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In the Matter of:	:	NOTICE OF VIOLATION
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Tooele Army Depot North (TEAD-N)	:	No. 1708015
UT3213820894	:	

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

FINDINGS

1. The Tooele Army Depot North facility (TEAD-N) is owned and operated by the U.S. Army and is located in Tooele County, Utah, approximately two miles south of the city of Tooele. The mission of TEAD-N is conventional ammunition storage, maintenance and demilitarization.
2. TEAD-N is a “person” as defined in Utah Code Ann. § 19-1-103(4) and is subject to all applicable provisions of the Act, the Utah Administrative Code (Rules) and the Permit issued to TEAD-N as owner and operator of the TEAD-N facility.
3. TEAD-N includes operations and facilities for the storage and treatment of hazardous waste. These include the Hazardous Waste Storage Units, the Open Burn/Open Detonation (OB/OD) Munitions Treatment Unit, the Deactivation Furnace, the Hydrolysis System and two Pull-Apart Operations. TEAD-N operates these units under the provisions of the State-issued Hazardous Waste Part B Permit issued to TEAD on March 22, 1993, as modified (the Permit) on file with the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control (the Division). The Permit was most recently renewed and reissued, effective February 2, 2017.
4. Authorized representatives of the Director (inspectors) conducted a hazardous waste inspection at TEAD-N on May 22-25, 2017 (the FY2017 inspection). In addition, the facility self-reported non-compliance issues at the facility.
5. Condition II.F.1 of the Permit requires that TEAD-N conduct inspections according to the schedule in Attachment 4 of the Permit. Section 4.1 of Attachment 4 specifies that weekly inspections be conducted at the small caliber disassembly line (Building 1325) when the facility is in use. During the FY2017 inspection, the inspectors documented the following:
 - a. There was no weekly inspection log for the week of October 3, 2016, for Building 1325. The operating record showed that it was operated that week.
6. Condition II.G.1 of the Permit requires that new personnel working with or around hazardous waste complete the required personnel training within six months after their hire date, assignment to the facility, or assignment to a new position at the facility. During the FY2017 inspection, the inspectors documented the following:

- a. Renea Baker's initial completion of the hazardous waste training was completed more than six months after her promotion to her current position, which requires the hazardous waste training (17 months).
 - b. Dustin Miles' initial completion of the hazardous waste training was completed more than six months after starting in his current position, which requires the hazardous waste training (59 months).
7. Condition II.L.1 of the Permit specifies that TEAD-N follow R315-262 Appendix of the Rules for the movement of each waste load off site. The Appendix to R315-262 requires that persons use the hazardous waste manifest when transporting shipments of hazardous wastes off site.
- a. On October 27, 2016, TEAD-N notified the Division that on October 20, 2016, it had shipped 66,435 pounds of hazardous waste propellant to UTTR without a hazardous waste manifest.
8. Condition II.M.1 of the Permit specifies that TEAD-N maintain an accurate operating record in accordance with R350-264-73. R315-264-73(b)(2) requires that TEAD-N record the location of each hazardous waste within the facility and the quantity at each location. R315-264-73(b)(1) requires that TEAD-N record the quantity of hazardous wastes treated at the facility. During the FY2017 inspection, the inspectors documented that there were many discrepancies between the quantities listed in the operating record and those listed on the pallets of ammo boxes in permitted storage and between the quantities listed in the operating record and those listed in the daily operating logs for the small caliber disassembly line. Specifically:
- a. For container A1325C1700901, the operating record listed 2,112 pounds, the hazardous waste label listed 2,400 pounds and the Army label listed 2,400 pounds.
 - b. For container A1325C1704002, the operating record listed 2,400 pounds, the hazardous waste label listed 2,400 pounds, and the Army label listed 1,940 pounds.
 - c. For container A1325C1704601, the operating record listed 145 pounds, the hazardous waste label listed 200 pounds, and the Army label listed 200 pounds.
 - d. For container A1325C1700902, the operating record listed 41 pounds, the hazardous waste label listed 50 pounds, and the Army label listed 100 pounds.
 - e. The *Daily Log Record* showed that 19,200 items were treated at the small caliber disassembly line on October 13, 2016. The operating record indicated two line items; one for 19,200 and the other for 2,000 items.
 - f. The *Daily Log Record* showed that 14,400 items were treated at the small caliber disassembly line on October 20, 2016. The operating record indicated that the number of items processed was 13,664.
 - g. The *Daily Log Record* showed that 14,800 items were treated at the small caliber disassembly line on October 21, 2016. The operating record did not have an entry for that date.

