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In the Matter of: : PROPOSED STIPULATION AND
: CONSENT ORDER
EnergySolutions, LLC : No. 2105037
Notice of Violation :
No. 2007067 :
UTD982598898 :

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This **STIPULATION AND CONSENT ORDER** (CONSENT ORDER) is issued by the DIRECTOR OF THE UTAH 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.*

JURISDICTION

The Director has jurisdiction over the subject matter of this CONSENT ORDER pursuant to Utah Code §§ 19-6-107 and 19-6-112 and jurisdiction over the Clive Mixed Waste Facility owned and operated by EnergySolutions, LLC. EnergySolutions, LLC consents to and will not challenge issuance of this CONSENT ORDER or the Director's jurisdiction to enter and enforce this CONSENT ORDER. EnergySolutions, LLC and the Director are the parties to this CONSENT ORDER. The Waste Management and Radiation Control Board has authority to review and approve or disapprove this CONSENT ORDER pursuant to Utah Code § 19-6-104(1)(e).

FINDINGS

1. EnergySolutions, LLC (EnergySolutions) is a Limited Liability Company. EnergySolutions is the owner and operator of the Clive Mixed Waste Facility.
2. The Clive Mixed Waste Facility is a mixed waste treatment, storage and disposal facility located in Tooele County, Utah. EnergySolutions operates the Clive Mixed Waste Facility under the provisions of the State issued Part B Permit ("Permit") originally issued November 30, 1990. The Director renewed and reissued the Permit on April 4, 2003.
3. EnergySolutions is a "person" as defined in Utah Code § 19-1-103(4) and is subject to all applicable provisions of the Utah Administrative Code (the Rules), the Act, and the Permit.
4. On April 27, 2020 and May 1, 2020, EnergySolutions notified the Division of Waste Management and Radiation Control of issues of non-compliance with conditions of the State issued Part B permit.
5. Based on findings documented in the notifications from EnergySolutions on April 27, 2020 and May 1, 2020, the Director issued Notice of Violation No. 2007067 which alleged violations of the Permit.

6. On August 17, 2020, EnergySolutions filed a written response to the NOV.
7. In accordance with the Civil Penalty Policy, Utah Admin. Code R315-102 of the Rules, which considers such factors as the gravity of the violations, the extent of deviation from the rules, the potential for harm to human health and the environment, good faith efforts to comply, economic benefit of non-compliance, and other factors, the Director calculated and proposed a penalty based on the violations alleged in the NOV No. 2007067.

STIPULATION AND CONSENT ORDER

8. This CONSENT ORDER has been negotiated in good faith and the parties now wish to fully resolve Notice of Violation No. 2007067 without further administrative or judicial proceedings.
9. In full settlement of the violations alleged in NOV No. 2007067, EnergySolutions shall pay a penalty of **\$51,181.00** (Fifty-one thousand one hundred eighty-one dollars). Payment shall be made within thirty days of the effective date of this CONSENT ORDER. Payment shall be made to the State of Utah, Department of Environmental Quality, c/o Director, Utah Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880.

EFFECT OF CONSENT ORDER

10. For the purpose of this CONSENT ORDER, the parties agree and stipulate to the above stated facts. The obligations in this CONSENT ORDER apply to and are binding upon the Division of Waste Management and Radiation Control and upon EnergySolutions and any of EnergySolutions' successors, assigns, or other entities or persons otherwise bound by law.
11. The stipulations contained herein are for the purposes of settlement and shall not be considered admissions by any party and shall not be used by any person related or unrelated to this CONSENT ORDER for purposes other than determining the basis of this CONSENT ORDER. Nothing contained herein shall be deemed to constitute a waiver by the State of Utah of its right to initiate enforcement action, including civil penalties, against EnergySolutions in the event of future non-compliance with this CONSENT ORDER, with the Act, with the Rules, or with the Permit; nor shall the State of Utah be precluded in any way from taking appropriate action should such a situation arise again at the Clive Mixed Waste Facility. However, entry into this CONSENT ORDER shall relieve EnergySolutions of all liability for violations which did arise or could have arisen with respect to the allegations contained in NOV No. 2007067.

EFFECTIVE DATE

12. This CONSENT ORDER shall become effective upon the date of execution by the Director.

PUBLIC PARTICIPATION

13. This CONSENT ORDER shall be subject to public notice and comment for a period of at least 30 days ("Comment Period") in accordance with Utah Admin. Code R315-124-34. The Director reserves the right to withdraw or withhold its consent if any comment received during the Comment Period disclose facts or consideration indicating the CONSENT ORDER is inappropriate, improper, or inadequate.

SIGNATORY

14. The undersigned representative of the EnergySolutions certifies he is authorized to enter into this CONSENT ORDER and to execute and legally bind EnergySolutions.

Pursuant to the Utah Solid and Hazardous Waste Act (the Act), Utah Code § 19-6-101, *et seq.*, in the Matter of EnergySolutions Notice of Violation No. 2007067, the parties hereto mutually agree and consent to CONSENT ORDER No. 2105037 as evidenced below:

ENERGYSOLUTIONS, LLC

THE STATE OF UTAH
DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Vern C. Rogers
Director of Regulatory Affairs

Douglas J. Hansen
Director

Date: _____

Date: _____