

COMPLIANCE HISTORY for the  
**Clean Harbors Aragonite, LLC**  
facility  
(formerly Safety-Kleen (Aragonite), Inc.,  
Laidlaw Environmental Services (Aragonite), Inc.,  
and Aptus, Inc.)

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Clean Harbors-Owner

**ACTION:** **WARNING LETTER** issued July 19, 2023  
**ISSUES:** Self-reported failure to refrigerate infection waste within seven days of receipt; self-reported failure to incinerate infections waste within 60 days  
Self-reported failure to unload bulk waste container within 15 days  
Self-reported failure to bring the pH of a tank contents to within 4.5 and 12.5  
Self-reported failure to calibrate a Geiger-Mueller detector before use  
Self-reported failure to empty a sump within 24 hours  
Self-reported storage of transfer waste for longer than 10 days  
Self-reported failure to ship off site-generated waste within 90 days  
Failure to record and monitor data from tag SV3032  
Entering incorrect PCB concentration into waste tracking  
**RESOLUTION:** no further action necessary  
**ACTION:** **NOTICE OF VIOLATION** issued July 19, 2023  
**ISSUES:** Incinerating pyrophoric waste that had been rejected for management  
Storing incompatible wastes on the same pallet  
Improperly processing oxidizers and infectious waste through the shred tower  
Using profiles not specific to the generator  
Using profile that does contain the correct waste codes for the waste  
Failure to correctly assign WAP characterization codes  
Failure to sample 10% of the containers on a single load with the same profile number  
Failure to maintain lab logbooks in accordance with Attachment 1 of the Permit  
Failure to maintain the training program in accordance with Attachment 4 of the Permit  
Failure to conduct instrument calibrations in accordance with Attachment 13 of the Permit  
Failure to list all NDOs in Table 2 Attachment 14 of the Permit  
Failure to hazardous waste from a leaking container into a container in good condition  
Incinerating mercury bearing wastes that are prohibited from incineration  
Failure to send notice to a designated facility that the waste required treatment before land disposal  
**RESOLUTION:** pending

Clean Harbors-Owner

**ACTION:** **NOTICE OF VIOLATION** issued June 24, 2022  
**ISSUES:** Failure to notify the Director within 7 days of a baghouse bypass  
Failure to inform generators that CHA did not have the appropriate permits to accept their waste.  
Accepting and treating pyrophoric waste which the Permit prohibits  
Storing flammable waste in locations other than permitted buildings E6 and E7 for greater than 10 days

Storing incompatible wastes on the same pallet  
 Failure to transfer hazardous waste in a container which is not in good condition or is leaking to an acceptable container  
 Failure to maintain containers in a closed state  
 Failure to store infectious waste at or below 40 degrees Fahrenheit when it was onsite longer than seven days  
 Failure to incinerate infectious waste within 60 days after collection from the generator  
 Failure to bring the pH of a tank contents to within 4.5 and 12.5 within four days of noticing the excursion  
 Failure to assign correct waste profiles to site-generated waste  
 Using improper WAP characterization codes for several containers of APHIS waste  
 Using profiles that did not include the generator's name and address  
 Failure to provide final profile approval documentation  
 Failure to follow procedures for accepting waste in Attachment 1 of the Permit  
 Failure to comply with ASTM D4978-89 Test Method B when conducting the Reactive Sulfide Screen (Dräger) Prime test  
 Failure to perform compatibility testing as described in ASTM method D5058-90 Test Method A prior to waste being comingled  
 Incinerating PCB waste without entering the PCB burn chemistry  
 Failure to maintain lab logbooks in accordance with Attachment 1 of the Permit  
 Failure to have the Laboratory Supervisor report on the performance of measurement systems and data quality  
 Failure to inspect in accordance with Section 5 Attachment 3 of the Permit  
 Failure to maintain the training program in accordance with Attachment 4 of the Permit  
 Failure to ship waste rejected by CHA offsite within 60 days  
 Failure to conduct instrument calibrations in accordance with Attachment 13 of the Permit  
 Failing to maintain the flow of combustion air above 12,000 acfm when the vacuum pump and dilution air fan were operating  
 Failure to store hazardous waste in a container  
 Accumulating waste onsite for over 90 days  
 Failure to keep containers of hazardous waste closed and properly labeled with the words "Hazardous Waste", an indication of the hazards, and the accumulation start date  
 Shipping rejected hazardous waste offsite without a manifest  
 Accumulating hazardous waste for greater than one year  
 Incinerating mercury bearing wastes that are prohibited from incineration; and incinerating metal bearing wastes that are prohibited from incineration

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on February 22, 2024. It includes a penalty of \$90,030.50.

[Clean Harbors-Owner](#)

ACTION: **NOTICE OF VIOLATION** issued March 26, 2021  
 ISSUES: Using improper WAP characterization codes for several containers of APHIS waste  
 Failing to ensure training was completed within six months of the date of hire  
 Failing to sign the manifest to certify that the hazardous waste covered by the manifest was received; failing to submit to the Director a letter describing the discrepancy and attempts to reconcile it within 15 days after receiving the waste; offering for transport a rejected hazardous waste without preparing a manifest, signing the manifest, obtaining the signature of the initial transporter, retaining one copy, and sending the other copies with

- the transporter; and failing to prepare and submit an unmanifested waste report to the Director within 15 days after receiving the waste
- Holding rejected wastes on-site for longer than 60 days; and failing to identify containers that are accepted after initially being rejected on the Drum Reject Report in the waste tracking system
- Storing cyanide bearing waste on the breezeway for longer than ten days
- Stacking containers in an unstable manner
- Failing to store infectious waste at or below 40 degrees Fahrenheit when it was onsite longer than seven days
- Failing to incinerate infectious waste within 60 days after collection from the generator
- Failing to maintain the bulk solids tank systems and ancillary equipment in good repair; failing to prevent spills and overflows from the bulk solids tanks; and failing to empty the secondary containment area under the bulk solids tanks within 24 hours of discovering the contents
- Failing to take corrective action to reduce the oxygen concentration in the hydrocarbon vent system when it exceeded 5%; and failing to document the cause of the high oxygen concentration
- Failing to maintain the flow of combustion air above 12,000 acfm when the vacuum pump and dilution air fan were operating
- Incinerating mercury-containing wastes that are prohibited from incineration; and incinerating lead-containing wastes that are prohibited from incineration

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on February 8, 2022. It includes a penalty of \$42,806.00.