- h. The *Daily Log Record* showed that 13,600 items were treated at the small caliber disassembly line on October 24, 2016. The operating record did not have an entry for that date.
 - i. The *Daily Log Record* showed that 17,600 items were treated at the small caliber disassembly line on October 25, 2016. The operating record did not have an entry for that date.
 - j. The *Daily Log Record* showed that 14,000 items were treated at the small caliber disassembly line on October 31, 2016. The operating record indicated that 12,000 items were processed that day.
9. Condition IV.E.10 of the Permit specifies that TEAD-N comply with R315-266-100, which incorporates 40 CFR 266 Appendix IX, Section 2.1 by reference. Section 2.1.10.1 of Appendix IX to 40 CFR 266 specifies that a daily calibration drift check be performed for each of the continuous emissions monitors and that the calibration be adjusted if it exceeds the specification established in section 2.1.4.5. During the FY2017 inspection, the inspectors documented the following:
- a. There was no record of a drift check or any results on the *CEMS Daily Calibration Drift Test Logs* on January 27, 2017.
 - b. The zero O₂, the low CO monitor low range and the high CO monitor low range drift exceeded the specifications on October 17, 2016. There was no documentation of a subsequent check to show that they passed after calibration.
 - c. The low CO monitor low range drift exceeded the specification on November 1, 2016. There was no documentation of a subsequent check to show that it passed after calibration.
 - d. The high CO monitor low range drift exceeded the specification on November 15, 2016. There was no documentation of a subsequent check to show that it passed after calibration.
 - e. The zero O₂ drift exceeded the specification on November 28, 2016. A subsequent check was documented that day, but it also failed. There was no documentation of another check after that to show that it passed after calibration.
 - f. The zero O₂ drift exceeded the specification on December 13, 2016. There was no documentation of a subsequent check after that to show that it passed after calibration.
 - g. The high range O₂ drift exceeded the specification on January 5, 2017. There was no documentation of a subsequent check after that to show that it passed after calibration.
 - h. The high range O₂ drift exceeded the specification on January 11, 2017. There was no documentation of a subsequent check after that to show that it passed after calibration.
 - i. The low CO monitor low range drift exceeded the specification on January 31, 2017. There was no documentation of a subsequent check to show that it passed after calibration.
 - j. The zero CO and the low CO monitor low range drift exceeded the specifications on February 13, 2017. A subsequent check was documented that day. The low CO monitor low

range drift passed but the zero CO drift still failed. There was no documentation of a subsequent check to show that it passed after calibration.

- k. The zero CO and the low CO monitor low range drift exceeded the specifications on March 6, 2017. There was no documentation of a subsequent check to show that it passed after calibration.
 - l. The zero CO and the low CO monitor low range drift exceeded the specifications on March 7, 2017. There was no documentation of a subsequent check to show that it passed after calibration.
 - m. The zero CO, the low CO monitor low range, and the high CO monitor low range drift exceeded the specifications on April 10, 2017. There was no documentation of a subsequent check to show that it passed after calibration.
 - n. The zero CO and the low CO monitor low range drift exceeded the specifications on April 17, 2017. There was no documentation of a subsequent check to show that it passed after calibration.
10. Condition VI.A.2 of the Permit allows TEAD-N to treat hazardous waste, by open burning, at the OB/OD area at the facility. Open burning operations are not permitted at any other areas of the facility, including the AED test site, unless it is conducted under a treatability study outlined in R315-261-4(f) or an emergency permit outlined in R315-270-61.
- a. On December 22, 2016, TEAD-N notified the Division that in September, 2016, it had destroyed by open burning, 4,730 pounds of explosives at the AED test site without a valid treatability study or emergency permit.

DETERMINATION OF VIOLATIONS

Based on the foregoing FINDINGS, TEAD-N has violated provisions of the Rules, the Act, and the Permit applicable to its facility. Specifically, TEAD-N has violated the following:

- 1. Condition II.F.1 of the Permit by failing to conduct weekly inspections at the small caliber disassembly line (Building 1325) when the facility is in use.
- 2. Condition II.G.1 of the Permit by failing to train new personnel working with or around hazardous waste within six months after their assignment to a new position at the facility.
- 3. Condition II.L.1 of the Permit by failing to use the hazardous waste manifest when transporting shipments of hazardous wastes off site.
- 4. Condition II.M.1 of the Permit by failing to maintain an accurate operating record that records the quantity of hazardous waste at each location and the quantity of hazardous wastes treated at the facility.
- 5. Condition IV.E.10 of the Permit by failing to conduct daily calibration drift checks for each of the continuous emissions monitors; and by failing to document that the calibration meets the specification after adjustment.

6. Condition VI.A.2 of the Permit by open burning hazardous wastes at the AED test site without a valid treatability study or emergency permit.


OPPORTUNITY FOR HEARING

This NOTICE OF VIOLATION is effective immediately and shall become final unless TEAD-N administratively contests it. Failure to contest this NOTICE OF VIOLATION 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 Ann. 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 11th day of October, 2017

By: _____


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