



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Douglas J. Hansen
Director

A meeting of the Waste Management and Radiation Control Board has been scheduled for January 8, 2026 at 1:30 p.m. at the Utah Department of Environmental Quality, (Multi-Agency State Office Building) Conference Room #1015, 195 North 1950 West, SLC.

Board members and interested individuals may participate electronically/telephonically.

Join via the Internet: meet.google.com/gad-sxsd-uvs
Join via the Phone: (US) +1 978-593-3748 PIN: 902 672 356#

AGENDA

- I. Call to Order and Roll Call.
- II. Public Comments on Agenda Items.
- III. Declarations of Conflict of Interest.
- IV. Introduction of Bret Randall, Division Chief, Office of Attorney General, Environment Division
- V. Introduction of Ted Sonnenburg, Director, Division of Waste Management and Radiation Control
- VI. Approval of the meeting minutes for the November 13, 2025, Board Meeting Tab 1
(Board Action Item).
- VII. Petroleum Storage Tanks Update Tab 2
- VIII. Administrative Rules Tab 3
 - A. Approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code R313-24, to incorporate federal regulatory changes made by the Nuclear Regulatory Commission (NRC) to the federal radioactive materials regulations in 2023 (88 FR 57873). The changes are necessary to maintain regulatory compatibility with the NRC as required because Utah is an Agreement State with the NRC (Board Action Item).

(Over)

IX. Low-Level Radioactive Waste Tab 4

- A. EnergySolutions, LLC request of a one-time site-specific treatment variance from the Utah Hazardous Waste Management Rule R315-268-40(a)(3) to receive, treat, and macroencapsulate incinerator ash waste containing Resource Conservation and Recovery Act (RCRA) metals with elevated levels of dioxins and furans as Underlying Hazardous Constituents (UHCs) (**Board Action Item**).

X. X-Ray Program..... Tab 5

- A. Approval of qualified Mammography Imaging Medical Physicists (MIMPs) in accordance with Utah Code Annotated 19-3-103.1 (2)(c) (**Board Action Item**).

XI. Hazardous Waste Section Tab 6

- A. Approval of the Proposed Stipulation and Consent Order between the Director and Williams International Co., L.L.C. (**Information Item**).

XII. Director’s Report.

XIII. Executive Director’s Report.

XIV. Other Business.

- A. Miscellaneous Information Items.
- B. Scheduling of next Board meeting (February 12, 2026).

XV. Adjourn.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact LeAnn Johnson, Office of Human Resources at 385-226-4881, Telecommunications Relay Service 711, or by email at leannjohnson@utah.gov.

Waste Management and Radiation Control Board Meeting Minutes
Utah Department of Environmental Quality
Multi-Agency State Office Building (Conf. Room #1015)
195 North 1950 West, SLC
November 13, 2025
1:30 p.m.

Board Members Participating at Anchor Location: **Brett Mickelson (Chair), Tim Davis, Mark Franc, Jeremy Hawk, Dr. Steve McIff, Vern Rogers, Shane Whitney**

Board Members Participating Virtually: **Dr. Richard Codell, Dr. Danielle Endres, Scott Wardle**

Board Members Excused: **Dennis Riding (Vice-Chair), Neil Schwendiman**

UDEQ Staff Members Participating at Anchor Location: **Doug Hansen, Brent Everett, Morgan Atkinson, Tom Ball, Brenden Catt, Tyler Hegburg, Chris Howell, Larry Kellum, Arlene Lovato, Mike Pecorelli, Bret Randall, Elisa Smith, David Wilson**

Others Attending at Anchor Location: **Steve Gurr, John Potter**

Other UDEQ employees and interested members of the public also participated either virtually or telephonically.

This meeting was recorded and an unedited audio of this meeting can be accessed at:
<https://www.utah.gov/pmn/files/1350801.mp3>

I. Call to Order and Roll Call.

Chairman Mickelson called the meeting to order at 1:30 p.m. Roll call of Board members was conducted; see above.

II. Public Comments on Agenda Items -None.

III. Declaration of Conflict of Interest – None.

IV. Approval of meeting minutes for the October 9, 2025, Board Meeting (Board Action Item).

It was moved by Shane Whitney and seconded by Dr. Steve McIff and UNANIMOUSLY CARRIED to approve the October 9, 2025, Board meeting minutes.

V. Petroleum Storage Tanks Update.

Brent Everett, Director of the Division of Environmental Response and Remediation (DERR), informed the Board that the cash balance of the Petroleum Storage Tank (PST) Enterprise Fund for the end of October 2025, was \$40,213,598.00. The DERR continues to monitor the balance of the PST Enterprise Fund closely to ensure sufficient cash is available to cover qualified claims for releases.

There were no comments or questions for Mr. Everett.

VI. 2025 Petroleum Storage Tanks Fund Actuarial Report Summary (Information Item).

Mike Pecorelli, Environmental Assurance Program Cleanup Section Manager of the DERR, gave a presentation regarding the findings of the 2025 Actuarial Report from Taylor and Mulder. While it is still too soon to know the full possible impact of aboveground PSTs now participating in the PST Enterprise Fund, overall, the predicted status of the PST Enterprise Fund remains positive.

There were no comments or questions for Mr. Pecorelli.

VII. Petroleum Storage Tanks Rules.

A. Approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code Rules R311-200, R311-201, R311-203, R311-204, and R311-212 to amend the Petroleum Storage Tank Rules (Board Action Item).

David Wilson, the DERR PST Compliance Section Manager, requested Board approval to proceed with final adoption of the proposed rule changes to Utah Administrative Code:

- R311-200. Petroleum Storage Tanks: Definitions.
- R311-201. Petroleum Storage Tanks: Certification Programs and Underground. Storage Tank Operator Training.
- R311-203. Petroleum Storage Tanks: Technical Standards.
- R311-204. Petroleum Storage Tanks: Closure and Remediation.
- R311-212. Administration of the Petroleum Storage Tank Fund Loan Program.
- R311-205. Site Assessment Protocol and Release Reporting.
- R311-206. Certificate of Compliance and Financial Assurance Mechanisms.
- R311-207. Accessing the Petroleum Storage Tank Fund for Leaking Petroleum Storage Tanks.

It was moved by Mark Franc and seconded by Scott Wardle and UNANIMOUSLY CARRIED for the Board to approve for final adoption the proposed changes to Utah Administrative Code R311-200, 201, 203, 204, 205, 206, 207, and 212 as published in the October 1, 2025, issue of the *Utah State Bulletin* and set and effective date of November 14, 2025.

There were no comments or questions for Mr. Wilson.

VIII. Administrative Rules.

A. Five-Year Review of Utah Administrative Code Rules R313-26, R315-15, 17, 101, 102, 103, 124, 260, 261, 262, 263, 264, 265, 266, 268, 270 and 273 (Information Item).

Tom Ball, X-Ray and Technical Support Section Manager in the Division of Waste Management and Radiation Control (Division), informed the Board that the Division is providing this informational item to keep the Board informed of Five-Year Reviews that have been conducted and are being submitted to the Office of Administrative Rules. Utah Administrative Code Rules R313-26, R315-15, 17, 101, 102, 103, 124, 260, 261, 262, 263, 264, 265, 266, 268, 270 and 273 are due for a five-year review. If these rules are to continue, a Notice of Continuation (Five-Year Review) must be filed prior to the anniversary of the last five-year review, which is January 14, 2026.

The Utah Administrative Rulemaking Act requires state agencies to review each of their administrative rules within five years of the rule's original effective date or the last five-year review. The purpose of the review is to provide agencies with an opportunity to evaluate the rules to assess if the rules should be continued or amended. If an agency determines that a rule needs to be amended or repealed this is done in a separate action.

The Division has reviewed Utah Admin. Code Rules R313-26, R315-15, 17, 101, 102, 103, 124, 260, 261, 262, 263, 264, 265, 266, 268, 270 and 273. Utah Admin. Code R313-26 is a radiation control rule. The other rules identified are hazardous waste rules. To retain a rule as part of the Utah Administrative Code, a "Five-Year Notice of Review and Statement of Continuation" must be filed with the Office of Administrative Rules, before the rule's five-year anniversary date. The anniversary date for these rules is January 14, 2026.

The Division anticipates filing the "Five-Year Notice of Review and Statement of Continuation" with the Office of Administrative Rules in December of this year.

Mark Franc asked the status of the rules and if any of the rules need to be changed. Mr. Ball confirmed that the Division has reviewed all existing rules and determined they all need to be continued at this time. Mr. Ball clarified that if during review it was determined that any of the rules needed to be changed, amended, or repealed, that would be completed in a separate action.

Regarding one specific rule, Mr. Ball noted that while it could be repealed, the statute authorizing it is not set to repeal until July 1, 2027. Therefore, the Division decided to continue the rule and if the Utah State Legislature decides to repeal the statute, then at that point in time, the Division would then repeal the rule.

This is an informational item only to keep the Board informed of Five-Year Reviews.

B. Approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code Rules R315-260, 261, 262, 263, 264, 265, 266, and 270, to incorporate federal regulatory changes made by the U.S. Environmental Protection Agency (U.S. EPA). Additionally, the Division is incorporating additional requirements for the management of military munitions as requested by the U.S. EPA (Board Action Item).

Tom Ball, X-Ray and Technical Support Section Manager in the Division of Waste Management and Radiation Control (Division), reviewed the request for approval from the Board to proceed with final adoption of proposed changes to Utah Admin. Code Rules R315-260, 261, 262, 263, 264, 265, 266, and 270 of the hazardous waste rules to incorporate federal regulatory changes made by the U.S. Environmental Protection Agency (U.S. EPA). Additionally, the Division is incorporating additional requirements for the management of military munitions as requested by the U.S. EPA.

During the Board's September 11, 2025, Board meeting, the Board approved the proposed changes to Utah Admin. Code Rules R315-260, 261, 262, 263, 264, 265, 266, and 270 to be filed with the Office of Administrative Rules for publication in the *Utah State Bulletin*. The proposed changes were published in the October 1, 2025, issue of the *Utah State Bulletin*. Selected pages from the *Utah State Bulletin* showing the publication of the proposed changes were included in the Board's November 13, 2025, Board packet.

The public comment period for this rulemaking ended on October 31, 2025; no comments were received.

This is a Board action item, and the Director recommends the Board approve final adoption of the changes to Utah Admin. Code Rules R315-260, 261, 262, 263, 264, 265, 266, and 270 as published in the October 1, 2025, issue of the *Utah State Bulletin* and set an effective date of November 17, 2025.

There were no comments or questions for Mr. Ball.

It was moved by Dr. Steve McIlff and seconded by Dr. Richard Codell and UNANIMOUSLY CARRIED for the Board to approve for final adoption the proposed changes, as published in the October 1, 2025, issue of the *Utah State Bulletin* and set an effective date of November 17, 2025, to Utah Admin. Code R315-260, 261, 262, 264, 265, 266, 268, and 270, to incorporate federal regulatory changes made by the U.S. EPA. Additionally, Utah Administrative Code R315-265 is being updated by adopting language from 40 CFR 265 into the rule rather than incorporating the language by reference.

IX. Low-Level Radioactive Waste.

- A. EnergySolutions, LLC request for a one-time, site-specific treatment variance from the Utah Hazardous Waste Management Rule R315-268-40(a)(3) to receive, treat, and macroencapsulate incinerator ash waste containing Resource Conservation and Recovery Act (RCRA) metals with elevated levels of dioxins and furans as Underlying Hazardous Constituents (UHCs) (Information Item).**

Tyler Hegburg, Environmental Scientist, from the Low-Level Radioactive Section in the Division, introduced Steve Gurr, EnergySolutions representative, who presented this one-time, site-specific treatment variance request to the Board. This is an informational item before the Board.

Mr. Gurr informed the Board that EnergySolutions requests a variance from Utah Administrative Code R315-268-40(a)(3) for an incinerator ash waste that contains Resource Conservation and Recovery Act (RCRA) metals and dioxins and furans as Underlying Hazardous Constituents (UHCs).

The waste consists of incinerator ash containing dioxin contaminants which become introduced to the ash due to the incineration process. Requiring the waste to meet the dioxin and furan treatment standards is inappropriate based on the processes that generate the waste.

Prior to receiving this variance, which was prior to 2018, the generator attempted to reduce the concentrations of the dioxan in the ash by re-incineration; this resulted in a very little reduction.

The generator has previously analyzed each container of ash for metals contamination. If metals were below the toxicity characteristic concentrations, the waste would be shipped to the Clive facility as Low-Level Radioactive Waste (LLRW) and disposed in the Class A Embankment. However, if metals were above the Toxicity Characteristic concentrations, then the waste would need to be treated for those metals as well as all UHCs, including dioxins and furans.

It is inappropriate to require treatment of dioxin and furan contaminants in instances where characteristic metals are found in the waste when treatment is not required if metals are below characteristic concentrations in the waste.

EnergySolutions proposes to macroencapsulate the ash waste in MACRO Vaults using requirements approved in the state-issued Part B Permit. This will provide isolation of the waste from the environment (relative to direct disposal in the Class A Embankment) and will avoid unnecessary additional incineration and handling of the waste.

This variance was approved six times previously, dated in 2018, 2019, 2021, 2022, 2023 and 2025.

Over the previous year that this variance was in effect, the EnergySolutions Clive facility received approximately 32 tons (thirteen shipments) of this ash for treatment. EnergySolutions forecasts similar amounts of this waste over the next year. This variance is being requested for approximately 35 tons of waste that will contain elevated concentrations of dioxins and furans.

This is an information item only. This item will be brought before the Board for formal action at an upcoming meeting.

There were no comments or questions for Mr. Gurr.

X. EnergySolutions, LLC request to the Northwest Interstate Compact (Information Item).

Director Hansen provided a background and a high-level overview of this agenda item, which is not typically reviewed by the Board. Director Hansen briefly explained the history of the Compact system in the United States, detailed the system's structure, and outlined the rationale for its existence.

Director Hansen also shared with the Board information regarding nuclear waste management from the era when the Atomic Energy Commission oversaw nuclear activities. Director Hansen noted that a significant amount of nuclear waste was generated during that time. Crucially, states were left without clear guidance or protocols on how to manage this waste properly. Specifically, the United States did not know how to manage it and was unclear what the path forward would be. From the 1970s onward, the United States initially lacked a clear, unified national strategy for managing nuclear waste. By the early 1970s, approximately five states were hosting disposal sites. These states grew concerned about bearing the responsibility for the nation's entire volume of radioactive waste. As a result, in the late 1970s, several governors, including the Governor of Utah, petitioned Congress, arguing that the responsibility should not fall on a limited number of states. This collective effort led to the call for a long-term solution for low-level radioactive waste, which ultimately resulted in the passage of the Low-Level Waste Policy Act by Congress in 1980 (and its subsequent amendment in 1985).

The passage of the Low-Level Waste Policy Act set up the possibility for states to band together and create regional disposal sites, and that was the primary focus of this. As states banded together, these agreements are called Compacts. So, states that entered into these agreements became a compact state. There are currently a number of Compact states. Director Hansen briefly discussed the regions the Compact states exist in, many of which are not in close proximity to each other.

Director Hansen stated that Utah is a participant in the Northwest Interstate Compact. It joined the Compact in the mid-1980s, along with Alaska, Hawaii, Washington, Oregon, Montana, and Idaho; Wyoming joined later in the early 1990s.

To legally form an Interstate Compact, authorizing language must be passed in the statutes of all participating states, and this language must be essentially identical across those state legislatures. Once passed, Congress must approve the Compact. Congressional approval is crucial because it grants these Compacts the authority to designate a disposal location for member states and regulate the flow of waste across Compact boundaries. This power allows the Compacts to regulate interstate commerce in a way that would otherwise be unconstitutional under the Interstate Commerce Clause.

In most other contexts, regulating interstate commerce in this manner would violate the Constitution's Interstate Commerce Clause. Because they carry the weight of Congress, Compacts

have this critical ability to regulate interstate commerce. These Compacts are governed by a Compact committee.

The Northwest Interstate Compact is governed by a committee consisting of one designee appointed by the Governor of each member state. The committee oversees the designated waste site and regulates the flow of waste into and out of the Compact region.

Director Hansen stated that it is important to note that while *EnergySolutions* is frequently part of the Board's discussions, it is a common misconception that their facility serves as the official site for the Northwest Interstate Compact. Utah's official facility for the Northwest Interstate Compact is located in Richmond, Washington. Therefore, facilities that generate low-level radioactive waste in Utah send their waste for disposal to the Washington site.

EnergySolutions' operations are contingent upon the Northwest Compact, which authorizes the importation of waste into their facility and the company's ability to exercise the license granted by the State of Utah.

The Division's agency's regulatory role with *EnergySolutions* was established because the Northwest Compact authorizes the importation of waste into their boundaries, allowing *EnergySolutions* to exercise the license granted by the State of Utah. Director Hansen explained that the Division's regulatory roles involves issuing the license, ensuring that all license conditions are met, and confirming that *EnergySolutions* only accepts the waste types they are permitted to accept. These technical considerations hinge on the classification of the waste, which is the primary focus for the Division's regulatory oversight.

For clarification, Director Hansen stated that the Board does not have a direct role in these matters. The responsibility for regulating waste entering the Compact falls entirely to the Northwest Interstate Compact and the Committee.

Director Hansen further clarified that the State of Utah currently prohibits the acceptance of waste classified as "hotter" than Class A. This limitation is codified in the *EnergySolutions* license and has been in place since its inception.

Given this context, Director Hansen reiterated that the Board does not have a role in regulating the waste entering the Compact as that responsibility falls to the Northwest Interstate Compact and its committee. This is relevant to the requests *EnergySolutions* has made and the subsequent agenda item Mr. Rogers will discuss.

Vern Rogers, Director, Regulatory Affairs at *EnergySolutions*, stated that he appreciated the opportunity to brief the Board on *EnergySolutions'* request to the Compact and provided a briefing to the Board regarding *EnergySolutions'* request to the Compact.

