



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Commissioner

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Ted H. Sonnenburg, P.E., L.E.H.S.
Director

A meeting of the Utah Waste Management and Radiation Control Board has been scheduled for
July 9, 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. Approval of meeting minutes for the June 11, 2026, Board meeting Tab 1
(Board Action Item)
- V. Petroleum Storage Tanks Update..... Tab 2
- VI. Low-Level Radioactive Waste..... Tab 3
 - A. EnergySolutions' request for a one-time site-specific treatment variance from the Utah Hazardous Waste Management Rules. EnergySolutions seeks authorization to receive an exemption from the treatment standards for uranium extraction process residuals encased in cement for macroencapsulation (Board Action Item).
- VII. Hazardous Waste Section Tab 4
 - A. Approval of the Proposed Stipulated Compliance Order between the Director and Barnes Group Inc. DBA Barnes Aerospace Ogden (Board Action Item).

(Over)

VIII. Administrative Rules.

- A. Presentation on future rulemaking for Utah Administrative Code R313-24, Uranium Recovery Rules (Information Item Only)

IX. Director's Report.

X. Commissioner's Report.

XI. Other Business.

- A. Miscellaneous Information Items.
- B. Scheduling of next Board meeting (August 13, 2026).

XII. 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.

Utah 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
June 11, 2026
1:30 p.m.

Board Members Participating at Anchor Location: Brett Mickelson (Chair), Dennis Riding (Vice-Chair),
Tim Davis, Mark Franc, Vern Rogers, Scott Wardle
Shane Whitney

Board Members Participating Virtually: Dr. Richard Codell, Jeremy Hawk, Dr. Steve McIff,
Neil Schwendiman

Board Members Excused/Absent: Dr. Danielle Endres

UDEQ Staff Members Participating at Anchor Location: Brent Everett, Ted Sonnenburg, Lecia Cope,
Brandon Davis, Chris Howell, Sally Kaiser, Larry Kellum, Jalynn Knudsen, Arlene Lovato, Mike Pecorelli,
Elisa Smith

Others Attending at Anchor Location: None.

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

This meeting was recorded. The unedited audio can be accessed at
<https://www.utah.gov/pmn/files/1454255.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 the meeting minutes for the May 14, 2026, Board meeting (Board Action Item).

It was moved by Dr. Codell and seconded by Shane Whitney and UNANIMOUSLY CARRIED to approve the May 14, 2026, Board meeting minutes.

V. Petroleum Storage Tanks Update.

Brent Everett, Director, Division of Environmental Response and Remediation (DERR), informed the Board that as of the end of May, the cash balance of the Petroleum Storage Tank (PST) Enterprise Fund (Fund) was \$40,621,831.00. The Division monitors the cash balance of the Fund closely to ensure there are sufficient funds to reimburse for qualified claims for those participating on the Fund for their required Financial Assurance under the PST Program.

VI. Administrative Rules.

A. Five-Year Review of Utah Administrative Rule R315-319, Coal Combustion Residuals Requirements (Information Item).

Brandon Davis, X-Ray and Technical Support Section Manager in the Division of Waste Management and Radiation Control (Division), informed the Board that the Utah Administrative Rulemaking Act requires state agencies to review their administrative rules every five years to determine if they should be continued.

During this evaluation, the agency assessed whether existing rules need to be amended or repealed because they are archaic in form, are no longer used, are not based on existing statutory authority or are otherwise unnecessary. Any necessary updates or repeals identified during this process are handled through a separate administrative action. Utah Administrative Code R315-319, which is coal combustion residual requirements, is currently due for its 5-year review to be filed with the Office of Administrative Rules.

Since the last five-year review of this rule, no public comments have been received. The rule forms the basis of the coal combustion residuals disposal facility permitting program as required by the Solid and Hazardous Waste Act and therefore should be continued.

Dr. Codell raised questions regarding environmental concerns, the potential collapse of coal waste dams, and the number of operating coal plants in Utah.

Brian Speer, Solid Waste Section Manager, reported that there are currently no environmental releases from coal combustion residual (CCR) landfills in Utah requiring remediation, though groundwater monitoring remains ongoing at certain facilities. Mr. Speer noted that the Division regulates and permits four CCR landfills, with two additional sites overseen by the Ute Indian Tribe of the Uintah and Ouray Reservation and the other by the U.S. EPA.

Dr. Codell asked how many power plants are still operating in Utah.

Brian Speer stated that the Division regulates two power plants owned by Pacific Corp. and Rocky Mountain Power, respectively.

Dr. Codell inquired about the compliance history of the identified facilities listed above. Mr. Speer provided a brief update on the status of the four CCR landfills and two power plants.

Vern Rogers requested for clarification on whether this review would involve a solicitation for public comment. Mr. Davis confirmed this is an informational item only will not involve any public comment. Any substantive or non-substantive changes—including grammatical updates—would be handled under a separate administrative action.

VII. Hazardous Waste Section.

A. Proposed Stipulated Compliance Order between the Director and Barnes Group DBA Barnes Aerospace Ogden (Information Item).

Sally Kaiser, Environmental Engineer in the Division of Waste Management and Radiation Control reviewed the Proposed Stipulated Compliance Order (SCO) No. 2509089 with Barnes Group Inc. DBA Barnes Aerospace Ogden to resolve Notice of Violation No. 2408112.

The proposed SCO settles 14 violations and includes a total penalty of \$195,020.00. Violations were observed during a July 16, 2024 Comprehensive Evaluation Inspection resulting from an anonymous complaint to the United States Environmental Protection Agency in December 2023.

An additional violation, agreed to by both parties, was included in the SCO regarding transport of a waste drum-top lamp crusher without a hazardous waste manifest.

The 30-day public comment will run from June 16, 2026 to July 16, 2026. This is an informational item.

Dennis Riding noted the significant size of the penalty and inquired whether there would be further negotiations to reduce it. Director Ted Sonnenburg informed the Board that the penalty has already been negotiated down and briefly reviewed the Division's penalty policy procedures.

VIII. Director's Report.

Director Sonnenburg reported that he will attend the Natural Resource, Agriculture and Environment Interim Committee meeting on Wednesday, June 17, 2026. He will present the status of the Division's Antifreeze Recycling Study and the Division's Waste Tire Program. Representatives from local health departments and a recycler will also provide additional information on the Waste Tire Program separately.

Additionally, there will be a discussion regarding lithium-ion battery recycling. While the Division will not be presenting on this topic, we may provide comments during the discussion.

Director Sonnenburg also reported that the Division is planning some fee adjustments across multiple sections. In this regard, the Division will conduct stakeholder outreach meetings to gather public input prior to implementation. The Board will be updated once these outreach meetings have concluded.

IX. Commissioner Davis's Report.

Commissioner Davis expressed his gratitude to Dennis Riding and Vern Rogers for his recent visit to the facilities they are associated with. He also expressed he is eager to visit other locations and encourages Board members to inform him of any other sites he should tour. Commissioner Davis stated he believes it is vital for the agency to get out of the office and spend time in the field to learn more about operations, answer questions, and build relationships. He also appreciates the opportunity to engage directly with facilities and see their work firsthand.

Commissioner Davis announced upcoming travel to Washington, D.C., to meet with members of the delegation and U.S. EPA leadership. The Commissioner noted that there are currently no specific issues under this Board's jurisdiction scheduled for discussion. However, the Commissioner expressed a willingness to update the Board should any relevant matters arise during these meetings.

Commissioner Davis reminded everyone that July 4th is approaching, marking the 250th anniversary of the signing of the Declaration of Independence. Additionally, the Commissioner noted another upcoming event in Utah that falls partially within the Board's jurisdiction.

Specifically, the Valor test reactor in Orangeville is expected to go "critical" between now and July 4th. This is a small-scale test reactor designed to generate a couple of hundred kilowatts, (heat not electricity) so it is not that large. Essentially this is a test reactor taking place between now and July 4th. However, once the reactor goes critical (on-line), oversight of the radioactive materials will transition from the Division to the U.S. Department of Energy.

Commissioner Davis noted that while this is the first time he has been involved with this type of transition, it is expected to become more common in the future. Commissioner Davis just wanted to inform everyone that it is likely to happen, and stated that it is the shared goal of the company, the Department, the State, and the federal government to safely bring this new test reactor to critical (successfully starting) to evaluate its performance. Success with this project will hopefully pave the way for the future implementation of safe, small modular reactors.

X. Other Business.

A. Miscellaneous Information Items – None.

B. Scheduling of next Board meeting (July 9, 2026).

The next Board meeting is scheduled for July 9, 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#

XI. Adjourn.

The meeting adjourned at 1:50 p.m.