[Clean Harbors-Owner](#)

- ACTION: **NOTICE OF VIOLATION** issued April 8, 2020
- ISSUES:
- Failing to comply with Standard Operating Procedures (SOPs) incorporated by reference as part of the Waste Analysis Plan (WAP)
  - Inaccurately reporting the heat content of waste samples
  - Failing to notify and/or timely notify the Director of vent openings
  - Failing to notify and/or timely notify the Director of baghouse bypasses
  - Failing to comply with the Quality Assurance Plan (QAP) in the WAP
  - Failing to properly categorize wastes and/or document the categorization of wastes according to the WAP
  - Using a profile for a waste stream from one source of generation for a different waste stream from a different source of generation
  - Failing to complete all required incineration analyses; and failing to assign the correct incineration chemistries to containers to be incinerated
  - Failing to submit 72-hour delay-in-repair notices; and failing to conduct an inspection
  - Failing to ensure training was completed within six months of the date of hire; failing to properly document all training; and failing to conduct all necessary training
  - Blocking the access to an emergency shower/eye wash
  - Failing to note discrepancies on manifests; failing to resolve and/or document manifest discrepancy resolutions; and failing to use a manifest for a rejected load shipped off site
  - Failing to report all PCB samples on an “as received” or “wet weight” basis
  - Failing to properly track spent carbon in the waste tracking system
  - Holding rejected wastes on-site for longer than 60 days
  - Failing to place a green barcode or a green acceptance mark on containers that have been accepted and placed into storage

Improperly storing containers of flammable liquids in areas not equipped for such storage  
 Failing to properly segregate incompatible wastes  
 Failing to unload a transport vehicle carrying containers within ten days of being received at the facility  
 Failing to maintain sufficient aisle space in the refrigerated trailer  
 Failing to accurately track wastes; failure to accurately show wastes tracked at the facility in the Division's access to the waste tracking system; and failing to properly resolve containers that were lost  
 Failing to store containers of waste on pallets  
 Failing to maintain the level of waste in the large bulk solids tanks at or below the dividers between the tanks  
 Failing to ensure that a registered professional engineer certify that each sludge tank and bulk solids tank can safely manage hazardous waste  
 Failing to take corrective action to reduce the oxygen concentration in the hydrocarbon vent system when it exceeded 5%; and failing to document the cause of the high oxygen concentration  
 Operating the vacuum pump and dilution air fan when the combustion air flow was less than 12,000 acfm; failing to maintain the allowable natural draft openings (NDOs) in the bulk solids enclosure; and failing to operate the bulk solids enclosure at a negative pressure  
 Exceeding the backup carbon adsorption system carbon bed life  
 Exceeding the maximum allowable feed rate of mercury  
 Failing to determine the incineration parameters for a container of waste prior to incineration; and failing to determine the PCB concentrations of PCB items that were incinerated  
 Failing to properly label a container of hazardous waste in a satellite accumulation area  
 Holding containers of accumulated hazardous waste on-site for longer than 90 days; and failing to maintain containers of hazardous waste closed  
 Incinerating mercury-containing wastes that are prohibited from incineration

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on August 24, 2021. It includes a penalty of \$80,630.00.

Clean Harbors-Owner

ACTION: **NOTICE OF VIOLATION** issued April 17, 2014  
 ISSUES: Recording inaccurate times when the carbon adsorber is in use.  
 Failing to submit reports of emergency vent openings and baghouse bypasses within seven days.  
 Accepting and managing water reactive wastes.  
 Failing to document the waste characterization procedure for each waste.  
 Failing to properly characterize "waste that inhibits analysis."  
 Grouping wastes together that are not of the same waste type for sampling and determination of incineration parameters.  
 Failing to note deficiencies on the inspection logs, failing to generate and reference work orders, failing to conduct some of the daily and weekly inspections, and failing to document some of the inspections.  
 Failing to provide all of the required training.  
 Failing to submit a report of a fire within fifteen days.

Failing to note manifest discrepancies on the manifest, failing to attempt to reconcile a manifest discrepancy, and failing to submit a letter describing the discrepancy and attempts to reconcile it.

Failing to document when the reject determination was made for materials to be rejected, failing to preserve the date the reject determination was made, failing to identify wastes in reject status on the *Drum Reject Report*, storing rejected wastes in Building E-3, failing to update the date of the waste tracking activity code when a rejected waste is shipped off-site, failing to capture wastes that are initially rejected, but later accepted, on the *Drum Reject Report*, and failing to make the determination of acceptance within 60 days of receipt for wastes that are initially rejected and later accepted.

Storing incoming vans of containers in areas other than east of the container storage buildings.

Failing to copy and file the tracking history and other information prior to untracking wastes in the waste tracking system.

Failing to maintain a database of all required equipment, failing to maintain drawings that show the approximate location of each piece of equipment, and failing to mark all of the equipment.

Failing to maintain a history of the movement of each container, failing to track wastes in real time so that their location is known at any time, and failing to notify the Director within 30 days of making changes to the waste tracking system for containers that have been lost.

Storing cyanide-bearing wastes in Building E-2, and storing oxidizers in Building E-6.

Storing compressed gas cylinders in Building E-5 for more than 24 hours.

Placing incompatible waste or materials in the same container, and failing to perform compatibility testing prior to comingling any liquids or sludges.

Failing to unload transport vehicles within ten days of being received.

Failing to stack containers neatly, wrapped, or both, to provide stability.

Failing to automatically shut down the vacuum pump on the robberoller when the LEL of the combined dilution air and vacuum pump vent reaches 60%.

Placing wastes with a pH of greater than 12.5 into tank T-324.

Filling the small sludge storage tank above the compliance limit.

Failing to maintain the tank farm secondary containment systems free of cracks and gaps.

Failing to annually monitor the positive pressure sections of the vent system.

Failing to replace the carbon in the carbon adsorber after 1,066 hours of use.

Failing to seal the crane bay man door during backup operations.

Failing to calibrate monitoring instruments.

Failing to enter the correct DOT information on the manifest for a rejected hazardous waste.

Failing to obtain the signature and date on the manifest from the transporter of a rejected waste, failing to sign as the designated facility on the manifest for the return shipment of rejected waste, and failing to send a copy of the manifest to the facility that returned the rejected waste to the generator within 30 days of delivery.

Failing to submit an Exception Report when it has not received a signed copy of the manifest for rejected waste within 45 days.

Combusting hazardous wastes with waste codes prohibited from combustion.

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on May 30, 2019. It covered violations from the April 17, 2014 NOV, as well as violations documented from inspections in FY2014, FY2015, FY2016, FY2017 and FY2018. It includes a penalty of \$330,000.00.

## Clean Harbors-Owner

**ACTION:**

**NOTICE OF VIOLATION** issued June 17, 2013

**ISSUES:**

Collecting samples that were not representative of the waste being sampled and not obtained in accordance with required sampling procedures.

Failing to clean up spilled material.

Failing to notify the Director of an emergency vent opening and baghouse bypass; and failing to submit reports of vent openings within seven days.

Failing to follow the Standard Operating Procedures for the cyanide and sulfide screens.

Failing to document the waste characterization procedure for each waste.

Failing to have an inventory list for each labpack; and by failing to determine the incineration parameters from the lab pack inventory sheets.

Failing to properly characterize “waste that inhibits analysis.”

Failing to properly characterize “debris.”

Failing to generate work orders for deficiencies found on inspections; failing to document repairs through the work order system; failing to properly track work completed on work orders; and failing to inspect and/or document inspections.

Failing to provide all of the required training.

Having fire doors that were blocked and fusible links that were compromised.

Failing to submit a report to the Director for a fire near the front wall of the kiln.

