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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 13, 2010

CERTIFIED MAIL - 91 7108 2133 3934 8969 5816

Mr. Scott Kirk
Radiation Safety Officer
Waste Control Specialists, LLC
P.O. Box 1129
Andrews, Texas 79714

Re: Interim Storage of Studsvik Resin Waste; Notice of Violation
Waste Control Specialists, LLC (WCS) Facility in Andrews County, Texas
RN101702439; TCEQ Radioactive Material License No. R04971 / Amendment No. 49

Dear Mr. Kirk:

On June 23-25, 2010, the Texas Commission on Environmental Quality (TCEQ), Office of Compliance and Enforcement staff conducted a record review pertaining to the storage of low-level dry spent resin radioactive waste (resin waste) on the [REDACTED] at the WCS facility. The resin waste originated from the Studsvik Processing Facility in Erwin, Tennessee and transferred to WCS facility for interim storage. The purpose of the review was to evaluate compliance with the applicable TCEQ radioactive substance rules and/or the conditions of the above-referenced radioactive material license. Enclosed is a summary which lists the record review findings, as well as findings from a June 25, 2010, investigation conducted by the TCEQ on-site resident inspector. The violation alleged will be addressed through a Compliance Agreement (CA). WCS must accept and sign the CA not later than close of business August 30, 2010. Failure by WCS to sign the CA prior to close of business August 30, 2010 may result in escalation of this matter to formal enforcement which may include the assessment of administrative or civil penalties.

Staff has also identified an Area of Concern pertaining to [REDACTED] which is listed in the enclosed summary.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment.

TEXT HAS BEEN
REMOVED DUE TO
HOMELAND SECURITY
ISSUES ACCORDING TO
HOUSE BILL 9 OF THE
78(R) LEGISLATIVE
SESSION, TEXAS
GOVERNMENT CODE
§552.101, AND HEALTH
AND SAFETY CODE
§382.041.

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If you or members of your staff have any questions concerning these matters, please feel free to contact Mr. Muhammadali Abbaszadeh at (512) 239-6078. Correspondence can be sent to the TCEQ, Mail Code 172 (MC-172).

Sincerely,



Kelly W. Cook, Homeland Security Coordinator
Office of Compliance and Enforcement
Texas Commission on Environmental Quality

Enclosure: Summary of Record Review and Investigation Findings

cc: Ms. Sonia Simmons, Homeland Security, Office of Compliance and Enforcement
Mr. Jeff Bertl, Regional Director, Lubbock, TCEQ Region 2
Ms. Susan Jablonski, Director, Radioactive Materials Division

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bcc: Mr. Muhammadali Abbaszadeh, Homeland Security, Office of Compliance and Enforcement
Mr. Masood Inayat, Homeland Security, Office of Compliance and Enforcement, Region 7
Mr. Joe Gonzalez, Homeland Security, Office of Compliance and Enforcement, Region 7
Mr. Gary Smith, Section Manager, Uranium and Technical Assessments Section,
Radioactive Materials Division

SUMMARY OF RECORD REVIEW AND INVESTIGATION FINDINGS

Regulated Entity Name: Waste Control Specialist LLC		TCEQ License No.: R04971 Amendment No. 49 Customer Number: CN600616890	Record Review Date(s): June 23-25, 2010 Investigation Date: June 25, 2010
No.	Requirement(s) Cited	Description of Alleged Violations and Corrective Action Recommendations	Compliance Due Date
1	TCEQ Radioactive Material License No. R04971, Conditions 23.B and 36	<p>WCS failed to comply with License Conditions 23.B and 36. Specifically, in accordance with License Condition 23.B, all waste (with the exception of the low-level mixed waste generated at the Safety Light Superfund Site) placed into interim storage shall be transferred to an authorized recipient within 365 days of the initial date of receipt.</p> <p>Based on the available documentations, the first shipment of the Studsvik resin waste was received at WCS facility on June 8, 2009. As required by License Condition 23.B, the resin waste should have been transferred to an authorized recipient on or prior to June 8, 2010. The resin waste was not transferred to an authorized recipient within 365 days, as required.</p> <p>WCS submitted to the Radioactive Materials Division of the TCEQ a minor amendment application dated April 16, 2010, which included a request to extend the 365-day limit for storage of the resin waste on the [REDACTED] to June 8, 2011. According to the TCEQ letter dated May 24, 2010, the TCEQ denied the WCS request.</p> <p><u>Corrective Action Recommendation:</u> On or before August 30, 2010 WCS shall enter into a Compliance Agreement with the TCEQ that will address the violations referenced in this Notice of Violation.</p>	August 30, 2010

AREA OF CONCERN

On April 20, 2010, the TCEQ on-site resident inspectors at the WCS facility did a walk through visual inspection of the [REDACTED] (pad). The purpose of the inspection was to evaluate the integrity of the pad. Mr. John Loughhead, Mr. Scott Youngblood, Mr. Arturo Gonzales, and Mr. Tim McBee accompanied the TCEQ inspectors to the [REDACTED]. The inspectors conducted a visual inspection of the entire pad. The following was observed and documented by the inspectors:

Several cracks were observed across the entire pad, including the area where the SECs were stored. Some cracks were as wide as one inch and as deep as approximately three inches. Vegetation growth was observed inside several of these cracks. Round indentations and some dirt and debris were also observed at some locations on the pad. At the time of the inspection, six Secured Environmental Containers (SECs) containing the resin waste were stored on the pad. Several empty rollaway containers were also located on the pad.

With respect to the Area of Concern, WCS must take immediate corrective actions in response to the identified cracks, indentions, and any other problem with the pad. WCS must ensure that the pad is repaired properly and is in compliance with all applicable and required design criteria. WCS must have TCEQ approval, prior to emplacement of additional waste, including new shipments of the resin waste on the pad. This will ensure proper safe operations.