PST STATISTICAL SUMMARY													
June 1, 2025 -- May 31, 2026													
PROGRAM													
	June	July	August	September	October	November	December	January	February	March	April	May	(+/-) OR Total
Regulated Tanks	4,902	4,907	4,912	4,906	4,907	4,917	4,914	4,894	4,903	4,909	5,041	5,018	116
Tanks with Certificate of Compliance	4,692	4,695	4,701	4,721	4,731	4,756	4,753	4,751	4,758	4,753	4,745	4,753	61
Tanks without COC	210	212	211	185	176	161	161	143	145	156	136	134	(76)
Cumulative Facilities with Registered A Operators	1,254	1,267	1,271	1,273	1,274	1,276	1,277	1,206	1,243	1,207	1,197	1,223	80.14%
Cumulative Facilities with Registered B Operators	1,256	1,266	1,270	1,272	1,272	1,274	1,275	1,176	1,206	1,183	1,183	1,194	78.24%
New LUST Sites	8	5	12	7	7	8	3	2	7	6	2	2	69
Closed LUST Sites	3	8	5	3	6	1	4	3	5	4	3	6	51
Cumulative Closed LUST Sites	5758	5765	5768	5774	5776	5780	5783	5786	5791	5795	5798	5804	46
FINANCIAL													
	June	July	August	September	October	November	December	January	February	March	April	May	(+/-)
Tanks on PST Fund	3,067	3,064	3,062	3,084	3,100	3,105	3,102	3,097	3,109	3,102	3,090	3,088	21
PST Claims (Cumulative)	740	739	739	739	740	739	740	683	683	683	685	685	(55)
Equity Balance	\$9,640,627	\$9,913,949	\$10,715,671	\$9,541,937	\$15,156,203	\$15,801,900	\$14,878,066	\$15,432,509	\$15,703,063	\$14,418,028	\$15,155,925	\$15,564,436	\$5,923,809
Cash Balance	\$39,958,926	\$40,232,248	\$41,033,970	\$39,860,236	\$40,213,598	\$40,859,295	\$39,935,461	\$40,489,904	\$40,760,458	\$39,475,423	\$40,213,320	\$40,621,831	\$662,905
Loans	0	0	0	2	0	0	0	0	0	0	0	0	0
Cumulative Loans	129	129	129	131	131	131	131	131	131	131	131	131	2
Cumulative Amount	\$6,123,705	\$6,123,705	\$6,123,705	\$6,520,492	\$6,520,492	\$6,520,492	\$6,520,492	\$6,520,492	\$6,520,492	\$6,520,492	\$6,520,492	\$6,520,492	\$396,787
Defaults/Amount	2	2	2	2	3	2	2	2	1	1	1	1	-1
	June	July	August	September	October	November	December	January	February	March	April	May	TOTAL
Speed Memos	165	135	114	118	133	191	161	78	86	126	168	132	1,607
Compliance Letters	10	9	11	8	3	8	16	3	3	2	5	8	86
Notice of Intent to Revoke	0	0	0	0	0	0	0	0	0	0	0	0	0
Orders	2	1	0	0	2	0	3	0	0	1	0	0	9

UTAH WASTE MANAGEMENT AND RADIATION CONTROL BOARD

Executive Summary

REQUEST FOR A SITE-SPECIFIC TREATMENT VARIANCE

EnergySolutions, LLC

July 9, 2026

What is the issue before the Board?	<p>On April 14, 2026, EnergySolutions, LLC submitted a request (DSHW-2026-001825) 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 authorization to receive a variance from the treatment standards described in Utah Administrative Code R315-268-40(a)(2) for uranium extraction process residuals encased in cement for macroencapsulation.</p>
What is the historical background or context for this issue?	<p>EnergySolutions requests approval of a variance from the treatment standards described in Utah Administrative Code R315-268-40(a)(2) for uranium extraction process residuals encased in cement that retain hazardous waste codes D004 (arsenic); D005 (barium); D006 (cadmium); D007 (chromium) D008 (Lead); D010 (Selenium); D011 (Silver); D030 (2,4-dinitrotolunene); D032 (hexachlorobenzene); D033 (hexachlorobutadiene) and F001, F002, and F005 (spent solvents) for macroencapsulation treatment and disposal. All other required treatment standards associated with the waste will be met prior to disposal.</p> <p>This variance is requested for approximately 2,100 cubic feet of cemented uranium extraction process residuals as part of uranium recovery processes at the generator's facility. The residual waste from each of these processes is collected in small cans (~ 2 ½ gallons each) and stored at the generator's facility. The processed residuals within the cans have been characterized through a random sampling and analysis process. At the beginning of this campaign, approximately 2,000 cans of process residues were collected and stored by the generator. The process is ongoing, and additional cans are being generated every year. Furthermore, due to safety concerns, some of the cans are being split prior to the repackaging process described below; thereby generating more total material for disposal.</p> <p>The generator has three distinct points of generation for this material including (1) enriched uranium contaminated ash that has been thermally processed and the recovered through an organic solvent extraction process; (2) oxide powders and dried sludges associated with this enriched uranium-thorium fuels; and (3) sludge residue from the bottom of salt baths used in the processing of the uranium.</p> <p>F-listed solvent codes within this waste are derived from rags that are burned in a furnace in order to recover the uranium present within them. None of the F-listed constituents were present above their respective treatment standard concentrations within the random characterization samples of the process residues. The random characterization samples were also analyzed for metals using the Toxicity Characteristic Leaching</p>

Procedure (TCLP). These samples detected elevated concentrations of barium (up to 6,740 mg/L TCLP), cadmium (up to 16.4 mg/L TCLP), chromium (up to 15.2 mg/L TCLP), and lead (up to 10.5 mg/L TCLP). Based on these elevated metal concentrations, the characteristic waste codes D005, D006, D007, and D008 were applied to the process residues. Slightly elevated concentrations of arsenic (D004), selenium (D010), silver (D011), 2,4-dinitrotoluene (D030), hexachlorobenzene (D032) and hexachlorobutadiene (D033) were also detected in separate analyses. The residue may potentially contain these codes also.

The uranium content within the process residues is enriched. From a health and safety standpoint, the enrichment makes the waste more hazardous to employees managing the waste. Further, the enriched material has increased security concerns and must be managed appropriately. To ensure the enriched uranium concentration limits required for worker safety, security, and transportation of this waste are met, appropriate packaging procedures were created and are currently being utilized at the generator's facility. These packaging procedures include repackaging the 2 ½ gallon cans into 16-gallon drums and filling the void spaces with cement; formal treatment for the elevated metals concentrations is not performed during this process. The generator has assessed other options, including treatment for the hazardous constituents; however, additional processing introduced unacceptable hazards from a health, safety, and security viewpoint. Additionally, the waste within the cans is inherently safe from a criticality aspect and the generator concluded that it is unwise to perform extra processing that could potentially change this aspect. Furthermore, encasing enriched uranium within concrete is the preferred method of stabilization as recommended by the U.S. Nuclear Regulatory Commission (NRC). The waste material packaged in these 16-gallon monolithic forms is inherently safe and is the form that will be shipped and received at the EnergySolutions Clive facility. The characteristic hazardous waste codes associated with the process residues have numerical concentration-based treatment standards based upon the leachability of the contaminants. Treatment of the monolithic form for these concentration-based treatment standards would entail a process that includes shredding of the monolith followed by mixing with a stabilizing reagent in a permitted mixer. Both steps could mobilize the enriched uranium and possibly cause airborne contamination, increasing the potential for releases to the environment as well as the potential for personnel exposure; thereby violating radiation protection (ALARA – As Low as Reasonably Achievable) principles. Lastly, the shredding of the solidified uranium ash results in a more accessible form of enriched uranium with potential security ramifications.

EnergySolutions' proposes to macroencapsulate the waste, thereby isolating the waste and decreasing the leaching potential of the media. Macroencapsulation is a permitted process utilized at the Clive facility that significantly reduces the potential for migration (leaching) of waste. Macroencapsulation requires less handling of the waste and creates a waste form for disposal that is protective of human health and the

	<p>environment. Macroencapsulation also adds a further level of security by restricting the access to the enriched uranium as the media is contained in an additional layer of cementations fill.</p> <p>EnergySolutions will manage this waste as debris and final disposal of the waste will occur in the Mixed Waste Disposal Cell at the EnergySolutions Mixed Waste Facility following all appropriate requirements in their state-issued Part B permit.</p> <p>A notice for public comment was published in the <i>Salt Lake Tribune</i>, the <i>Tooele County Transcript Bulletin</i> on May 6, 2026, and the <i>Deseret News</i> on May 8, 2026. The comment period began May 11, 2026, and ended June 9, 2026; no public comments were received.</p>
What is the governing statutory or regulatory citation?	<p>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.</p>
Is Board action required?	<p>Yes, this is a Board action item. The Variance Request was presented to the Board on May 14, 2026, as an information item.</p>
What is the Division/Director's recommendation?	<p>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.</p>
Where can more information be obtained?	<p>For technical questions, please contact Tyler Hegburg (385) 622-1875. For legal questions, please contact Bret Randall at (801) 536-0284.</p>

DSHW-2026-002833

Attachment: DSHW-2026-001825

April 14, 2026

CD-2026-069

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

Subject: EPA ID Number UTD982598898 - Request for a Site-Specific Treatment
Variance for Cemented Uranium Extraction Process Residues

Dear Mr. Sonnenburg,

EnergySolutions herein requests from the Waste Management and Radiation Control board an exemption from the treatment standards described in Utah Administrative Code (UAC) R315-40(a)(2) for uranium extraction process residuals encased in cement that retain the hazardous waste codes D004 (arsenic); D005 (barium); D006 (cadmium); D007 (chromium); D008 (lead); D010 (selenium); D011 (silver); D030 (2,4-dinitrotoluene); D032 (hexachlorobenzene); D033 (hexachlorobutadiene) and F001, F002, and F005 (spent solvents). This exemption is requested for the purposes of safety, security, and transportation of the radioactive waste. 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 the following condition is met:

UAC R315-268-44(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.

This variance is being requested for approximately 2,100 cubic feet of cemented uranium extraction process residuals from EnergySolutions generator 9061-06. The waste is generated as part of uranium recovery processes at the generator's facility. The generator has three different points of generation for this waste: (1) an enriched uranium contaminated ash that has been thermally processed and then recovered through an organic solvent extraction process; (2) oxide powders and dried sludges associated with highly enriched uranium-thorium fuels; and (3) residue (sludge) from the bottom of salt



Mr. Ted Sonnenburg
April 14, 2026
CD-2026-069
Page 2 of 4

baths used in the processing of uranium. The residual waste from each of these processes is collected in small cans (~ 2 ½ gallons each) and stored at the generator's facility. The process residuals within the cans have been characterized through a random sampling and analysis process. At the beginning of this campaign, approximately 2,000 cans of process residues were collected and stored by the generator. The process is ongoing and additional cans are being generated every year. Further, due to safety concerns, some of the cans are being split prior to the repackaging process described below; thereby generating more total material for disposal.