Failing to note manifest discrepancies on the manifest, failing to attempt to reconcile a manifest discrepancy with the generator or transporter, and failing to notify the Director of the unmanifested waste or discrepancy and attempts to reconcile it.

Failing to maintain the berms in the container storage area in good repair; and failing to maintain the epoxy coating on the container storage containment system floor.

Holding rejected wastes for longer than 60 days, failing to properly document that waste that was initially rejected and later accepted was done so within 60 days of receipt of the waste; failing to document rejected wastes in the waste tracking system and when the rejection determination was made; and failing to properly label containers of rejected wastes.

Failing to maintain a history of the movement of each container from the time it is placed into the container management areas until it is either incinerated or manifested offsite, and failing to track all wastes in real time so that their location is known at any time.

Holding infectious wastes on site longer than seven days without refrigeration.

Failing to maintain the level in tank T-312 at or below the compliance limit.

Failing to take corrective actions for oxygen concentrations above five percent in the hydrocarbon vent system; and failing to document the causes of the elevated oxygen concentrations and the corrective actions taken.

Failing to annually calibrate the bulk solids vent flow switch.

Accumulating hazardous wastes in containers for longer than 90 days; failing to mark each container with the date upon which each period of accumulation began, failing to mark each container with the words “Hazardous Waste,” failing to maintain containers closed except when it is necessary to add or remove waste, and failing to transfer hazardous waste from a container that begins to leak to a container that is in good condition.

**RESOLUTION:**

A **STIPULATION AND CONSENT ORDER** was approved by the Utah Solid and Hazardous Waste Control Board on November 13, 2014. It includes a penalty of \$71,155.00.

## Clean Harbors-Owner

**ACTION:** **NOTICE OF VIOLATION** issued April 16, 2012

**ISSUES:**

- Failing to maintain and operate instruments to ensure measurements taken are accurate.
- Failing to follow the Standard Operating Procedure for Physical Description of Wastes.
- Failing to document the waste characterization procedure for each waste.
- Failing to sample and analyze “routine wastes.”
- Failing to properly characterize “waste that inhibits analysis.”
- Failing to note deficiencies on the inspection logs, failing to properly complete work orders, failing to inspect and/or document inspections, and failing to report problems that will take longer than 72 hours to remedy.
- Failing to provide all of the required training.
- Failing to report a fire on the kiln front wall.
- Failing to note significant manifest discrepancies on the manifest, failing to properly cross reference manifests for loads of rejected wastes, failing to resolve manifest discrepancies with the generator, and failing to notify if the discrepancy is not resolved within 15 days.
- Holding rejected wastes for longer than 60 days, and failing to properly document rejected wastes in the waste tracking system.
- Failing to record the location of each container and to maintain a history of the movement of each container from the time it is placed into the container management areas until it is either incinerated or manifested offsite, and failing to track all wastes in real time so that their location is known at any time.
- Failing to record the signature of the person performing instrument calibrations.
- Failing to mark each container with the date upon which each period of accumulation began, failing to mark each container with the words “Hazardous Waste,” failing to maintain containers closed except when it is necessary to add or remove waste, and failing to transfer hazardous waste from a container that begins to leak to a container that is in good condition.

**RESOLUTION:** A **STIPULATION AND CONSENT ORDER** was signed on May 2, 2013. It includes a penalty of \$85,017.00.

## Clean Harbors-Owner

**ACTION:** **NOTICE OF VIOLATION** issued June 29, 2010

**ISSUES:**

- Accepting and managing pyrophoric wastes at the facility.
- Failing to use the same waste analysis procedures for wastes generated on site by Aragonite as wastes accepted from off-site sources.
- Failing to check that the warning signs on the perimeter fence are legible, failing to check that the temperature in the refrigerated trailers is less than or equal to 40°F, failing to complete an annual inspection of the closed vent system, failing to complete an annual inspection of the carbon adsorption vessels, failing to include instruments to be checked on a daily basis; failing to have the supervisor sign off that the instrument is in good working order, and failing to monitor the hydrocarbon vent system carbon canisters.
- Failing to conduct the Material Handler "Quals" and to document them in the individual training records.
- Failing to note significant discrepancies on the manifest, failing to copy the manifest tracking number from the old manifest to the *Special Handling and Additional Information Block* of the new manifest and indicate that the shipment is a rejected waste from the previous shipment when a waste is rejected, and failing to copy the manifest tracking number from the new manifest to the manifest reference line in the *Discrepancy Block* of the old manifest

when a waste is rejected.

Failing to measure the temperature before and after combining representative samples of the wastes to be mixed when conducting the compatibility test.

Failing to maintain a database of all required equipment, failing to maintain drawings that show the approximate location of each piece of equipment, and failing to mark all equipment with a tag containing a unique equipment identification number.

Storing wastes with a flash point less than or equal to 140°F in a bulk solids tank.

Failing to notify the Executive Secretary of a Class 1 modification and/or failing to submit a modification request to the Executive Secretary prior to implementing a Class 2 or a Class 3 modification.

Failing to annually measure the VOC concentrations in the closed vent system, failing to annually monitor the duct work section between the vacuum pump dilution air fan and the combustion air plenum, and failing to maintain the Natural Draft Openings allowed during normal operations.

Failing to maintain containers closed except when it is necessary to add or remove waste.

Storing hazardous wastes restricted from land disposal for longer than one year.

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on September 26, 2011. It includes a penalty of \$78,048.00.

### Clean Harbors-Owner

ACTION: **NOTICE OF VIOLATION and COMPLIANCE ORDER** issued March 3, 2008

ISSUES: Failing to operate the waste management areas in a manner that minimizes the possibility of fires and releases of hazardous waste constituents; failing to investigate and determine the causes of the incidents; and failing to implement corrective measures to prevent future occurrences.

Accepting and managing pyrophoric wastes at the facility.

Failing to clearly document the waste characterization procedure from the Waste Analysis Plan which applies to each waste stream accepted at the facility.

Failing to inspect, sample, and analyze “routine wastes” and failing to determine the incineration chemistry from analyses of the samples.

Failing to ensure that an inventory list accompany each lab pack, and accepting lab packs for storage and/or treatment before any load discrepancies have been adequately resolved.

Failing to ensure the generator supply a picture or a detailed written description of the waste stream for “wastes that inhibits analysis”; failing to inspect the contents of each container or each bulk load for physical appearance; failing to provide a detailed written description to waste acceptance personnel so that they can easily determine if the waste matches the profile; failing to estimate the percentages of each type of material in the waste; failing to use a matrix, that lists the various materials and the corresponding incineration parameters for each of these materials, along with the percentages of each type of material, to develop an overall estimate of the incineration parameters for the waste; and failing to collect and analyze a representative sample of the material in containers that contain more than four ounces of a material that could be analyzed to determine appropriate management and storage of the waste.

Failing to monitor all incoming waste shipments for radioactivity; and failing to conduct daily calibration checks; and failing to take and record three measurements of each sample; and failing to take and record the background reading each sampling day prior to each sample event.

Failing to conduct the ignitability screen and/or failing to heat samples to 140°F when conducting the ignitability screen.