Mr. Rogers stated that *EnergySolutions'* request is based on the company's analysis of industry trends and economic growth within the country, a perspective shared by the federal government's own projections. Current projections indicate a significant need to double our current electricity generation within the next five years. This increased demand is primarily driven by the growth of AI, data center needs, and cloud computing infrastructure.

Mr. Rogers stated that a critical component of meeting this generation need is ensuring viable disposal capacity. Mr. Rogers stated that this is a core focus for *EnergySolutions*, specifically ensuring that they have the necessary capacity to support U.S. generation of nuclear energy and electricity.

Mr. Rogers stated that *EnergySolutions* has already seen industry adapting to this and briefly explained. Mr. Rogers explained that there are three groups seeing the actions that they take and explained that there are utilities that have shut down power reactors to process and prepare for decommissioning them. Those utilities are revisiting those reactors and they are restarting the reactors so that they can come back online to provide that additional capacity. There are also utilities that have reactors that are nearing the end of their life cycle and they are starting to plan pretty quickly and instead they are now planning for extensions of life cycles, extensions of operating life for as many as hundreds of years, if possible.

Mr. Rogers briefly discussed the need for additional nuclear waste disposal capacity, a critical resource for the country given the development of new reactor technologies (small modular, micro-mini reactors) and the resulting increase in electricity generation needs. In support of the nuclear industry and electric production growth, *EnergySolutions* has identified a specific capacity need in Ontario, Canada. Ontario, Canada operates several nuclear power reactors that provide electricity connected to the United States grid. However, Ontario, Canada currently lacks domestic disposal capacity.

EnergySolutions has approached the Northwest Interstate Compact seeking authorization to import a limited amount of waste from these civilian nuclear power plants. This waste would be disposed of at the Clive Facility at *EnergySolutions*. This proposed import supports the nuclear industry, creates additional disposal capacity that benefits the United States, and allows *EnergySolutions* to expand its operations. Furthermore, it generates additional tax revenue for the State of Utah, aligning with the Governor's expressed support for increased nuclear energy capacity.

Mr. Rogers briefly explained the specifics regarding the request including *EnergySolutions* is limiting this request to nuclear power that has been generated similarly in civilian industry. *EnergySolutions* has requested that it be allowed to be imported through the Compact and is subject to *EnergySolutions* license. The license is issued by the State of Utah and it would be compatible and identical to any of the waste that *EnergySolutions* is already managing for U.S. generators, but it is simply coming from out of the country. However, because it's already connected to a U.S. grid and is already producing electricity for the United States, *EnergySolutions* views this as supportive in the United States efforts and gives the United States a couple of other alter advantages as well. Specifically, the Canadians are very far along in their research of small module reactors and gives the United States access to some of that research and Canadian reactors also produce a lot of medical isotope grade Cobalt-64 treatment sterilization which helps encourage making that isotope available for construction in the United States. Therefore, what *EnergySolutions* is requesting is the ability to bring that waste to their facility. In addition, *EnergySolutions* is also planning to request that the Division amend their license to grant them additional capacity, which would enable them to provide capital and growth.

The nuclear power that the Canadians are generating is something that *EnergySolutions* believes would help support ongoing research and development of nuclear power in the United States. Mr. Rogers reiterated and clarified that if these power plants were located in the United States, *EnergySolutions* would already be able to accept and manage the waste. Mr. Rogers stated that it is a small fraction of waste, as *EnergySolutions* is requesting to receive approximately a million cubic yards of waste over the next several decades, and it would be limited to the waste that already would be compliant to *EnergySolutions* license. Mr. Rogers explained that in order to receive the waste, *EnergySolutions* would have to be fully compliant and work closely with the Canadian government to make sure that the waste met all of the Canadian governments rules for export. Also, *EnergySolutions* would then also need to work with the U.S. Nuclear Regulatory Commission (NRC) to make sure that the waste will be compatible and authorized for import into the country. The first step in this process is to make sure that *EnergySolutions* brings it into the Compact. Once *EnergySolutions* receive Compact approval, if the Compact chooses to give that, *EnergySolutions*

would then work with the NRC as well as the Canadian governments to make sure that they have the authorities necessary to bring it to the EnergySolutions facility. Mr. Rogers commented that as part of this process, EnergySolutions is aware that there may be concerns of liability, who is responsible if there is an accident or problem, and EnergySolutions has agreed to accept all liability for those matters.

Mr. Rogers further explained that the state of Utah issues Generator Site Access Permits, and before any facility ships waste to EnergySolutions, they are required to obtain a permit from the State, which basically links them to that liability. EnergySolutions has agreed to take on the liability for the shipments from Canada to the United States. Mr. Rogers further stated that EnergySolutions also wants to be transparent with the State of Utah as well as with the Northwest Compact. So, as EnergySolutions receive this waste they will be making monthly reports to the State of Utah as well as to the Compact on the amount of volume of waste they are receiving. Currently, EnergySolutions has approximately 20 or 30 years in capacity currently that is still available, which is a small fraction of their capacity. EnergySolutions will also report to the State of Utah and continue to report the greater consumption of that capacity moving forward. Mr. Rogers stated that this is information that they are working with very closely with the State of Utah.

Mr. Rogers reported that the Governor of Utah, Utah's Speaker of the House, and Utah's House of Representatives have been very supportive of this action are encouraging other states that EnergySolutions has contacted to support this request. EnergySolutions anticipates in the near future for the Northwest Compact to have a formal vote that allows EnergySolutions to move forward on this request.

Danielle Endres thanked all for the information provided. Ms. Endres stated that the Northwest Compact allows EnergySolutions to host Class A waste. However, "Class A waste" is a designation that is used in the United States and it is not a designation that is used in Canada. So, she is curious how is it verified that the Canadian waste fits that "Class A waste" designation. Specifically, if the Canadian waste is not a "Class A waste" designation, why wouldn't it come to the Board as a variance, as variances are the methods used to accept waste, and requested clarification.

Mr. Rogers stated that before waste is shipped from Ontario, Canada to the Clive Facility, EnergySolutions will be on-site to confirm the characteristics of the waste to make sure that it meets the definition of a "Class A waste," which is a NRC's definition as well as the State of Utah's definition. Mr. Rogers further stated that if it does not meet the designation, it will not be exported out of Canada and imported to the Clive facility. Mr. Rogers clarified that if the waste does arrive at the Clive facility and for some reason it has been mischaracterized and happens to be greater than "Class A waste," EnergySolutions would handle it like any other waste that would arrive at the EnergySolutions facility that is greater than "Class A waste." Specifically, EnergySolutions does not manage greater than Class A waste and would immediately report the matter to the State of Utah, the NRC, as well as the Canadian government and would work to resolve it to return the waste.

Mr. Rogers clarified by way of variance, EnergySolutions' license grants them the ability to manage "Class A waste," which does not require any amendments in their license or changes the license. The authority on this matter relies with the Compact because the Compact dictates to the origin from which waste comes into the Compact, so they govern from where it comes and what is actually placed in the ground that is covered by the license.

Ms. Endres asked at what point is the NRC involved, as the waste has to have the Compact's approval before the involvement from the NRC. Specifically, if the Compact approves this matter, then when would the NRC become involved and would the NRC be involved in the determination that the waste fits the "Class A waste" characterization.

Mr. Rogers clarified that the NRC would be involved whether or not the waste could be brought into the United States including whether or not it can be done so safely. Specifically, there are packaging and shipping requirements that the NRC would be involved with. Mr. Rogers further explained that one of the things that the NRC also requires is if a company imports waste and cannot manage it or dispose of it, there has to be an export part, so they would require EnergySolutions to have the ability return it back and that is why EnergySolutions must obtain approval from the Compact first. EnergySolutions must also show the NRC that it has that avenue for disposal.

Ms. Endres reiterated Director Hansen's point that the Board does not have a role in approving the acceptance of this waste, and that Mr. Rogers's explanation that the waste does not require a Board variance approval, but asked if the UDEQ must still approve the acceptance of this waste at some point in the process.

Mr. Rogers reiterated that the UDEQ has granted EnergySolutions a license to accept Class A waste. Therefore, EnergySolutions' role in this process is defined by operating within the parameters of that license. The UDEQ would only become involved if EnergySolutions were to operate outside the scope of the license.

Ms. Endres noted that a key role of the Board is to provide an opportunity for public comment when matters come up for approval. Since this matter will not be coming before the Board, she is concerned about a mechanism for public input. Furthermore, Ms. Endres asked about the process the State of Utah followed to arrive at its current position in favor of this proposal, and how can Utah citizens make their opinions known and get involved. Specifically, where can members of the public provide input to the decision-makers and is there an opportunity for public comment when the Compact or the NRC makes its decisions.

Mr. Rogers indicated that he cannot speak on behalf of the State of Utah or the Compact regarding public comment procedures. Mr. Rogers stated that public comment is typically required by statute or rule, and EnergySolutions does not govern that process. Mr. Rogers suggested that Ms. Endres contact the Compact or the Division Director to determine the circumstances under which public comment is initiated.

Director Hansen provided the following response relating to Ms. Endres questions. Director Hansen informed the Board that the Compact Commission meets typically annually. The agendas for these meetings are published, and the public is always given an opportunity to comment on agenda items. The initial meeting was held in September of this year, and the agenda was published at that time. Director Hansen briefly discussed statutory differences, while the State of Utah utilize multiple platforms for presenting items, which many subscribed individuals monitor, the Compact Commission is subject to Washington's Open Public Meetings Act, which dictates its own opportunities for public engagement.

Director Hansen informed the Board that this topic has been on the agenda for three separate meetings, all of which had public agendas posted, and the public had an opportunity to comment during all three. The opportunity for public comment exists; however, the meetings were not advertised in the same manner as the Board's meetings or other Utah state meetings because the UDEQ does not control that advertising process.

Director Hansen also briefly explained the NRC Licensing Actions and stated that a similar scenario exists with licensing actions involving the NRC. Specifically, when EnergySolutions files for an import license, the NRC has its own separate public process. Director Hansen recommended that interested individuals monitor the NRC's public actions and stay connected through their advertised channels.

Director Hansen further briefly discussed the potential expansion of the *EnergySolutions* cell. Director Hansen briefly outlined the process the Board will take on this matter. Director Hansen informed the Board that since this is not a licensing action, the expansion itself does not come before the Board. However, if *EnergySolutions* moves forward with the request for expansion, there will be a public process. All relevant information will be provided on the Division's website, and individuals will be notified and given an opportunity to submit comments.

In connection with the above, Director Hansen commented that although the potential expansion of the *EnergySolutions* cell is separate from the *EnergySolutions* Compact request, it is a key component of their overall plan. If *EnergySolutions* moves forward with a formal request for cell expansion, a public process will be initiated and all relevant information will be posted on the Division's website, and individuals will be formally notified and given the opportunity to submit comments.

Shane Whitney asked for clarification as to why the State of Utah is disposing of radioactive waste in Washington State, despite having suitable disposal options available in Utah's west desert.

Director Hansen explained that when Utah joined the Compact, the *EnergySolutions* facility was not anticipated or envisioned. At that time, joining the Compact provided a crucial disposal site for Utah's waste. The State of Utah maintains its membership because *EnergySolutions* is currently only permitted to accept Class A waste. To dispose of Class B and Class C waste, which are prohibited from disposal in Utah, the State of Utah needs access to the Compact system and the Northwest Compact facility. This relationship provides an option for disposing of these higher classes of waste that *EnergySolutions* cannot manage.

Director Hansen stated that on occasion, the State of Utah has successfully petitioned the Compact for an exception, allowing certain Utah-generated waste to go to *EnergySolutions*. These exceptions are granted based on factors such as safety, highway travel, and proximity.

Director Hansen further clarified that accepting Class B and Class C waste in the State of Utah would require changes to state legislative statutes.

XI. Director's Report.

Director Hansen reported that he will be meeting with the Natural Resources, Agriculture, and Environment Interim Committee (Committee) again to follow up on the September discussions regarding options modifying the used oil fee collected in Utah.

He anticipates the Committee is generally in favor of moving the fee out of statute and incorporating it into the Division's annual fee schedule. This would allow the Division to review and recommend the fee structure to the Utah State Legislature every year. Director Hansen expects the outstanding questions from the previous meeting to be addressed and a legislative bill to be drafted.

Additionally, Director Hansen will present a path forward for exploring alternatives and options for antifreeze recovery and recycling. The goal is for the Committee to create a bill that ensures the Division has a stable fund to manage both used oil and antifreeze waste.

Director Hansen announced that Tom Ball will be retiring at the end of the year. Director Hansen expressed that Tom will be greatly missed and that the Division is currently recruiting to fill his position.

Additionally, Director Hansen informed the Board that he will also be retiring on December 31, 2025. Director Hansen stated that working with the Board over the past five years has been a pleasure and a wonderful experience, and he appreciates the dedication of all Board members. He acknowledged the significant time commitment and the weighty issues the Board tackles. Director Hansen stated he appreciated the opportunity to get to know and work closely with the Board, and he will miss their interactions. He concluded by thanking the Board for their continued work.

XII. Executive Director's Report.

Executive Director Davis thanked Doug and Tom for their dedicated service, acknowledging that they have served the people of Utah admirably and professionally. Executive Director Davis stated that he greatly appreciated their work, their humor, and their service to the Board. While they will be greatly missed, he is happy that they will now have the opportunity to pursue things they have long put off.

Additionally, Director Davis reported that the recruitment process for Doug's replacement will begin in the near future.

XIII. Other Business.

A. Miscellaneous Information Items.

Chairman Mickelson acknowledged and thanked both Tom and Doug for their dedicated efforts and stated that he will miss interacting with them. The institutional knowledge departing with these two individuals will undoubtedly have a significant impact.

A photograph of Tom and Doug was taken commemorating the event.

B. Scheduling of next Board Meeting (January 8, 2026)

The next Board meeting is scheduled for January 8, 2026, at the Utah Department of Environmental Quality, Multi-Agency State Office Building.

Interested parties can join via the Internet at: meet.google.com/gad-sxsd-uvs
Or by phone at (US) +1 978-593-3748 PIN: 902 672 356#

XIV. Adjourn.

The meeting adjourned at 2:30 p.m.

PST STATISTICAL SUMMARY													
December 1, 2024 -- November 30, 2025													
PROGRAM													
	December	January	February	March	April	May	June	July	August	September	October	November	(+/-) OR Total
Regulated Tanks	4,855	4,859	4,869	4,886	4,897	4,907	4,902	4,907	4,912	4,906	4,907	4,917	62
Tanks with Certificate of Compliance	4,661	4,668	4,670	4,674	4,682	4,683	4,692	4,695	4,701	4,721	4,731	4,756	95
Tanks without COC	194	191	199	212	215	223	210	212	211	185	176	161	(33)
Cumulative Facilitlies with Registered A Operators	1,266	1,270	1,262	1,278	1,271	1,272	1,254	1,267	1,271	1,273	1,274	1,276	83.67%
Cumulative Facilitlies with Registered B Operators	1,279	1,283	1,276	1,280	1,273	1,273	1,256	1,266	1,270	1,272	1,272	1,274	83.54%
New LUST Sites	3	11	2	9	6	4	8	5	12	7	7	8	82
Closed LUST Sites	7	9	6	6	4	5	3	8	5	3	6	1	63
Cumulative Closed LUST Sites	5724	5733	5739	5741	5748	5751	5758	5765	5768	5774	5776	5780	56
FINANCIAL													
	December	January	February	March	April	May	June	July	August	September	October	November	(+/-)
Tanks on PST Fund	3,049	3,056	3,056	3,052	3,064	3,059	3,067	3,064	3,062	3,084	3,100	3,105	56
PST Claims (Cumulative)	734	734	738	738	741	740	740	739	739	739	740	739	5
Equity Balance	\$7,556,156	\$7,848,489	\$8,280,893	\$8,218,397	\$8,511,914	\$9,321,582	\$9,640,627	\$9,913,949	\$10,715,671	\$9,541,937	\$15,156,203	\$15,801,900	\$8,245,744
Cash Balance	\$37,874,455	\$38,166,788	\$38,599,192	\$38,536,696	\$38,830,213	\$39,639,881	\$39,958,926	\$40,232,248	\$41,033,970	\$39,860,236	\$40,213,598	\$40,859,295	\$2,984,840
Loans	0	0	0	0	0	0	0	0	0	2	0	0	0
Cumulative Loans	129	129	129	129	129	129	129	129	129	131	131	131	2
Cumulative Amount	\$6,213,705	\$6,213,705	\$6,213,705	\$6,213,705	\$6,123,705	\$6,123,705	\$6,123,705	\$6,123,705	\$6,123,705	\$6,520,492	\$6,520,492	\$6,520,492	\$306,787
Defaults/Amount	0	0	0	1	1	2	2	2	2	2	3	2	2
	December	January	February	March	April	May	June	July	August	September	October	November	TOTAL
Speed Memos	241	78	127	135	199	135	165	135	114	118	133	191	1,771
Compliance Letters	12	13	7	8	11	18	10	9	11	8	3	8	118
Notice of Intent to Revoke	0	0	0	1	0	0	0	0	0	0	0	0	1
Orders	0	1	0	0	0	0	2	1	0	0	2	0	6

UTAH WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
Final Adoption
Amendments to UAC R313-24
January 8, 2026

What is the issue before the Board?	Approval from the Board is needed for final adoption of proposed changes to Utah Administrative Code R313-24, to incorporate federal regulatory changes made by the Nuclear Regulatory Commission (NRC) to the federal radioactive materials regulations in 2023. The changes are necessary to maintain regulatory compatibility with the NRC as required because Utah is an Agreement State with the NRC.
What is the historical background or context for this issue?	<p>At the Board meeting on October 9, 2025, the Board approved the proposed changes to Utah Admin. Code R313-24 to be filed with the Office of Administrative Rules for publication in the <i>Utah State Bulletin</i>. The proposed changes were published in the November 1, 2025, issue of the <i>Utah State Bulletin</i> (Vol. 2025, No. 21).</p> <p>Selected pages from the <i>Utah State Bulletin</i> showing the publication of the proposed changes follow this Executive Summary.</p> <p>The public comment period for this rulemaking ended on December 1, 2025; no comments were received.</p>
What is the governing statutory or regulatory citation?	<p>The Board is authorized under Utah Code, Subsections 19-3-103.1 and 19-3-104, to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program is qualified to maintain primacy from the federal government and that are necessary to implement the provisions of the Radiation Control Act.</p> <p>The rule changes also meet existing UDEQ and state rulemaking procedures.</p>
Is Board action required?	Yes. Board approval for final adoption of the rule changes is necessary.
What is the Division Director's recommendation?	The Director recommends the Board approve final adoption of the changes to Utah Admin. Code R313-24 as published in the November 1, 2025, issue of the <i>Utah State Bulletin</i> and set an effective date of January 12, 2026.
Where can more information be obtained?	Please contact Brandon Davis, X-Ray and Technical Support Manager, by email at bbdavis@utah.gov or by phone at 385-622-1873.