F-listed solvent codes within this waste are derived from rags that are burned in a furnace in order to recover the uranium present within them. None of the F-listed constituents were present above their respective treatment standard concentrations within the random characterization samples of the process residues. The random characterization samples were also analyzed for metals using the Toxicity Characteristic Leaching Procedure (TCLP). These samples detected elevated concentrations of barium (up to 6,740 mg/L TCLP), cadmium (up to 16.4 mg/L TCLP), chromium (up to 15.2 mg/L TCLP), and lead (up to 10.5 mg/L TCLP). Based on these elevated metal concentrations, the characteristic waste codes D005, D006, D007, and D008 were applied to the process residues. Slightly elevated concentrations of arsenic (D004), selenium (D010), silver (D011), 2,4-dinitrotoluene (D030), hexachlorobenzene (D032) and hexachlorobutadiene (D033) were also detected in separate analyses. The residue may potentially contain these codes also.

The uranium content within the process residues is enriched. From a health and safety standpoint, the enrichment makes the waste more hazardous to employees managing the waste. Further, enriched material has increased security concerns and must be managed appropriately. To ensure the enriched uranium concentration limits required for worker safety, security, and transportation of this waste are met, appropriate packaging procedures were created and are currently being utilized at the generator's facility. These packaging procedures include repackaging the cans into 16-gallon drums and filling the void spaces with cement; formal treatment for the elevated metals concentrations is not performed during this process. The generator has assessed other options, including treatment for the hazardous constituents; however, additional processing introduced unacceptable hazards from a health and safety and security viewpoint. Additionally, the waste within the cans is inherently safe from a criticality aspect and the generator concluded that it is unwise to perform extra processing that could potentially change this aspect. Furthermore, encasing enriched uranium within concrete is the preferred method of stabilization as recommended by the Nuclear Regulatory Commission (NRC). The waste material packaged in these 16-gallon monolithic forms is inherently safe and is the form that will be shipped and received at the EnergySolutions Clive facility.



Mr. Ted Sonnenburg
 April 14, 2026
 CD-2026-069
 Page 3 of 4

The characteristic hazardous waste codes associated with the process residues has numerical concentration-based treatment standards based upon the leachability of the contaminants. Treatment of the monolithic form for these concentration-based treatment standards would entail a process that includes shredding of the monolith followed by mixing with a stabilizing reagent in a permitted mixer. Both of these steps could mobilize the enriched uranium and possibly cause airborne contamination, increasing the potential for releases to the environment as well as the potential for personnel exposure; thereby violating radiation protection (ALARA – As Low As Reasonably Achievable) principles. Also, the shredding of the solidified uranium ash results in a more accessible form of enriched uranium with potential security ramifications.

EnergySolutions proposes to macroencapsulate the waste, thereby isolating the waste from potential leaching media. Macroencapsulation is a permitted process utilized at the Clive facility that significantly reduces the potential for migration (leaching) of waste. Macroencapsulation requires less handling of the waste and creates a waste form for disposal that is protective of human health and the environment. Macroencapsulation also adds a further level of security restricting access to the enriched uranium.

In summary, a variance should be granted based upon three considerations:

1. for both health and security reasons, the enriched uranium concentration within the waste precludes actual treatment of the waste;
2. processing this waste in preparation for stabilization treatment would increase worker exposures and the potential for releases to the environment; and
3. the leachability of the waste would be significantly reduced through macroencapsulation, thereby protecting human health and the environment.

EnergySolutions requested this same variance 17 times (previously) for this generator in letters dated July 20, 2007; July 28, 2008; July 15, 2009; July 15, 2010; July 28, 2011; August 13, 2012; July 15, 2013; July 25, 2015; November 4, 2015; October 27, 2016; November 20, 2018; December 9, 2019; January 11, 2021; March 22, 2022; April 18, 2023; April 16, 2024; and April 15, 2025. These previous requests were approved on September 13, 2007; September 13, 2008; September 10, 2009; September 9, 2010; September 8, 2011; September 13, 2012; September 12, 2013; August 14, 2014; December 10, 2015; November 9, 2017; January 10, 2019; March 12, 2020; April 8, 2021; June 9, 2022; June 8, 2023; June 13, 2024, and June 12, 2025; respectively.



Mr. Ted Sonnenburg
April 14, 2026
CD-2026-069
Page 4 of 4

Shipments began in April 2008 and have been relatively continuous since that time. Since the last variance was approved, EnergySolutions has received approximately 2,080 cubic feet of this waste (the 16-gallon monoliths). EnergySolutions has received approximately 20,800 cubic feet of this waste since the first variance approval in 2008. This variance request is for the ongoing processing and disposal of additional uranium extraction process residues created by the generator.

EnergySolutions requests that a variance be granted to allow the receipt, macroencapsulation treatment and disposal of approximately ~2,100 cubic feet of cemented uranium extraction process residuals that retain hazardous waste codes. Upon approval of this variance, the monolithic waste will be managed as debris.

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

Mr. Vern C. 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: 2026.04.14
14:21:18 -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 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

Proposed Stipulated Compliance Order No. 2509089

Barnes Group Inc. DBA Barnes Aerospace Ogden

UTR000010025

July 9, 2026

What is the issue before the Board?	This is a Proposed Stipulated Compliance Order No. 2509089 with Barnes Group Inc. DBA Barnes Aerospace Ogden to resolve Notice of Violation No. 2408112.
What is the historical background or context for this issue?	<p>The proposed Stipulated Compliance Order (SCO) settles 14 violations and includes a total penalty of \$195,020.00. Violations were observed during a July 16, 2024, Comprehensive Evaluation Inspection resulting from an anonymous complaint to the United States Environmental Protection Agency in December 2023.</p> <p>An additional violation, agreed to by both parties, was included in the SCO regarding transport of a drum-top lamp crusher without a hazardous waste manifest.</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?	Yes. This is a Board action item.
What is the Division Director's recommendation?	<p>The Director is recommending approval by the Board contingent on no substantive public comments received during the public comment period which ends on July 16, 2026.</p> <p>To date, no public comments have been received.</p>
Where can more information be obtained?	<p>For technical information, please contact Sally Kaiser, Environmental Engineer, Hazardous Waste Section at 385-499-4929.</p> <p>For legal information, please contact Sean Creegan, Assistant Attorney General, Utah Attorney General's Office at 801-573-7066.</p>

DSHW-2026-002902

Attachments:

Stipulated Compliance Order No. 2509089 (DSHW-2025-005182)

Penalty Narrative (DSHW-2025-005181)

Notice of Violation No. 2408112(DSHW-2024-008395)

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In the Matter of:	:	STIPULATED COMPLIANCE ORDER
	:	
Barnes Group Inc. DBA	:	No. 2509089
Barnes Aerospace Ogden	:	
Notice of Violation and Compliance Order	:	
No. 2408112		
UTR000010025		

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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 (SHWA), Utah Code Section 19-6-101 *et seq.*, the Utah Used Oil Management Act (UOMA), Utah Code Section 19-6-701 *et seq.*, 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, and 19-6-721 and jurisdiction over Barnes Group Inc. (Barnes). Barnes consents to and will not challenge issuance of this SCO or the Director's jurisdiction to enter into and enforce this SCO.
2. Barnes and the Director are collectively referred to as the "parties" and individually as a "party" to this SCO.
3. The Utah 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. Barnes is a Delaware corporation registered to do business in the State of Utah. Barnes is the operator of the Barnes Aerospace Ogden Facility, located at 1025 South Depot Drive, Ogden, Utah 84404 (the Facility).
5. The Facility manufactures aircraft, engine, and aftermarket components. Barnes operates the Facility under the provisions of the SHWA, the UOMA, and the Rules.
6. Barnes is a "person" as defined in Utah Code Section 19-1-103(4) and is subject to all applicable provisions of the SHWA, the UOMA, and the Rules.
7. Pursuant to Utah Code Sections 19-6-109 and 19-6-705, authorized representatives of the Director (inspectors) conducted a compliance evaluation inspection at the Facility on July 16, 2024.

8. On January 21, 2025, the Director issued a Request for Information (RFI) to Barnes (the First RFI) to clarify items observed during the compliance evaluation inspection (DSHW-2025-000115).
9. On February 17, 2025, Barnes requested an extension to respond to the First RFI (DSHW-2025-000973). On February 19, 2025, the Director granted the request and provided Barnes until March 24, 2025, to respond to the First RFI (DSHW-2025-000944).
10. On March 24, 2025, the Director received a response to the First RFI (DSHW-2025-001616).
11. On May 8, 2025, the Director issued Notice of Violation and Compliance Order No. 2408112 (NOV/CO) to Barnes (DSHW-2024-008395).
12. On June 2, 2025, Barnes requested an extension to comply with the Compliance Orders 4(a), 4(b), and 4(c) of the NOV/CO (DSHW-2025-002717), which it supplemented on June 5, 2025 (DSHW-2025-002751).
13. On June 6, 2025, the Director approved the extension request to extend the time for Barnes to comply with the Compliance Orders 4(a), 4(b), and 4(c), and pursuant thereto required Barnes to submit monthly reports documenting its efforts toward complying with the NOV/CO (DSHW-2025-002730).
14. On June 6, 2025, the Director received a response to the NOV/CO (DSHW-2025-002800) with corrective actions and a response regarding prevention of future compliance issues.
15. On June 19, 2025, the Director received a hazardous waste manifest and land disposal restriction (LDR) form for the disposal of the drum-top lamp crusher (DSHW-2025-002954). The hazardous waste manifest and LDR form were signed by an employee of GrayMar Environmental. The LDR form did not include the EPA ID number.
16. On June 24, 2025, the Division requested via email a correction to the manifest and LDR form.
17. On July 1, 2025, the Director received from Barnes the first monthly report on its efforts toward complying with the NOV/CO (DSHW-2025-003112).
18. On July 9, 2025, Barnes responded to the Division's June 24, 2025, email but failed to include proper training documentation or proper authorization documentation for a GrayMar employee to sign Barnes hazardous waste manifests and LDR forms (DSHW-2025-005165). Moreover, Barnes' response and further investigation revealed that Barnes had shipped the drum-top lamp crusher waste from the Facility without a manifest, as required by Utah Admin. Code R315-262-20(a)(1). That violation has been added to this SCO for purposes of efficient resolution of the NOV/CO and associated violations.
19. On July 21, 2025, the Director issued a second Request for Information to Barnes (the Second RFI) to clarify Barnes' corporate affiliations and ownership of the Facility (DSHW-2025-003128).
20. On August 1, 2025, the Director received from Barnes the second monthly report on its efforts toward complying with the NOV/CO (DSHW-2025-003559).
21. On August 20, 2025, the Director received a response to the Second RFI clarifying that Barnes operates and generates hazardous waste at the Facility (DSHW-2025-004060). The Director has relied on Barnes' representations in its August 20, 2025, response to facilitate its compliance with the SHWA, UOMA, and the Rules and in negotiating this SCO to resolve the NOV/CO.

