



State of Utah

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DIVISION OF AIR QUALITY
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10/27/2021

DAQC-1359-21
Site ID 11205 (B1)

Sent Via Certified Mail No. 70190700000208343367

Scott Bakken
Energy Fuels Resources (USA) Inc.
225 Union Boulevard, Suite 600
Lakewood, CO 80228

Dear Scott Bakken:

Re: Compliance Advisory – Energy Fuel Resources (USA) – White Mesa Mill, NESHAP (Part 61)
Subpart W, San Juan County

On October 14, 2021, a representative of the Utah Division of Air Quality (DAQ) conducted a routine air quality site inspection of Energy Fuel Resources – White Mesa Mill, which included the observation of Cell 4B impoundment. The DAQ observed solids above the liquid surface indicating a failure to maintain liquid levels in Cell 4B impoundment which may be a violation of NESHAP (Part 61): Subpart W.

Energy Fuel Resources (USA) is required to comply with the above regulations. A written response to this letter is required within ten (10) business days of receipt of this letter.

Additional details about the above observations and regulations are attached to this letter. Please contact Connor Kijowski at ckijowski@utah.gov or 385-245-6720 if you have any questions about this letter.

Sincerely,

Rik Ombach, Manager
Minor Source Compliance Section

RO:CK:bp

Cc: Ronnie Nieves, San Juan County Health Department

Potential Violation

On October 14, 2021, an inspector from the DAQ performed a routine air quality site inspection of Energy Fuel Resources (USA) at White Mesa Mill in San Juan County, Utah.

At the time of the inspection the DAQ documented the following potential violation: Solids observed above the liquid surface indicating a failure to maintain liquid levels in Cell 4B impoundment.

AO Conditions/Rules

NESHAP (Part 61) Subpart W – 61.252 Standard (b):

Each owner or operator of a non-conventional impoundment shall comply with the following requirements: Non-conventional impoundments shall meet the requirements of 40 CFR 192.32(a)(1). During operation and until final closure begins, the liquid level in the impoundment shall be maintained so that solid materials in the impoundment are not visible above the liquid surface, verified by daily inspections documented through notations and by digital photographic evidence collected at least weekly. Should inspection reveal that solid materials in the impoundment are visible above the liquid surface, the owner or operator must correct the situation within seven days, or other such time as specified by the Administrator.

The purpose of a Compliance Advisory (CA) is to document observations made by the DAQ. You are responsible for complying with the Utah Air Conservation Rules. There are possible administrative and civil penalties for failing to do so. Section 19-2-115 of the Utah Code Annotated provides that violators of the Utah Air Conservation Act and/or any order issued there under may be subject to a civil penalty of up to \$10,000 per day for each violation.

The written response to this CA will be considered in resolving the deficiencies documented in this letter. It may include information demonstrating compliance with the regulations or a schedule to bring your company back into compliance with the applicable regulations. The DAQ will review your response and this CA may be revised as a result of that review. Failure to respond in writing within ten (10) business days of receipt of this CA will be considered in any subsequent enforcement action and the assessment of penalties.

Possible DAQ actions to resolve a CA include: No Further Action Letter, Warning Letter, Early Administrative Settlement with reduced civil penalty, Settlement Agreement with civil penalty, or Notice of Violation and Order to Comply.

This CA does not limit or preclude the DAQ from pursuing enforcement options concerning this inspection. Also, this CA does not constitute a bar to enforcement action for conditions that the DAQ did not observe or evaluate, or any other conditions found during future inspections.

A meeting may be requested to discuss this CA. Please contact Connor Kijowski at 385-245-6720 and/or ckijowski@utah.gov if you would like to request a meeting or if you have any questions about this letter.