

To: BTA

From: STC

Envirocare Fined for Excess Radiation

Landfill Operator Planning to Appeal \$100,000 Levy; 'Careless Disregard' Cited

BY JIM WOLFF

THE SALT LAKE TRIBUNE

Envirocare of Utah has been ordered to pay a \$100,000 fine for exceeding state rules regarding the amount of radioactive material that can be held in storage prior to disposal.

"We're going to appeal it," Envirocare president Charles Judd said Wednesday. "We've been discussing this for a while and we've got to a point where we weren't able to come to an agreement."

This is the largest fine the Utah Division of Radiation Control has ever sought against Envirocare, which operates a landfill for low-level radioactive and hazardous wastes in Tooele County.

Another state agency — the Utah Division of Solid and Hazardous Waste — in October collected a \$197,000 fine from Envirocare for unrelated violations.

The Division of Radiation Control first proposed the \$100,000 penalty in May after an inspection found Envirocare's stockpile of wastes awaiting disposal contained too much of three radioactive isotopes used in the production of nuclear weapons.

These so-called "special nuclear materials" (SNM) are strictly regulated to prevent them from falling into the hands of terrorists. There was virtually no risk of

CLICK HERE
TO GET MORE INFORMATION

www.sltrib.com

this happening at Envirocare because the SNM was mixed with other wastes and would have been difficult to extract. Even so, state regulators said Envirocare should be fined for "careless disregard" for the rules.

Judd said state and company officials disagree when wastes are "accepted" for disposal at the Envirocare site. The company's position is that wastes shipped to the site are not accepted for disposal until they have been sampled one last time to assure they have the chemical consistency claimed by the shipper.

Until this testing is done, the wastes may

be within Envirocare's gates but the company hasn't officially accepted them for disposal. Radioactive elements in this material awaiting acceptance cannot be counted against the company's total, argued Judd. If calculated this way, he said the company would not have violated the rule.

But Bill Sinclair, director of the Utah Division of Radiation Control, said once wastes are under Envirocare's control their radioactive contents must be counted under the SNM rule. Calculated this way, Envirocare greatly exceeded the maximum SNM level in storage.

Investigators from the U.S. Nuclear Regulatory Commission also are reviewing Envirocare's SNM situation and could take their own enforcement action for violation of federal rules regarding these materials.