22. On September 2, 2025, the Director received from Barnes the third monthly report on its efforts toward complying with the NOV/CO (DSHW-2025-004498).
23. On September 16, 2025, the Director and Barnes, through their respective legal representatives, executed a Tolling Agreement, establishing a tolling period between September 12, 2025, and September 12, 2026 (DSHW-2025-004810).
24. On October 1, 2025, the Director received from Barnes the fourth monthly report on its efforts toward complying with the NOV/CO (DSHW-2025-005044).
25. On November 3, 2025, the Director received from Barnes the fifth monthly report on its efforts toward complying with the NOV/CO (DSHW-2025-005618).
26. On November 3, 2025, the Director also received from Barnes a Decontamination Report, which documented its decontamination steps and supporting analytical data, as required by the NOV/CO (DSHW-2025-005617).
27. 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 and harm to the regulatory program, 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

28. 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.
29. In full settlement of the violations alleged in the NOV/CO, Barnes shall pay a penalty of \$195,020.00 (one hundred ninety-five thousand twenty dollars). Payment shall be made within 30 days of the Effective Date of this SCO. Payment shall be made 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.

EFFECTIVE DATE

30. This SCO shall become effective upon the date of execution by the Director (the 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 of Waste Management and Radiation Control and upon Barnes and any of Barnes' 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 Barnes in the event of future non-compliance with this SCO, the SHWA, the UOMA, or 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 Barnes 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 Barnes certifies that the representative is authorized to enter into and execute this SCO and to legally bind Barnes.

Pursuant to the Utah Solid and Hazardous Waste Act, Utah Code Section 19-6-101 *et seq.*, and the Utah Used Oil Management Act, Utah Code Section 19-6-701 *et seq.*, *in the Matter of Barnes Group Inc. Notice of Violation and Compliance Order No. 2408112*, the parties hereto mutually agree and consent to STIPULATED COMPLIANCE ORDER No. 2509089 as evidenced below:

Barnes Group Inc.

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

Kristin Layton, General Manager
Barnes Aerospace Division

Ted H. Sonnenburg, Director

Date: _____

Date: _____

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

NOV # 2408112

Violation Number: 1

Finding Number: 17

Violation Description: **Failure to label used oil containers with the words “Used Oil.”**

1. Gravity Based Penalty - **\$3,200.00**

(a) Potential for Harm – **MODERATE**

Barnes failed to properly label containers of used oil near a surface grinder at the Facility, which poses a medium risk of exposing humans or other environmental receptors to used oil because not properly labeling containers could lead to mismanagement of the used oil. Failing to properly label used oil containers also poses a medium adverse effect on the statutory or regulatory purposes or procedures for implementing the used oil program because proper labeling is fundamental to the used oil program and the Division’s ability to identify and evaluate compliance with the UOMA and the Rules.

(b) Extent of Deviation – **MODERATE**

Barnes deviated significantly from the regulatory requirement by not properly labeling the used oil collected in two open crates at both ends of a surface grinder with the words “Used Oil.”

(c) Multiple Event/Multi-day - N/A

2. Adjustment Factors (if applicable)

(a) Good Faith - N/A

(b) Willfulness/Negligence - N/A

(c) History of Compliance N/A

(d) History of Noncompliance - N/A

(e) Ability to Pay - N/A

(f) Other Unique Factors - N/A

3. Economic Benefit – Economic benefit was evaluated and determined to be negligible since the cost of labeling containers of used oil with the words “Used Oil” is negligible.

4. Recalculation of Penalty Based on New Information - N/A

TOTAL: \$3,200.00

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

NOV # 2408112

Violation Number: 2

Finding Number: 18

Violation Description: **Failure to ensure that containers storing used oil are closed except when adding or removing oil.**

1. Gravity Based Penalty - **\$3,200.00**

(a) Potential for Harm – **MODERATE**

Barnes failed to keep two used oil containers near a surface grinder closed, which poses a medium risk of exposing humans or other environmental receptors to used oil because it could lead to mismanagement of the used oil, could spill, or could be combined with other material or constituents. Failing to keep used oil containers closed also poses a medium adverse effect on the statutory or regulatory purposes or procedures for implementing the used oil program because proper container management is fundamental to the management of used oil.

(b) Extent of Deviation – **MODERATE**

Barnes significantly deviated from the requirement of the regulation because two crates of used oil near the surface grinder were open and used oil was not being added to or removed from those open containers.

(c) Multiple Event/Multi-day - N/A

2. Adjustment Factors (if applicable) - N/A

(a) Good Faith - N/A

(b) Willfulness/Negligence – N/A

(c) History of Compliance – N/A

(d) History of Noncompliance - N/A

(e) Ability to Pay - N/A

(f) Other Unique Factors - N/A

3. Economic Benefit – N/A

4. Recalculation of Penalty Based on New Information – N/A

TOTAL: \$3,200.00

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

NOV # 2408112

Violation Number: 3

Finding Number: 19

Violation Description: **Failure to take immediate action to clean up and properly manage released or spilled used oil.**

1. Gravity Based Penalty - **\$2,500.00**

(a) Potential for Harm – **MODERATE**

Barnes failed to take immediate action to clean up and properly manage spilled used oil, which poses a medium risk of exposing humans or other environmental receptors to used oil because not immediately cleaning up a used oil release can cause further releases to the environment and workers to slip, trip, and fall.

Failing to take immediate action to clean up and properly manage spilled used oil also poses a medium adverse effect on the statutory or regulatory purposes or procedures for implementing the used oil program because preventing releases is fundamental to the proper management of used oil.

(b) Extent of Deviation – **MODERATE**

Barnes significantly deviated from the requirement of this regulation because Barnes failed to take immediate action to clean up the release, and rather than fixing the leaks in the surface grinder that were the source of the release, Barnes used non-slip pads and absorbent placed in front of the surface grinder.

(c) Multiple Event/Multi-day - N/A

2. Adjustment Factors (if applicable)

(a) Good Faith – N/A

(b) Willfulness/Negligence - Negotiated

(c) History of Compliance or Noncompliance - N/A

(d) Ability to Pay - N/A

(e) Other Unique Factors - N/A

3. Economic Benefit – N/A

4. Recalculation of Penalty Based on New Information –N/A

TOTAL: \$2,500.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV/CO # 2408112

Violation Number: 4

Finding Number: 20

Violation Description: **Failure to mark or label containers with an indication of hazards of the contents and the date that each period of accumulation began.**

1. Gravity Based Penalty: **\$4,160.00**

(a) Potential for Harm – **MODERATE**

Barnes failed to properly label containers of hazardous waste with an indication of hazards of the contents and date that each period of accumulation began, which poses a medium risk of exposing humans or other environmental receptors to hazardous waste because, without proper labeling, handlers could mismanage the containers.

Failing to properly label containers of hazardous waste also poses a medium adverse effect on the statutory or regulatory purposes or procedures for implementing the hazardous waste program because it interferes with the Division's ability to inspect the Facility, identify hazardous waste, and evaluate compliance with the SHWA and the Rules.

(b) Extent of Deviation – **MODERATE**

Barnes significantly deviated from the requirements of the regulation because inspectors observed three 55-gallon blue poly drums without an indication of the hazards of the contents or the date that each period of accumulation began.

(c) Multiple Event/Multi-day – N/A

2. Adjustment Factors (if applicable)

(a) Good faith – NA

(b) Willfulness/Negligence – N/A

(c) History of Compliance or Noncompliance – N/A

(d) Ability to pay – N/A

(e) Other Unique Factors – N/A

3. Economic Benefit – Economic benefit was evaluated but determined to be negligible since labels were available.

4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$4,160.00

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

NOV # 2408112

Violation Number 5

Finding Number: 21

Violation Description: **Accumulating hazardous waste in containers in poor condition and failing to transfer the hazardous waste to containers in good condition.**

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

(a) Potential for Harm – **MAJOR**

Barnes failed to properly manage hazardous waste containers and accumulated hazardous waste in containers in poor condition, which poses a relatively high risk of exposing humans or other environmental receptors to hazardous waste because containers in poor condition can begin to deteriorate and are more likely to release hazardous waste to groundwater or soil. These releases could expose workers and the environment to hazardous waste and hazardous constituents.

Failing to properly manage hazardous waste containers and accumulating hazardous waste in containers in poor condition also has a relatively high adverse effect on the statutory and regulatory purposes for implementing the hazardous waste program because storing hazardous waste in containers in poor condition undermines the purpose of the program to manage waste from cradle to grave.

(b) Extent of Deviation – **MODERATE**

Barnes deviated from the requirements of this regulation to such an extent that most important requirements were not met, resulting in substantial non-compliance because three 55-gallon blue poly drums of hazardous waste were bulging and leaking. Barnes failed to transfer hazardous waste from the three 55-gallon blue poly drums of hazardous waste in poor condition to containers in good condition.

