



## Compliance History for Clean Harbors Clive

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**ACTION:** *Warning Letter #2310119 Issued November 9, 2023*

CEI conducted July 17, 2023.

**ISSUES:**

1. Open containers in Unit 33.
2. Leaking container in Building 106.
3. Missing information in sampling logbooks.
4. Employees missing required training.
5. Waste manifested improperly.

**RESOLUTION:**

The issues were satisfactorily resolved by Clive on the day of the inspection and in their response on December 11, 2023. The Division issued a closeout letter on January 3, 2024.

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**ACTION:** *Compliance Evaluation Inspection (CEI) Closeout Letter issued July 16, 2021.*

CEI conducted May 24, 2021.

**ISSUES:**

None.

**RESOLUTION:**

No further action.

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**ACTION:** *Compliance Evaluation Inspection (CEI) Closeout Letter issued September 8, 2020.*

CEI conducted June 22, 2020.

**ISSUES:**

None.

**RESOLUTION:**

No further action.

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### Clean Harbors Clive, LLC

UTD982595795

**Permitting Contact**

Kari Lundeen  
Environmental Scientist  
Hazardous Waste Section  
Division of Waste Management and  
Radiation Control  
(801) 536-0200

Email: [klundeen@utah.gov](mailto:klundeen@utah.gov)

*Clean Harbors Clive previous  
ownership:*

*Northeast Casualty Real Property, LLC  
2002 - 2010*

*Safety-Kleen (Clive), Inc. 1998 - 2002*

*Laidlaw Environmental Services (Clive),  
Inc. 1995 - 1998*

*USPCI (Clive) - 1991 - 1995*

*RCRA Part B Permit  
issue/renewal dates:*

*September 22, 2017 (Clean Harbors  
Clive, LLC)*

*September 30, 2005 (Northeast Casualty  
Real Property, LLC)*

*November 1, 1991 (as USPCI)*

**Compliance History updated  
April 2024**

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**ACTION: Warning Letter #1810086 issued October 22, 2018.**

CEI conducted June 20 -22, 2018.

**ISSUES:**

1. Inaccurate container inventory on Unit 106.
2. Inaccurate Personnel Training Plan.
3. Improper management of used oil in the Maintenance Building.
4. Inaccurate manifest for a waste shipped off-site by Clive.

**RESOLUTION:**

The issues were satisfactorily resolved by Clive's response on November 26, 2018. The Division issued a closeout letter on February 20, 2019.

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**ACTION: CEI Closeout Letter issued December 21, 2016.**

CEI conducted September 27-28, 2016.

**ISSUES:**

None.

**RESOLUTION:**

No further action.

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**ACTION: Notice of Violation #1502005 issued March 10, 2015.**

CEI conducted August 27 - 28, 2014.

**ISSUES:**

1. Failing to have two internal combustion engine-powered pumps for the emergency fire water system.
2. Failing to apply unique identifiers to the bulk containers in storage.
3. Failing to record sample collection location on the sample container.
4. Failing to document the volume of the sample, the time the sample was collected, and the disposition of the waste in the operating record.
5. Failing to provide an updated copy of the Contingency Plan to Tooele County's Department of Emergency Management and Department of Engineering following modification of the Plan.

**RESOLUTION:**

The Facility signed Stipulation and Consent Order (SCO) #1504006 on September 28, 2015, corrected the deficiencies, and paid a \$14,875 penalty.

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**ACTION: Notice of Violation #1212015 issued February 22, 2013.**

CEI conducted August 22 - 23 and September 19, 2012.

**ISSUES:**

1. Failing to have signs on the security fence at the proper intervals.
  2. Failing to transfer the contents of hazardous waste from a container that was leaking to a container in good condition.
  3. Failing to have at least one safety shower and eyewash station in or near each waste management area.
  4. Failing to maintain the concrete sealant free of cracks, chips, and spalling.
  5. Failing to store waste in containers, failing to store waste generated in closed containers, and failing to have the words "hazardous waste" on containers storing waste.
  6. Failing to remove all liquid from the sumps.
  7. Failing to maintain the minimum aisle space.
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8. Failing to conduct quarterly inspections.
9. Failing to log a drum into the operating record and failing to provide a history of the movement of the container at the facility.
10. Failing to incorporate incident reports into the operating record.

**RESOLUTION:**

The Facility signed SCO #1304005 on January 15, 2014, corrected the deficiencies, and paid a \$24,242 penalty.