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed October 02, 2025, 12:00 a.m. through October 15, 2025, 11:59 p.m.

Number 2025-21
November 01, 2025

Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Government Operations, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
- I. Utah. Office of Administrative Rules.

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NOTICES OF PROPOSED RULES

- (d) itemized budgetary expenditures; and
- (e) overall effectiveness of the program.
- (2) An LEA may request a complete list of awarded certificates from the Superintendent.

R277-721-5. Distribution and Use of Funds.

- (1) An LEA may receive up to the LEA's requested amount not to exceed \$100,000 annually.
- (2) An LEA may not use funds to:
 - (a) fund non-CTE or CE courses;
 - (b) supplant local funds;
 - (c) pay indirect costs charged by the LEA;
 - (d) cover expenditures not listed in the LEA's proposed budget.

KEY: PRIME, concurrent enrollment, CTE, early college

Date of Last Change: ~~2025~~**[August 22, 2023]**

Notice of Continuation: October 7, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R313-24-6

Filing ID: 57545

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Spencer Wickham	385-499-4895	swickham@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-24-6. Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements
4. Purpose of the new rule or reason for the change:
The purpose of this rule amendment is to incorporate federal regulatory changes made by the Nuclear Regulatory Commission (NRC) to the federal radioactive materials regulations.
The changes are necessary to maintain regulatory compatibility with the NRC as required because Utah is an Agreement State with the NRC.
5. Summary of the new rule or change:
The amendment updates the date for Appendix A to Part 40 of 10 CFR that is incorporated by reference in the introductory paragraph to R313-24-6. The date is updated from 2015 to 2023.
In 2023, the NRC amended Appendix A to Part 40 of 10 CFR to replace the word "meterology" which is spelled incorrectly with the correct spelling "meteorology".

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

It is not anticipated that there will be any cost or savings to the state budget due to this amendment because the changes are administrative in nature and do not add or remove any requirements from the rule.

B. Local governments:

It is not anticipated that there will be any cost or savings to local governments due to this amendment because the changes are administrative in nature and do not add or remove any requirements from the rule.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that there will be any cost or savings to small businesses due to this amendment because the changes are administrative in nature and do not add or remove any requirements from the rule.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that there will be any cost or savings to non-small businesses due to this amendment because the changes are administrative in nature and do not add or remove any requirements from the rule.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that there will be any cost or savings to persons other than small businesses, non-small businesses, state or local governments due to this amendment because the changes are administrative in nature and do not add or remove any requirements from the rule.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons due to this rule amendment because it does not add any new requirements to the rule.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 19-3-104

Section 19-6-107

Incorporation by Reference Information**8. Incorporation by Reference:**

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Appendix A to Part 40 CRITERIA RELATING TO THE OPERATION OF URANIUM MILLS AND THE DISPOSITION OF TAILINGS OR WASTES PRODUCED BY THE EXTRACTION OR CONCENTRATION OF SOURCE MATERIAL FROM ORES PROCESSED PRIMARILY FOR THEIR SOURCE MATERIAL CONTENT
Publisher	Government Printing Office
Issue Date	August 24, 2023

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:**

12/01/2025

10. This rule change MAY become effective on:

12/15/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	10/09/2025
---	-----------------------------	--------------	------------

R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**R313-24. Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements.****R313-24-6. Clarifications or Exceptions.**

For the purposes of Rule R313-24, 10 CFR 40.2a through 40.4; 40.12; 40.20(a); 40.21; 40.26(a) through 40.26(c); 40.31(h); the introductory paragraph of 40.36 and 40.36(a), 40.36(b), 40.36(d) and 40.36(f); 40.41(c); the introduction to 40.42(k) and 40.42(k)(3)(i); 40.46; 40.61(a) and 40.61(b); 40.65; and Appendix A to Part 40 (20152023) are incorporated by reference with the following clarifications or exceptions:

(1) The exclusion and substitution of ~~the following~~:

(a) ~~[E]~~exclude 10 CFR 40.26(c)(1) and replace with "(1) ~~[The provisions of]~~ Sections R313-12-51, R313-12-52, R313-12-53, R313-19-34, R313-19-50, R313-19-61, R313-24-1, Rules R313-14, R313-15, R313-18, and R313-24 (incorporating 10 CFR 40.2a, 40.3, 40.4, and 40.26 by reference)";

(b) ~~[F]~~in Appendix A to 10 CFR 40, exclude Criterion 5B(1) through 5H, Criterion 7A, Criterion 13, and replace the excluded Criterion with "Utah Administrative Code, Rule R317-6, Ground Water Quality Protection"; and

(c) ~~[F]~~in Appendix A to 10 CFR 40, exclude Criterion 11A through 11F and Criterion 12.

(2) The substitution of ~~the following~~:

(a) "10 CFR 40" for reference to "this part" as found throughout the incorporated text;

(b) "director" for reference to "Commission" in the first and fourth references contained in 10 CFR 40.2a, in 10 CFR 40.3, 40.20(a), 40.26, 40.36(f), 40.41(c), 40.46~~[-]~~(a), 40.61, and 40.65; and "director" for reference to "NRC" in 10 CFR 40.36(b);

(c) "Rule[s] R313-19, R313-21, or R313-22" for "Section 62 of the Act" as found in 10 CFR 40.12(a);

(d) "Section R313-15-402" for reference to "10 CFR 20.1402" and "Section R313-15-403" for reference to "10 CFR 20.1403" in 10 CFR 40.36(d);

(e) "Section R313-15-1109" for reference to "10 CFR 20.2108" in 10 CFR 40.36(f);

(f) "Rule[s] R313-21 or R313-22" for reference to "the regulations in this part" in 10 CFR 40.41(c);

- (g) "Section R313-19-100" for reference to "part 71 of this chapter" as found in 10 CFR 40.41(e);
- (h) In 10 CFR 40.42(k)(3)(i), "Sections R313-15-401 through R313-15-406" for reference to "10 CFR part 20, subpart E";
- (i) "source material milling" for reference to "uranium milling, in production of uranium hexafluoride, or in a uranium enrichment facility" as found in 10 CFR 40.65(a);
- (j) "director" for reference to "appropriate NRC Regional Office shown in Appendix D to 10 CFR part 20 of this chapter, with copies to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555," as stated in 10 CFR 65(a)(1);
- (k) "require the licensee to" for reference to "require to" in 10 CFR 40.65(a)(1); and
- (l) in Appendix A to 10 CFR part 40, the following substitutions:
 - (i) "Section R313-12-3" for reference to "Sec. 20.1003 of this chapter" as found in 10 CFR 40.36(f) and in the first paragraph of the introduction to Appendix A;
 - (ii) "Utah Administrative Code, Rule R317-6, Ground Water Quality Protection" for ground water standards in "Environmental Protection Agency in 40 CFR part 192, subparts D and E" as found in the Introduction, paragraph [4]~~four~~; or "Environmental Protection Agency in 40 CFR part 192, subparts D and E (48 FR 45926; October 7, 1983)" as found in Criterion 5;
 - (iii) "director as defined in Subsection 19-5-102(6)" for reference to "Commission" in the definition of "compliance period," in paragraph five of the introduction and in Criterion 5A(3);
 - (iv) "director" for reference to "Commission" in the definition of "closure plan", in paragraph five of the introduction, and in Criteria 6(2), 6(4), 6(6), 6A(2), 6A(3), 9, and 10 of Appendix A;
 - (v) "license issued by the director" for reference to "Commission license" in the definition of "licensed site," in the introduction to Appendix A;
 - (vi) "director" for reference to "NRC" in Criterion 4D;
 - (vii) "representatives of the director" for reference to "NRC staff" in Criterion 6(6);
 - (viii) "director-approved" for reference to "Commission-approved" in Criterion 6A(1) and Criterion 9;
 - (ix) "director" for reference to "appropriate NRC regional office as indicated in Criterion 8A" as found, Criterion 8, paragraph [2]~~two~~ or for reference to "appropriate NRC regional office as indicated in Appendix D to 10 CFR part 20 of this chapter, or the Director, Office of Nuclear Material Safety and Safeguards, U[-]S[-] Nuclear Regulatory Commission, Washington, DC 20555," as stated in Criterion 8A; and
 - (x) "director" for reference to "the Commission or the State regulatory agency" in Criterion 9, paragraph [2]~~two~~.

KEY: environmental analysis, uranium mills, tailings, byproduct material

Date of Last Change: ~~2025~~**[July 15, 2024]**

Notice of Continuation: October 19, 2021

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-107

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R698-14

Filing ID: 57531

Agency Information

1. Title catchline:	Public Safety, Administration	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W, 1st Floor	
City, state:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141775	
City, state and zip:	Salt Lake City, UT 84114-1775	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-965-4018	kgibb@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R698-14. Security Improvement Certification

UTAH WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
REQUEST FOR A SITE-SPECIFIC TREATMENT VARIANCE
EnergySolutions, LLC
January 8, 2026

<p>What is the issue before the Board?</p>	<p>On October 15, 2025, EnergySolutions, LLC submitted a request to the Director of the Division of Waste Management and Radiation Control for a one-time site-specific treatment variance from the Utah Hazardous Waste Management Rules. EnergySolutions seeks a variance from Utah Administrative Code R315-268-40(a)(3) to receive, treat, and macroencapsulate approximately 35 tons of incinerator ash waste that contains Resource Conservation and Recovery Act (RCRA) metals with elevated levels of dioxins and furans as Underlying Hazardous Constituents (UHCs) at their Mixed Waste Landfill Cell (MWLC).</p>
<p>What is the historical background or context for this issue?</p>	<p>EnergySolutions requests approval of a variance from Utah Admin. Code R315-268-40(a)(3) for incinerator ash waste that contains RCRA metals, dibenzo-p-dioxins, and dibenzofurans UHCs above their respective treatment standards denoted by the Universal Treatment Standards (UTS) in Utah Admin. Code R315-268-48 for treatment, macroencapsulation, and disposal within the MWLC. All treatment standards will be met except those for dioxan and furan UHCs prior to disposal.</p> <p>The basis for this variance is found within Utah Admin. Code R315-268-44(h)(2) and is as follows: requiring this waste stream to meet the dioxin and furan treatment standards is inappropriate based on the incineration and recycling processes that generate this waste even though such treatment of this waste stream is technically possible. Due to those processes all the ash waste contains dioxins and furans; however, in accordance with regulations, only a portion of the waste needs to be treated for those contaminants. The generator has previously analyzed each container of ash for metals contamination. If metals were below the toxicity characteristic concentrations described in 40 CFR 261.24 (R315-261-24), the waste would be shipped to the Clive facility as Low-Level Radioactive Waste (LLRW) and disposed in the Class A Embankment. If metals were above the Toxicity Characteristic concentrations, then the waste would need to be treated for those metals as well as all UHCs, including dioxins and furans. It is inappropriate to require treatment of dioxin and furan contaminants in instances where characteristic metals are found in the waste when treatment is not required if metals are below characteristic concentrations in the waste.</p> <p>Furthermore, the stabilized ash was re-incinerated in an attempt to reduce the concentration of dioxins and furans in the ash. Re-incineration attempts resulted in very little reduction in concentrations of the dioxan furan contaminants. It would be inappropriate to require this additional incineration step in order to attempt to meet the standards.</p>

	<p>EnergySolutions proposes to confirm that the waste meets all required treatment standards with the exception of the dioxan and furan UHC standards and then macroencapsulate the ash residue following approved requirements for MACRO in the state-issued Part B Permit. Macroencapsulation is an approved process that provides further isolation from the environment and will avoid unnecessary additional reattempts of incineration of the waste. Final disposal of the waste will occur in the Mixed Waste Disposal Cell at the EnergySolutions Mixed Waste Facility.</p> <p>EnergySolutions has requested this variance a total of six times for this generator in letters dating back to June 27, 2018. The previous request (DSHW-2024-008730) was approved (DSHW-2025-000190) by the Utah Waste Management and Radiation Control Board on January 9, 2025.</p> <p>A 30-day notice for public comment was published in the <i>Salt Lake Tribune</i>, the <i>Deseret News</i> and the <i>Tooele Transcript-Bulletin</i> on October 29, 2025. The 30-day public comment period began October 30, 2025, and ended November 28, 2025. No public comments were received during the public comment period.</p> <p>Documents related to this application were also posted on the Division's webpage.</p>
What is the governing statutory or regulatory citation?	Variances are provided for in 19-6-111 of the Utah Solid and Hazardous Waste Act. This is a one-time site-specific variance from an applicable treatment standard as allowed by Utah Admin. Code R315-268-44.
Is Board action required?	Yes, this is an action item before the Board. The Variance request was presented to the Board as an informational item on November 13, 2025.
What is the Division/Director's recommendation?	The Director recommends approval of this variance request. The Director's recommendation is based on the following findings: the proposed alternative treatment method meets the regulatory basis for a variance and will be as safe to human health and the environment as the required method.
Where can more information be obtained?	For technical questions, please contact Tyler Hegburg (385) 622-1875. For legal questions, please contact Bret Randall at (801) 536-0284.

DSHW-2025-005942
Attachment: DSHW-2025-005320

October 15, 2025

CD-2025-205

Mr. Doug Hansen
Director
Division of Waste Management and Radiation Control
195 North 1950 West
Salt Lake City, UT 84114-4880

RECEIVED

By Division of Waste Management and Radiation Control at 3:14 pm, Oct 16, 2025

DSHW-2025-005320

Subject: EPA ID Number UTD982598898 – Request for a Site-Specific Treatment
Variance for Ash with Dioxin/Furan Contamination

Dear Mr. Hansen,

EnergySolutions hereby requests a variance from Utah Administrative Code (UAC) R315-268-40(a)(3) for an incinerator ash waste that contains Resource Conservation and Recovery Act (RCRA) metals and dioxins and furans as Underlying Hazardous Constituents (UHCs). This request is submitted in accordance with the requirements of UAC R315-260-19.

The regulatory requirement authorizing this request is found in UAC R315-268-44 which allows a site-specific variance from an applicable treatment standard provided that the following condition is met:

UAC R315-268-44268.44(h)(2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible.

EnergySolutions requests approval to receive ash from incinerator and metal recycling processes that contains RCRA metals and dibenzo-p-dioxin and dibenzofuran UHCs above their respective treatment standards denoted with the Universal Treatment Standards (UTS) in R315-268-48.

Requiring the waste to meet the dioxin and furan treatment standards is inappropriate based on the processes that generate the waste. Because of the waste generation processes, all of the ash waste contains dioxins and furans; however, in accordance with regulations, only a portion of the waste needs to be treated for those contaminants. The generator has previously analyzed each container of ash for metals contamination. If metals were below the toxicity characteristic concentrations described in 40 CFR 261.24 (R315-261-24), the waste would be shipped to the Clive facility as Low-Level Radioactive Waste (LLRW) and disposed in the Class A Embankment. If metals were above the Toxicity Characteristic concentrations, then the waste would need treated for those metals as well as all UHCs, including dioxins and furans. It is inappropriate to require treatment of dioxin and furan contaminants in instances where characteristic metals are found in the waste when treatment is not required if metals are below characteristic concentrations in the waste.

Furthermore, prior to receiving this variance, the stabilized ash was re-incinerated in an attempt to reduce the concentration of dioxins and furans in the ash. Re-incineration results in very little intrinsic value. It is inappropriate to require this additional incineration in order to attempt to meet the standards. This alternative option would allow the disposal of dioxin and furan



Mr. Doug Hansen
CD-2025-205
October 15, 2025
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contaminated waste in the LLRW Embankment with no treatment. The variance requested herein would avoid that situation.

EnergySolutions proposes to macroencapsulate the ash waste in MACRO Vaults using requirements approved in the state-issued Part B Permit. This will provide isolation of the waste from the environment (relative to direct disposal in the Class A Embankment) and will avoid unnecessary additional incineration of the waste.

EnergySolutions requested this same variance 6 times for this generator in letters dated June 27, 2018 (CD18-0120), August 23, 2019 (CD19-0179), June 16, 2021 (CD-2021-072), July 20, 2022 (CD-2022-131), August 16, 2023 (CD-2023-163), and October 14, 2024 (CD-2024-215). The previous requests were approved by the Waste Management and Radiation Control Board on September 13, 2018, November 14, 2019, September 9, 2021, October 13, 2022, October 12, 2023, and January 9, 2025, respectively. Over the previous year this variance was in effect, the EnergySolutions Clive facility received approximately 32 tons (thirteen shipments) of this ash for treatment. EnergySolutions forecasts similar amounts of this waste over the next year.

This variance is being requested for approximately 35 tons of waste that will contain elevated concentrations of dioxins and furans.

EnergySolutions requests that a variance be granted to macroencapsulate ash waste that requires treatment for RCRA metals and dioxin and furan UHCs.

The name, phone number, and address of the person who should be contacted to notify EnergySolutions of decisions by the Director is:

Mr. Vern Rogers
Director of Regulatory Affairs
EnergySolutions LLC
299 South Main Street, Suite 1700
Salt Lake City, UT 84111
(801) 649-2000

Should there be any questions to this request, please contact me at (801) 649-2043.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve D. Gurr".