Determining corrosivity for waste management decisions using pH paper, and failing to determine accurate pH measurements of incoming wastes.

Failing to obtain the proper laboratory certification for analyzing wastes at the facility.

Failing to conduct weekly inspections of the LEL and oxygen meters to ensure that the instruments are operable.

Failing to clear the cylinder storage area of vegetation.

Failing to maintain documentation of training; failing to maintain a current organization chart which specifies the names of the people that fill the job titles in the Personnel Training Plan; and failing to provide Training Program Descriptions which specify the training requirements for a person to be able to fill specific duty areas.

Blocking fire doors so that they could not completely close automatically in a fire emergency.

Failing to clean up spill areas.

Failing to submit a written report to the Executive Secretary within 15 days after fires and discharges in areas where waste management occurs.

Recording negative results in the lab notebook for tests that were not being performed.

Storing wastes in areas prohibited from storage; and failing to maintain the required aisle space.

Failing to maintain the LEL/O<sub>2</sub> monitors/alarms in the decant and repack rooms in Building E4 in good repair.

Holding rejected wastes on site for longer than 30 days; failing to specify the location of all rejected wastes in the computerized waste tracking system; and failing to clearly show that the material is to be rejected and when this determination was made.

Failing to properly mark wastes which have been accepted; moving containers from the receiving and holding areas to the storage or processing areas before the waste has been accepted; storing wastes which have not yet been accepted in areas not designated for such storage; and storing wastes which have not yet been accepted for longer than ten days in Row A of Buildings E2, E3, E6, and E7.

Identifying containers which have not been repacked or consolidated as “REPACK” or “CONS.”

Failing to affix a barcode label to each container.

Failing to maintain a database of all required equipment; failing to maintain drawings that show the approximate location of each piece of equipment; and failing to mark all equipment with a tag containing a unique equipment identification number.

Storing liquids with a flash point of less than or equal to 140°F in container management areas other than Buildings E6 and E7.

Storing cyanide or sulfide bearing wastes and oxidizers in container management areas other than the bays in Buildings E-1 and E-5; and storing potentially incompatible wastes together in the container management areas.

Failing to transfer the hazardous waste from a container that is not in good condition or begins to leak, to an acceptable container as soon as possible.

Failing to sample containers under fume exhausters in Building E5.

Failing to mark cylinders that are moved to the cylinder storage area prior to acceptance with the document and item number; and failing to clearly identify the rack as having cylinders that are not yet accepted.

Failing to record the location of each container and to maintain a history of the movement of each container from the time it is placed into the container management areas until it is either incinerated or manifested offsite; failing to update the waste tracking database by no later than the following business day when bulk materials are accepted and unloaded,

- and within two business days each time a transfer is made; and failing to track all wastes in real time so that their location is known at any time.
- Failing to stack containers neatly and in a manner that will not cause them to fall or leak; stacking containers more than one pallet high in the receiving and holding areas of Building E5; and failing to store containers on pallets.
- Failing to store infectious waste sharps in leak-proof, rigid, puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.
- Failing to label containers of infectious waste that are not red or orange with the international biohazard sign and an appropriate biohazard label.
- Failing to store infectious waste at or below 40°F when it was on site for longer than seven days.
- Failing to incinerate infectious waste within 30 days after collection from the generator.
- Failing to ground containers during decant operations.
- Failing to provide an interlock to automatically shut off the vacuum pump that decants a container to a direct burn tanker when the LEL of the combined dilution air and vacuum pump vent reaches 60% LEL.
- Failing to place drums inside the drum direct burn glove box and seal and vent the glove box prior to opening the drums or feeding to the kiln.
- Failing to maintain a vacuum in the drum pumping station glove box; and failing to place tubes supplying nitrogen in the opening of containers of flammable liquid.
- Failing to ground containers holding flammable liquids at the drum pumping station prior to and while waste is being fed to the kiln.
- Storing wastes with a flash point less than or equal to 140°F in the bulk solids tanks; and failing to measure the Lower Explosive Limit of wastes placed in the bulk solids tanks.
- Failing to maintain the level of the blend liquids Tanks T-303 and T-312 below the compliance limit.
- Failing to document the cause of the elevated oxygen concentrations in the hydrocarbon vent system; and failing to document the corrective actions taken.
- Failing to annually test to demonstrate that the bulk solids building meets the criteria for a permanent total enclosure; and failing to annually measure the required minimum flow during backup operation.
- Failing to maintain the flow of combustion air above 12,000 acfm when the vacuum pump/dilution air fan are operating.
- Exceeding the maximum permitted feed rates of metals to the incinerator.
- Failing to record and preserve the history of containers before they were “untracked” in the waste tracking system.
- Accumulating hazardous waste in containers for longer than 90 days; failing to mark each container with the date upon which each period of accumulation began; failing to mark each container with the words “Hazardous Waste;” failing to maintain containers closed except when it is necessary to add or remove waste; and failing to transfer hazardous waste from a container that begins to leak to a container that is in good condition or manage the waste in some other way to remedy the leak.

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on December 16, 2009. It includes a penalty of \$519,697.00.

[Clean Harbors-Owner](#)

ACTION: **NOTICE OF VIOLATION and COMPLIANCE ORDER** issued December 15, 2006  
 ISSUES: Failing to unload transport vehicles carrying containers within ten days of being received at the facility

Failing to record the location and movement history of each container placed in the container storage areas, and track these wastes in real time so that their location is known at any time

Failing to record and preserve the history of a container before that container is “untracked” in the waste tracking system

Placing incompatible wastes or materials in the same container

Failing to flush the drum pumping system before pumping waste that was not compatible with the last waste pumped

Placing reactive cyanides in tank T-404B

Improperly labeling and dating containers, having open containers, and accumulating wastes in containers that were leaking

Holding rejected wastes on site for longer than 30 days, failing to specify the location of all rejected wastes in the waste tracking system, and failing to document when a waste was determined to be rejected

Failing to place barcode labels on each container

Failing to attempt to reconcile a manifest discrepancy with the generator and failing to notify the Executive Secretary when the discrepancy was not resolved within 15 days

Failing to store infectious waste at or below 40°F when it was onsite for longer than seven days

Failing to incinerate infectious waste within 30 days after collection from the generator

Failing to properly code containers of infectious waste

Conducting the radioactivity screen with the sample bottle closed and conducting the ignitability screen without heating the sample to 140°F

Failing to provide an automatic interlock to shut off the vacuum pump that decants a container to a direct burn tanker

Failing to submit a written report to the Executive Secretary within 15 days after the explosion in the drum pump station

Failing to prepare and submit a complete biennial report by March 1, 2006

Failing to close the shredder area clean up door, and failing to close and seal the crane bay man door during backup operations

Failing to sample containers under fume exhausters in Building E5

Failing to mark all equipment with a tag containing a unique equipment identification number

Failing to document inspections of the emergency showers and eyewashes in the drive through direct burn station and the truck unloading building

Failing to maintain emergency equipment as necessary to assure its proper operation in time of emergency

**RESOLUTION:** A **STIPULATION AND CONSENT ORDER** was signed on October 5, 2007. It includes a penalty of \$147,389.00.