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**ACTION: *Warning Letter #1011016 issued 2010.***

CEI conducted August 16 - 17, 2010. CEIs are conducted at Clive every other year (beginning in 2010).

**ISSUES:**

1. Failing to maintain legible signs stating “Danger – Unauthorized Personnel Keep Out.”
2. Failing to note the location of the sampling point, the volume of the sample taken, the person collecting the sample, and the sampling methodology during sample collection.
3. Failure to maintain documentation of a work order, a repair schedule, and the required notification to the Division in the Operating Record.
4. Failure to submit a schedule for repairs to the Division for a damaged concrete berm and damaged concrete coating.
5. Attachment 4, Section 2.3 of the Permit refers to a “Training Coordinator.” The position no longer exists at the Clive Facility.
6. Attachment 5, Sections 1.1.1 and 4.0 of the Permit refer to the use of two-way radios as a means of internal communication at the facility. Two-way radios are no longer used. Instead, cell phones are used in their place.
7. The list of Emergency Coordinators was outdated and required revision.
8. Section 2.5 of Attachment 5 of the Permit indicates that Self-Contained Breathing Apparatuses (SCBAs) are available at the facility. The employees questioned did not know the location of or the condition of the SCBAs.

**RESOLUTION:**

The issues were satisfactorily resolved by Clive’s response on January 7, 2011. Permit modifications were completed for items 6 through 8. For item 8, the employees did not know the location of the SCBAs because they had been moved to a new location. The permit was updated and formally modified to document the new location and the employees were trained on the new plan. No further action was taken.

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**ACTION: *Warning Letter #812045 issued February 23, 2009.***

Inspection interval October 1, 2007, through September 30, 2008.

*Note:* Prior to 2010, inspections were conducted throughout a year-long interval and a summary of the issues was prepared at the end, with enforcement if necessary.

**ISSUES:**

1. Failing to sign manifests of waste that arrived at the Clive Facility.
2. Failing to have the transporter sign manifests for loads of waste sent to the Aragonite Facility.
3. Failing to have land disposal restriction notifications for wastes received.
4. Failing to transfer the contents of hazardous waste from a container that is leaking to a container in good condition.
5. Failing to ship waste in transport offsite within ten days.

**RESOLUTION:**

The issues were satisfactorily resolved by Clive’s response on March 23, 2009. No further action was taken.

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**ACTION: Notice of Violation #712034 issued January 29, 2008.**

Inspection interval October 1, 2006, through September 30, 2007.

**ISSUES:**

1. Failing to conduct inspections when the facility is staffed.
2. Failing to submit a manifest discrepancy report.
3. Failing to assign a unique identifying number to containers of waste in storage and failing to track the movement of waste at the facility by use of the unique identifying number.
4. Failing to transfer the contents of hazardous waste from a container that is leaking to a container in good condition.
5. Failing to take immediate appropriate action to clean up spilled material (waste).
6. Modifying a permitted container storage area without Executive Secretary approval.

**RESOLUTION:**

The Facility signed SCO #803008 on December 4, 2008, corrected the deficiencies, and paid a \$29,178 penalty.

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**ACTION: Notice of Violation #612047 issued January 19, 2007.**

Inspection interval October 1, 2005, through September 30, 2006.

**ISSUES:**

1. Failing to maintain facility equipment in good repair (Unit 105 rail door).
2. Failing to maintain the concrete coating in the sump of Unit 604.
3. Failing to write the words "hazardous waste" and the dates accumulation began on containers of site-generated waste and failing to keep containers of hazardous waste closed.
4. Failing to assign unique identifying numbers to containers of hazardous waste in storage.
5. Failing to empty secondary containment of liquid and waste.
6. Failing to accurately indicate container locations in the operating record.
7. Failing to transfer the contents of hazardous waste from a container that is leaking to a container in good condition.
8. Failing to remediate a spill of hazardous waste while waste was being transported.
9. Failing to maintain copies of inspection records at the Clive Facility.
10. Accumulation of hazardous waste for longer than 90 days.
11. Failing to conduct inspections when the facility was staffed.

**RESOLUTION:**

The Facility signed SCO #701004 on August 20, 2007, corrected the deficiencies, and paid a \$77,437 penalty.

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**ACTION: Notice of Violation #601005 issued February 15, 2006.**

Inspection interval October 1, 2004, through September 30, 2005.