(c) Multiple Event/Multi-day - N/A

2. Adjustment Factors (if applicable) - N/A

(a) Good Faith - N/A

(b) Willfulness/Negligence – Negotiated \$1,570.00

(c) History of Compliance - N/A

(d) History of Noncompliance - N/A

(e) Ability to Pay - N/A

(f) Other Unique Factors - N/A

3. Economic Benefit - **Negotiated**

4. Recalculation of Penalty Based on New Information –N/A

TOTAL: \$14,570.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2408112

Violation Number: 6

Finding Number: 22

Violation Description: **Failure to perform weekly inspections in the central accumulation area.**

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

(a) Potential for Harm – **MAJOR**

Barnes failed to complete weekly inspections in the central accumulation area, which poses a relatively high risk of exposing human or other environmental receptors to hazardous waste because failing to inspect could allow releases to continue unnoticed, containers to deteriorate, and hazardous waste to be mismanaged. Failing to perform weekly inspections in the central accumulation area also poses a relatively high adverse effect on the statutory or regulatory purposes or procedures for implementing the program because weekly inspections are fundamental to ensuring the proper management of hazardous waste that remains on site.

(a) Extent of Deviation – **MAJOR**

Barnes significantly deviated from the requirement of this regulation to such an extent that most of the requirements were not met, resulting in substantial non-compliance because Barnes failed to perform weekly inspections of the CAA prior to February 2024.

(c) Multiple Event/Multi-day – \$48,000.00. Barnes was out of compliance with Utah Admin. Code R315-262-16(b)(2)(iv) for no less than 337 days between March 2023 and February 2024. Despite this prolonged noncompliance, the Director is assessing the multi-day penalty as a weekly penalty for 48 weeks (48 weeks x \$1,000.00 = \$48,000.00).

2. Adjustment Factors (if applicable) – N/A

(a) Good faith – N/A

(b) Willfulness/Negligence – N/A

(c) History of Compliance – N/A

(d) History of Noncompliance – N/A

(e) Ability to pay – N/A

(f) Other Unique Factors – N/A

3. Economic Benefit – **\$600.00**. Barnes saved \$600.00 by avoiding or delaying compliance with this requirement because weekly inspections would take approximately 0.5 hours at \$25/hour for 48 weeks (0.5 hours x \$25/hour x 48 weeks = \$600.00).

4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$61,600.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2408112

Violation Numbers: 7

Finding Number: 23

Violation Description: **Failure to ensure all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities.**

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

(a) Potential for Harm – **MAJOR**

Barnes failed to ensure all employees were thoroughly familiar with proper waste handling and emergency procedures, which poses a relatively high risk of exposing humans or other environmental receptors to hazardous waste because a lack of requisite knowledge to manage hazardous waste and respond to hazardous waste emergencies could lead to mismanagement of waste and improper emergency response.

Failing to train personnel on their duties to manage hazardous waste also poses a relatively high adverse effect on the statutory and regulatory purposes and procedures of the hazardous waste program because a lack of training can lead to noncompliance with the regulatory requirements, which was observed during the July 16, 2024, inspection.

(b) Extent of Deviation – **MAJOR**

Barnes deviated from the requirements of these regulations to such an extent that most, or important aspects, of the requirements were not met, resulting in substantial non-compliance because the majority of Barnes' personnel who handled hazardous waste were not properly trained or Barnes could not verify that personnel had been properly trained.

(c) Multiple Event/Multi-day – \$2,600.00. Barnes was out of compliance with Utah Admin. Code R315-262-16(b)(9)(iii) for no less than three years, between July 2021 and July 2024. This continued non-compliance warrants a multi-event and multi-day penalty; however, the Director is only assessing one additional, multi-day penalty of \$2,600.00.

2. Adjustment Factors (if applicable) – N/A

(a) Good Faith - N/A

(b) Willfulness/Negligence – Increased 20%. Barnes demonstrated negligent disregard for the requirement under Utah Admin. Code R315-262-16(b)(9)(iii) by submitting to the Division outdated and incorrect personnel training records rather than training its personnel for DOT Awareness, HAZWOPER/RCRA, and the Contingency Plan. Moreover, Barnes failed to take reasonable steps to periodically ensure that its personnel were current on their training, to the extent that most of its personnel were inadequately trained for approximately three years.

(c) History of Compliance - N/A

(d) History of Noncompliance – N/A

(e) Ability to Pay - N/A

(f) Other Unique Factors - N/A

3. Economic Benefit – **\$2,700.00**. Barnes saved \$2,700.00 by delaying or avoiding compliance with the applicable hazardous waste training requirements because hiring a qualified trainer or using an online training program to conduct this training costs \$450 per person on average per year (6 employees x \$450/training = \$2,700.00).

4. Recalculation of Penalty Based on New Information – N/A

TOTAL: \$21,420.00

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

NOV # 2408112

Violation Numbers: 8, 9
Finding Numbers: 24 and 25

Violation Description: **Failure to make and document arrangements with local police, fire department, and other emergency responders and failure to provide the Quick Reference Guide to local emergency responders or planning committee.**

1. Gravity Based Penalty - **\$10,400.00**

(a) Potential for Harm – **MAJOR**

Barnes failed to make and document arrangements with local emergency responders and failed to submit its Quick Reference Guide to those responders, which poses a relatively high risk of exposing humans or other environmental receptors to hazardous waste and site-specific chemicals because it can harm employees during an emergency, delay or complicate responses to emergencies, and expose those responding to an emergency to unforeseen dangers.

Failing to make and document arrangements with local police, fire department, and other emergency responders and failing to provide a Quick Reference Guide to local emergency planning committees also poses a relatively high adverse effect on the statutory and regulatory purposes or procedures for implementing the hazardous waste program because the regulatory program depends on notification and Quick Reference Guides to ensure compliance during an emergency.

(b) Extent of Deviation – **MODERATE**

Barnes significantly deviated from the requirements of these regulations because, at the time of the inspection, its personnel were unable to demonstrate to inspectors that it had prepared a Quick Reference Guide or document arrangements it had made with the local emergency responders or planning committee. Submission of the Quick Reference Guide to local responders ensures they have critical information to properly respond to emergencies.

(c) Multiple Event/Multi-day – N/A

2. Adjustment Factors (if applicable) – N/A

(a) Good Faith – N/A

(b) Willfulness/Negligence - N/A

(c) History of Compliance - N/A

(d) History of Noncompliance – N/A

(e) Ability to Pay - N/A

(f) Other Unique Factors - N/A

3. Economic Benefit – Economic benefit was evaluated and determined to be negligible.
4. Recalculation of Penalty Based on New Information – N/A

TOTAL: \$10,400.00

Proposed

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

NOV # 2408112

Violation Number: 10

Finding Number: 26

Violation Description: **Failure to submit a drum-top lamp crusher registration application to the Director and receive the Director's approval prior to operating a drum-top lamp crusher at the Facility.**

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

(a) Potential for Harm – **MAJOR**

Barnes failed to register its drum-top lamp crusher and to operate and maintain the drum-top lamp crusher according to written manufacturer instructions. This poses a relatively high adverse effect on the statutory and regulatory purposes or procedures for implementing the hazardous waste program because drum-top lamp crushers release mercury vapors and dust during operation and this registration is fundamental to ensuring that operating the drum-top lamp crusher would cause the least amount of harm to human health and the environment.

Failing to register the drum-top lamp crusher also poses a relatively high adverse effect on the statutory or regulatory purposes or procedures for implementing the program because it inhibits the Division's ability to oversee the operation of the drum-top lamp crusher and evaluate Barnes' compliance with the SHWA and Rules in operating the drum-top lamp crusher.

(b) Extent of Deviation – **MAJOR**

Barnes deviated from the requirements of this regulation to such an extent that most, or important aspects, of the requirements were not met, resulting in substantial non-compliance because Barnes neither applied for a drum-top lamp crusher registration nor received Director approval prior to operating a drum-top lamp crusher at the Facility, and therefore failed to meet a single requirement under this regulation.

- (b) Multiple Event/Multi-day – \$2,600.00. Barnes operated the drum-top lamp crusher at the Facility on multiple occasions. Barnes was therefore out of compliance with Utah Admin. Code R315-273-13(d)(3) for no less than one day, and the Director is assessing a multi-day penalty of \$2,600.00.

2. Adjustment Factors (if applicable)

(a) Good Faith –N/A

- (b) Willfulness/Negligence – Increased 30%. Barnes demonstrated negligent disregard for the requirement under the Utah Admin. Code R315-273-13(d)(3) by failing to take reasonable steps to operate the drum-top lamp crusher pursuant to the registration requirement under this regulation. Rather, Barnes operated the drum-top lamp crusher at the Facility and could not demonstrate any steps it took to comply with Utah Admin. Code R315-273-13(d)(3)(i)-(x).

(c) History of Compliance - N/A

(d) History of Noncompliance - N/A

(e) Ability to Pay - N/A

(f) Other Unique Factors - N/A

3. Economic Benefit – \$1,700.00. Barnes saved \$1,700.00 by delaying or avoiding compliance with the drum-top crusher registration requirements because proper registration would require professional review fees (\$125.00/hour x 10 hours = \$1,250.00) and insurance for the unit (\$150/year x 3 years = \$450).

4. Recalculation of Penalty Based on New Information – N/A

TOTAL: \$21,980.00

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

NOV # 2408112

Violation Number: 11

Finding Number: 27

Violation Description: **Failure to demonstrate successful remediation of areas of the Facility where the drum-top lamp crusher was used and failing to submit a report documenting the decontamination steps and analytical data demonstrating successful remediation.**

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

(a) Potential for Harm – **MAJOR**

Barnes failed to remediate areas where the drum-top lamp crusher was operated and failed to submit documentation, including analytical data, demonstrating successful remediation, which poses a relatively high risk of exposing humans or other environmental receptors to hazardous waste because mercury is a neurotoxin that can harm the nervous system, lungs, and kidneys. Moreover, absent appropriate remediation, mercury vapors can remain airborne for up to a year and unnecessarily and continually expose workers. Failing to properly remediate areas where the drum-top lamp crusher had operated also poses a relatively high adverse effect on the statutory or regulatory purposes or procedures for implementing the program because the Division was not aware of the locations where the drum-top lamp crusher was operated, preventing inspectors from properly assessing environmental compliance at the Facility.