Digitally signed by
Steve D. Gurr
Date: 2025.10.15
10:14:08 -06'00'

Steve D. Gurr
Environmental Engineer and Manager

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

UTAH WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
Approval of Mammography Imaging Medical Physicists
January 8, 2026

What is the issue before the Board?	Approval of qualified Mammography Imaging Medical Physicist.
What is the historical background or context for this issue?	<p>Individuals referred to as Mammography Imaging Medical Physicists (MIMP) must submit an application for review of qualifications to be certified by the Board. These physicists perform radiation surveys and evaluate the quality control programs of the facilities in Utah providing mammography examinations.</p> <p>The Division has received new applications for three individuals to be certified as MIMPs:</p> <ul style="list-style-type: none"> • Jeremy Corwin, M.S. ABHP • Joseph VoetBerg, Jr., M.S., DABR • Marc Cramer, M.S., DABR <p>Division staff have reviewed the qualifications of the applicants and have determined that they have met the requirements detailed in Utah Administrative Code R313-28-140.</p>
What is the governing statutory or regulatory citation?	<p>In accordance with Subsection 19-3-103.1(2)(c) of the Utah Code Annotated, the Board shall review the qualifications of, and issue certificates of approval to, individuals who: (i) survey mammography equipment; or (ii) oversee quality assurance practices at mammography facilities.</p> <p>This statutory requirement was effective May 8, 2012.</p>
Is Board action required?	Yes.
What is the Division Director's recommendation?	The Director of the Division of Waste Management and Radiation Control recommends the Board issue a certificate of approval for the applicants reviewed and presented to the Board.
Where can more information be obtained?	Please contact Krystal Thomas, RT (R)(M), at (385) 454-5309.

UTAH WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
Proposed Stipulated Compliance Order No. 2412148
Williams International Co., L.L.C.
UTD093113900

What is the issue before the Board?	This is a proposed Stipulated Compliance Order (SCO) No. 2412148 with Williams International Co., L.L.C. to resolve Notice of Violation No. 2304034.
What is the historical background or context for this issue?	<p>The proposed SCO settles 42 violations and includes a total penalty of \$140,954.00, of which \$35,238.50 will be paid in cash, to the Director of the Division of Waste Management and Radiation Control.</p> <p>The Director will agree to defer and waive \$35,328.50 of the total penalty if Williams International Co., L.L.C. submits quarterly compliance audit reports as outlined in the SCO within specified timeframes.</p> <p>A proposed Supplemental Environment Project (SEP) in the amount of \$70,477.00 may be credited toward the total penalty if, within one year, Williams International Co., L.L.C. completes the approved project. The amount credited to the total penalty is fifty cents to every SEP credit dollar of actual costs. The proposed SEP involves upgrades to their central accumulation area that are not required by regulation. The upgrades include a permanent structure that limits access, chemical resistant epoxy flooring, and secondary containment. Also, part of the SEP is the Chip Exchange Project that will add an epoxy floor and lean-to-shed to protect items from the elements.</p>
What is the governing statutory or regulatory citation?	Section 19-6-104 of the Utah Solid and Hazardous Waste Act authorizes the Board to issue orders and approve or disapprove settlement negotiated by the Director with a civil penalty over \$25,000.00.
Is Board action required?	No. This is an informational item only.
What is the Division Director's recommendation?	The Director will provide a recommendation following the public comment period at a future Board meeting.
Where can more information be obtained?	<p>For technical information, please contact Deborah Ng, Hazardous Waste Section Manager at 385-499-0837.</p> <p>For legal information, please contact Brenden Catt, Assistant Attorney General, Utah Attorney General's Office at 385-379-2591.</p>

DSHW-2025-006244

Attachments:

Stipulated Compliance Order No. 2412148 (DSHW-2025-000251)

Penalty Narrative (DSHW-2025-000250)

Notice of Violation and Compliance Order No. 2304034 (DSHW-2023-003740)

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In the Matter of: : **STIPULATED COMPLIANCE ORDER**
:
Williams International Co., L.L.C. : **No. 2412148**
Notice of Violation and Compliance Order :
No. 2304034 :
UTD093113900

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This **STIPULATED COMPLIANCE ORDER (SCO)** is issued by the DIRECTOR OF THE UTAH DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL (Director) pursuant to the Utah Solid and Hazardous Waste Act, Utah Code Section 19-6-101 *et seq.* (SHWA), Utah Used Oil Management Act, Utah Code Section 19-6-701 *et seq.* (UOMA), and Utah Administrative Code R315 (the Rules).

JURISDICTION

1. The Director has jurisdiction over the subject matter of this SCO pursuant to Utah Code Sections 19-6-107, 19-6-112, 19-6-721, and 19-6-721.1 and jurisdiction over Williams International Co., L.L.C. (Williams). Williams consents to and will not challenge issuance of this SCO or the Director's jurisdiction to enter into and enforce this SCO.
2. Williams and the Director are collectively referred to as the "parties" and individually as a "party" to this SCO.
3. The Waste Management and Radiation Control Board has authority to review and approve or disapprove this SCO pursuant to Utah Code Section 19-6-104(1)(e).

FINDINGS

4. Williams is a Limited Liability Company registered to do business in the State of Utah. Williams is the legal owner and operator of the Williams International Co., L.L.C. facility (Facility).
5. The Facility is an industrial jet turbine, aircraft engine, and engine parts manufacturing facility located at 3450 Sam Williams Drive, Ogden, Utah. Williams operates the Facility under the provisions of the SHWA, UOMA, and the Rules.
6. Williams is a "person" as defined in Utah Code Section 19-1-103(4) and is subject to all applicable provisions of the SHWA, UOMA, and the Rules.
7. Pursuant to Utah Code Sections 19-6-109 and 19-6-705, authorized representatives of the Director (inspectors) conducted three compliance evaluation inspections at the Facility.
8. On August 3, 2016, inspectors conducted their first compliance evaluation inspection at the Facility that resulted in the issuance of a letter from the Division of Waste Management and

Radiation Control (Division) requesting a return to compliance, dated September 12, 2016 (DSHW-2016-012602).

9. On August 13, 2020, inspectors conducted their second compliance evaluation inspection at the Facility that resulted in the issuance of Warning Letter No. 2011134, dated November 20, 2020 (DSHW-2020-016865).
10. On March 14, 2023, inspectors conducted their third Compliance Evaluation Inspection at the Facility, and many of the violations identified in the letter sent to Williams on September 12, 2016, and in Warning Letter No. 2011134 were also identified during this inspection.
11. On May 9, 2024, the Director issued Notice of Violation and Compliance Order No. 2304034 (the NOV/CO), which alleged violations of the SHWA, UOMA, and the Rules based on findings documented during the inspection on March 14, 2023 (DSHW-2023-003740).
12. On May 23, 2024, the Director clarified the deadline for Williams to respond to the NOV/CO (DSHW-2024-006377).
13. On June 6, 2024, the Director and Williams stipulated to an extension of time for filing a Request for Agency Action, which extended the time to file to July 23, 2024 (DSHW-2024-006955).
14. On June 6, 2024, the Director and Williams also executed a Tolling Agreement establishing a tolling period from June 6, 2024, to June 5, 2025 (DSHW-2024-006956).
15. Between July 16, 2024, and November 21, 2024, Williams provided numerous submissions to the Director in response to the NOV/CO.
16. On July 18, 2024, the Director and Williams stipulated to the first extension of time for filing a Request for Agency Action, which extended the time to file to August 12, 2024 (DSHW-2025-001575).
17. On August 5, 2024, the Director and Williams stipulated to the second extension of time for filing a Request for Agency Action, which extended the time to file to December 3, 2024 (DSHW-2024-007719).
18. On October 2, 2024, the Director provided comments to Williams' response submissions (DSHW-2024-007811).
19. On October 15, 2024, the Director provided a new response deadline for an incorrect addressee in his previous correspondence dated October 2, 2024 (DSHW-2024-008596).
20. On May 8, 2025, and through their respective legal representatives, the Director and Williams executed the First Extension of Tolling Agreement, extending the expiration of the tolling period from June 5, 2025, to June 5, 2026 (DSHW-2025-002404).
21. On November 4, 2025, Williams proposed a Supplemental Environmental Project to the Director that includes upgrading a Central Accumulation Area and Chip Bin Storage Area at the Facility (the SEP) that Williams demonstrated will increase protection to human health and the environment because the upgrades will protect containers from the elements, reduce the likelihood of spills or releases, and mitigate the impact from any future spill or release (DSHW-2025-005660).

22. In accordance with the Civil Penalty Policy, Utah Admin. Code R315-102 *et seq.*, 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, and other factors, the Director calculated and proposed a penalty based on the violations alleged in the NOV/CO.

STIPULATED COMPLIANCE ORDER

23. This SCO has been negotiated in good faith and the parties now wish to fully resolve the NOV/CO without further administrative or judicial proceedings.
24. In full settlement of the violations alleged in the NOV/CO, Williams shall pay a total penalty of \$140,954.00 (one hundred forty thousand nine hundred fifty-four dollars), as specified in ¶ 25 through ¶ 29.
25. Within 30 days after the Effective Date of this SCO, Williams shall make a cash payment of \$35,238.50 (thirty-five thousand two hundred thirty-eight dollars and fifty cents) to the State of Utah, Department of Environmental Quality, c/o Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880.
26. The Director agrees to defer and waive \$35,238.50 (thirty-five thousand two hundred thirty-eight dollars and fifty cents) of the total penalty (the Deferred Penalty) if:
- a. Williams submits quarterly compliance audit reports (Quarterly Reports) to the Director on the dates specified in ¶ 26.b. that contain the following:
 - i. Documentation of all required training of personnel handling solid waste, hazardous waste, hazardous secondary material, universal waste, and used oil that occurred during the previous quarter;
 - ii. Documentation of weekly inspections of the Central Accumulation Area(s) and corrective actions implemented at the Central Accumulation Area(s) during the previous quarter;
 - iii. Documentation of all spills or releases and the corrective actions taken to mitigate and properly manage spills or releases during the previous quarter;
 - iv. Documentation of new waste determinations, including but not limited to waste profiles, analytical data, land disposal determinations, and generator knowledge supporting such documentation, from the previous quarter;
 - v. Documentation of any annual reviews of the contingency plan and quick reference guide that occurred during the previous quarter, and, if compliance items need to be updated prior to the annual review, documentation of the updates during the previous quarter; and
 - vi. Documentation of any annual reviews and recertifications of waste profiles, including applicable land disposal forms, that occurred during the previous quarter, and if profiles need to be updated prior to the annual review, documentation of the updates during the previous quarter;
 - b. Williams submits the Quarterly Reports required by ¶ 26.a. to the Director according to the following table:

Quarterly Report	Dates Covered in Quarterly Report	Due Date*
2026 Q2	April 1, 2026 – June 30, 2026	July 15, 2026
2026 Q3	July 1, 2026 – September 30, 2026	October 15, 2026
2026 Q4	October 1, 2026 – December 31, 2026	January 18, 2027
2027 Q1	January 1, 2027 – March 31, 2027	April 15, 2027

* “Due Date” for purposes of this table is the day, month, and year each Quarterly Report must be submitted to the Director using dwmrcsubmit@utah.gov.

27. If the Director notifies Williams of its failure to comply with ¶ 26.a. through ¶ 26.b., Williams shall pay the Deferred Penalty of \$35,238.50 (thirty-five thousand two hundred thirty-eight dollars and fifty cents) to the State of Utah, Department of Environmental Quality, c/o Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880, not later than 30 days after the Director notifies Williams of its failure to comply. Payment of the Deferred Penalty shall not absolve Williams from complying with any term of this SCO.
28. The amount of \$70,477.00 (seventy thousand four hundred seventy-seven dollars) may be credited toward the total penalty (the SEP Credit) if, within one year of the Effective Date of this SCO, Williams completes the SEP, subject to the following conditions:
- In calculating the amount credited to the total penalty, \$0.50 (fifty cents) will be applied toward the SEP Credit for every \$1.00 (one dollar) Williams spends on the SEP (the Actual Cost); and
 - Within 30 days of completing the SEP, Williams shall submit to the Director a detailed accounting of the Actual Cost that demonstrates the Actual Cost equaled or exceeded \$140,954.00. If the Actual Cost is less than \$140,954.00, Williams shall make a cash payment to the Director to cover the difference between 50% of the Actual Cost and the SEP Credit.
29. If Williams fails to complete the SEP within one year of the Effective Date of this SCO, the SEP Credit shall not be credited toward the total penalty, and Williams shall pay the SEP Credit to the State of Utah, Department of Environmental Quality, c/o Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880, not later than 30 days after one year from the Effective Date of this SCO. Payment of the SEP Credit shall not absolve Williams from complying with any term of this SCO.

EFFECTIVE DATE

30. This SCO shall become effective upon the date of execution by the Director (Effective Date).

EFFECT OF THE ORDER

31. For the purpose of this SCO, the parties agree and stipulate to the above stated facts. The obligations in this SCO apply to and are binding upon the Division and upon Williams and any of Williams' successors, assigns, or other entities or persons otherwise bound by law.
32. 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 SCO for purposes other than determining the basis of this SCO. Nothing contained herein shall be deemed to constitute a waiver by the State of Utah of its right to initiate an enforcement action, including civil penalties, against Williams in the event of future non-compliance with this SCO, with the SHWA, UOMA, and with the Rules; nor shall the State of Utah be precluded in any way from taking appropriate action should such a situation arise again at the Facility. However, entry into this SCO shall relieve Williams of all liability for violations that arose or could have arisen with respect to the allegations contained in the NOV/CO.
33. As of the Effective Date, this SCO will be a final, non-appealable administrative order subject to the civil enforcement provisions of Utah Code Section 63G-4-501 *et seq.* and other applicable law, including Utah Code Sections 19-6-112 and 19-6-721.1.

PUBLIC PARTICIPATION

34. This SCO 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 his consent if any comment received during the Comment Period discloses facts or considerations indicating this SCO is inappropriate, improper, or inadequate.

SIGNATORY

35. The undersigned representative of Williams certifies that the representative is authorized to enter into this SCO and to legally bind Williams.

Pursuant to the Utah Solid and Hazardous Waste Act, Utah Code Section 19-6-101 *et seq.*, and Utah Used Oil Management Act, Utah Code Section 19-6-701 *et seq.*, in the *Matter of Williams International Co., L.L.C. Notice of Violation and Compliance Order No. 2304034*, the parties hereto mutually agree and consent to STIPULATED COMPLIANCE ORDER No. 2412148 as evidenced below:

WILLIAMS INTERNATIONAL CO., L.L.C.

THE STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Gregg G. Williams, Executive Vice President
Williams International Co., L.L.C.

Date: _____

Director
Division of Waste Management and Radiation Control

Date: _____

Proposed

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Number: 1

Violation Description: Failure to make an accurate waste determination at the point of generation to ensure waste is properly managed, in accordance with Utah Administrative Code R315-262-11.

1. Gravity Based Penalty - \$8,500.00

- (a) Potential for Harm – **Major** – Williams failed to make an accurate waste determination at the point of generation, which poses a major potential to harm human health and the environment because the waste could be mismanaged, expose personnel to hazardous constituents, or harm the environment if it is not determined to be hazardous at the point of generation.

Failing to make an accurate waste determination at the point of generation also has a relatively high adverse effect on the statutory and regulatory purposes for implementing the hazardous waste program because accurate waste determinations and ensuring waste is properly managed from cradle to grave based upon its hazards are foundational to the program.

- (b) Extent of Deviation – **Moderate** – Williams significantly deviated from the regulation but conducted a proper waste determination on some of the waste streams. During the March 14, 2023, inspection, inspectors identified 14 instances where Williams did not make a waste determination at the point of generation where material was unknown to workers, Williams' environmental staff, and inspectors.

- (c) Multiple/Multi-day – NA

2. Adjustment Factors (if applicable) - NA

- (a) Good Faith - NA
(b) Willfulness/Negligence - NA
(c) History of Compliance or Noncompliance – NA
(d) Ability to Pay - NA
(e) Other Unique Factors - NA

3. Economic Benefit – \$9,254.00. Williams saved \$9,254.00 by delaying or avoiding compliance with the waste determination requirements under Utah Admin. Code R315-262-11 because sampling and analytical testing of the samples to provide accurate waste determination costs at least \$661 per sample, and Williams had 14 containers that needed to be sampled and analyzed.

4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$17,754.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 2, 3

Violation Description: Failure to provide records showing it received a final signed copy of manifests from the designated facility and failure to keep records showing exception reports had not been required or that they had been properly filed, in accordance with Utah Admin. Code R315-262-40(a) and 42(a)(2).

1. Gravity Based Penalty - \$2,600.00

- (a) Potential for Harm – **MODERATE** – Williams failed to provide records showing it received a final signed copy of manifests and to keep records showing exception reports had not been required, which poses a medium adverse effect on the procedures for implementing the hazardous waste regulatory program because the program must ensure hazardous waste is managed from cradle to grave. Without these records, inspectors are unable to verify the wastes arrived at the destination facility permitted to manage waste within a reasonable timeframe, and Williams is unable to verify whether the waste was properly managed.
- (b) Extent of Deviation – **MODERATE** – Williams significantly deviated from the requirements of these regulations because it failed to comply with two key elements to ensure waste is properly managed from cradle to grave. During the March 14, 2023, inspection, Williams did not provide documentation that it received signed manifests from the destination facility on six occasions and did not submit exception reports for one manifest for which it had not received a complete copy of the manifest.

(c) Multiple/Multi-day – NA

2. Adjustment Factors (if applicable) – NA

- (a) Good Faith - NA
- (b) Willfulness/Negligence - NA
- (c) History of Compliance or Noncompliance – NA
- (d) Ability to Pay - NA
- (e) Other Unique Factors - NA

3. Economic Benefit – Economic Benefit was evaluated and determined to be negligible.

4. Recalculation of Penalty Based on New Information – The gravity based penalty was recalculated based upon information Williams provided demonstrating that only one manifest was past the deadline to submit an exception report to the Director.