**ISSUES:**

1. Failing to transfer the contents of hazardous waste from a container that is leaking to a container in good condition.
2. Failing to maintain facility in good condition (Unit 106 truck door).
3. Failing to remove liquid from sump within 24 hours.

**RESOLUTION:**

The Facility signed SCO #603014 on August 23, 2006, corrected the deficiencies, and paid an \$11,716 penalty.

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**ACTION: Notice of Violation #0412041 issued February 11, 2005.**

Inspection interval October 1, 2003, through September 30, 2004.

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**ISSUES:**

1. Storing LDR waste for longer than one year.
2. Failing to unload properly manifested transport vehicles within ten days following arrival at the site.
3. Failing to transfer the contents of hazardous waste from a container that is leaking to a container in good condition.
4. Failing to take immediate appropriate action to minimize the threat to human health and the environment resulting from spills of hazardous waste.
5. Failing to record in the operating record the location of each container stored in the container storage areas.
6. Failing to maintain the equipment required in the Preparedness and Prevention Plan in good operating condition.
7. Failing to follow the inspection schedule.
8. Failing to submit an unmanifested waste report when hazardous waste was received from off-site without an accompanying manifest.

**RESOLUTION:**

The Facility signed SCO #0503009 on September 29, 2005, corrected the deficiencies, and paid a \$34,250 penalty.

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**ACTION: CEI Closeout Letter issued March 4, 2003.**

Inspection interval: October 1, 2001, through September 30, 2002.

**ISSUES:**

None

**RESOLUTION:**

Not further action was taken.

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**ACTION: Warning Letter #0204004 issued May 15, 2002.**

Inspection interval: July 2000 through September 2001.

**ISSUES:**

1. Leaking roll-off boxes were documented during the inspection interval.
2. Container tracking issues were documented. Specifically, lack of unique identifying numbers, inventory inaccuracies, and drums present in a storage unit, but not identified in the operating record.

**RESOLUTION:**

Issues identified were addressed by Clive personnel.

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***ACTION: Notice of Violation and Order for Compliance #004016 issued August 4, 2000.***

CEI conducted August 1, 2000.

***ISSUES:***

1. Failure to obtain additional reinsurance agreements for the surety bond providing financial assurance for closure when the underwriting limitations of Frontier Insurance Company were reduced.
2. Failure to re-establish other financial assurance for closure within the 60-day period after Frontier Insurance Company was no longer considered an acceptable surety.

***RESOLUTION:***

On August 25, 2000, Safety-Kleen entered into a Consent Agreement with EPA which allowed for an extended time frame for replacing the necessary financial assurance for closure. The state of Utah participated in this Consent Agreement.

EPA set an initial deadline of December 15, 2000. EPA then extended the deadline several more times:

- February 28, 2001
- April 30, 2001
- September 30, 2001
- October 18, 2001 (due to the events of September 11, 2001)
- November 30, 2001

Safety-Kleen submitted compliant financial assurance and the issue resolved as of January 14, 2002.

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***ACTION: Warning Letter #9908024 issued September 8, 1999.***

Inspection interval: July 1998 through June 1999.

***ISSUES:***

1. Failure to transfer hazardous waste from a container in poor condition to a container in good condition or transfer the container of hazardous waste itself, to a container in good condition, as soon as possible, but no later than twenty-four (24) hours from the time the problem was first discovered and noted in the inspection log portion of the Operating Record.
2. Failure to maintain emergency equipment in good operating condition in the Container Management Building.

***RESOLUTION:***

The issues were satisfactorily resolved by Clive's response on October 20, 1999. No further action was taken.

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***ACTION: Notice of Violation #9706009 issued August 11, 1997***

Inspection interval: February 1996 through May 1997.

***ISSUES:***

1. Failure to operate the tank farm, container shredder, and incineration system in a way that minimizes the possibility of an explosion, and any sudden or non-sudden release of hazardous waste.
2. Failure to mark containers of waste generated at the facility with the words "hazardous waste," and the date accumulation began. Failure to keep containers of hazardous waste closed.
3. Failure to prohibit the burning of waste code FO19 in the incineration system during the Post-Trial Burn Period.
4. Failure to transfer hazardous waste from leaking containers to containers that were in good condition within 24 hours of identifying the leaks.
5. Failure to prevent migration of surface liquids from waste handling areas to other areas of the facility.
6. Failure to conduct the 168-hour waste feed cutoff test and the associated actual waste feed cutoff demonstration.
7. Failure to record observations and problems noted during inspections and failure to record the nature and date of repairs made to correct deficiencies documented during inspections.
8. Failure to document training provided to employees working on the Greenwood Chemical shipment.
9. Failure to correct deterioration or malfunction according to the permit established time frames.
10. Failure to conduct system audits in the facility laboratory.
11. Failure to accurately record the location of waste in storage at the facility.
12. Failure to prohibit stacking containers on top of double-stacked 55-gallon drums.
13. Placing loads of containerized waste into storage bays prior to completing the incoming load procedures, and without entering the containers into the inventory record.
14. Failure to store small containers in a van trailer in Unit 106.
15. Failure to maintain minimum aisle space in Unit 106.
16. Storing waste outside of a permitted unit.
17. Failure to correctly calculate the hourly rolling average feed rate of antimony, barium, lead, mercury, nickel, selenium, silver, and thallium to the incinerator.
18. Exceeding maximum metal feed rates to the incinerator.

***RESOLUTION:***

The Facility signed SCO #9804001 on October 21, 1998, corrected the deficiencies, and paid a \$78,856 penalty. In addition, Clive made a \$25,000 donation to the Western States Hazardous Waste Project.

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***ACTION: Notice of Violation #9411063 issued December 21, 1994***

Inspection interval: March 1, 1994, through September 30, 1994.

***ISSUES:***

1. Failure to collect four samples from each roll-off for compositing from an incoming hazardous waste shipment; failure to insert the sampling device through the full height of the waste.
2. Failure to bar code containers in the Container Management Building.
3. Automatic restoration of waste feed following an automatic waste feed cut-off.
4. Failure to decant liquids present in a waste prior to being stored on the Temporary Storage Area.
5. Failure to perform the paint filter test on wastes prior to placement on the Temporary Storage Area.
6. Failure to implement inspections in the Container Management Building.
7. Failure to review the Quality Assurance and Quality Control data associated with analytical data generated by off-site laboratories, as part of the waste acceptance process.
8. Failure to analyze spike samples, replicate samples, and method blanks as part of the internal quality control procedures associated with an off-site laboratory.
9. Failure to perform instrument calibration checks to ensure consistent instrument operation from day to day.
10. Failure to use the appropriate analytical method for pH on a solid hazardous waste pre-acceptance sample.
11. Failure to obtain a representative sample of a site-generated waste stream for laboratory analysis.
12. Failure to immediately amend the Contingency Plan following a change in the list of emergency coordinators.
13. Failure to update the operating record to reflect the new storage location of hazardous waste in the tank farm on a real-time basis.
14. Failure to comply with the manifesting requirements when shipping site-generated hazardous waste off-site.
15. Storing hazardous waste in the rail transfer area adjacent to Unit 255 for more than ten days.
16. Failure to incorporate into the operating record, storage codes identified in Appendix I of 40 CFR 264.
17. Failure to submit reports and other information signed by a person who is authorized, in writing, to sign such documents.
18. Failure to submit reports and other information to the Executive Secretary, certified in accordance with R450-3-3.

***RESOLUTION:***

The Facility signed SCO #9402006 on August 31, 1995, corrected the deficiencies, and paid a penalty of \$99,000. In addition, the Facility made a \$50,000 donation to the Western States Hazardous Waste Project.

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***ACTION: Warning Letter #9402006 issued May 25, 1994***

Inspection interval: January 1993 - February 1994

***ISSUES:***

1. Failure to prepare a manifest for hazardous waste shipped off-site.
2. Failure to make a waste determination.
3. Insufficient aisle space such that accumulation start dates on containers were not visible and inspections were not possible.
4. Closure cost estimate did not contain the Irrevocable Letter of Credit Amendment.
5. Failure to label or mark each container accumulating hazardous waste with the words "hazardous waste."
6. Failure to clearly mark each container with the date accumulation began.
7. Failure to keep containers holding hazardous waste closed.
8. Trial Burn Plan permit modification lacked certification statement

***RESOLUTION:***

The issues were satisfactorily resolved by Clive's response on June 14, 1994. No further action was taken.

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***ACTION: Notice of Violation #9212021 issued July 22, 1992***

***ISSUES:***

1. Failure to label or mark each container accumulating hazardous waste with the words "hazardous waste"
2. Failure to clearly mark each container with the date accumulation began
3. Failure to keep containers holding hazardous waste closed
4. Failure to clean up all spilled material and residue resulting from a spill

***RESOLUTION:***

On May 18, 1993, the Facility signed an SCO and paid a penalty of \$28,798.

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