#### Clean Harbors-Owner

**ACTION:** **NOTICE OF VIOLATION and COMPLIANCE ORDER** issued December 8, 2005

**ISSUES:** Failing to record and preserve the history of a container before that container is “untracked” in the waste tracking system

Holding rejected wastes on site for longer than 30 days, by failing to properly identify and specify the location of rejected wastes in the waste tracking system; and by failing to document when a waste was determined to be rejected

Improperly labeling and dating containers, and having open containers

Failing to ensure that containers are stacked neatly and in a manner that will not cause them

- to fall or leak
- Failing to record the location and movement history of each container placed in the container storage areas, and track these wastes in real time so that their location is known at any time
- Failing to place the required warning signs on the infectious waste storage unit
- Failing to store infectious waste at or below 40°F when it is on-site for longer than seven days
- Failing to incinerate infectious waste within 30 days after collection from the generator
- Failing to properly code containers infectious waste
- Failing to use the debris matrix for characterization of debris for incineration parameters
- Failing to factor in specific information when characterizing certain wastes for incineration parameters; and by failing to document how the incineration parameters were determined
- Failing to clearly document the waste characterization procedure from the Waste Analysis Plan which applies to each waste stream accepted at the facility
- Failing to prepare laboratory quality assurance reports as required
- Failing to document the laboratory TCLP room temperature
- Failing to place a unique barcode label on each container
- Storing wastes which have not yet been accepted at the facility in an area not designated for such storage
- Failing to vent the bulk solids building, shredder, and small sludge tank to the carbon adsorption system during backup operations
- Failing to maintain a database of all required equipment, failing to maintain drawings that show the approximate location of each piece of equipment, and failing to mark all equipment with a tag containing a unique equipment identification number
- Failing to maintain emergency equipment as necessary to assure its proper operation in time of emergency
- Failing to maintain a firebreak around the facility, and by failing to maintain the emergency evacuation exits on the south side of the facility
- Failing to maintain the required signs on the perimeter fence
- Filling the small sludge tank above the compliance level

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on October 18, 2006. It includes a penalty of \$37,293.00.

#### Clean Harbors-Owner

- ACTION: **NOTICE OF VIOLATION and COMPLIANCE ORDER** issued February 4, 2005
- ISSUES:
- Placing incompatible waste or other material in the same container
  - Failing to unload transport vehicles carrying containers within ten days of being received at the facility
  - Failing to attempt to reconcile a manifest discrepancy with the generator and failing to notify the Executive Secretary when the discrepancy was not resolved within 15 days
  - Holding rejected wastes on site for longer than 30 days, and failing to properly identify waste to be rejected in the waste tracking system
  - Storing hazardous wastes restricted from land disposal for more than one year
  - Storing compressed gas cylinders in areas not permitted for such storage
  - Failing to secure compressed gas cylinders to prevent falling, and failing to use appropriate measures to protect compressed gas cylinder valves from physical damage
  - Accumulating hazardous waste in containers for longer than 90 days, improperly labeling and dating containers, having open containers, and failing to accumulate hazardous waste

- in containers
- Failing to ensure that containers are stacked neatly and in a manner that will not cause them to fall or leak and by exceeding the stacking height limitations
- Failing to record the location and movement history of each container placed in the container storage areas, and track these wastes in real time so that their location is known at any time
- Storing wastes in areas prohibited from storage in the permit
- Failing to store infectious waste at or below 40°F when it is on-site for longer than seven days
- Failing to ensure that infectious waste is contained in containers that are securely sealed to prevent leakage of the waste during storage and handling
- Failing to use the information from the waste profile and the Infectious Waste Matrix for characterization of infectious waste for incineration parameters
- Failing to clearly document the waste characterization procedure from the Waste Analysis Plan which applies to each waste stream accepted at the facility
- Failing to have inventory sheets for lab packs accepted at the facility
- Failing to place a unique barcode label on each container and appropriately marking containers which have been accepted
- Storing wastes which have not yet been accepted at the facility in an area not designated for such storage
- Failing to indicate the date waste was first placed into temporary storage and storing wastes for longer than 10 days in the temporary storage areas
- Failing to clearly mark or label wastes manifested to another facility as transfer wastes
- Failing to annually monitor the sections of the closed vent system operated under positive pressure
- Failing to maintain a database of all required equipment, failing to maintain drawings that show the approximate location of each piece of equipment, and failing to mark all equipment with a tag containing a unique equipment identification number
- Blocking a fire door so that it could not completely close automatically in a fire emergency
- Failing to maintain emergency equipment as necessary to assure its proper operation in time of emergency
- Failing to provide an interlock to automatically shut off the robberoller vacuum pump when the vent reaches 60% LEL
- Failing to maintain and operate the robberoller vent in a manner that minimizes the possibility of a fire or explosion
- Failing to minimize the possibility of fires in the drum dumping system
- Filling the small sludge tank above the compliance level

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on September 29, 2005. It includes a penalty of \$114,912.00.

#### Clean Harbors-Owner

- ACTION: **NOTICE OF VIOLATION and COMPLIANCE ORDER** issued March 3, 2004
- ISSUES:
- Exceeding the mercury emission standard
  - Failing to attempt to reconcile a manifest discrepancy with the generator and failing to notify the Executive Secretary when the discrepancy was not resolved within 15 days
  - Holding rejected wastes on site for longer than 30 days
  - Failing to have inventory sheets for lab packs accepted at the facility
  - Storing flammable liquids in building E-2

Failing to transfer hazardous waste from a container that is leaking to a container that is in good condition or manage the waste in some other way to remedy the leak  
Failing to include the name of the individual who packaged the containers and provided the certifications of the contents of containers of infectious waste  
Placing incompatible waste in tank T-404B  
Failing to record the location and movement history of each container placed in the container storage areas, and track these wastes in real time so that their location is known at any time  
Incinerating a drum of arsenic trioxide  
Blocking a fire door so that it could not close automatically in a fire emergency  
Having open containers more than three feet from the ventilation hood

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed on April 4, 2005. It includes a penalty of \$21,536.00.

#### Clean Harbors-Owner

ACTION: **NOTICE OF VIOLATION** issued March 31, 2003  
ISSUES: Placing reactive sulfides into tank T-308  
Failing to record in the PI system when the plant was on waste  
Failing to record the location and movement history of each container accepted in the container storage areas, and track these wastes in real time so that their location is known at any time; and failing to update the waste tracking system within two business days of making a transfer between tanks  
Exceeding the direct burn feed rate limit  
Accepting water reactive wastes

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed November 4, 2003. It includes a penalty of \$2,536.00.

#### Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION** issued March 26, 2002  
ISSUES: Filling the small sludge tank above the compliance level  
Failing to ensure that wastes to be rejected do not remain on-site for more than 30 days  
Failing to record the location of each container accepted in the container storage areas, and track these wastes in real time so that their location is known at any time  
Exceeding the sludge feed rate limit

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed September 12, 2002. It includes a penalty of \$5,900.00.

#### Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION** issued June 1, 2001  
ISSUES: Exceeding the permitted feed rate of cadmium to the incinerator  
Storing used oil fuel (VFS Distillate) from the Safety-Kleen East Chicago facility in the fuel oil tank and burning it in the incinerator when the incinerator did not meet all of the operating conditions for burning hazardous waste

Failing to record the location of each container accepted in the container storage areas, and track these wastes in real time so that their location is known at any time  
Accepting pyrophoric wastes  
Placing incompatible wastes or materials in the same container and failing to document any evaluation of the compatibility of the absorbent with the liquid  
Failing to immediately submit to the Executive Secretary a letter describing a manifest discrepancy which was not resolved within 15 days after receiving the waste, and describing any attempts to reconcile the discrepancy  
Overfilling one of the direct burn vessels  
Filling the small sludge tank to overflowing  
Failing to limit the heat content of containers fed to the incinerator to 4.76 MMBtu  
Failing to retain the data recorded by the PI archiving system for at least three years  
Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at a pH of less than 6.2 in the second stage packed tower effluent

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed May 9, 2002. It includes a penalty of \$53,326.00. Since the violations occurred both prior to and after Safety-Kleen filing for Chapter 11 bankruptcy protection, the penalty is divided into two parts. A penalty \$5,814 for the post-petition violations will be paid within 60 days of entry into the Consent Order. A penalty of \$47,512 for the pre-petition violations will be resolved through the bankruptcy court when Safety-Kleen emerges from bankruptcy.

#### Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION and ORDER FOR COMPLIANCE** issued August 4, 2000  
ISSUES: Using a bond to provide financial assurance for closure which exceeded the underwriting limitations of the surety issuing the bond without the necessary reinsurance agreements in place

Failing 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 allows an extended time frame for replacing the necessary financial assurance for closure. The state of Utah is a participating state in this Consent Agreement. The initial deadline for replacing financial assurance for closure was December 15, 2000, but was extended to February 28, 2001. The deadline for replacing financial assurance for closure was extended further by EPA to April 30, 2001. This deadline was extended again by EPA to September 30, 2001. Due to the events of September 11, 2001, the deadline was again extended by EPA to October 18, 2001. The deadline was again extended by EPA to November 30, 2001. Compliant financial assurance was later obtained and the issue resolved as of January 14, 2002.

#### Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION** issued March 1, 1999  
ISSUES: Placing waste into a tank which was not nitrogen blanketed  
Exceeding the sludge feed rate limit and failing to accurately monitor and record the sludge feed rate

- Failing to record the location of each container accepted in the container storage areas, and each bulk waste managed at the facility, and track these wastes in real time so that their location is known at any time
  - Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at the specified setpoints in the first stage packed tower liquid feed and the second stage packed tower effluent and by failing to correct any malfunctions of the automatic waste feed cut-off systems before restarting the incinerator
  - Making changes to the facility without following the specified procedures for modifying the permit.
  - Failing to have a test plan that was submitted to the Executive Secretary signed and certified as required
  - Failing to retain a copy of a manifest at the facility for at least three years
  - Failing to analyze the slag for methanol daily until analyses showed the treatment standards had been achieved for seven consecutive days after methanol was detected at a level above the treatment standards
  - Entering the wrong generator name, address, and phone number on manifests accompanying wastes shipped by Safety-Kleen (Aragonite), Inc. for off-site treatment, storage, or disposal
  - Failing to submit a certificate of hazardous waste liability insurance prior to the date of the policy expiration
  - Failing to maintain documentation to demonstrate that a batch of lab packs was approved
  - Failing to inform the generator in writing that they have the appropriate permits for, and will accept, the waste the generator is shipping when receiving hazardous waste from an off-site source
  - Failing to resolve discrepancies prior to accepting wastes and/or by failing to clearly document the resolution of discrepancies in the operating record
  - Exceeding the maximum stacking height of containers per pallet; failing to wrap or otherwise secure the containers to provide stability; and failing to place a barcode label on each container so that they could be tracked in the plant wide database
- RESOLUTION: **STIPULATION AND CONSENT ORDER** signed January 7, 2000. It includes a penalty of \$21,710.00.

[Laidlaw Environmental Services- Owner](#)

- ACTION: **NOTICE OF VIOLATION** issued December 4, 1997
- ISSUES:
- Failing to operate the facility to minimize the possibility of a fire or unplanned discharge of hazardous waste constituents into the air which could threaten the environment or human health
  - Failing to adjust the closure cost estimate for inflation and submit a copy of that adjusted closure cost estimate to the Executive Secretary within the required time frames, and by failing to increase the amount of the letter of credit or obtain other financial assurance whenever the current closure cost estimate increases to an amount greater than the amount of the letter of credit
  - Exceeding the sludge feed rate limit
  - Failing to record the location of each container accepted in the container storage areas, and each bulk waste managed at the facility, and track these wastes in real time
  - Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at the specified setpoints (and associated delays if applicable) for afterburner chamber pressure, first stage scrubber feed pH, second stage scrubber feed pH, second stage



scrubber effluent pH, afterburner oxygen concentration, spray dryer temperature, blend liquid feed rates, and aqueous feed rates

Managing containers of infectious waste that were not colored or labeled as required; storing infectious waste longer than seven days without refrigeration; and failing to treat or dispose of infectious waste within 30 days after collection from the generator

Failing to notify all persons on the facility mailing list for various modifications and a temporary authorization request within the required time frames; and by failing to notify the Executive Secretary concerning a modification within seven calendar days after the change was put into effect

Failing to document through a work order the repairs made to a malfunctioning level transmitter on a hazardous waste storage tank

Failing to monitor the fumes in the carbon canister system at the required frequency

Storing hazardous waste from a hazardous waste storage tank tanker trucks in areas not authorized in the permit

Failing to place all containers in the repack workstations into storage each day by the end of each shift

Failing to annually update a waste stream profile and failing to complete all of the required waste acceptance procedures prior to accepting wastes

Failing to verify the contents of lab packs by unpacking them and comparing the contents to the load inventory sheets

Failing to transfer the hazardous waste from a container which is not in good condition or begins to leak to a container that is in good condition, and by handling and/or storing containers of hazardous waste in a manner which may cause them to leak

Failing to label or mark each container accumulating hazardous waste with the words "Hazardous Waste," failing to mark each container with the date upon which each period of accumulation began; failing to maintain containers holding hazardous waste closed except when it is necessary to add or remove waste; and accumulating hazardous waste for longer than 90 days in an area without a permit

Disposing of hazardous waste without a permit

Failing to maintain a current organization chart which specifies by name which person fills each job title listed in the Personnel Training Plan

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed December 4, 1998. It includes a penalty of \$58,385.