TOTAL: \$2,600.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 4, 5, 6, 7

Violation Description: Failure to have required elements in the contingency plan, in accordance with Utah Admin. Code R315-262-261(a), (c), (d), and (f).

1. Gravity Based Penalty - \$5,000.00
 - (a) Potential for Harm – **MODERATE** – Williams’ contingency plan failed to include the required elements under Utah Admin. Code R315-262-261, which poses a medium risk of exposing humans or other environmental receptors to hazardous waste because it lacked procedures describing actions facility personnel must take when responding to emergency situations, arrangements with emergency responders, contact information for emergency coordinators, and an evacuation plan. Without that information, employees could be injured, and the environment could be harmed in an emergency situation.
 - (b) Extent of Deviation – **MAJOR** – Although Williams had a contingency plan, it deviated from the requirements of the regulations governing the contents of the contingency plan to such an extent that most of the requirements were not met, resulting in substantial noncompliance with:
 - i. Utah Admin. Code R315-262-261(a): Describing the actions facility personnel should take in response to fires, explosion, or any unplanned sudden or non-sudden release of hazardous waste;
 - ii. Utah Admin. Code R315-262-261(c): Describing its arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee;
 - iii. Utah Admin. Code R315-262-261(d): A list of names and emergency telephone numbers of all persons qualified to act as emergency coordinator; and
 - iv. Utah Admin. Code R315-262-261(f): An evacuation plan that identifies alternate evacuation routes in cases where the primary routes could be blocked by release of hazardous waste or fires.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable) – NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit – Economic benefit was evaluated but determined to be negligible.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$5,000.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 8, 9

Violation Description: Failure to include critical elements in the Quick Reference Guide, in accordance with Utah Admin. Code R315-262-262(b)(4) and (b)(6).

1. Gravity Based Penalty - **\$2,000.00**
 - (a) Potential for Harm – **MODERATE** – Williams’ Quick Reference Guide failed to include the required elements under Utah Admin. Code R315-262-262(b), which poses a medium risk of exposing humans or other environmental receptors to hazardous waste because it lacked a map showing where hazardous wastes are generated, accumulated, and treated, and the locations of water supplies. Without that information, emergency responders’ response times could be delayed, and emergency responders could be injured or unknowingly exposed to hazardous waste.
 - (b) Extent of Deviation – **MINOR** – Although Williams had a Quick Reference Guide, Williams deviated somewhat from the requirements of the regulations governing the contents of the Quick Reference Guide because the Quick Reference Guide did not include a map of where hazardous waste is generated or stored and the locations of water supplies.
 - (c) Multiple/Multi-day - NA
2. Adjustment Factors (if applicable) – NA
 - (d) Good Faith - NA
 - (e) Willfulness/Negligence - NA
 - (f) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit – Economic benefit was evaluated but determined to be negligible.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$2,000.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 10, 11

Violation Description: Failure to maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous constituents and failing to identify and characterize the released material, in accordance with Utah Admin. Code R315-262-251 and 265(b).

1. Gravity Based Penalty - **\$13,000.00**
 - (a) Potential for Harm – **MAJOR** – Williams failed to maintain and operate the Facility to minimize the possibility of any unplanned sudden or non-sudden release and failed to properly respond to releases when they occurred, which poses a relatively high risk of exposing humans or other environmental receptors to hazardous waste. Moreover, this failure has a relatively high adverse effect on the regulatory program because it allows uncontrolled releases to enter other environmental media causing off-site contamination with no regulatory oversight, which is antithetical to the cradle to grave management of hazardous waste.
 - (b) Extent of Deviation – **MAJOR** – Williams deviated from these regulations to such an extent that most of the requirements were not met, resulting in substantial noncompliance since inspectors observed active releases and Williams’ personnel did not properly know the extent and source of the released material. These releases caused soil and water to become contaminated.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable) – NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit – \$5,300.00. Williams saved at least \$5,300 by delaying or avoiding compliance with Utah Admin. Code R315-262-251 and 265(b). Additional media was impacted when the releases were not properly managed, e.g., entered the stormwater. The cost to clean up contaminated stormwater ranges from \$5,000 to more than \$50,000.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$18,300.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 12

Violation Description: Failure to have immediate access to an internal alarm or emergency communication device when handling, pouring, mixing, or spreading of hazardous waste, in accordance with Utah Admin. Code R315-262-254(a).

1. Gravity Based Penalty - **\$1,700.00**
 - (a) Potential for Harm – **MODERATE** – Failure to have immediate access to communication devices when handling hazardous waste to ensure immediate notification of emergency personnel has a medium risk of exposing humans or other environmental receptors to hazardous waste because it could prolong response times and lead to further releases into the environment.
 - (b) Extent of Deviation – **MINOR** – Williams deviated somewhat from this requirement and although it had most of the important aspects of the requirement, when inspectors observed and notified area personnel about the observed spills, Williams' personnel did not have immediate access to a communication device to notify the emergency coordinator.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable) – NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit – No economic benefit was determined.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$1,700.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Number: 13

Violation Description: Failure to maintain adequate aisle space for emergency response, in accordance with Utah Admin. Code R315-262-255.

1. Gravity Based Penalty - **\$1,600.00**
 - (a) Potential for Harm – **MODERATE** – Failure to properly maintain aisle space has a medium risk of exposing humans or other environmental receptors to hazardous waste because it could lead to delays in emergency response, exacerbate releases, or allow for additional releases.
 - (b) Extent of Deviation – **MINOR** – Williams deviated somewhat from this requirement because it failed to maintain adequate aisle space in one specific area of the Facility, but most of the important aspects of the requirements of Utah Admin. Code R315-262-255 were met elsewhere at the Facility.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable) – NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit – No economic benefit was determined.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$1,600.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Number: 14

Violation Description: Failure to make and document arrangements with local police, fire department and other emergency responders, in accordance with Utah Admin. Code R315-262-256(a).

1. Gravity Based Penalty - **\$1,600.00**
 - (a) Potential for Harm – **MODERATE** – Failure to make and document arrangements with local responders poses a medium risk of exposing humans or other environmental receptors to hazardous waste because it could lead to delayed or improper emergency response by emergency personnel and harm human health and the environment.
 - (b) Extent of Deviation – **MINOR** - Williams deviated somewhat from this requirement because it did not provide inspectors with documentation that it made arrangements with emergency response teams, contractors, and equipment suppliers.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable) – NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit – Economic benefit was evaluated and determined to be negligible.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$1,600.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 15, 16, 17, 18, 19, 20, 21, 22

Violation Description: Failure to provide documentation of personnel training, in accordance with Utah Admin. Code R315-262-17(a)(7)(i)-(iv).

1. Gravity Based Penalty - **\$13,000.00**

- (a) Potential for Harm – **MAJOR** – Williams failed to provide documentation of personnel training in accordance with Utah Admin. Code R315-262-17(a)(7)(i)-(iv), which poses a relatively high risk of exposing humans or other environmental receptors to hazardous waste because Williams’ personnel lack the requisite knowledge to perform their job duties and respond to emergencies, which could lead to mismanagement of waste and improper emergency response. Williams’ personnel lack of training also presents a relatively high adverse effect on the statutory and regulatory purposes and procedures of the hazardous waste program because lack of training can lead to noncompliance with the regulatory requirements, which was demonstrated during the March 14, 2023, inspection.
- (b) Extent of Deviation – **MAJOR** – Williams deviated from the requirements of these regulations to such an extent that the majority of its personnel were not properly trained or could not be verified as having been properly trained, resulting in substantial noncompliance with the following regulations:
- i. Utah Admin. Code R315-262-17(a)(7)(i)(A): Failing to provide training and maintain records demonstrating employees were properly trained to perform their job duties to ensure compliance;
 - ii. Utah Admin. Code R315-262-17(a)(7)(i)(B): Failing to provide documentation of training conducted by qualified person trained in hazardous waste management procedures including the contingency plan;
 - iii. Utah Admin. Code R315-262-17(a)(7)(ii): Failing to provide training and maintain records demonstrating employees were properly trained to perform their duties within six months of hire;
 - iv. Utah Admin. Code R315-262-17(a)(7)(iii): Failing to provide and document annual refresher training after initial training;
 - v. Utah Admin. Code R315-262-17(a)(7)(iv)(A): Failing to maintain and record the job title for each position at the facility related to hazardous waste management, and the name of the employees filling each position;
 - vi. Utah Admin. Code R315-262-17(a)(7)(iv)(B): Failing to maintain a written job description for each position and be consistent in its degree of specificity of requisite skills, education, or other qualifications and duties for facility personnel;
 - vii. Utah Admin. Code R315-262-17(a)(7)(iv)(C): Failing to provide a written description of the type and amount of both introductory and continuing training required for each employee filling positions under Utah Admin. Code R315-262-17(a)(7)(iv)(A); and
 - viii. Utah Admin. Code R315-262-17(a)(7)(iv)(D): Failing to maintain records that demonstrate and document that training, or job experience has been given to and completed by facility personnel.

(c) Multiple/Multi-day – NA

2. Adjustment Factors (if applicable) – NA

- (a) Good Faith - NA
- (b) Willfulness/Negligence - NA
- (c) History of Compliance or Noncompliance – NA
- (d) Ability to Pay - NA
- (e) Other Unique Factors - NA

3. Economic Benefit – \$18,000.00. Williams saved \$18,000 by avoiding compliance with the applicable hazardous waste training rules under Utah Admin. Code R315-262-17(a)(7)(i)-(iv) because hiring a qualified trainer or using an online training program to conduct this training costs \$450 per person on average, and Williams has 40 personnel responsible for handling or managing hazardous waste.

4. Recalculation of Penalty Based on New Information – The economic benefit was recalculated based upon information Williams provided to the Director demonstrating that the job duties of 40 personnel require hazardous waste training under Utah Admin. Code R315-262-17(a)(7)(i)-(iv).

TOTAL: \$31,000.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 23, 24, 25

Violation Description: Failure to properly label or mark hazardous waste containers with the words “Hazardous Waste”, an indication of the hazards, and the accumulation start date, in accordance with Utah Admin. Code R315-262-17(a)(5)(i)(A)-(C).

1. Gravity Based Penalty - \$13,000.00
 - (a) Potential for Harm – **MAJOR** – Williams failed to properly label hazardous waste containers, which poses a major potential for harm because it could lead to mismanagement and improper handling of the waste, and thus exposure and risk to human health or the environment. Failing to properly label hazardous waste also has a relatively high adverse effect on the statutory and regulatory hazardous waste program because it interferes with the Division’s ability to properly inspect the Facility, identify hazardous waste, and evaluate compliance with the SHWA and the Rules.
 - (b) Extent of Deviation – **MAJOR** – Williams deviated from the labeling requirements to such an extent that most of the requirement were not met, which resulted in substantial noncompliance. During the inspection, inspectors identified 24 instances where Williams improperly labeled hazardous waste, which resulted in noncompliance with the following:
 - i. Utah Admin. Code R315-262-17(a)(5)(i)(A): Failing to label containers with the words “Hazardous Waste”;
 - ii. Utah Admin. Code R315-262-17(a)(5)(i)(B): Failing to label containers with an indication of the hazards; and
 - iii. Utah Admin. Code R315-262-17(a)(5)(i)(C): Failing to label containers with the accumulation start date.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable)
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – Increased 10%. Williams has a history of noncompliance with these Rules because this compliance issue was previously identified during the 2020 inspection.
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit – The economic benefit was evaluated and determined to be negligible.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$14,300.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Number: 26

Violation Description: Failure to maintain portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment in required areas, in accordance with Utah Admin. Code R315-262-252(c).

1. Gravity Based Penalty - **\$1,600.00**
 - (a) Potential for Harm – **MODERATE** - Failure to have proper emergency equipment available during an incident poses a medium risk of exposing humans or other environmental receptors to hazardous waste because it could result in a delayed response and harm to employees and the environment. It also poses a medium adverse effect on the statutory or regulatory purposes or procedure for implementing the hazardous waste program because emergency preparation and prevention are fundamental to the management of hazardous waste.
 - (b) Extent of Deviation – **MINOR** – Williams deviated somewhat from this regulation because it did not have emergency equipment where waste was stored outdoors, but it had emergency equipment where waste was stored indoors.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable) – NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit - \$300.00. Williams saved \$300.00 by delaying or avoiding compliance with Utah Admin. Code R315-262-252(c) because a spill kit and fire extinguishers cost around \$300.00 on average.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$1,900.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 27, 28, 29

Violation Description: Failure to properly manage hazardous waste containers and complete weekly inspections, in accordance with Utah Admin. Code R315-262-17(a)(1)(ii), (a)(1)(iv)(A), and (a)(1)(v).

1. Gravity Based Penalty - **\$9,100.00**

- (a) Potential for Harm – **MAJOR** – Failing to properly manage hazardous waste containers and complete weekly inspections poses a major potential for harm to human health and the environment because containers in poor condition, not closed, and beginning to deteriorate could release hazardous waste to groundwater or soil leading to potential exposure to workers and the environment. During the March 14, 2023, inspection, inspectors observed numerous containers at the Facility that were in poor condition and beginning to deteriorate.

Failing to properly manage hazardous waste containers also has a relatively high adverse effect on the statutory or regulatory purposes or procedure for implementing the hazardous waste program because container management is fundamental to ensuring hazardous waste does not enter the environment or cause exposure to Williams' personnel.

- (b) Extent of Deviation – **MODERATE** – Williams significantly deviated from the requirements of these regulations by not properly managing and inspecting its containers, which resulted in noncompliance with the following:
- i. Utah Admin. Code R315-262-17(a)(1)(ii): Failing to immediately transfer hazardous waste from a container in poor condition to a container in good condition;
 - ii. Utah Admin. Code R315-262-17(a)(1)(iv)(A): Failing to keep hazardous waste containers closed except when actively adding or removing waste; and
 - iii. Utah Admin. Code R315-262-17(a)(1)(v): Failing to perform weekly inspections in the central accumulations area (CAA).

(c) Multiple/Multi-day – NA

2. Adjustment Factors (if applicable) – NA

- (a) Good Faith - NA
- (b) Willfulness/Negligence - NA
- (c) History of Compliance or Noncompliance – NA
- (d) Ability to Pay - NA
- (e) Other Unique Factors - NA

3. Economic Benefit -Evaluated but determined to be negligible.

4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$9,100.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 30, 31

Violation Description: Failure to ensure the satellite accumulation area (SAA) is under the control of the operator, near the point of generation, and containers in the SAA were closed at all times, except when adding, removing, or consolidating waste, in accordance with Utah Admin. Code R315-262-15(a) and (a)(4)(i).

1. Gravity Based Penalty - **\$3,380.00**
 - (a) Potential for Harm – **MODERATE** – Williams failed to be in control of the SAA and failed to ensure containers within the SAA are closed at all times, which poses a moderate potential for harm because humans or other environmental receptors could be exposed to hazardous waste through vapor emissions from the open containers or if the containers are tipped over. Failure to follow the SAA requirements also has a medium adverse effect on implementing the hazardous waste program because the proper management of hazardous waste from cradle to grave is fundamental to the program.
 - (b) Extent of Deviation – **MODERATE** - Williams significantly deviated from the requirements of the regulations governing SAA management because it failed to ensure the SAA was under its control, near the point of generation, and all the containers within the SAA were closed.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable) – NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit - Economic benefit was evaluated but determined to be negligible.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$3,380.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 32, 33

Violation Description: Failure to properly label universal waste, in accordance with Utah Admin. Code R315-273-14(a) and (e).

1. Gravity Based Penalty - **\$1,600.00**
 - (a) Potential for Harm – **MODERATE** - Failure to properly label and manage universal waste batteries and lamps has a medium risk of exposing humans or other environmental receptors to hazardous constituents because unlabeled waste could be mismanaged. Failure to properly label universal waste batteries and lamps also has a medium adverse effect on the statutory and regulatory purposes for implementing the hazardous waste program because proper identification of waste is foundational to the hazardous waste regulatory program.
 - (b) Extent of Deviation – **MINOR** - Williams deviated somewhat from the requirements of these regulations to properly label universal wastes because inspectors documented two improperly marked containers of universal waste. During the March 14, 2023, inspectors observed the following deviations:
 - i. Utah Admin. Code R315-273-14(a): Failing to properly label and manage Universal Waste Battery containers; and
 - ii. Utah Admin. Code R315-273-14(e): Failing to properly label and manage Universal Waste Lamp containers.
 - (c) Multiple/Multi-day –NA
2. Adjustment Factors (if applicable)
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance - Increased 10%. Williams has a history of noncompliance with these Rules because this compliance issue was previously identified during the 2020 inspection.
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit - Economic benefit was evaluated but determined to be negligible.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$1,760.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 34, 35

Violation Description: Exceedances of the accumulation timeframe for universal waste and failing to demonstrate length of time the universal waste has been accumulated, in accordance with Utah Admin. Code R315-273-15(a) and (c).

1. Gravity Based Penalty - **\$260.00**
 - (a) Potential for Harm – **MINOR** – Failure to ship universal waste batteries off-site within one year and failing to demonstrate the length of time that universal waste has been accumulating at the Facility poses a minor potential for harm to human health and the environment because it could lead to mismanagement, loss of the waste, and deterioration of the batteries since the batteries themselves are considered the container.
 - (b) Extent of Deviation – **MINOR** - Williams deviated somewhat from the regulations for accumulation of universal waste batteries and lamps because inspectors documented one bucket of waste batteries where the requirements were not met, one container of waste lamps without an accumulation start date, and three additional instances where Williams failed to demonstrate the time the universal waste had been accumulating.
 - (c) Multiple/Multi-day –NA
2. Adjustment Factors (if applicable) – NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit - Economic benefit was evaluated but determined to be negligible.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$260.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Number: 36

Violation Description: Failure to properly train and document training of employees who manage universal waste, in accordance with Utah Admin. Code R315-273-16.

1. Gravity Based Penalty - **\$4,500.00**
 - (a) Potential for Harm – **MODERATE** – Williams failed to properly train employees who manage universal waste, which poses a medium risk of exposing humans or other environmental receptors to hazardous waste because without the requisite training, Williams' personnel could mismanage universal waste or inadequately respond and implement emergency procedures during an incident. Moreover, failing to properly train employees who manage universal waste may have a medium adverse effect on the regulatory purposes and procedures on implementing the hazardous waste program because universal waste management training is a fundamental part of the program.
 - (b) Extent of Deviation – **MAJOR** – Williams deviated from the requirements of this regulation to such an extent that most of the requirements of the regulation were not met because it failed to provide documentation to inspectors that demonstrated training was provided for any of Williams' employees managing universal wastes.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable) – NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay - NA
 - (e) Other Unique Factors - NA
3. Economic Benefit - Economic benefits were evaluated and determined that universal training could be added to the hazardous waste management training at negligible cost.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$4,500.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 37, 38, 39

Violation Description: Failure to keep used oil containers closed except when adding or removing used oil, failure to properly manage used oil tanks and container storage areas to prevent releases, and failure to properly label used oil tanks and containers with the words "Used Oil", in accordance with Utah Admin. Code R315-15-2.3(b)(3), (b)(4), and (c)(1).

1. Gravity Based Penalty - **\$9,000.00**

- (a) Potential for Harm – **MAJOR** – Williams failed to keep used oil containers closed, manage those containers to prevent releases, and properly label those containers, which creates a relatively high risk of exposing humans or the environment to used oil because (1) containers left open have the potential to spill and may allow precipitation and other contaminants to enter the container, (2) containers could overflow resulting in a release of used oil into the environment, and (3) used oil could be mismanaged if not properly labeled. During the March 14, 2023, inspection, inspectors observed open hoppers filled with rainwater and snowmelt that were overflowing, and instances where Williams failed to properly label containers storing used oil with the words "Used Oil."
- (b) Extent of Deviation – **MAJOR** – Williams deviated from the requirements of these regulations to such an extent that most of the requirements were not met because it did not properly manage used oil tanks and containers by leaving containers open, exposed to the environment, and unlabeled. Inspectors observed four open containers of used oil, releases from four hoppers and secondary containment, and multiple unlabeled containers of used oil.
- (c) Multiple/Multi-day – NA

2. Adjustment Factors (if applicable)

- (a) Good Faith - NA
- (b) Willfulness/Negligence - NA
- (c) History of Compliance or Noncompliance – Increased 10%. Williams has a history of noncompliance with these Rules because these compliance issues were previously identified during the 2020 inspection.
- (d) Ability to Pay - NA
- (e) Other Unique Factors - NA

3. Economic Benefit – \$1,200.00. Williams saved \$1,200 by avoiding compliance with the requirements under Utah Admin. Code R315-15-2.3(b)(3), (b)(4), and (c)(1) because it failed to install hopper covers, which cost \$300.00 per hopper, and Williams had four hoppers without covers.

4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$11,100.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Numbers: 40

Violation Description: Failure to take immediate action in the event of a used oil release to minimize the threat to human health and the environment, stop the release, contain the release, clean the release up, and properly manage the released material, in accordance with Utah Admin. Code R315-15-9.1(a)(1)-(4).

1. Gravity Based Penalty - **\$4,100.00**
 - (a) Potential for Harm – **MODERATE** – Williams failed to take immediate action to stop the release or stop, contain, or cleanup a release, which poses a medium risk of exposing humans or other environmental receptors to used oil because even small amounts of used oil can contaminate environmental receptors. During the March 14, 2023, inspection, inspectors observed used oil releases from an unidentified machine and four hoppers, and the release from the hoppers was flowing into a storm drain.
 - (b) Extent of Deviation – **MAJOR** – Williams deviated from the requirements of these regulations to such an extent that most of the requirements were not met, resulting in substantial noncompliance that led to five separate incidents of used oil releases that were not responded to, stopped, contained, or cleaned up.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable) - NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay – NA
 - (e) Other Unique Factors – NA
3. Economic Benefit - \$210.00. Williams saved \$210 by avoiding compliance with Utah Admin. Code R315-15-9.1(a)(1)-(4) because it failed to use a basic spill kit, which costs approximately \$210.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$4,310.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Number: 41

Violation Description: Failure of the person responsible for the used oil release to clean up the release and any residue or contaminated soil, water, or other material resulting from the release, in accordance with Utah Admin. Code R315-15-9.3.

1. Gravity Based Penalty - **\$3,500.00**
 - (a) Potential for Harm – **MODERATE** – Williams failed to immediately clean up releases of used oil, which poses a medium risk of exposing humans or other environmental receptors to used oil because the used oil could enter water sources, contaminating surface and groundwater or the soil.
 - (b) Extent of Deviation – **MAJOR** – Williams deviated from the requirements of this regulation to such an extent that most of the requirements were not met, resulting in substantial noncompliance because Williams' personnel did not respond immediately to an active release of used oil. Inspectors documented four containers that were actively releasing used oil where the employee responsible was not taking immediate action to stop the release.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable)
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – Increased 10%. Williams has a history of noncompliance with this Rule because this compliance issue was previously identified during the 2020 inspection.
 - (d) Ability to Pay – NA
 - (e) Other Unique Factors – NA
3. Economic Benefit – Economic benefit was evaluated and determined negligible since clean up materials were available, but Williams failed to use them.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$3,850.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATED COMPLIANCE ORDER**

NOV # 2304034

Violation Number: 42

Violation Description: Failure to provide evidence that hazardous secondary materials are not being speculatively accumulated, in accordance with Utah Admin. Code R315-261-1(c)(8).

1. Gravity Based Penalty – **\$4,940.00**
 - (a) Potential for Harm – **MODERATE** – Williams speculatively accumulated hazardous secondary materials or failed to provide documentation that those materials are not being speculatively accumulated, which poses a medium adverse effect on the statutory or regulatory purposes or procedures for implementing the hazardous waste program because it inhibits inspectors' ability to ensure wastes are removed in a timely manner and the material meets the exclusions specified in the regulations. Despite repeated requests, Williams failed to document that the plasma spray dust is recyclable, and it has a feasible means of being recycled during the calendar year.
 - (b) Extent of Deviation – **MAJOR** – Williams deviated from this regulation to such an extent that most of the requirements were not met, resulting in substantial noncompliance with the prohibition on speculatively accumulating hazardous secondary materials, here, the plasma spray dust.
 - (c) Multiple/Multi-day – NA
2. Adjustment Factors (if applicable) - NA
 - (a) Good Faith - NA
 - (b) Willfulness/Negligence - NA
 - (c) History of Compliance or Noncompliance – NA
 - (d) Ability to Pay – NA
 - (e) Other Unique Factors – NA
3. Economic Benefit – Economic benefit was evaluated but determined to be negligible to record and track accumulation dates.
4. Recalculation of Penalty Based on New Information - NA

TOTAL: \$4,940.00



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Douglas J. Hansen
Director

May 9, 2024

David Holden, Safety and Security Manager
Williams International Co., L.L.C.
3450 Sam Williams Drive
Ogden, UT 84401

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7003 2260 0003 2358 9428

RE: Notice of Violation and Compliance Order No. 2304034
UTD093113900

Dear Mr. Holden:

Enclosed is **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO)** Number **2304034**, based on findings documented by Division of Waste Management and Radiation Control (Division) inspectors during a compliance evaluation inspection on March 14, 2023. Please be advised that compliance with the attached ORDER is mandatory and will not relieve Williams International Co., L.L.C. of liability for past violations.

Within 60 days of issuance of the attached ORDER, you are required to submit to the Director of the Division of Waste Management and Radiation Control (Director) written verification that the violations documented in the NOV/CO have been corrected. Please include a description of the corrective actions implemented to ensure these violations do not recur. Your response to the ORDER will not constitute an administrative contest to the attached NOV/CO.

Additionally, at the time of inspection, Division inspectors identified the following violations of the Utah Administrative Code that were corrected as of March 17, 2023:

1. Utah Administrative Code R315-262-262(b)(3) requires a large quantity generator (LQG) to maintain a quick reference guide (QRG) that includes the identification of any hazardous wastes that would require unique or special treatment by medical or hospital staff.

On March 17, 2023, Mr. Holden provided an updated QRG to the Division via email detailing that no hazardous wastes would require unique or special treatment by medical or hospital staff.

(Over)

2. Utah Administrative Code R315-262-262(b)(7) requires an LQG to maintain a QRG that includes the identification of on-site notification systems, including but not limited to fire alarms or smoke alarms.

On March 17, 2023, Mr. Holden provided an updated QRG to the Division via email with a map showing locations of on-site fire alarms.

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

If you have any questions, please call Deborah Ng at 385-499-0837 or for legal questions, please call Brenden Catt, Assistant Attorney General, at 385-379-2591.

Sincerely,



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

DJH/DSN/jk

Enclosure: Notice of Violation and Compliance Order No. 2304034

c: Brian Cowan, Health Officer, Weber-Morgan Health Department
Michela Harris, Deputy Director, Weber-Morgan Health Department
Scott Braeden, Environmental Health Director, Weber-Morgan Health Department
Summer Day, Environmental Health Program Manager, Weber-Morgan Health Department
David Holden, Safety and Security Manager, Williams International Co., L.L.C.
(Email and Hard Copy)
Eric Falkenberg, Registered Agent (Hard Copy)
Annette Maxwell, U.S. EPA, Region 8
Kimberly D. Shelley, Executive Director, Utah Department of Environmental Quality (UDEQ)
Stevie Norcross, PhD, Assistant Director,
Division of Waste Management and Radiation Control, UDEQ
Raymond Wixom, Assistant Attorney General, Utah Attorney General's Office
Brenden Catt, Assistant Attorney General, Utah Attorney General's Office

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In the Matter of:	:	NOTICE OF VIOLATION/ COMPLIANCE ORDER
Williams International Co., L.L.C.	:	No. 2304034
UTD093113900	:	

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This **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO)** is issued by the Director of the Division of Waste Management and Radiation Control (Director) pursuant to the Utah Solid and Hazardous Waste Act (the Act), Utah Code § 19-6-101 *et seq.*, and Utah Administrative Code R315 (the Rules). The Director has authority to issue such NOTICES and ORDERS in accordance with Utah Code § 19-6-112.

FINDINGS

1. Williams International Co., L.L.C. (Williams) is a Limited Liability Company registered to conduct business in the State of Utah. Williams International Co., L.L.C. is the owner and operator of the Williams International Co., L.L.C. facility (the Facility).
2. The Facility is an industrial jet turbine engine manufacturing facility located at 3450 Sam Williams Drive in Weber County, Utah. Williams operates the Facility under the provisions of the Act and the Rules.
3. Williams is a “person” as defined by Utah Code § 19-1-103(4) and is subject to all applicable provisions of the Act and the Rules.
4. Williams generates hazardous waste acids from metal forming and treatment (EPA waste code D002); acetone/toluene from dip, flush, and spray rinsing (D001, F003, and F005); and potassium hydroxide from stripping and acid/caustic cleaning (D002).
5. Pursuant to Utah Code § 19-6-109, authorized representatives of the Director (inspectors) conducted three compliance evaluation inspections. On August 3, 2016, inspectors conducted their first compliance evaluation inspection at the Facility that resulted in the issuance of a letter from the Division requiring return to compliance dated September 12, 2016. On August 13, 2020, inspectors conducted their second compliance evaluation inspection at the Facility that resulted in the issuance of Warning Letter No. 2011134, dated November 20, 2020. On March 14, 2023, inspectors conducted their third compliance evaluation inspection at the Facility, many of the violations identified in the letter sent to Williams on September 12, 2016, and in Warning Letter No. 2011134 were also identified during the third inspection.
6. Utah Admin. Code R315-262-11 states “a person who generates a solid waste, as defined in Section R315-261-2, shall make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable regulations.” Utah Admin. Code R315-262-11(a) states, “The hazardous waste determination for each solid waste shall be made at **the point of waste generation**, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the hazardous classification of the waste may change.” (Emphasis added).

- 6.1. On March 14, 2023, inspectors documented one 55-gallon drum of waste inside the main building of the Facility labeled “Lenium & Water”. A Williams representative told inspectors that the Lenium in the waste generated is hazardous but could not confirm if the contents of the 55-gallon drum were hazardous. Williams failed to make an accurate waste determination at the point of generation.
 - 6.2. On March 14, 2023, inspectors documented 13 additional instances in which Williams failed to make an accurate waste determination at the point of generation of the waste being accumulated onsite. *See Exhibit 1, Photos 001, 002, 003, 004, 005, 006, 007, 008, and 009* for examples of the additional instances.
7. Utah Admin. Code R315-262-40(a) states, “A generator shall keep a copy of each manifest signed in accordance with Subsection R315-262-23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy shall be retained as a record for at least three years from the date the waste was accepted by the initial transporter.”
 - 7.1. On March 14, 2023, inspectors documented Williams was unable to provide records showing that it received a final, signed copy of the manifest from the designated facility for manifests 01605681FLE, 016050447FLE, 015376322FLE, 016047516FLE, 014089347FLE, and 017109320FLE.
8. Utah Admin. Code R315-262-42(a)(2) requires a large quantity generator (LQG) to “submit an Exception Report to the Director if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.”
 - 8.1. On March 14, 2023, inspectors documented Williams failed to submit Exception Reports to the Director for manifests 015376322FLE, 016047516FLE, and 014089347FLE for which Williams had not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.
9. Utah Admin. Code R315-262-261(a) states “The contingency plan shall describe the actions facility personnel shall take to comply with Sections R315-262-260 and 265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.”
 - 9.1. On March 14, 2023, inspectors were provided with a contingency plan for review. The contingency plan did not specifically address the actions facility personnel would take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water at the Facility.
 - 9.2. On March 14, 2023, Williams failed to provide emergency procedures in the contingency plan detailing actions that will be taken by the emergency coordinator to immediately identify the character, exact source, amount and areal extent of any released material in the event of a fire, explosion or release.

10. Utah Admin. Code R315-262-261(c) states, “The plan shall describe arrangements agreed to with the local police department, fire department, other emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to Section R315-262-256.”
 - 10.1. On March 14, 2023, the inspectors reviewed Williams’ contingency plan. The plan did not describe arrangements agreed to with the local police department, fire department, other emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to Utah Admin. Code R315-262-256. Williams did not provide documentation that arrangements were agreed to with the required agencies.
11. Utah Admin. Code R315-262-261(d) states, “The plan shall list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see Section R315-262-264), and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position, e.g., operations manager, shift coordinator, shift operations supervisor, as well as an emergency telephone number that can be guaranteed to be answered at all times.”
 - 11.1. On March 14, 2023, the contingency plan listed two representatives to be notified in the event of a spill that included a hazardous chemical or hazardous waste. Williams could not provide training records for the primary emergency coordinator, listed in the contingency plan, to show he is qualified to act as such.
12. Utah Admin. Code R315-262-261(f) states “The plan shall include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan shall describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes, in cases where the primary routes could be blocked by releases of hazardous waste or fires.”
 - 12.1. On March 14, 2023, the contingency plan included an evacuation plan with evacuation routes. However, no alternate evacuation routes were identified in cases where the primary routes could be blocked by releases of hazardous waste or fires.
13. Utah Admin. Code R315-262-262(b)(4) requires the quick reference guide to include “a map of the facility showing where hazardous wastes are generated, accumulated and treated, and routes for accessing these wastes.”
 - 13.1. On March 14, 2023, inspectors were provided a quick reference guide for review. The quick reference guide did not include a map showing where hazardous wastes are generated, accumulated, and treated or routes for accessing these wastes.
14. Utah Admin. Code R315-262-262(b)(6) requires the quick reference guide to include “the locations of water supply, e.g., fire hydrant and its flow rate.”
 - 14.1. On March 14, 2023, the quick reference guide did not include the locations of water supply, for example, a fire hydrant and its flow rate.

15. Utah Admin. Code R315-262-251 states, “A large quantity generator shall maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.”
- 15.1. On March 14, 2023, inspectors observed a green liquid, that a Williams representative assumed was Glycol, spilling from the top of a tote of “Missile Lube,” down the side, onto the ground, and toward a storm drain. A Williams representative claimed an employee must have been pouring the purported Glycol into the tote of “Missile Lube,” spilled it and “decided to stop and not clean it up.”
- 15.2. On March 14, 2023, inspectors documented two additional instances in which Williams failed to maintain and operate its facility to minimize the possibility of unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents. *See* Exhibit 1, Photos 011, 012, and 013 for examples of the additional instances.
16. Utah Admin. Code R315-262-265(b) states, “Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.”
- 16.1. On March 14, 2023, inspectors observed a release of green liquid, that a Williams representative assumed was Glycol, spilling from the top of a tote of “Missile Lube,” down the side, onto the ground, and toward a storm drain. The emergency coordinator did not immediately identify the character, exact source, amount, and areal extent of the released Glycol.
- 16.2. Additional releases were identified during the March 14, 2023, inspection, including (1) a machine that Williams employees were unable to identify had oil accumulating on top of the machine and leaking onto the ground near a storm drain; and (2) four open “hoppers” filled with used oil residues mixed with rainwater and snowmelt was spilling onto the ground and into a storm drain. Williams failed to take all reasonable measures necessary to ensure that releases were stopped, collected and contained, and managed appropriately.
17. Utah Admin. Code R315-262-254(a) states, “Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section R315-262-252.”
- 17.1. On March 14, 2023, inspectors documented Williams personnel did not have immediate access to emergency communication devices when hazardous waste is being handled, mixed, spread, or poured, and Williams is not exempt from having such a device under Utah Admin. Code R315-262-252.
18. Utah Admin. Code R315-262-255 states, “The large quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.”

