



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Interim Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Ty L. Howard
Director

November 18, 2019

Nick Montgomery
Tooele Army Depot
JMTE-BON, Bldg. 501
1 Tooele Army Depot
Tooele, UT 84074-5003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7003 2260 0003 2353 4732

RE: Notice of Violation No. 1911117
UT5210090002

Dear Mr. Montgomery:

Enclosed is a **NOTICE OF VIOLATION (NOV)** Number **1911117**, based on findings documented by Division of Waste Management and Radiation Control inspectors during an annual compliance evaluation inspection conducted at the Tooele Army Depot South Area (TEAD-S) on August 6-7, 2019.

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

If you have any questions, please call Rick Page at (801) 536-0230.

Sincerely,

Ty L. Howard, Director
Division of Waste Management and Radiation Control

(Over)

TLH/RAP/ar

Enclosure: Notice of Violation No. 1911117

c: Jeff Coombs, EHS, Health Officer, Tooele County Health Department
Bryan Slade, Environmental Health Director, Tooele County Health Department
Annette Maxwell, U.S. EPA, Region VIII (ENF-R)

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In the Matter of: : **NOTICE OF VIOLATION**
Tooele Army Depot South Area (TEAD-S) : **No. 1911117**
UT5210090002 :

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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 §19-6-101, *et seq.* The Director has authority to issue such NOTICES in accordance with Utah Code §19-6-112.

FINDINGS

1. The Tooele Army Depot South facility (TEAD-S), formerly the Deseret Chemical Depot (DCD), is a US Army facility located in Rush Valley, Tooele County, Utah.
2. TEAD-S is a "person" as defined in Utah Code §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-S as owner and operator of the TEAD-S facility.
3. TEAD-S includes operations and facilities for the storage and treatment of hazardous waste. These include igloos for the storage of hazardous waste munitions and the treatment of military munitions by open detonation. TEAD-S operates these units under the provisions of the State-issued Hazardous Waste Part B Permit (the Permit) most recently reissued to TEAD-S on August 18, 2015, as modified, on file with the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control (the Division). TEAD-S received authorization to begin open detonation operations again on October 9, 2018. They had discontinued open detonation operations for several years while they were destroying the chemical agent stockpile.
4. Authorized representatives of the Director (inspectors) conducted a hazardous waste inspection at TEAD-S on August 6-7, 2019 (the FY2019 inspection). In addition, the facility self-reported non-compliance issues at the facility as outlined below.
5. Condition VII.B.5 of the Permit specifies that, in order to mitigate one-hour acute emissions exceedances, TEAD-S shall enter the amount of each category type into the Munitions Mix Evaluator spreadsheet during the planning for each detonation.

On August 27, 2019, TEAD-S notified the Director (DSHW-2019-010176) that they had failed to complete the Munitions Mix Evaluator spreadsheet for multiple days of operation at the Open Detonation range.

6. Condition VII.B.5 of the Permit specifies that the Munitions Mix Evaluator spreadsheet calculate the total emissions, for chemicals of concern, and compare the emissions to the allowable one-hour threshold specified in the Open Detonation Risk Management Plan. Section 3.2.2 of the Open Detonation Risk Management Plan specifies a maximum nickel limit of 0.56 pounds.

TEAD-S notified the Director that when the spreadsheets were completed for the missing days, it was discovered that there were one-hour nickel exceedances for 17 of the missed operational days.

DETERMINATION OF VIOLATIONS

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

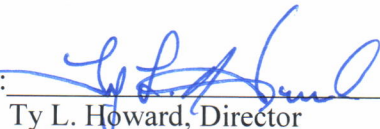
1. Condition VII.B.5 of the Permit by failing to complete the Munitions Mix Evaluator spreadsheet for multiple days of operation at the Open Detonation range; and by exceeding the one-hour nickel limit on 17 of those days.

OPPORTUNITY FOR HEARING

This NOTICE OF VIOLATION is effective immediately and shall become final unless TEAD-S administratively contests it. Failure to contest this NOTICE OF VIOLATION 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 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 18th day of November, 2019

By: 

Ty L. Howard, Director
Division of Waste Management and Radiation Control