(b) Extent of Deviation – **MAJOR**

Barnes deviated from the requirement of this regulation to such an extent that most, or important aspects, of the requirements were not met, resulting in substantial non-compliance because Barnes had operated the drum-top lamp crusher at the Facility and stored the drum-top lamp crusher at the Facility for no less than four months, likely leading to two areas that required remediation, but Barnes neither documented those areas nor produced evidence that such areas were remediated at the time of the inspection.

(c) Multiple Event/Multi-day – N/A

2. Adjustment Factors (if applicable) - N/A

(a) Good Faith –NA

(b) Willfulness/Negligence - N/A

(a) History of Compliance - N/A

(b) History of Noncompliance - N/A

(c) Ability to Pay - N/A

(d) Other Unique Factors - N/A

3. Economic Benefit - NA
4. Recalculation of Penalty Based on New Information – N/A

TOTAL: \$13,000.00

Proposed

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

NOV # 2408112

Violation Number 12

Finding Number: 28

Violation Description: **Failure to provide a closure plan and cost estimate for disposing of the drum-top lamp crusher to the Director.**

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

(a) Potential for Harm – **MAJOR**

Barnes failed to provide a closure plan and cost estimate for disposal of the drum-top lamp crusher, which poses a relatively high risk of exposing humans and other environmental receptors to hazardous waste and hazardous constituents, including mercury, because if the contamination is not properly decontaminated and closure is not implemented according to an approved plan, the workers and environment could be continuously exposed. Failing to provide a closure plan and cost estimate for disposal of the drum-top lamp crusher also poses a relatively high adverse effect on the statutory or regulatory purposes or procedures for implementing the program because the Division was unable to confirm the decontamination and verification procedures and provide oversight of the closure. Without an approved closure plan, an organization would be unprepared for substantial expenses associated with safely dismantling and disposing of a drum-top lamp crusher, leading to unforeseen exposures and financial liabilities that could become the responsibility of a government entity to clean up the contaminated site.

(b) Extent of Deviation – **MAJOR**

Barnes deviated from the requirements of this regulation to such an extent that most, or important aspects of, the requirements for providing a closure plan and cost estimate for disposing of the unit to the Director were not met. Barnes failed to track operations in areas the unit was operated in which would have informed the Director where and how the unit was operated and used to determine contamination during closure activities.

(c) Multiple/Multi-day - N/A

2. Adjustment Factors (if applicable) - N/A

(a) Good Faith – In the process of decontamination.

(b) Willfulness/Negligence - N/A

(c) History of Compliance – N/A

(d) History of Noncompliance - N/A

(e) Ability to Pay - N/A

(f) Other Unique Factors - N/A

3. Economic Benefit – **\$6,000.00** - Barnes saved \$6,000.00 by delaying or avoiding compliance with the requirements under Utah Admin. Code R315-273-13(d)(6) because it was able to avoid the cost of creating a closure plan. The typical cost for a consultant to draft a closure plan ranges from \$150 to \$400 per hour and would ordinarily take approximately 40 hours to draft (40 hours x \$150/hour = \$6,000.00).
4. Recalculation of Penalty Based on New Information – N/A

TOTAL: \$19,000.00

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

NOV # 2408112

Violation Number 13

Finding Number: 29

Violation Description: **Failure to demonstrate financial assurance for the cost of disposing of the drum-top lamp crusher, decontaminating the area surrounding the drum-top lamp crusher, and analytical costs to show that decontamination is complete.**

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

(a) Potential for Harm – **MAJOR**

Barnes failed to demonstrate financial assurance for the cost of disposing of the drum-top lamp crusher, decontamination, and analytical costs to verify decontamination, which poses a relatively high risk of exposing humans or other environmental receptors to hazardous waste because there was no financial incentive to ensure proper use of the drum-top lamp crusher or funding to decontaminate the areas where it was used. Failing to demonstrate financial assurance also poses a relatively high adverse effect on the statutory or regulatory purposes of procedures for implementing the program because this failure undermines the “polluter pays” principle and shifts financial responsibility for cleanup and remediation from the polluting entity to the taxpayers, which can result in delayed, incomplete, or underfunded cleanups.

(b) Extent of Deviation –**MAJOR**

Barnes deviated from the requirements of this regulation to such an extent that most, or important aspects, of the requirements were not met, resulting in substantial non-compliance because it failed to meet a single financial assurance requirement or demonstrate it had appropriate funding to dispose, clean-up, and decontaminate after it had completed its use of the drum-top lamp crusher.

(c) Multiple/Multi-day - N/A

2. Adjustment Factors (if applicable)

(a) Good Faith – N/A

(b) Willfulness/Negligence - N/A

(c) History of Compliance – N/A

(d) History of Noncompliance - N/A

(e) Ability to Pay - N/A

(f) Other Unique Factors - N/A

3. Economic Benefit – **\$750.00** - Barnes saved at least \$450.00 by delaying or avoiding compliance with the requirements under Utah Admin. Code R315-273-13(d)(7) because the cost of preparing financial assurance documents costs range from \$150 to 400/hour; the savings of \$150/hour x 5 professional hours=\$750.00
4. Recalculation of Penalty Based on New Information – N/A

TOTAL: \$13,750.00

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

NOV # 2408112

Violation Number 14

Violation Description: **Failure to prepare a manifest before offering for transport a hazardous waste for offsite treatment, storage, or disposal, as required by Utah Admin. Code R315-262-20(a)(1).**

1. Gravity Based Penalty - **\$4,160.00**

(a) Potential for Harm – **MODERATE**

Barnes offered a container for transport that included a drum-top lamp crusher using a bill of lading, rather than a hazardous waste manifest. The drum-top lamp crusher at the point of generation was hazardous waste because it contained mercury waste; mercury is characteristically toxic (EPA waste code D009). The drum-top lamp crusher was not mercury containing equipment under Utah Admin. Code R315-273-4, universal waste lamps under Utah Admin. Code R315-273-5, nor merely crushed lamps that could be managed under Utah Admin. Code R315-273-13(d)(8). Barnes failed to prepare a manifest before offering the drum-top lamp crusher for transport for offsite treatment, storage, or disposal, which poses a medium risk of exposing humans or other environmental receptors to hazardous waste because failing to manifest waste could lead to mismanagement of the waste.

Failing to prepare a manifest before offering hazardous waste for transport, such as the drum-top lamp crusher, also poses a medium adverse effect on the statutory or regulatory purposes or procedures for implementing the hazardous waste program because manifests are fundamental to ensuring hazardous waste is managed from cradle to grave because it enables the regulated community and regulators to track the hazardous waste from the time it is generated to the time it is treated, stored, or disposed of.

(b) Extent of Deviation – **MODERATE**

Barnes significantly deviated from the requirements of the regulation because it failed to prepare a hazardous waste manifest for the drum-top lamp crusher and relied on a representative of the transporter to prepare a manifest after the hazardous waste had been shipped offsite. Although Barnes significantly deviated from the requirements of the regulation, the waste was transported to and accepted by the destination facility for offsite treatment, storage, or disposal.

(c) Multiple/Multi-day - N/A

2. Adjustment Factors (if applicable)

(a) Good Faith – N/A

(b) Willfulness/Negligence - Increased 50%. Barnes demonstrated a negligent disregard for the requirement under Utah Admin. Code R315-262-20(a)(1) because it failed to undertake reasonable actions to appropriately manage the drum-top lamp crusher as a hazardous waste, despite being aware of the waste being hazardous as demonstrated by:

1. The NOV/CO ordering Barnes to dispose of the waste at a permitted hazardous waste TSDF and to provide to the Director the manifests and waste profiles from that disposal;
2. Barnes' request for extension dated June 2, 2025, indicating that it had obtained a waste profile and will dispose of the waste at a permitted TSDF; and
3. Barnes' request for an extension dated June 5, 2025, stating that it agreed to provide "a copy of the manifest signed by the transporter" for the drum-top lamp crusher and associated wastes.

(c) History of Compliance – N/A

(d) History of Noncompliance - N/A

(e) Ability to Pay - N/A

(f) Other Unique Factors - N/A

3. Economic Benefit – N/A

4. Recalculation of Penalty Based on New Information – This violation arose on or about June 6, 2025, when Barnes, in an effort to comply with the terms of the NOV/CO, shipped a drum-top lamp crusher and its contents offsite without a hazardous waste manifest. The Director is proposing to include this violation in this SCO to streamline the settlement of the NOV/CO and violations arising therefrom.

TOTAL: \$6,240.00



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

May 8, 2025

Kristin Layton, General Manager
BDO Barnes, L.C., DBA Barnes Aerospace Ogden
Barnes Group Inc.
1025 Depot Drive
Ogden, UT 84404

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7022 0410 0001 4513 5074

Chase Jensen, Registered Agent
BDO Barnes, L.C., DBA Barnes Aerospace Ogden
101 South 200 East, Suite 200
Salt Lake City, UT 84111

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7022 0410 0001 4513 5081

RE: Notice of Violation and Compliance Order No. 2408112
UTR000010025

Dear Ms. Layton and Mr. Jensen:

Enclosed is a **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO)** No. 2408112, based on findings documented by the Division of Waste Management and Radiation Control (Division) inspectors regarding a compliance evaluation inspection conducted on July 16, 2024. Please be advised that compliance with the attached ORDER is mandatory and will not relieve BDO Barnes, L.C. DBA Barnes Aerospace Ogden of liability for past violations.

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 contact Sally Kaiser by email at skaiser@utah.gov or by phone at 385-499-4929, or have your attorney call Brenden Catt, Assistant Attorney General, by email at bcatt@agutah.gov or by phone at 385-379-2591.

