



State of Utah

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Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Douglas J. Hansen
Director

September 1, 2022

Kristyl Bentley
Environmental Management Division
Tooele Army Depot -South
JMTE-BON, Bldg. 501
1 Tooele Army Depot
Tooele, UT 84074-5003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7019 2970 0000 5340 3095

RE: Notice of Violation and Compliance Order (NOV/CO) No. 2208088
UT 521 009 0002

Dear Ms. Bentley:

Enclosed is a **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO)** Number **2208088**, based on findings documented by Division of Waste Management and Radiation Control inspectors during the 2022 annual compliance inspection conducted on May 31, 2022. Please be advised that compliance with and a response to the ORDER are mandatory and will not relieve Tooele Army Depot-South of liability for past violations.

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

Please submit responses to this NOV/CO, service of a request for agency action, pursuant to Utah Administrative Code R305-007, or any additional information to:

Douglas J. Hansen, Director
Division of Waste Management and Radiation Control
PO Box 144880
Salt Lake City, UT 84114-4880

Alternatively, documents may be submitted electronically at dwmrcsubmit@utah.gov. Please note, do not submit any documents or information via email that is confidential, proprietary, or for which you are claiming business confidentiality under Utah Code § 63G-2-304. To ensure records are protected, all such documents and information **MUST** be submitted using the mailing address below.

(Over)

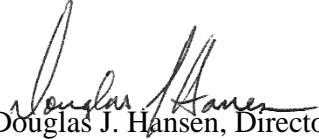
DSHW-2022-022327

195 North 1950 West • Salt Lake City, UT
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If you have any questions, please call Adam Wingate at (801) 536-0212.

Sincerely,



Douglas J. Hansen, Director

Division of Waste Management and Radiation Control

DJH/AJW/kd

Enclosure: Notice of Violation and Compliance Order No. 2208088

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)
Gabrielle Marinick, Division of Waste Management and Radiation Control, UDEQ
Kimberly D. Shelley, Executive Director, UDEQ

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In the Matter of:	:	NOTICE OF VIOLATION/
	:	COMPLIANCE ORDER
Tooele Army Depot South Area	:	No. 2208088
UT 521 009 0002	:	

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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 (Director) 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 Area (TEAD-S) is a U.S. Army Facility located in Rush Valley, Tooele County, Utah. The Army operates TEAD-S under the provisions of a hazardous waste permit.
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.
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. TEAD-S had previously 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 May 31, 2022 (the FY2022 inspection). The inspectors documented the following findings:
5. Section 7.0 (Inspection Logs and Forms) of Attachment 2 (Inspection Plan) to the Permit contains the forms that TEAD-S must use and complete when filling out required inspections. Inspectors noted that several inspection forms were filled out incorrectly.
 - 5.01 On July 15, 2021, the date, time, and method were not recorded on the Open Detonation Visual Observation.
 - 5.02 On April 6, 2022, the post inspection time was not recorded on the Open Detonation Inspection.
 - 5.03 On April 28, 2022, the Open Detonation Inspection indicates that no visual observation was conducted, but a visual observation record was included in the inspection report.
 - 5.04 On May 18, 2022, the Open Detonation Inspection indicates that no visual observation was conducted, but a visual observation record was included in the inspection report.

6. Section 3.0 (Program Administration) of Attachment 3 (Training Plan) to the Permit specifies Hazardous Waste Training for new personnel shall be initiated when they start work at the Facility and shall be completed within six months. Personnel shall not be allowed to work unsupervised until training is completed. During the inspection, the inspectors noted the following.
 - 6.01 On July 15, 2021, S. Andrus-Henry completed an open detonation inspection without having received Hazardous Waste training.
 - 6.02 On April 18, 2022, C. Hill completed an open detonation pre-inspection without having received Hazardous Waste training.
 - 6.03 On April 19, 2022, T. Ahlstrom completed an open detonation pre-inspection without having received Hazardous Waste training.

DETERMINATION OF VIOLATIONS

In accordance with Utah Code § 19-6-101, *et seq.*, and 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. Section 7.0 of Attachment 2 to the Permit by failing to properly complete the required inspection forms. (*See Finding 5*).
2. Section 3.0 of Attachment 3 to the Permit by allowing personnel to complete tasks related to the treatment of hazardous waste without receiving required training. (*See Finding 6*).

ORDER

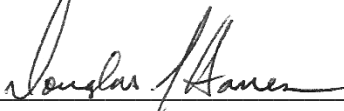
1. Correction of the violations is mandatory. Within 30 days of the date of issuance of this NOV/CO, TEAD-S is hereby ORDERED to provide the Director with the following information and analyses for each violation above:
 - a. The root cause of the violation.
 - b. The specific corrective action taken, the results achieved, and the date the violation was resolved to return to compliance; or
 - c. the specific correction that will be taken and achieved, and the justification for a specific timeframe for the action to be completed.
 - d. How these corrective actions will prevent similar violations from recurring.

OPPORTUNITY FOR HEARING

This **NOTICE OF VIOLATION AND COMPLIANCE ORDER** is effective immediately and shall become final unless TEAD-S administratively contests it. Failure to contest this **NOTICE OF VIOLATION AND COMPLIANCE ORDER** 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 1st day of September, 2022

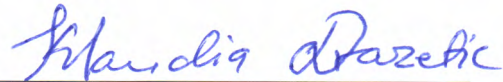
By: 
Douglas J. Hansen, Director
Division of Waste Management and Radiation Control

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed a true and correct copy of the foregoing NOTICE OF VIOLATION on the 1st day of September, 2022 by US Certified Mail, Return receipt Requested, to:

Kristyl Bentley
Environmental Management Division
Tooele Army Depot -South
JMTE-BON, Bldg. 501
1 Tooele Army Depot
Tooele, UT 84074-5003

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