- 18.1. On March 14, 2023, inspectors observed inadequate aisle space in the Satellite Accumulation Area Cage (SAA Cage) to allow for the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to areas where hazardous waste was being stored.
19. Utah Admin. Code R315-262-256(a) states “The large quantity generator shall attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.”
- 19.1. On March 14, 2023, Williams failed to provide documentation of arrangements or attempts to make arrangements with state emergency response teams, emergency response contractors, and equipment suppliers. The inspectors communicated this requirement to Williams during the inspection.
20. Utah Admin. Code R315-262-17(a)(7)(i)(A) states, “Facility personnel shall successfully complete a program of classroom instruction, online training, e.g., computer-based or electronic, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator shall ensure that this program includes all the elements described in the document required under Subsection R315-262-17(a)(7)(iv).”
- 20.1. On March 14, 2023, Williams failed to provide inspectors with documentation showing facility personnel have successfully completed a training program that teaches them to perform their duties in a way that ensures compliance with the applicable rules.
- 20.2. On March 14, 2023, Williams failed to provide inspectors with documentation showing the identified emergency coordinator has ever received adequate training to successfully perform their job duties.
21. Utah Admin. Code R315-262-17(a)(7)(i)(B) states, “This [training] program shall be directed by a person trained in hazardous waste management procedures and shall include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed.”
- 21.1. On March 14, 2023, Williams failed to provide inspectors with documentation showing the training program is directed by a person trained in hazardous waste management procedures and contingency plan implementation.
22. Utah Admin. Code R315-262-17(a)(7)(ii) states, “Facility personnel shall successfully complete the program required in Subsection R315-262-17(a)(7)(i) within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees shall not work in unsupervised positions until they have completed the training standards of Subsection R315-262-17(a)(7)(i).”
- 22.1. On March 14, 2023, Williams failed to provide inspectors with documentation showing employees completed the training program required in Utah Admin. Code R315-262-17(a)(7)(i) within six months after the date of employment or assignment to the Facility, or a new position at the Facility, whichever was later.

- 22.2. On March 14, 2023, Williams failed to provide inspectors with documentation showing the emergency coordinators had completed the required training program within six months after the date of their employment or assignment to the Facility, or to a new position at the Facility, whichever was later.
23. Utah Admin. Code R315-262-17(a)(7)(iii) states “Facility personnel shall take part in an annual review of the initial training required in Subsection R315-262-17(a)(7)(i).”
- 23.1. On March 14, 2023, Williams failed to provide inspectors with documentation showing employees having completed an annual review of the initial training required in Utah Admin. Code R315-262-17(a)(7)(i).
24. Utah Admin. Code R315-262-17(a)(7)(iv)(A) requires large quantity generators to maintain and record “The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.”
- 24.1. On March 14, 2023, Williams failed to maintain a job title for each position at the Facility related to hazardous waste management and the name of the employee filling each job.
25. Utah Admin. Code R315-262-17(a)(7)(iv)(B) requires large quantity generators to maintain “A written job description for each position listed under Subsection R315-262-17(a)(7)(iv)(A). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.”
- 25.1. On March 14, 2023, Williams failed to provide inspectors with a written job description for each position listed under Utah Admin. Code R315-262-17(a)(7)(iv)(A), including the requisite skill, education, or other qualification and duties of Facility personnel assigned to each position.
26. Utah Admin. Code R315-262-17(a)(7)(iv)(C) requires large quantity generators to maintain “A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under Subsection R315-262-17(a)(7)(iv)(A)”
- 26.1. On March 14, 2023, Williams failed to provide inspectors with a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under Utah Admin. Code R315-262-17(a)(7)(iv)(A).
27. Utah Admin. Code R315-262-17(a)(7)(iv)(D) requires large quantity generators to maintain “Records that document that the training or job experience, required under Subsections R315-262-17(a)(7)(i), (ii), and (iii), has been given to, and completed by, facility personnel.”
- 27.1. On March 14, 2023, Williams failed to provide inspectors with records documenting that the training, or job experience has been given to, and completed by, Facility personnel.
28. Utah Admin. Code R315-262-17(a)(5)(i)(A) requires a large quantity generator to mark or label its containers with the words “Hazardous Waste.”
- 28.1. On March 14, 2023, inspectors documented one 55-gallon drum inside the Facility labeled “Lenium & Water.” Williams told inspectors the Lenium waste generated is hazardous, the 55-gallon drum was not marked with the words “Hazardous Waste” or “Hazardous Waste Pending Analysis.”

- 28.2. On March 14, 2023, inspectors documented 23 additional instances in which Williams failed to mark or label its containers with the words “Hazardous Waste.” *See* Exhibit 1, Photos 003, 005, 010, 014, 015, and 016 for examples of the additional instances.
29. Utah Admin. Code R315-262-17(a)(5)(i)(B) and R315-262-15(a)(5)(ii) require a large quantity generator to mark or label its containers with an indication of the hazards of the contents, examples include, but are not limited to: the applicable hazardous waste characteristic(s), i.e., ignitable, corrosive, reactive, toxic.
- 29.1. On March 14, 2023, inspectors documented a total of 23 containers without a marking or label of the indication of the hazards of their contents between the following areas, the SAA Cage, the first Central Accumulation Area (CAA), and the CAA near the Facility’s “Blue Phoenix” building. Inspectors identified 4 in the SAA Cage, 11 in the first CAA, and 8 in the CAA located near the Facility’s “Blue Phoenix” building without a marking or label of the indication of the hazards of their contents.
30. Utah Admin. Code R315-262-17(a)(5)(i)(C) requires a large quantity generator to mark or label its containers with “[t]he date upon which each period of accumulation begins clearly visible for inspection on each container.”
- 30.1. On March 14, 2023, inspectors documented two 55-gallon drums of potassium hydroxide that were not marked with an accumulation start date.
31. Utah Admin. Code R315-262-252(c) requires the large quantity generator to have portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment in all areas deemed applicable by Utah Admin. Code R315-262-250.
- 31.1. On March 14, 2023, Williams failed to show inspectors the Facility has portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment in all applicable areas. Williams provided the Director with evidence of fire control equipment inside the Facility but didn’t provide evidence of fire control equipment outside the Facility.
32. Utah Admin. Code R315-262-17(a)(1)(ii) requires the large quantity generator to immediately transfer hazardous waste from a container that is not in good condition, or if it begins to leak, to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section.
- 32.1. On March 14, 2023, inspectors documented a 55-gallon drum containing hazardous waste that was not in good condition because it was beginning to deteriorate and rust. Williams failed to transfer the waste to a container in good condition or manage it in some other way that complies with the conditions for exemption from the applicable section.
33. Utah Admin. Code R315-262-17(a)(1)(iv)(A) requires a container holding hazardous waste to be closed during accumulation, except when it is necessary to add or remove waste.
- 33.1. On March 14, 2023, inspectors documented instances in which Williams failed to keep containers in the CAA holding hazardous waste closed except when it is necessary to add or remove waste. *See* Exhibit 1, Photos 001, 002, 007, 008, and 017.

34. Utah Admin. Code R315-262-17(a)(1)(v) requires a large quantity generator to inspect central accumulation areas at least weekly looking for deterioration of containers caused by corrosion or other factors and for leaks or spills.
- 34.1. On March 14, 2023, inspectors documented that Williams did not conduct weekly inspections of central accumulation areas between December 24, 2021, and January 7, 2022, and between January 13, 2023, and January 27, 2023.
- 34.2. On March 14, 2023, inspectors documented one rusted and deteriorated 55-gallon drum in the CAA.
- 34.3. On March 14, 2023, inspectors documented three cardboard “Carborex” containers that were wet and beginning to deteriorate near the CAA.
35. Utah Admin. Code R315-262-15(a) states, “A generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in Section R315-261-31 or Subsection R315-261-33(e) or 1 kg (2.2 lbs.) of solid acute hazardous waste listed in Section R315-261-31 or Subsection R315-261-33(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of Rules R315-124, R315-264 through R315-266, and R315-270, provided that all of the conditions for exemption in Section R315-262-15 are met. A generator may comply with the conditions for exemption in Section R315-262-15 instead of complying with the conditions for exemption in Subsection R315-262-16(b) or 17(a), except as required in Subsections R315-262-15(a)(7) and (8).”
- 35.1. On March 14, 2023, inspectors documented three 55-gallon drums and five smaller containers of hazardous waste accumulating in the SAA Cage. The SAA Cage is neither at or near the point of generation where wastes initially accumulate and is not under the control of the operator of the process generating these wastes.
36. Utah Admin. Code R315-262-15(a)(4)(i) requires a container holding hazardous waste to be closed at all times during accumulation except when adding, removing or consolidating waste.
- 36.1 On March 14, 2023, inspectors documented 11 instances in which Williams failed to keep containers in the SAA Cage holding hazardous waste closed except when necessary to add or remove waste. *See Exhibit 1, Photos 003, 005, 007, 008, 009, 010, 014, 015, 016, and 020 for examples.*
37. Utah Admin. Code R315-273-14(a) requires a small quantity handler of universal waste to label universal waste batteries, that is, each battery, or a container in which the batteries are contained, with any one of the following phrases: “Universal Waste-Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”
- 37.1. On March 14, 2023, inspectors documented an open container collecting universal waste batteries in the SAA Cage not marked with any one of the following phrases: “Universal Waste Battery(ies),” “Waste Battery(ies),” or “Used Battery(ies).”

38. Utah Admin. Code R315-273-14(e) requires each container holding lamps to be marked clearly with one of the following phrases: “Universal Waste – Lamps,” “Waste Lamps,” or “Used Lamps.”
- 38.1. On March 14, 2023, inspectors documented a container of fluorescent bulbs in the SAA Cage not marked with any one of the following phrases: “Universal Waste – Lamps,” “Waste Lamps,” or “Used Lamps.”
39. Utah Admin. Code R315-273-15(a) states, “A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of Subsection R315-273-15(b) are met.”
- 39.1. On March 14, 2023, inspectors documented one bucket of universal waste batteries with an accumulation start date of August 17, 2020, and the requirements of Subsection R315-273-15(b) were not met.
40. Utah Admin. Code R315-273-15(c) states, “A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.”
- 40.1. On March 14, 2023, inspectors documented one container of universal waste lamps in the SAA Cage without an accumulation start date. Williams employees told inspectors they could not demonstrate how long the items had been accumulating onsite.
- 40.2. On March 14, 2023, inspectors documented three additional instances in which Williams failed to demonstrate the length of time universal waste had accumulated on site. *See Exhibit 1, Photos 017, 018, and 019.*
41. Utah Admin. Code R315-273-16 states, “A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.”
- 41.1. On March 14, 2023, Williams failed to provide documentation showing all employees who handle or manage universal waste have been trained or informed of proper handling and emergency procedures.
42. Utah Admin. Code R315-15-2.3(b)(3) requires used oil storage tanks and containers to be closed except when adding or removing used oil.
- 42.1. On March 14, 2023, inspectors documented four instances in which Williams failed to keep used oil containers closed during storage. *See Exhibit 1, Photos 001, 006, 011, 021, and 022 for additional examples.*
43. Utah Admin. Code R315-15-2.3(b)(4) requires used oil tanks and container storage areas to be managed to prevent releases of used oil to the environment.
- 43.1. On March 14, 2023, inspectors documented four “hoppers” full of rainwater, snow melt, and used oil spilling onto the ground and into a storm drain.

- 43.2. On March 14, 2023, inspectors documented one containment under a drum crusher with a spill of used oil directly in front of the containment.
44. Utah Admin. Code R315-15-2.3(c)(1) requires containers and aboveground tanks used to store used oil at a generator facility to be clearly labeled with the words “Used Oil.”
- 44.1. On March 14, 2023, inspectors documented one 55-gallon drum storing used oil that was not marked with the words “Used Oil.”
- 44.2. On March 14, 2023, inspectors documented four additional instances in which Williams failed to mark or label containers storing used oil with the words “Used Oil.” *See* Exhibit 1, Photos 006, 011, 021, and 022.
45. Utah Admin. Code R315-15-9.1(a)(1)-(4) states, “In the event of a release of used oil, the person responsible for the material at the time of the release shall immediately: (a) Take appropriate action to minimize the threat to human health and the environment [by] (1) Stop[ing] the release; (2) Contain[ing] the release; (3) Clean[ing] up and manag[ing] properly the released material as described in R315-15-9.3; and (4) If necessary, repair[ing] or replac[ing] any leaking used oil tanks, containers, and ancillary equipment prior to returning them to service.”
- 45.1. On March 14, 2023, inspectors documented a leak/spill pooling onto the ground from an unidentified machine that Williams’ employees claimed was in the process of being moved to another area. Williams did not immediately take appropriate action to minimize the threat this release of used oil had to human health or the environment.
- 45.2. On March 14, 2023, inspectors documented four “hoppers” with used oil actively leaking onto the pavement and into a nearby storm drain. Williams did not immediately take appropriate action to minimize the threat this release of used oil had to human health or the environment.
46. Utah Admin. Code R315-15-9.3 states, “The person responsible for the material at the time of the release shall clean up the released material and any residue or contaminated soil, water or other material resulting from the release or take action as may be required by the Director so that the released material, residue, or contaminated soil, water, or other material no longer presents a hazard to human health or the environment. The Director may require releases to be cleaned up to standards found in U.S. EPA Regional Screening Levels. The cleanup or other required actions shall be at the expense of the person responsible for the release.”
- 46.1. On March 14, 2023, inspectors documented four “hoppers” with used oil leaking onto the pavement and into a nearby storm drain. Williams failed to clean up the released used oil and any residue or contaminated soil, water or other material resulting from the release.
47. Utah Admin. Code R315-261-1(c)(8) states, “A material is ‘accumulated speculatively’ if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that during the calendar year, commencing on January 1, the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. Materials shall be placed in a storage unit with a label indicating the first date that the material began to be accumulated. If placing a label on the storage unit is not practicable, the accumulation period shall be documented through an inventory log or other appropriate method. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type, e.g., slags from a single smelting process, that is recycled in the same way, i.e., from which the same material is recovered or that is used in the

same way. Materials accumulating in units that would be exempt from regulation under Subsection R315-261-4(c) are not to be included in making the calculation. Materials that are already defined as solid wastes also are not to be included in making the calculation. Materials are no longer in this category once they are removed from accumulation for recycling, however.”

- 47.1. On March 14, 2023, a Williams employee told inspectors the “Plasma Spray Dust” material is sent out for recycling, but inspectors were not provided with documentation showing the material is in fact recycled.
- 47.2. On March 27, 2023, the Division sent a follow-up request for information that the “Plasma Spray Dust” could be recycled and that the material recycled equals at least 75% by weight or volume of the amount of the “Plasma Spray Dust” accumulated at the beginning of the calendar year, commencing January 1st. Williams failed to provide this information to the Division.

DETERMINATION OF VIOLATIONS

In accordance with Utah Code § 19-6-101 *et seq.*, and based on the foregoing FINDINGS, Williams International Co., L.L.C. has violated provisions of the Act and the Rules applicable to its facility. Specifically, Williams International Co., L.L.C. has violated the following:

1. Utah Admin. Code R315-262-11, by failing to make accurate waste determinations on waste streams at the point of generation. *See Finding 6.*
2. Utah Admin. Code R315-262-40(a), by failing to provide records showing it received a final signed copy of the manifest from the designated facility for six manifests. *See Finding 7.*
3. Utah Admin. Code R315-262-42(a)(2), by failing to provide records showing exception reports have not been required or that they have been filed. *See Finding 8.*
4. Utah Admin. Code R315-262-261(a), by failing to describe the actions facility personnel will take to comply with Sections R315-262-260 and 265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the Facility. *See Finding 9.*
5. Utah Admin. Code R315-262-261(c), by failing to describe arrangements agreed to with the local police department, fire department, other emergency response contractors, equipment suppliers, local hospitals, or if applicable, the Local Emergency Planning Committee, pursuant to Section R315-262-256. *See Finding 10.*
6. Utah Admin. Code R315-262-261(d), by failing to list names and emergency telephone numbers of all persons qualified to act as emergency coordinator in the contingency plan. *See Finding 11.*
7. Utah Admin. Code R315-262-261(f), by failing to include an evacuation plan that identifies alternate evacuation routes in cases where the primary routes could be blocked by releases of hazardous waste or fires. *See Finding 12.*
8. Utah Admin. Code R315-262-262(b)(4), by failing to include a map showing where hazardous wastes are generated, accumulated, and treated or routes for accessing these wastes in the QRG. *See Finding 13.*
9. Utah Admin. Code R315-262-262(b)(6), by failing to include the locations of water supply, for example, a fire hydrant and its flow rate in the QRG. *See Finding 14.*
10. Utah Admin. Code R315-262-251, by failing to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. *See Finding 15.*
11. Utah Admin. Code R315-262-265(b), by failing to immediately identify the character, exact source, amount, and areal extent of released material. *See Finding 16.*
12. Utah Admin. Code R315-262-254(a), by failing to provide personnel with immediate access to emergency communication devices when hazardous waste is being handled, mixed, spread, or poured. *See Finding 17.*
13. Utah Admin. Code R15-262-255, by failing to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operations in an emergency. *See Finding 18.*
14. Utah Admin. Code R315-262-256(a), by failing to provide documentation of agreements with state emergency response teams, emergency response contractors, and equipment suppliers, or documentation showing the need for the services of local police, emergency response contractors, etc. *See Finding 19.*
15. Utah Admin. Code R315-262-17(a)(7)(i)(A), by failing to provide documentation showing that any personnel have received training. *See Finding 20.*