**Rollins Environmental Services, Inc.-Owner**

ACTION: **NOTICE OF VIOLATION** issued December 11, 1996

ISSUES: Failing to operate the facility to minimize the possibility of a fire or unplanned discharge of hazardous waste constituents into the air which could threaten the environment or human health

Failing to record the location of each container in the container storage areas and track these wastes in real time

Failing to conduct and to document all of the required inspections; failing to inspect for all of the types of problems required; failing to provide acceptable criteria in the detailed written instructions for conducting the inspections; and failing to identify corrective actions performed when items were noted to be unacceptable

Failing to monitor the fumes in the carbon canister system at the required frequency

Failing to inform the generator in writing that they have the appropriate permits for, and will accept, the waste the generator is shipping when receiving hazardous waste from an off-site source

Storing hazardous waste in an unpermitted area east of the bulk solids tanks

Failing to unload a transport vehicle within ten days following arrival at the site

Failing to maintain a firebreak around the entire facility and to maintain an emergency evacuation route for the facility through the east gate on the south fence

Failing to maintain the level of tank T-312 at or below the compliance limit and for filling the tank to overflowing

Accepting a prohibited waste (dry picric acid, a D.O.T. Division 1.1 explosive) and treating it without a permit; also, accepting trinitrobenzene sulfonic acid (a D.O.T. Division 1.1 explosive)

Storing containers that have not been bar coded/accepted in a temporary storage area for longer than ten days

Failing to sample containers under fume exhausters in buildings E-1 and E-5

Managing containers of infectious waste that were not colored or labeled as required

Failing to compare the actual load samples to the profile samples prior to accepting a load of waste

Failing to identify the associated TC waste codes for a waste stream

Failing to collect and analyze representative samples from waste streams prior to approving the waste streams for storage and/or treatment at the facility

Failing to label or mark each container accumulating hazardous waste with the words "Hazardous Waste," and by accumulating hazardous waste for longer than 90 days in an area without a permit

**RESOLUTION:** **STIPULATION AND CONSENT ORDER** signed October 7, 1997. It includes a penalty of \$33,811.

[Rollins Environmental Services, Inc.-Owner](#)

**ACTION:** **NOTICE OF VIOLATION** issued September 18, 1995

**ISSUES:** Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at a pH of less than 6.2 in the first stage packed tower liquid feed and at a carbon monoxide rolling average concentration of greater than 100 ppm

Accepting wastes that do not conform with the manifest and failing to draw a sample from as deep a cross section as possible at each location on bulk solids loads

Failing to notify the Executive Secretary and submit, within the required time frames, a proposed time schedule for correcting a leak from the sludge tank system

Failing to maintain a minimum of 2.5 feet of aisle space in the drum storage area

Canceling or terminating the liability insurance without providing prior written notice to the Board within the required time frames

Installing and using the one-inch stainless steel tubing from the aqueous waste feed line (header D) to the repack room in building E-4 without first obtaining authorization from the Executive Secretary of the Board through the permit modification process

Failing to notify the Executive Secretary, within the required time frames, for the March 28, 1995 spill of hazardous waste from the C header to the ground near the carbon canister system, west of the tank farm

Failing to maintain records to document that the applicable training has been given to each individual

Failing to manage liquid removed from sump SP627 as a hazardous waste  
Stacking containers with a capacity of fifty gallons or greater more than one high in the receiving and holding area of building E-5; failing to stack containers in storage neatly and/or wrap them to provide stability; and exceeding the capacity of 11,000 gallons in the receiving and holding area of building E-5  
Exceeding the maximum allowable feed rates for antimony and lead  
Failing to equip and maintain in good operating condition at the facility all the equipment set forth in Attachment II-5

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed June 10, 1996. It includes a penalty of \$40,320.

[Rollins Environmental Services, Inc.-Owner](#)

ACTION: **WARNING LETTER** issued April 7, 1995

ISSUES: Confined space permit not located at the entry to the work area; confined space work area not roped off; Several changes were made in the confined space permit without indication that the changes had been approved or communicated to all appropriate personnel; the job safety analysis specified continuous O<sub>2</sub>/LEL monitoring, but was done only initially; the job safety analysis specified sliding clips to be used on the ropes to protect them from being cut, none were noted being used; both observers were noted to be performing other functions and there were times when neither of the observers was in visual contact with the entrant; the attendants' respirators were laying on the ground and hanging on the end of a pole

The combustion air pressure indicator for the kiln front wall is located upstream of the damper having apparently been moved from an earlier downstream location. This would allow the kiln secondary combustion air to be cut off by closing the damper without activating the automatic waste feed cut-off (since the pressure indicator is upstream of the damper)

The high level alarm was deactivated for Tank T-310 for an unknown period of time  
A general lack of importance was noted being placed on the inspections performed on-site; lack of consistency on how inspection forms are being filled out; different opinions between inspectors on what constitutes an unsatisfactory status for the same or similar items; a tendency to not mark down deficiencies if the status has not changed over time; there is a perceived lack of knowledge on the part of the inspectors on what is the acceptable criteria for many items; there does not appear to be a consistent and timely procedure for following up on work orders and corrective action

Open containers without labels and dates were noted under hoods in the lab

Site-generated waste was transferred from a tank with a 30-day extension to the 90-day accumulation period, to a tank without the extension to the accumulation period

The maximum feed rate of solids to the kiln was exceeded

RESOLUTION: Issues satisfactorily resolved through a response from Aptus dated April 28, 1995 and subsequent permit modifications.

[Westinghouse, Inc.-Owner](#)

ACTION: **NOTICE OF VIOLATION** issued December 20, 1994

ISSUES: Perimeter fence signs missing or obscured

Labeling, dating, and segregation requirements not being met for containers in the "A" aisles of the container storage buildings  
Open containers in the container storage building  
Failing to recognize necessary corrective action required during inspections, and not promptly performing corrective actions  
Incinerating wastes carrying a waste code not allowed by the permit  
Storing containerized waste bearing free liquid outside of bermed areas as specified in a temporary authorization

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed April 21, 1995. \$12,120 penalty paid May 15, 1995.

**Westinghouse, Inc.-Owner**

ACTION: **WARNING LETTER** issued September 8, 1994

ISSUES: Failure to label or mark each container accumulating hazardous waste with the words "Hazardous Waste"; failure to clearly mark each container with the date upon which each period of accumulation began; accumulation of hazardous waste for longer than 90 days without first submitting, and receiving approval of the Executive Secretary for, a hazardous waste operation plan for that facility  
Site-generated wastes were not being subjected to the same waste analysis procedures as wastes accepted from off-site sources  
Operating record requirements for wastes pumped from sumps to storage tanks were not being met  
No response time tests were conducted in 1992 and 1993 for the CO and O<sub>2</sub> monitors  
No RATA was conducted following installation of a new oxygen monitor on August 1, 1993  
The Aptus Lakeville Laboratory lost their certification for RCRA metals and during this time metals data from the Lakeville lab was used by Aptus to make waste management decisions at the Aragonite facility  
On two occasions Aptus operated the low range CO monitor in the high range mode while burning waste

RESOLUTION: Issues satisfactorily resolved through responses from Aptus dated October 7, 1994 and January 31, 1995.