Sincerely,

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

(Over)

DSHW-2024-008395

195 North 1950 West • Salt Lake City, UT
Mailing Address: P.O. Box 144880 • Salt Lake City, UT 84114-4880
Telephone (801) 536-0200 • Fax (801) 536-0222 • T.D.D. 711
www.deq.utah.gov
Printed on 100% recycled paper

DJH/SHK/wa

Enclosure: Notice of Violation and Compliance Order No. 2408112

c: Scott Braeden, Weber-Morgan Health Department
Ryan Klinge, Weber-Morgan Health Department
Annette Maxwell, U.S. EPA, Region 8
Megan Gardner, HSE Manager, Barnes Aerospace Ogden (Email)
Ben Nadolski, Mayor, City of Odgen (Email)
Tim Davis, Executive Director, Utah Department of Environmental Quality (UDEQ)
Stevie Norcross, PhD, Assistant Director,
Division of Waste Management and Radiation Control, UDEQ
Brenden Catt, Assistant Attorney General, Utah Attorney General's Office

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In the Matter of:	:	NOTICE OF VIOLATION AND COMPLIANCE ORDER
	:	
BDO Barnes, L.C.	:	No. 2408112
DBA Barnes Aerospace Ogden	:	
UTR000010025	:	

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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 (SHWA), Utah Code Section 19-6-101 *et seq.*, the Used Oil Management Act (UOMA), Utah Code Section 19-6-701 *et seq.*, and Utah Administrative Code R315 (the Rules). The Director has authority to issue such NOTICES and ORDERS in accordance with Utah Code Sections 19-6-112, 19-6-705, and 19-6-721.

FINDINGS

1. BDO Barnes, L.C., DBA Barnes Aerospace Ogden (Barnes) is a limited liability company registered to do business in the State of Utah. Barnes is a wholly owned subsidiary of Barnes Group Inc., a Delaware corporation.
2. Barnes manufactures components for engines, nacelles, and airframes at its facility located at 1025 South Depot Drive, Ogden, Utah 84404 (the Facility).
3. Barnes operates the Facility under the provisions of the SHWA, UOMA, and the Rules.
4. Barnes 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.
5. On June 30, 2008, Barnes notified as a Large Quantity Generator and was assigned EPA ID Number UTR000010025.
6. On February 28, 2018, Barnes completed an EPA RCRA Subtitle C Form 8700-12 to register as a Small Quantity Generator and obtain or update an EPA ID number for an on-going regulated activity.
7. On August 17, 2023, Barnes notified of an unplanned episodic event to dispose of 247,500 lbs. of a nitric acid and hydrofluoric acid solution that was released into secondary containment due to a tank failure. That unplanned episodic event began on August 16, 2023.
8. On December 14, 2023, the United States Environmental Protection Agency forwarded to the Division of Waste Management and Radiation Control (Division) an anonymous complaint (FY24-290504-3709-CV). The complaint generally concerned (1) a hole or breach in a containment system for two etch tanks that compromised the containment system, (2) thousands of gallons of acidic water spilling into the compromised containment system and remaining in the compromised containment system for more than 36 hours, (3) ongoing spills into the compromised containment system, and (4) Barnes' unresponsive approach to complaints from staff regarding possible exposure to hazardous waste and hazardous constituents.

9. On January 8, 2024, and February 9, 2024, authorized representatives of the Director (inspectors) followed up on the anonymous complaint by visiting the Facility.
10. On March 18, 2024, the Director sent a letter to Barnes (DSHW-2024-004716) requesting it provide, among other information, “[a] schedule of the etching tank replacement before the tanks are removed from the Facility” to the Director by April 1, 2024. Barnes did not provide the Director with the requested schedule.
11. On June 21, 2024, Barnes renotified as a Large Quantity Generator via RCRA Subtitle C Form 8700-12, because Barnes failed to remove all episodic hazardous waste off site within 60 days of the unplanned episodic event that began on August 16, 2023.
12. Pursuant to Utah Code Sections 19-6-109 and 19-6-705(2)(a), inspectors conducted a compliance evaluation inspection at the Facility on July 16, 2024.
13. On January 21, 2025, the Director sent Barnes a Request for Information (the RFI) requesting additional information following the July 16, 2024, inspection (DSHW-2025-000115).
14. On March 24, 2025, Barnes’ legal counsel responded to the RFI (the Response) on Barnes’ behalf (DSHW-2025-001616).
15. Based on observations made during the July 16, 2024 inspection and information provided in the Response, Barnes was a Large Quantity Generator in February 2024 and June through August 2024. Prior to February 2024, Barnes was a Small Quantity Generator.
16. Barnes is also a Small Quantity Handler of Universal Waste, according to Utah Admin. Code R315-273-9(n), and Used Oil Generator, according to Utah Code Section 19-6-703(24) and Utah Admin. Code R315-15-2.1(a).
17. Utah Admin. Code R315-15-2.3(c)(1) states “[c]ontainers and aboveground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words ‘Used Oil.’”
 - 17.1. During the July 16, 2024 inspection, inspectors observed two FliPak containers that were used for collecting used oil from the surface grinder at the Facility.
 - 17.2. During the July 16, 2024 inspection, inspectors observed that neither of the two FliPak containers were labeled or marked clearly with the words “Used Oil.”
18. Utah Admin. Code R315-15-2.3(b)(3) requires containers used to store used oil at generator facilities to be closed “except when adding or removing oil.”
 - 18.1. During the July 16, 2024 inspection, inspectors observed that one of the two FliPak containers used to collect used oil from the surface grinder was open, even though used oil was not being added or removed from that FliPak container.
19. Utah Admin. Code R315-15-9.1(a)(1)-(4) requires the person responsible for used oil at the time of a release to immediately “take appropriate action to minimize the threat to human health and the environment” by stopping the release, containing the release, cleaning up and properly managing the release, and, if necessary, repairing or replacing any leaking used oil tanks, containers, and ancillary equipment.

- 19.1. During the July 16, 2024 inspection, inspectors observed a release or spill of what appeared to be, and what a Barnes representative later confirmed was, used oil located near the surface grinder at the Facility.
- 19.2. During the July 16, 2024 inspection, inspectors observed that Barnes failed to take immediate action to clean up and properly manage the released or spilled used oil.
20. Utah Admin. Code R315-262-17(a)(5)(i)(B)-(C) requires a large quantity generator to mark or label its containers with an indication of the hazards of the contents and the date upon which each period of accumulation begins clearly visible for inspection of each container.
 - 20.1. During the July 16, 2024 inspection, inspectors observed three 55-gallon blue poly drums of hazardous waste located in the Conex container at the Facility, two of which contained ferric chloride and the third contained hydrochloric acid.
 - 20.2. Barnes failed to mark or label the three 55-gallon drums with an indication of the hazards of the contents of the drums.
 - 20.3. Barnes also failed to mark or label the three 55-gallon drums with the date upon which each period of accumulation began.
21. Utah Admin. Code R315-262-17(a)(1)(ii) states “[i]f a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way.”
 - 21.1. During the July 16, 2024 inspection, inspectors observed three 55-gallon blue poly drums of hazardous waste located in the Conex container at the Facility that were bulging and leaking.
 - 21.2. Barnes did not immediately transfer the hazardous waste from the three bulging and leaking 55-gallon drums to containers in good condition or immediately manage them in some other way.
22. Utah Admin. Code R315-262-16(b)(2)(iv) states “[a]t least weekly, the small quantity generator shall inspect central accumulation areas. The small quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors.”
 - 22.1. During the July 16, 2024 inspection and in the Response, Barnes failed to demonstrate that it performed weekly inspections of the Facility’s hazardous waste central accumulation areas prior to February 2024.
23. Utah Admin. Code R315-262-16(b)(9)(iii) states “[t]he small quantity generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.”
 - 23.1. During the July 16, 2024 inspection and in the Response, Barnes failed to provide personnel training records demonstrating its employees were thoroughly familiar with waste handling and emergency procedures prior to February 2024.
24. Utah Admin. Code R315-262-256(a) states “[t]he 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.”

- 24.1. During the July 16, 2024 inspection, Barnes failed to demonstrate that it attempted to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals while it was a Large Quantity Generator.
- 24.2. In the Response, Barnes confirmed that it had not attempted to make these arrangements while it was a Large Quantity Generator.
25. Utah Admin. Code R315-262-262(b) requires a large quantity generator to submit a quick reference guide of its contingency plan to the local emergency responders identified in Utah Admin. Code R315-262-262(a) or, as appropriate, the Local Emergency Planning Committee.
- 25.1. During the July 16, 2024 inspection, Barnes failed to demonstrate that it submitted a quick reference guide of its contingency plan to local emergency responders or the Local Emergency Planning Committee while it was a Large Quantity Generator.
- 25.2. In the Response, Barnes confirmed that it had not submitted a quick reference guide of its contingency plan to local emergency responders or the Local Emergency Planning Committee while it was a Large Quantity Generator.
26. Utah Admin. Code R315-273-13(d)(3) states “[a] small quantity handler of universal waste may crush universal waste lamps using a drum-top lamp crusher designed specifically for crushing lamps after the small quantity handler submits a drum-top lamp crusher registration application to and receives approval from the Director.”
- 26.1. During the July 16, 2024 inspection, inspectors observed a drum-top lamp crusher at the Facility, and Barnes failed to demonstrate that it applied for and received a drum-top lamp crusher registration approval from the Director.
- 26.2. In a follow-up email dated July 30, 2024, Barnes’ EHS Manager stated that the drum-top lamp crusher was “mainly used by maintenance and travelled to multiple locations” throughout the Facility.
- 26.3. In the Response, Barnes indicated that the contents of the drum-top lamp crusher was disposed of as Universal Waste under Manifest No. 017472502, demonstrating that the drum-top lamp crusher was used at the Facility.
- 26.4. Based on a review of Division records, Barnes failed to submit a drum-top lamp crusher registration application to the Director to operate a drum-top lamp crusher at the Facility and failed to receive approval from the Director to operate a drum-top lamp crusher at the Facility.
27. Utah Admin. Code R315-273-13(d)(5) states “[w]hen a drum-top crusher is no longer used or is relocated, the area where the crusher was located shall be decontaminated of any mercury and other contaminants caused by the use of the drum-top lamp crusher. A report documenting the decontamination steps as well as supporting analytical data demonstrating successful remediation shall be submitted to the Director for approval within 30 days following completion of decontamination.”
- 27.1. During the July 16, 2024 inspection, inspectors observed a drum-top lamp crusher at the Facility, and Barnes failed to demonstrate that the areas where the drum-top lamp crusher was used were decontaminated.

