

## **Appendix D Facility File Summaries**

### **Facilities with No Violations: Minor Problems Found**

Facility 36: We did not find an inspection report in the DEQ file corresponding to the 11/08/95 entry in RCRIS.

Facility 72: We did not find an inspection report in the DEQ file corresponding to the 11/04/96 entry in RCRIS.

Facility 58: The inspection report in the file was not completed timely - dated almost a year after the facility inspected.

Facility 27: A warning letter was sent 10 months after the inspection but no violations were cited in RCRIS.

Facility 70: Inspection report included some labeling violations that were fixed during the inspection and no follow-up letter or RCRIS violation data were found.

### **Facilities with Informal Enforcement Response: Timely and Appropriate Enforcement Findings**

Facility 40: Inspected on July 11, 1996 but the notice of violation was reportedly not completed until February 18, 1998 and the compliance date was March 9, 1998. The Enforcement Response Policy guidelines (ERP, May 1996) call for an enforcement response to be determined in 90 days and the response escalated to formal enforcement if compliance isn't achieved in 180 days. DEQ responded that they waited for the conclusion of the county's criminal case before proceeding. That information should be entered into RCRIS.

Facility 50: A commercial painting facility inspected on August 22, 1996 in response to employee complaints. File information indicated that DEQ found hazardous wastes had been regularly discarded in the solid waste dumpster. The inspection report and notice of violation was not completed for more than one year, September 9, 1997, by which time the business had been sold to new owners.

Facility 64: DEQ responded to a complaint about illegal storage of waste pesticide at this facility on April 30, 1997. The CEI date in RCRIS was July 15, 1997 and the notice of violation with a penalty assessment was sent in October 1997. No return to compliance or enforcement order

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information was in the files we reviewed in November 1998, so the case had not been timely resolved or escalated to formal enforcement.

Facility 95-6: This enforcement response had carried over from the July 1995 inspection into the program review period. A follow-up inspection from March 1996 was in the file but did not appear in RCRIS until after our report was drafted. The inspection report was not completed until one year after the initial inspection and a warning letter was sent to the facility for failing to make hazardous waste determinations and other violations. The facility responded in September 1996 and was reported back in compliance December 1996, over 500 days after the inspection.

### **Facilities with Formal Enforcement Response: Timely Resolution Findings**

Facility 2: DEQ inspected this LQG facility July 15, 1996. The inspection report was not completed until 15 months later and an NOV with penalty was issued on October 24, 1997. The consent agreement was entered in December 1997 and the penalty was dismissed without clear explanation of the rationale.

Facility 9: Inspected in September 1996 and violations determined in April 1997. The facility was not reported back in compliance until January 1998, 487 days later. A receipt for the penalty collected on January 30, 1998, was in the file but we did not find it in RCRIS. However, the SEP data was in RCRIS.

Facility 15: Inspected in April 1996 and the inspection report was not completed until March of 1997. The facility was reported back in compliance in November of 1997, paid \$3800 of an \$11,800 penalty, and had until August 1998 to complete a \$10,000 supplemental environmental project.

Facility 17: Inspected in May 1996, the notice of violation and penalty assessment were issued in October 1996. A consent agreement was signed in July 1998 but was not in RCRIS until after we drafted our report. The facility was out of compliance for over two years and the file did not support the data in RCRIS (subsequently deleted) that the \$20,000 assessed penalty had been collected.

Facility 33: A case development inspection was conducted in August 1996 as a follow-up to the April 1993 violations that were still pending. The consent order with which the facility returned to compliance for 1993 violations was not entered until December 1996, three and one-half years later. The consent order did not include closure requirements, even though hazardous waste was disposed on-site, nor ground water monitoring plan requirements.

Facility 41: Inspected in November 1995, the notice of violation and assessed penalty were issued in April 1996. The consent order was not signed until January 1997 and the penalty collected was

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not found in RCRIS.

Facility 43: DEQ responded to a complaint of pesticide dumping in October 1995. A consent order was signed in March 1997 but was not found into RCRIS. The assessed penalty was dropped in the consent order without a clear explanation of the rationale. DEQ's response to this draft finding was that the pesticides were later determined not be regulated hazardous waste (see Appendix F).

Facility 26: Inspected in June 1996 and again in July 1997. A consent order was signed for the latter in February 1998 but no date was entered for return to compliance in RCRIS. The penalty was reduced from \$13,900 to \$3,000 without a clear explanation of the rationale.

**Facilities with Formal Enforcement Response: Significant Non-Complier Designation not Reported**

Facility #32: A wood treatment facility that had released hazardous waste to the environment and contaminated the site with pentachlorophenol. The violator signed a consent agreement in May 1997 and was reported in compliance with that agreement in RCRIS, no penalty was assessed, and no follow-up inspection was reported.

Facility 43: An agriculture supply facility that had released waste pesticides to the environment, apparently through four tanks draining to the adjacent field. A penalty was originally assessed but no SNC designation was made and the penalty was dropped from the consent order.

Facility 26: An agriculture facility that had been found to be releasing hazardous waste on-site and burning waste pesticide containers which would have caused actual exposure or a substantial likelihood of exposure to the hazardous waste. The facility was not designated a SNC and had not been reported back in compliance, even though a consent agreement was signed in February 1998.

Facility 95-1: This mine and assay facility was inspected by DEQ as part of an EPA multi-media inspection in July 1995. Hazardous waste was poorly managed, caused actual exposure or a substantial likelihood of exposure to the hazardous waste. The facility was not designated a SNC, even though DEQ pursued a formal enforcement action concluded with a consent order in June 1996.

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