**Westinghouse, Inc.-Owner**

ACTION: **WARNING LETTER** issued May 27, 1994

ISSUES: Temperature conditions in the laboratory were not acceptable  
Laboratory personnel combining parts from several different methods to develop SOPs  
Fume hoods in the laboratory not adequately venting with all the instruments and reagent bottles inside; several analyses being performed on the bench-top appear to be candidates for being done under a hood/ventilation system  
The Quality Assurance function in the laboratory needs to be more independent from method development; more frequent internal data validation is necessary; more management oversight and review of daily workbooks is needed  
Laboratory standards not being maintained with a consistent expiration period  
Not all of the required laboratory QC requirements were being followed; not routinely analyzing method blanks and duplicates; method spikes/method spike duplicates need to

be performed at the required frequency; tuning log and continuing calibration documentation must be maintained

The laboratory working standards and solutions do not have the necessary information on the label to properly identify the material

The laboratory refrigerator and freezer temperatures were not being properly maintained

The laboratory water system does not conform to Type I water specifications

The two shifts in the laboratory are not consistent in following protocol

There needs to be more interaction between the chemist and the field personnel so that the bench chemist knows the needs of field operations

Temperatures of samples at the time of analysis not being taken

Data from outside labs must be validated; these labs must use the same methods as are specified in the Waste Analysis Plan; outside labs must be Utah certified for the appropriate parameters and must submit sufficient QC information with each data package to allow for data validation

Many of the test methods in the Waste Analysis Plan are either not adequate or are not being performed as required

Excessive fugitive emissions being released to the atmosphere through an access on top of the deslagger chute

The door to bulk solids tank T404A was apparently not closed as soon as possible after unloading a truck; the door was still open while shredding operations were ongoing; questions raised about the adequacy of the ventilation system in the bulk solids building

Waste in the bulk solids tanks being piled much higher than the height of the walls of the tanks exceeding the permitted capacity

Daily sump inspection forms have been revised from those specified in the permit

RESOLUTION: Issues satisfactorily resolved through a response from Aptus dated June 27, 1994 and subsequent permit modifications.

#### Westinghouse, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued March 8, 1994

ISSUES: Failure to label or mark each container accumulating hazardous waste with the words "Hazardous Waste"; failure to clearly mark each container with the date upon which each period of accumulation began; accumulation of hazardous waste for longer than 90 days without first submitting, and receiving approval of the Executive Secretary for, a hazardous waste operation plan for that facility

Exceeding the maximum allowable arsenic, cadmium, chromium, and mercury feed rates to the incinerator

Failure to maintain the automatic waste feed cut-off system to automatically cut-off the waste feed at established setpoints for combustion air pressure, waste liquid pressure, and atomizing air pressure; failure to test, on a quarterly basis, the four signals (loss of flame, low combustion air pressure, low atomizing air pressure, and low waste liquid air pressure) which cause the Burner Management System on each burner to shut down, causing a waste feed cut-off

Failure to record in the operating record the date(s) of treatment of wastes and the location of each hazardous waste within the facility

Storing and/or incinerating wastes carrying waste codes not allowed by the permit

Failure to maintain a nitrogen blanket on the sludge storage tank

Failure to monitor and record the one hour rolling average concentration of carbon monoxide (CO) in the stack on a continuous basis

- Failure to limit the feed rate of containerized waste to a maximum of 20 containers per hour; failure to limit the thermal input to the incineration system to  $120 \times 10^6$  Btu per hour
  - Failure to continuously monitor and record the feed rate of pumpable sludge; failure to monitor and record, on a periodic basis equal to the charging cycle, the feed rate of bulk solid wastes
  - Failure to include in the notification to the treatment or storage facility, the corresponding treatment standards or the applicable five-letter treatment code when the treatment standards are expressed as specified technologies
  - Failure to take manual LEL measurements at the bulk solids tanks, the sludge tank, and the "A" damper every three hours when fumes are not going to the kiln; failure to take and record manual PID (or equivalent) readings at the bulk solids tanks, the sludge tank, and the "A" damper every three hours and/or when unloading trucks, whichever is less, when the combustion air fans are off
  - Failure to inspect the leak detection system of the bulk solids tank; failure to follow the inspection schedule found in the permit; failure to record that sumps were not empty; failure to empty sumps containing material within 24 hours
  - Failure to maintain and operate monitoring equipment to measure the stack carbon monoxide level, corrected to 7% oxygen, while incinerating hazardous waste
- RESOLUTION: **STIPULATION AND CONSENT ORDER** signed June 16, 1994. \$70,000 penalty paid June 16, 1994.

[Westinghouse, Inc.-Owner](#)

- ACTION: **NOTICE OF VIOLATION** issued November 9, 1992
- ISSUES:
- Failure to maintain the level of the sludge storage tank at or below the compliance limit and for filling the sludge storage tank to overflowing
  - Failure to perform the Tank Level Instrumentation Procedure for the sludge storage tank; failure to document in the Operating Record that these tests have been completed and the results obtained for tank T-302; failure to transfer enough of the liquid contents to another tank to lower the level to the maximum operating level following the completion of the Tank Level Instrumentation Procedure for tank T-302
  - Failure to monitor the direct burn flow rate continuously during the trial burn
  - Failure to label or mark each container accumulating hazardous waste with the words "Hazardous Waste"; failure to clearly mark each container with the date upon which each period of accumulation began; accumulation of hazardous waste for longer than 90 days without first submitting, and receiving approval of the Executive Secretary for, a hazardous waste operation plan for that facility
  - Failure to change out the carbon canisters in the tank farm when the reading between the canisters exceeded 100 ppm; failure to use the correct form to record these carbon canisters readings
  - Failure to have all reports submitted to the Executive Secretary signed as required
  - Failure to conduct all of the required personnel training
- RESOLUTION: Through formal correspondence from Aptus received December 23, 1992, each of issues identified in the November 9, 1992 **NOTICE OF VIOLATION** was satisfactorily resolved. No penalty was assessed in connection with this action.

[Westinghouse, Inc.-Owner](#)

**ACTION:** **NOTICE OF VIOLATION** issued July 22, 1992  
**ISSUES:** No dates and/or labels on containers and open containers  
Failure to test all of the required parameters in the automatic waste feed cut-off system  
Failure to maintain the automatic waste feed cut-off system to automatically cut-off the hazardous waste feed to the incinerator at the specified setpoints  
Exceeding the maximum specified turndown ratio  
Incinerating wastes having waste codes not allowed by the Permit  
Exceeding the maximum allowable arsenic feed rate to the incinerator  
**RESOLUTION:** **STIPULATION AND CONSENT ORDER** signed February 3, 1993. \$7500.00 penalty paid February 18, 1993.

[Westinghouse, Inc.-Owner](#)

**ACTION:** **NOTICE OF VIOLATION** issued April 22, 1991  
**ISSUES:** No dates and/or labels on containers and open containers  
Disposing of hazardous waste without a permit  
Failure to use the analytical test method specified in the permit  
Failure to have a completed profile for each waste stream managed at the facility and failure to follow the specified sampling strategy  
**RESOLUTION:** **STIPULATION AND CONSENT ORDER** signed February 14, 1992. \$17,500 penalty paid February 28, 1992.

[Westinghouse, Inc.-Owner](#)

**ACTION:** **WARNING LETTER** issued January 22, 1991  
**ISSUES:** Improper certification statement on permit submissions  
**RESOLUTION:** Not Applicable