16. Utah Admin. Code R315-262-17(a)(7)(i)(B), by failing to provide documentation showing that any personnel have received training that includes contingency plan implementation. *See Finding 21.*
17. Utah Admin. Code R315-262-17(a)(7)(ii), by failing to provide documentation showing that any personnel have received adequate training implementation. *See Finding 22.*
18. Utah Admin. Code R315-262-17(a)(7)(iii), by failing to provide documentation showing that any personnel have received adequate training implementation. *See Finding 23.*
19. Utah Admin. Code R315-262-17(a)(7)(iv)(A), by failing to maintain a job title for each position at the Facility related to hazardous waste management and the name of the employee filing each job. *See Finding 24.*
20. Utah Admin. Code R315-262-17(a)(7)(iv)(B), by failing to provide a written job description for each position listed under R315-262-17(a)(7)(iv)(A), including the requisite skill, education, or other qualification and duties of facility personnel assigned to each position. *See Finding 25.*
21. Utah Admin. Code R315-262-17(a)(7)(iv)(C), by failing to provide a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under Subsection R315-262-17(a)(7)(iv)(A). *See Finding 26.*
22. Utah Admin. Code R315-262-17(a)(7)(iv)(D), by failing to provide records documenting that the training, or job experience has been given to, and completed by, facility personnel. *See Finding 27.*
23. Utah Admin. Code R315-262-17(a)(5)(i)(A), by failing to mark or label its containers with the words "Hazardous Waste". *See Finding 28.*
24. Utah Admin. Code R315-262-17(a)(5)(i)(B) and R315-262-15(a)(5)(ii), by failing to mark or label its containers with an indication of the hazards of the contents. *See Finding 29.*
25. Utah Admin. Code R315-262-17(a)(5)(i)(C), by failing to mark containers with accumulation start dates. *See Finding 30.*
26. Utah Admin. Code R315-262-252(c), by failing to maintain portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment in all applicable areas. *See Finding 31.*
27. Utah Admin. Code R315-262-17(a)(1)(ii), by failing to immediately transfer hazardous waste from a container holding that is not in good condition, or if it begins to leak, to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section. *See Finding 32.*
28. Utah Admin. Code R315-262-17(a)(1)(iv)(A), by failing to keep containers holding hazardous waste closed during accumulation. *See Finding 33.*
29. Utah Admin. Code R315-262-17(a)(1)(v), by failing to complete required weekly inspections. *See Finding 34.*
30. Utah Admin. Code R315-262-15(a), by failing to ensure the SAA is at or near the point of generation and under the control of the operator. *See Finding 35.*
31. Utah Admin. Code R315-262-15(a)(4)(i), by failing to keep a container holding hazardous waste closed at all times during accumulation except when adding, removing, or consolidating waste. *See Finding 36.*
32. Utah Admin. Code R315-273-14(a), by failing to label containers holding universal waste batteries with one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)." *See Finding 37.*
33. Utah Admin. Code R315-273-14(e), by failing to label containers of universal waste lamps with one of the following phrases: "Universal Waste Lamps," "Waste Lamps," or "Used Lamps." *See Finding 38.*
34. Utah Admin. Code R315-273-15(a), by accumulating universal waste on site for more than one year. *See Finding 39.*
35. Utah Admin. Code R315-273-15(c), by failing to demonstrate the length of time universal waste has accumulated on site. *See Finding 40.*

36. Utah Admin. Code R315-273-16, by failing to provide documentation showing all employees who handle or manage universal waste have been trained or informed of proper handling and emergency procedures. *See Finding 41.*
37. Utah Admin. Code R315-15-2.3(b)(3), by failing to keep tanks and containers for storage closed during storage except when adding or removing used oil. *See Finding 42.*
38. Utah Admin. Code R315-15-2.3(b)(4), by failing to manage tanks and containers in a way to prevent releases of used oil to the environment. *See Finding 43.*
39. Utah Admin. Code R315-15-2.3(c)(1), by failing to clearly mark or label containers storing used oil with the words "Used Oil". *See Finding 44.*
40. Utah Admin. Code R315-15-9.1(a)(1)-(4), by failing to immediately take appropriate action to minimize the threat to human health and the environment, stop the release, contain the release, clean up, and properly manage the released material as described in R315-15-9.3. *See Finding 45.*
41. Utah Admin. Code R315-15-9.3, by failing to clean up any released material as well as any residue or other contaminated materials. *See Finding 46.*
42. Utah Admin. Code R315-261-1(c)(8), by speculatively accumulating hazardous secondary materials. *See Finding 47.*

ORDER

Williams International Co., L.L.C. is hereby ordered to correct these violations. Within 30 days of the signature date of this NOV/CO, Williams International Co., L.L.C. shall submit to the Director a written statement describing the following information in detail:

- a. The cause of each violation;
- b. The specific corrective actions taken, results achieved, and applicable dates;
- c. If future corrective actions are proposed, the specific corrective actions and proposed completion dates, including intermediate milestones, as applicable; and
- d. How the corrective actions will prevent similar violations from recurring.

In addition, within 30 days of the signature date of this NOV/CO, Williams International Co., L.L.C. shall:

1. Provide the Director with accurate hazardous waste determination documentation for all waste streams.
2. Provide the Director with a plan that demonstrates how Williams will track the status of its manifests to determine whether an Exception Report is required.
3. Provide the Director with documentation showing all drums containing hazardous waste are correctly labeled per DOT and RCRA requirements.
 - a. Provide the Director with training records to document that all employees handling these containers are properly trained in labeling and placarding requirements for both RCRA and DOT.
4. Provide the Director with documentation demonstrating Williams has made or attempted to make arrangements to familiarize the local police, fire department, hospitals, and other applicable emergency response teams with the layout of the Facility, including entrances and evacuation routes, character of the hazardous waste managed at the Facility, and locations where facility personnel normally work.
5. Provide the Director with documentation demonstrating a primary emergency authority has been assigned to a specific police or fire department in the event more than one may respond to an emergency.

6. Provide the Director with a revised contingency plan in accordance with Utah Admin. Code R315-262-261 that includes the following:
 - a. A description of arrangements agreed to by local police, fire department, hospitals, contractors, and state and local emergency response teams;
 - b. A description of the names and emergency telephone numbers of all persons qualified to act as emergency coordinator;
 - c. An evacuation plan that includes routes and alternate routes if the exit flow is in the direction of the release or emergency;
 - d. Specific procedures that the emergency coordinator will follow to immediately identify the character, source, amount, and extent of the released material;
 - e. Specific procedures for the emergency coordinator to follow in order to assess possible hazards to human health and the environment in the event of an emergency;
 - f. Specific procedures to prevent the spread of an incident to other hazardous wastes/materials at the Facility;
 - g. Measures to monitor leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment when it is necessary to shut-down operations as a response to an incident.
 - h. Specific procedures to follow to manage the hazardous waste/materials generated as a result of an incident;
 - i. Update the 15-day reporting requirement to include the name, address, and telephone number of the Facility; and
 - j. Procedures for employees to use following the implementation of the contingency plan to ensure the equipment listed in the contingency plan is cleaned and fit for use prior to resuming activities at the Facility.
7. Provide the Director with a revised Quick Reference Guide that includes the following:
 - a. A map showing where hazardous wastes are generated and routes for accessing the wastes; and
 - b. Locations of the water supply and flow rates.
8. Provide the Director with documentation demonstrating the revised contingency plan and Quick Reference Guide have been provided to the applicable emergency response teams and the Director.
9. Provide documentation showing that all employees handling, managing, or generating hazardous waste are trained on the contingency plan. Provide this training documentation and a list of who has completed the training to the Director.
10. Provide the Director with three years' worth of training records for the identified emergency coordinator(s) and the identified alternative(s) to show they are qualified to hold this position.
11. Provide the Director with training documentation showing all employees handling, managing, or generating hazardous wastes are properly trained for their job duties and have completed an annual review of the initial training received.
12. Provide the Director with documentation demonstrating that Williams maintains a job title for each position at the Facility, the name of the person filling such positions, and a written job description for each position listed under Utah Admin. Code R315-262-17(a)(7)(iv)(A).
13. Provide the Director with evidence (e.g., photographs, manifests, etc.) that the containers in Exhibit 1 have been properly labeled and managed.
14. Provide the Director with evidence demonstrating all accumulation areas maintain adequate aisle spacing to allow unobstructed movement of emergency personnel and spill equipment.
15. Provide the Director with copies of your training program that includes procedures for using, inspecting, repairing, and replacing facility emergency equipment; key parameters for automatic waste cut-off systems; communications or alarm systems; response to fires or explosions; response to groundwater contamination incidents; and shutdown of operations. Williams shall provide the Director with evidence that the facility has required emergency alarm systems in all necessary areas, including outside areas.

16. Provide the Director with documentation of procedures used to ensure the Facility will be operated in a way to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents.
17. Complete weekly accumulation area inspections to ensure drums are free of leaks and spills and are not deteriorated. Provide three months of weekly inspection logs to the Director.
18. Provide the Director with documentation of procedures for personnel to follow when they identify a deteriorated container, and leaks or spills.
19. Provide the Director with evidence showing all satellite accumulation areas are at or near the point of generation and under the control of the operator.
20. Provide the Director with documentation of procedures for personnel to follow to ensure hazardous waste in excess of 55-gallons and/or 1 quart of acutely hazardous waste in the satellite accumulation area are moved to the CAA within 72 consecutive hours.
21. Provide the Director with training records demonstrating all employees handling universal waste have been properly trained.
22. Provide the Director with documentation demonstrating universal wastes are not on-site for longer than one year and are properly labeled per the universal waste requirements, including the type of waste and accumulation start date.
23. Provide training for all employees dealing with used oil showing procedures for personnel to follow in the event of a spill or release, management practices to prevent releases of used oil, and proper labeling and marking techniques for tanks or containers of used oil. Provide this training documentation and a list of who has completed the training to the Director.
24. Clean up any released used oil as well as any residue or other contaminated materials and provide evidence to the Director (e.g., photographs) that such oil, residue, or other contaminated materials have been cleaned up.
25. Provide the Director with documentation demonstrating Williams' hazardous secondary materials management, including an Emergency Preparedness and Response Plan, in accordance with Utah Admin. Code R315-261-410 and R315-261-411.
26. Provide the Director with training records demonstrating all employees handling and managing hazardous secondary materials are properly trained.
27. Provide the Director with documentation that Williams has notified as a facility managing hazardous secondary materials using EPA Form 8700-12.

COMMUNICATION WITH THE DIRECTOR

For the purpose of compliance with this NOV/CO or to provide additional information, the Director's mailing address is:

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

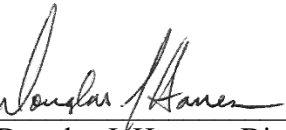
Alternatively, documents **OTHER THAN AN ADMINISTRATIVE CONTEST TO THIS NOV/CO** may be submitted electronically to the following email address: dwmrcsubmit@utah.gov. **DO NOT** submit any documents or information via email that is confidential, proprietary, or for which you wish to make a claim of business confidentiality. All such documents and information **MUST** be submitted using the mailing address above.

OPPORTUNITY FOR HEARING

This NOTICE OF VIOLATION AND COMPLIANCE ORDER is effective immediately and shall become final unless Williams International Co., L.L.C. administratively contests it. Failure to contest this NOTICE OF VIOLATION AND COMPLIANCE ORDER in the manner and within the time period prescribed by Utah Admin. Code R305-7-303 constitutes a waiver of any right of administrative contest, reconsideration, review, or judicial appeal.

Utah Code § 19-6-113(2) provides that violation of any order, plan, rule, or other requirement issued or adopted under Title 19, Ch. 6, Pt. 1 may be subject to a civil penalty of up to \$13,000 per day for each day of violation.

Dated this 9th day of May, 2024.

By: 

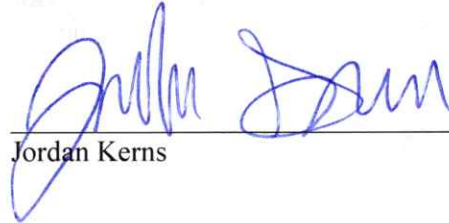
Douglas J. Hansen, Director
Division of Waste Management and Radiation Control

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed a true and correct copy of the foregoing NOTICE OF VIOLATION AND COMPLIANCE ORDER on the 9th of May, 2024 by US Certified Mail, Return receipt Requested, to:

David Holden, Safety and Security Manager
Williams International Co., L.L.C.
3450 Sam Williams Drive
Ogden, UT 84401

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7003 2260 0003 2358 9428



Jordan Kerns

Exhibit 1



001 March 14, 2023 Williams International Co.

Open (cap loose) unlabeled 55-gallon drum adjacent to the “Plasma Spray Dust Collection.”



002 March 14, 2023 Williams International Co.

Open, unlabeled, 55-gallon drum accumulating various waste aerosol cans, along with other miscellaneous items in the SAA Cage.



003

March 14, 2023

Williams International
Co.

A 55-gallon drum labeled "Paints" but not "Hazardous Waste" or an Indication of the Hazards stored in the SAA cage.



004

March 14, 2023

Williams International
Co.

Three blue containers marked as hazardous waste were located in an unnamed storage area not in the CAA.



005 March 14, 2023 Williams International Co.

A 55-gallon drum with no indication of accumulation start date or marking of the words "Hazardous Waste" in the CAA.



006 March 14, 2023 Williams International Co.

A white, unlabeled 55-gallon container accumulating in the CAA. Three stained and wet cardboard containers that were not being managed as a valuable commodity. Two of the stained cardboard containers were marked as containing "Boric Acid" and the third stained cardboard container was marked as "Carborex 120 Waste."



007 March 14, 2023 Williams International Co.

An open, unlabeled 55-gallon container accumulating an unknown liquid. Contents of container are shown in Photo 008.



008 Date Facility

The open container referenced in Photo 007, was exposed to the elements, and the liquid was not being managed as a valuable commodity.



009

March 14, 2023

Williams International
Co.

One open and unlabeled 5-gallon container accumulating an unknown liquid. Due to the exposure to the elements, the liquid was not being managed as a valuable commodity.



010

March 14, 2023

Williams International
Co.

Two unlabeled 55-gallon drums of "plasma spray dust."



011 March 14, 2023 Williams International Co.

Four open “hoppers” full of rainwater, swarf, and used oil. Swarf and used oil were dripping out of the hopper onto the ground and into a storm drain.



012 March 14, 2023 Williams International Co,

Used oil and rainwater spilling into a storm drain from the four full hoppers in Photo 011.



013

March 14, 2023

Williams International
Co.

Used oil being released. The location is adjacent to the
“plasma spray dust collection area.”

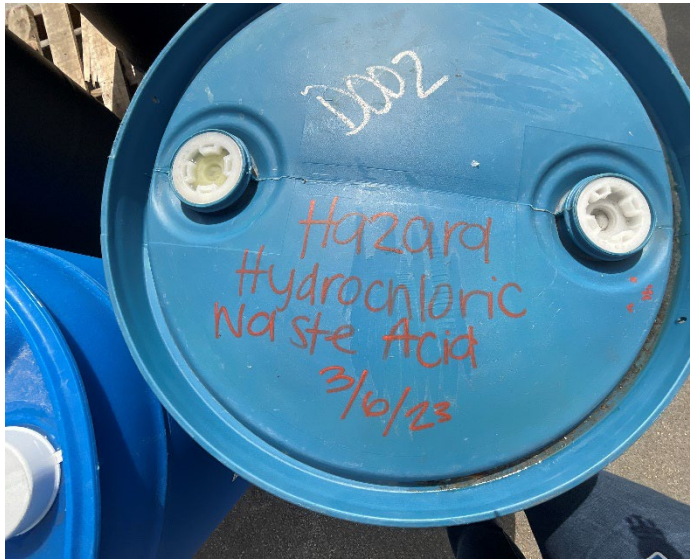


014

March 14, 2023

Williams International
Co.

A 55-gallon drum not properly marked/labeled with the words
“Hazardous Waste.”

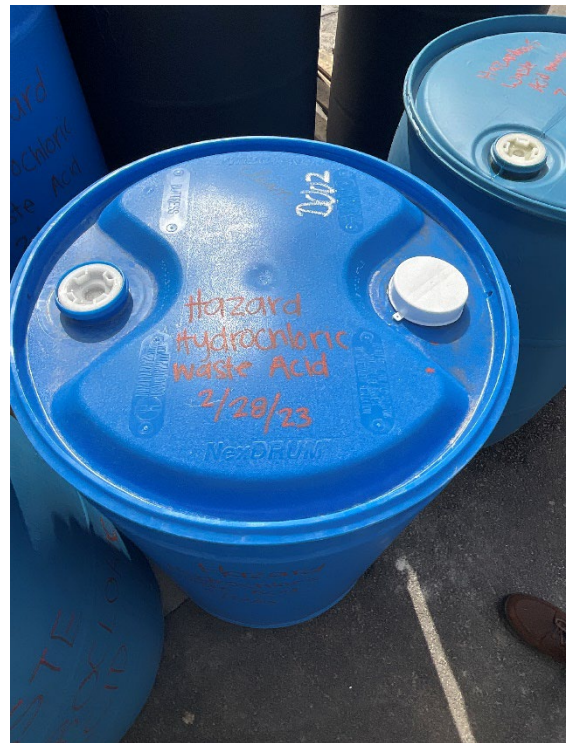


015

March 14, 2023

Williams International
Co.

A 55-gallon drum not marked with the words "Hazardous Waste" in the "Blue Phoenix" CAA.



016

March 14, 2023

Williams International
Co.

A 55-gallon drum not marked with the words "Hazardous Waste" in the "Blue Phoenix" CAA.



017

March 14, 2023

Williams International
Co.

An open universal waste battery accumulation container with rainwater and debris present.



018

March 14, 2023

Williams International
Co.

A 55-gallon drum containing broken fluorescent lamps not marked with the words "Universal Waste Lamps" and an accumulation start date,



019

March 14, 2023

Williams International
Co.

A wet, Universal Waste container accumulating fluorescent lamps that was not marked with an accumulation start date.



020

March 14, 2023

Williams International
Co.

A 55-gallon drum of "isopropyl alcohol 99%" located near the "Coolant Shed" and additional waste storage marked with an indication of the hazard but not marked with the words "Hazardous Waste."



021 March 14, 2023 Williams International Co.

Containment area of Used Oil and a spill of used oil from the drum crusher located adjacent to the CAA and "Coolant Shed."



022 March 14, 2023 Williams International Co.

Closeup of Photo 021