inspections, the inspectors documented several containers of lamps that were not labeled as required.

14a. R315-312-1 of the Code applies to any facility engaged in recycling or utilization of solid waste on the land and states that any recycling or composting facility shall meet the requirements of Section R315-302-2 of the Code.

R315-302-2 (1)(c) of the Code requires a plan of operation that demonstrates compliance with the applicable standards of Section R315-302-2 and Rule R315-312 of the Code. The plan of operation must be approved by the Director prior to the beginning of operations and prior to the facility accepting waste or recyclable material.

14b. During the inspections, the inspectors documented piles of various wastes and recyclable materials stored on the ground. Stone Castle does not have an approved plan of operation for storage or recycling or composting solid waste on the land as required.

DETERMINATION OF VIOLATIONS

Based on the foregoing FINDINGS, Stone Castle has violated provisions of the Code and the Act applicable to its facility. Specifically, Stone Castle has violated the following:

1. R315-2-4(a)(22) and R315-2-27 of the Code by storing used, broken CRTs destined for recycling in containers that were not properly closed or labeled and that did not minimize releases.

2. R315-5-1.11 of the Code by failing to obtain a representative sample of its waste.

3. R315-13-1 of the Code by failing to determine if its hazardous waste met the Land Disposal Restriction treatment standards prior to disposal.

4. R315-5-1.12(a) of the Code by shipping hazardous waste for disposal without first obtaining an EPA Identification Number from the Director.

5. R315-7-11.2(a) of the Code by not having a Contingency Plan for the facility.

6. R315-16-2.4(d)(1) and R315-16-3.4(d)(1) of the Code by failing to manage universal waste lamps in closed containers and by failing to prevent breakage, spillage and releases to the environment.

7. R315-16-2.4(d)(2) and R315-16-3.4(d)(2) of the Code by failing to manage broken lamps in closed containers and by not immediately cleaning up broken lamps that had spilled onto the ground.

8. R315-16-2.5(e) and R315-16-3.5(e) of the Code by failing to manage lamps in appropriately labeled containers.

9. R315-312-2(1) and R315-302-2(1)(c) of the Code by failing to obtain an approved Plan of Operation from the Director prior to accepting and storing recyclable material outside on the land.

ORDER

Based on the foregoing FINDINGS and VIOLATIONS, Stone Castle is hereby ordered to:

1. Submit to this office on or before November 25, 2013 written notice of Stone Castle's intent to comply with this ORDER and a written description of how compliance will be achieved. Stone Castle's response to this order will not constitute a contest to this NOV/CO as provided in the section of this NOV/CO entitled, "Opportunity for Hearing."

2. Immediately transfer all used, broken CRTs at the Clearfield facility to a building with a roof, floor, and walls, or to appropriately labeled containers that are constructed, filled, and closed to minimize releases to the environment.

3. Immediately ship all solid wastes stored outside the Clearfield facility to an approved solid waste management facility or transfer all such waste indoors to appropriate, closed and labeled containers.

4. Submit to this office on or before November 25, 2013 the quantity of CRT glass stored at the Clearfield facility on December 31, 2012.

5. Submit to this office on or before November 25, 2013 written documentation that Stone Castle is in compliance with the requirements applicable to a Large Quantity Generator of hazardous waste as specified in R315-15-7 of the Code.

6. Submit to this office for approval by the Director, on or before December 31, 2013, a Plan of Operation for storing, recycling or composting any solid waste at the Clearfield facility.

7. Submit to this office on or before January 15, 2014 the quantity of CRT glass stored at the Clearfield facility on December 31, 2013.

OPPORTUNITY FOR HEARING

This NOTICE OF VIOLATION AND COMPLIANCE ORDER is effective immediately and shall become final unless Stone Castle administratively contests it. Failure to contest this NOTICE OF VIOLATION AND COMPLIANCE ORDER in the manner and within the time period prescribed by R305-7-303 constitutes a waiver of any right of administrative contest, reconsideration, review, or judicial appeal.

Utah Code Ann. 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 25th day of October, 2013

By: _____
Scott T. Anderson, Director
Division of Solid and Hazardous Waste

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 28 day of October, 2013 by US Certified Mail, Return receipt Requested, to:**

Anthony Stoddard, CEO
Stone Castle, LLC
2532 West 700 South
Syracuse, Utah 84075

Arlene Lorato
[Type name of person certifying the date the NOV is mailed]