- 27.2. In a follow-up email dated July 30, 2024, Barnes' EHS Manager stated that the drum-top lamp crusher is no longer being used at the Facility, and when it was used, it was used in "multiple locations" throughout the Facility.
- 27.3. In the Response, Barnes failed to provide documentation demonstrating that the locations where the drum-top lamp crusher was used were decontaminated following use in those areas.
- 27.4. Based on a review of Division records, Barnes has not submitted a report to the Director documenting the decontamination steps and analytical data demonstrating successful remediation.
28. Utah Admin. Code R315-273-13(d)(6) states "[t]he small quantity handler shall provide a closure plan along with a detailed written estimate, in current dollars, of the cost of disposing of the drum-top lamp crusher, decontamination of the area surrounding the drum-top lamp crusher, and any analytical costs required to show that decontamination is complete."
- 28.1. During the July 16, 2024 inspection, inspectors observed a drum-top lamp crusher at the Facility and that Barnes failed to provide a closure plan to the Director that included a detailed written estimate of the cost of disposing of the drum-top lamp crusher, decontamination of the area surrounding the drum-top lamp crusher, and any analytical costs required to show that decontamination is complete.
- 28.2. In the Response, Barnes also failed to provide the Director with a closure plan that included a detailed written estimate of the cost of disposing of the drum-top lamp crusher, decontamination of the area surrounding the drum-top lamp crusher, and any analytical costs required to show that decontamination is complete.
29. Utah Admin. Code R315-273-13(d)(7) requires a small quantity handler to demonstrate financial assurance for the cost estimates of disposing of the drum-top lamp crusher, decontamination of the area surrounding the drum-top lamp crusher, and analytical costs to show that decontamination is complete "using one of the options in Subsections R315-261-143(a) through R315-261-143(e)."
- 29.1. During the July 16, 2024 inspection, inspectors observed a drum-top lamp crusher at the Facility and that Barnes had failed to demonstrate financial assurance for the cost of disposing of the drum-top lamp crusher, decontaminating the area surrounding the drum-top lamp crusher, and analytical costs to show that decontamination is complete in Utah Admin. Code R315-261-143(a-e).
- 29.2. In the Response, Barnes also failed to demonstrate financial assurance for the cost of disposing of the drum-top lamp crusher, decontaminating the area surrounding the drum-top lamp crusher, and analytical costs to show that decontamination is complete using one of the options in Utah Admin. Code R315-261-143(a-e).

DETERMINATION OF VIOLATIONS

In accordance with the SHWA, UOMA, and the Rules, and based on the foregoing FINDINGS, BDO Barnes, L.C. DBA Barnes Aerospace Ogden violated provisions of the SHWA, UOMA, and the Rules. Specifically, BDO Barnes, L.C. DBA Barnes Aerospace Ogden violated the following:

1. Utah Admin. Code R315-15-2.3(c)(1) by failing to label used oil containers with “Used Oil.” (See Finding ¶ 17).
2. Utah Admin. Code R315-15-2.3(b)(3) by failing to ensure that containers used to store used oil are closed except when adding or removing oil. (See Finding ¶ 18).
3. Utah Admin. Code R315-15-9.1(a)(1)-(4) for failing to take immediate action to clean up and properly manage released or spilled used oil. (See Finding ¶ 19).
4. Utah Admin. Code R315-262-17(a)(5)(i)(B)-(C) by failing to mark or label containers with an indication of the hazards of the contents and the date that each period of accumulation began. (See Finding ¶ 20).
5. Utah Admin. Code R315-262-17(a)(1)(ii) by accumulating hazardous waste in containers in poor condition and failing to transfer the hazardous waste to containers in good condition. (See Finding ¶ 21).
6. Utah Admin. Code R315-262-16(b)(2)(iv) by failing to inspect central accumulation areas at least weekly. (See Finding ¶ 22).
7. Utah Admin. Code R315-262-16(b)(9)(iii) by failing to ensure all employees are thoroughly familiar with proper waste handling and emergency procedure, relevant to their responsibilities. (See Finding ¶ 23).
8. Utah Admin. Code R315-262-256(a) by failing to attempt to make arrangements with local emergency responders taking into account the types and quantities of hazardous waste managed. (See Finding ¶ 24).
9. Utah Admin. Code R315-262-262(b) by failing to submit a quick reference guide of the contingency plan to local emergency responders. (See Finding ¶ 25).
10. Utah Admin. Code R315-273-13(d)(3) by failing to submit a drum-top lamp crusher registration application to the Director and receive the Director’s approval prior to operating a drum-top lamp crusher at the Facility. (See Finding ¶ 26).
11. Utah Admin. Code R315-273-13(d)(5) by failing to demonstrate successful remediation of areas of the Facility where the drum-top lamp crusher was used and failing to submit a report documenting the decontamination steps and analytical data demonstrating successful remediation. (See Finding ¶ 27).
12. Utah Admin. Code R315-273-13(d)(6) by failing to provide a closure plan and cost estimate for disposing of the drum-top lamp crusher to the Director. (See Finding ¶ 28).
13. Utah Admin. Code R315-273-13(d)(7) by failing to demonstrate financial assurance for the cost of disposing of the drum-top lamp crusher, decontaminating the area surrounding the drum-top lamp crusher, and analytical costs to show that decontamination is complete. (See Finding ¶ 29).

ORDER

Based on the foregoing findings and determinations and pursuant to the SHWA, UOMA, and the Rules, Barnes is hereby ordered to correct these violations and comply with the following:

1. Within 30 days of the signature date of this NOV/CO, Barnes 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;
2. Barnes shall immediately cease and desist the operation of any and all unregistered drum-top lamp crushers at the Facility;
3. If Barnes wants to continue operating drum-top lamp crushers at the Facility, Barnes shall:
 - a. Within 30 days of the signature date of this NOV/CO, submit to the Director a detailed and complete registration application in accordance with Utah Admin. Code R315-273-13(d)(3); and
 - b. Not operate drum-top lamp crushers at the Facility until Barnes receives approval from the Director to operate the drum-top lamp crushers;
4. If Barnes does not want to continue operating drum-top lamp crushers at the Facility, Barnes shall:
 - a. Within 30 days of the signature date of this NOV/CO, dispose of any and all drum-top lamp crushers and associated wastes at a permitted hazardous waste treatment, storage, and disposal facility (TSDF);
 - b. Within 30 days of the signature date of this NOV/CO, submit documentation to the Director demonstrating any and all drum-top lamp crushers and associated wastes were disposed of at a permitted TSDF, including any manifests or waste profiles developed during disposal;
 - c. Within 60 days of the signature date of this NOV/CO, decontaminate the area or areas where any and all drum-top lamp crushers and associated wastes were located, which shall include removing any mercury or other contaminants caused by the use of the drum-top lamp crusher; and
 - d. Within 30 days of decontaminating the area or areas where any and all drum-top lamp crushers were located, submit to the Director a report documenting the decontamination steps as well as supporting analytical data demonstrating successful remediation.

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.

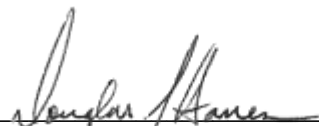
OPPORTUNITY TO CONTEST THIS NOV/CO

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

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

Utah Code Section 19-6-721(1) provides that violation of any order, plan, rule, or other requirement issued or adopted under Title 19, Ch. 6, Pt. 7 may be subject to a civil penalty of up to \$10,000 per day for each day of violation.

Dated this 8th day of May, 2025.

By: 

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

CERTIFICATE OF MAILING

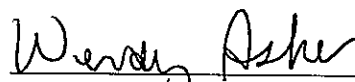
I HEREBY CERTIFY that I mailed a true and correct copy of the foregoing NOTICE OF VIOLATION AND COMPLIANCE ORDER on the 8th day of May, 2025 by US Certified Mail, Return receipt Requested, to:

Kristin Layton, General Manager
BDO Barnes, L.C., DBA Barnes Aerospace Ogden
Barnes Group Inc.
1025 Depot Drive
Ogden, UT 84404

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7022 0410 0001 4513 5074

Chase Jensen, Registered Agent
BDO Barnes, L.C., DBA Barnes Aerospace Ogden
101 South 200 East, Suite 200
Salt Lake City, UT 84111

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7022 0410 0001 4513 5081


Wendy Askee

USPS TRACKING#



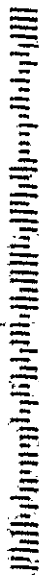
9590 9402 7375 2028 6102 52

**United States
Postal Service**

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box.

Department of Environmental Quality
Division of Waste Management
and Radiation Control
PO Box 144880
Salt Lake City, UT 84114-4880



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kristin Layton, General Manager
BDO Barnes, L.C., DBA Barnes Aerospace Ogden
Barnes Group Inc.
1025 Depot Drive
Ogden, UT 84404



9590 9402 7375 2028 6102 52

2. Article Number (Transfer from service label)

7022 0410 0001 4513 5074

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☒ Addressee

B. Received by (Printed Name)

L. MITCHEVSKY

C. Date of Delivery

5-12-25

D. Is delivery address different from item 1?

☐ Yes
☒ No

Enter delivery address below:

505

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☒ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |

USPS TRACKING #



9402 7375 2028 6102 69

United States
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First-Class Mail
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Department of Environmental Quality
Division of Waste Management
and Radiation Control
PO Box 144880
Salt Lake City, UT 84114-4880

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Salt Lake City, UT 84111



9590 9402 7375 2028 6102 69

2. Article Number (Transfer from service label)

7022 0410 0001 4513 5081

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**☐ Agent☐ Addressee**B. Received by (Printed Name)****C. Date of Delivery****D. Is delivery address different from item 1?**

If YES, enter delivery address below:

☐ Yes☐ No**3. Service Type**

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery