



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

5-A-0003)

April 27, 1995

MEMORANDUM TO: Patricia M. Larkins  
Allegation Coordinator, OSP

FROM: Robert L. O'Connell *RL*  
Allegation Coordinator, NMSS

SUBJECT: ALLEGATION - HYDRO RESOURCES, INC.

Attached is an allegation received by NMSS regarding a number of concerns involving Hydro Resources, Inc. (HRI), which currently has an application pending in NMSS for a uranium recovery facility. The allegation also refers to HRI's parent company, Uranium Resources, Inc. (URI). We have attached a summary list of concerns. The allegation source documents, consisting of a letter and portions of transcripts of public meetings, are also attached, with identities of individuals deleted.

The NMSS Allegation Review Board has determined that the concerns identified should be referred to the Texas Natural Resources Conservation Commission for response. NMSS is therefore transferring this allegation to the Office of State Programs for forwarding to the State of Texas. The State should be requested to provide a response to each of the concerns to NRC. We will evaluate the State's response in connection with our review of the HRI application and will also provide the State's response to the allegers.

Attachment: As stated

## Hydro Resources, Inc.

### List of Concerns

A number of concerns were raised regarding operations, radiological, environmental and other issues. The concerns are summarized as follows:

1. Uranium Resources, Inc. (URI) may have followed a practice of lying to the State of Texas (Texas Natural Resources Conservation Commission) and been involved in covering up "accidents."
2. Environmental sampling and recordkeeping was not in accordance with license conditions.
3. Various spills and leaks from pipelines and evaporation ponds have been reported by URI. Delay of repairs to evaporation pond leaks was implied in two instances.
4. URI was "caught" by the State in "improperly disposing" of waste water through land application without state authorization in June 1991.
5. A Texas Dept. of Health inter-office memo recommends not granting a license amendment, alleging that URI disposed of prohibited byproduct material in interim storage ponds at Rosita, in violation of a license condition.
6. [Transcript pp.85-86] URI has followed a practice of misrepresentation to the State of Texas about their operation.
7. [Transcript pp.27-29] (a) Hydro Resources, Inc.'s (HRI's) process will destroy the drinking water, in violation of the Safe Drinking Water Act. Companies have not been able to restore drinking water quality. The water still contains various specified metals. HRI and its parent company, URI, have a bad past record in Texas - spills, mining solution excursions, accidents, lack of proper monitoring, misrepresentation to the State.

## HRI Allegations

- \* These tailings piles are exposed to winds and rain which blankets population centers, grazing grounds, and ultimately sinks down to the groundwater or flows in the river.
- \* The economic impact for Dine' is 3.5%, this is unacceptable, most jobs will be labor jobs with little room for advancement and benefits will be based on a false economy.
- \* Gallup, NM, which is a tourist town will not escape economic disaster should an release of contaminants occur, Gallup is dependent upon tourist dollars.
- \* Some reports indicate that uranium prices have steadily failed over the past decade, specifically Highly Enriched Uranium, Now is HRI going to address how new production would affect national security?
- \* There is no mention of Polonium, Neptunium-237, or Fluorine gas.
- \* Pursuant to the Clean Air Act, (42 U.S.C. 7609, Sec. 309), E.P.A. Administrator is directed to review and comment publically on the environmental impacts of Federal activities, including actions which involve an EIS.
- \* What is the amount of HRI's reclamation bond? Because HRI will reap most of the benefits from the Project, it is not unreasonable to request that no license or leases be further issued until HRI agrees to indemnify the Navajo Nation, the State of New Mexico, and the U.S. Government for any and all costs of any environmental damage and/or environmental emergency response activities, the Superfund should not be used or unnecessarily depleted.
- \* This incomplete or unavailable information must be made clear by the NRC, BLM, and the DIA, this information is essential to a reasoned choice among these alternatives that could forever change our lives.
- \* The past record of Uranium Resources, Inc., the parent company of HRI indicates there is a clear pattern of misrepresentation, deception, false and misleading statements on the part of URI and worse, there are allegations on State of Texas Natural Resources Conservation Commission that HRI may have followed a practice of lying to the state and been involved in covering up "accidents", (attachment A).

(THREE)

PAGE 01

**URI - KINGSVILLE DOME  
ALLEGED VIOLATIONS AND INCIDENTS  
NEEDING INVESTIGATION AND ENFORCEMENT**

**A. ALLEGED VIOLATION OF CHAPTER 401 TEXAS HEALTH & SAFETY CODE  
DOCUMENTED IN THE FILES OF TNRCC**

The alleged violations listed below are identified in the files of TNRCC for URI's licenses. Most listings include a license section of law violated, as specified by TNRCC documents. In many cases there are apparently multiple violations and violation of related laws, rules and license conditions.

Since many of these alleged violations involved situations where the violation likely continued for a number of days or resulted in or from additional violations, we seek your investigation and appropriate penalties for all related violations and for each day of violation.

1. March 23, 1993 - Date of Inspection-January 28, 1993  
Violation of License Condition 39: Although required to analyze process fluids for radium, URI decided to discontinue these tests, without prior approval from this Agency. The violation continued for approximately 1 year.
2. March 23, 1993 - Date of Inspection-January 28, 1993  
Violation of TRCR 36.13 and License Condition 31: The instrumentation utilized to conduct required physical radiation surveys and analyze wipe samples for contamination were not calibrated at six-month intervals, as required.
3. May 6, 1992 - Date of Inspection-January 24, 1992  
Violation of License Condition 23: Documentation of daily inspections for yellowcake contamination was not available for review by the Agency.
4. April 16, 1992 - Date of Inspection-July 25, 1991  
Violation of TRCR 36.2 et. al.: URI failed to maintain records to document compliance with the requirements specified in Part 36 of the Texas Regulations for Control of Radiation (Well-Logging Regulations, as referenced in License Condition 10).
5. May 24, 1991 - Date of Inspection-March 21, 1991  
Violations of License Condition 39.A: Sampling violation, including (a) Only one sample was taken at each surface water source; (b) Sediment samples were not taken at all surface water locations as required.
6. August 13, 1990 - Date of Inspection-June 13, 1990  
Violation of License Condition 45.A.: URI failed to repackage/dispose of waste materials stored in severely corroded drums. (This also indicates that the required

FEBRUARY 15,

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
ATTN: Docketing and Service Branch

Mr. Joseph J. Holonich, Chief  
High-Level Waste and Uranium Recovery Branch  
Division of Waste Management  
Office of Nuclear Materials, Safety and Safeguard,  
Mail Stop TWFN 7J-9

Post-It brand fax transmittal memo 7571

# of pages 1

To: Joseph Holonich	From:
Co. NRC - Chief H.L.W&U	Co.:
Dept. AP, DCHM, NASS	Phone #
Fax # 301 415 5397	Fax #

RE: Docket No. 40-8968  
Hydro Resources, Inc.

As a person whose interest would be affected by the approval of any licenses and leases to construct and operate the Crownpoint and Church Rock In situ Leach (ISL) Uranium Mining Project ("Project"), I hereby submit my ammended request that a public hearing be held to review the Draft Enviromental Impact Statement ("DEIS"). I further request that the period for public comment be extended 60 days beyond Feb. 28, 1995 for good cause as provided for in 10 CFR 2.711(a).

Under the Atomic Energy Act, 42 U.S.C.A. 2239(a), I am entitled to request a hearing prior to the granting of a license for the Project. If the Project is approved as provided for in the DEIS, my interests will be adversely affected in various ways.

My concerns are based upon, but not limited to:

- \* The Dine' people reside within the 6 sacred mountains, ALL of the land is considered our "Mother", all life is interrelated and connected spiritually according to our beliefs. Our traditional way of life will once again be threatend with change, (land, people, buildings, etc.), yet our traditions and culture dictate that we remain on the land of our ancestors.

- \* There is a dire need to translate the information contained in the DEIS from English to Dine' (Navajo), this will provide for decisions

2. The first semi-annual release report for 1992, although complete, had not been sent to TDH within 60 days from July 1, 1992 (Condition. 38)
3. URI reported a spill on June 9, 1988 caused by a leak developing in the manifold. Approximately 8,000 gallons were spilled, contaminating soils.
4. Airborne uranium exceeded the 200 mg/m<sup>3</sup> limit in the dryer for the week of April 15 through the 22.
5. On April 21, 1989 a leak was discovered in the south pond at the Kingsville Dome on April 20.
6. A spill was reported by URI on March 29, 1989 of approximately 3,000 gallons of Injection Solution.
7. A spill was reported by URI on March 29, 1989 of approximately 12,000 gallons of Pregnant Solution from Extraction Lateral.
8. On March 7, 1989 and on August 28, 1989, URI reported exceedances in its release of Radon 222.
9. On December 27, 1989 six leaks were reported by URI. The breaks resulted in the spilling of one 15,000 gallons of injection fluid or extraction fluid into surrounding soils.
10. On September 13, 1988, URI reported leaks in the south pond first detected by it on March 25, 1988 and not repaired until July 15, 1988. URI also reported leaks in the north pond. URI identified the leaks on June 7, 1988 and but did not repair them until July 19, 1988.
11. In June 1991, the state caught URI improperly disposing of waste by land application without state authorization. The activity had gone on for a significant period of time before the state became aware of the action through an anonymous complaint. The disposal of waste and the failure to remediate violates Texas law and regulations governing uranium mines.
12. URI ceased mining operations on or before October 1990 and has failed to begin restoration as required by its license and state law.
13. On July 8, 1994 and September 28, 1994, URI reported leaks in its south pond.



**TEXAS DEPARTMENT OF HEALTH**  
AUSTIN TEXAS  
INTER-OFFICE

FROM Marilyn Prousee

TO Phil Shaver

SUBJECT Request for Amendment of URI's License Regarding Interim Storage of Byproduct Material at Rosita

In reply to your memo of 1/14/93, I oppose the granting of amendment of license no. L03653 for the Rosita site (001) as requested by Mr. Mark Pelizza in his letter of 12/2/92. The licensee has clearly violated Condition 53D of the license by placing materials in the interim storage pond which are specifically prohibited. It is a mockery of the Agency's efforts to regulate through license condition for a licensee to knowingly violate a license condition and then request amendment of the license condition so that "complete compliance with the license can be achieved."

Condition 53 was put into the license in Amendment 7, dated 6/14/90, to allow interim storage of specified byproduct material from decommissioning of URI's Benavides and Longoria projects because of URI's argument that no disposal site was available at that time (Pelizza's letter of 8/23/89). All of Condition 53 (Parts A - L) was carefully and deliberately written so as to restrict the types of byproduct material to be placed in the interim storage pond and to require procedures which would not jeopardize the liner system and would facilitate retrieval of the byproduct material.

Staff concerns about URI's 8/23/89 proposal are clearly indicated by the record of communication with URI in the license file: agency letters dated 9/21/89 and 1/30/90; URI's letters dated 10/20/89, 2/13/90, and 5/22/90; documentation of telephone discussions between Mr. Pelizza and me dated 1/16/90 and 5/7/90; C.D. Rao's memo dated 4/4/90; Bill Price's trip report memo dated 7/9/90; and my license review sheet for log no. 8-237-89. Mr. Pelizza was aware of the staff's concerns, understood what materials were not to be placed in the interim storage pond (e.g., his letter of 2/13/90), and agreed to the license condition (his letter of 5/16/90). The only subsequent changes to Condition 53 were made in Amendments 8 and 11 of the license and concerned clarification that the south pond at Rosita is the designated interim storage pond and information regarding construction plans.

The license authorization for interim storage at Rosita expires 6/30/93 (Condition 53A). By that time, all byproduct material in the interim storage pond should be removed and disposed of in a licensed disposal site, and Condition 53L should be complied with. I recommend that the prohibited material which has been placed in the interim storage pond be allowed to remain until the other material is removed, but no later than 6/30/93. This would avoid any possible damage to the liner system from attempting to remove the prohibited material before then. However, URI should not be relieved of any other enforcement action resulting from their violation of the license.

With respect to the expiration date for the authorization of interim storage, I recommend that the Agency not grant any extension if requested by URI. The staff's intention in granting the authorization originally was that the storage be temporary. There are now available to URI both in-state and out-of-state licensed byproduct material disposal sites.

Any continued use of the interim storage pond at Rosita beyond 6/30/93 conflicts with guidance from the U.S. Nuclear Regulatory Commission (attached position transmitted 8/6/91) because off-site disposal options are available and because URI has not performed adequate site characterization. Any request by URI to establish an on-site disposal facility would have to be directed to the Texas Water Commission.

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5 MODERATOR GILLEN:

6 STATEMENT OF

7 Good afternoon. My name is

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9 I want to comment on this book right here.

10 This is what it's all about. What you guys are talking  
11 about today. My first comment comes from page 3-4,  
12 Section 3.2.1, "Regional Languages." There's information  
13 in here that tells you about the mine that HRI, Hydro  
14 Resources wants to locate here. Going to be over here,  
15 and over here on this side. It has some information in  
16 here about Red Rock State Park. This is what they say  
17 about Red Rock State Park.

18 "Red Rock State Park which is located just ten miles  
19 west of Gallup."

20 Ten miles west of Gallup, that's where they  
21 put Red Rock State Park. Red Rock State Park is about  
22 four miles east of Gallup. Just the opposite of what  
23 they're saying in here. But this is what they are doing  
24 with the rest of the information. They make it sound very  
25 good, that they will have control over this mining



1 operation, when, in fact, the parent company, URI, Uranium  
2 Resources, Incorporated, has experienced a lot of failure  
3 of the equipment that they use in this mining operation.  
4 They have a dismal track record. A very poor track  
5 record. In regards to the accident, there's already a  
6 report that we obtained that basically says this company  
7 has followed in practice of misrepresentation, of  
8 practically lying to the State of Texas about their  
9 operation.

10 But if we go back to what I just said, this is  
11 what it's all about. The information that they give you  
12 on the Red Rock State Park is absolutely wrong and it's  
13 the same way with everything else. But they're not going  
14 to tell you that. Not any one of these officials up here  
15 from the Nuclear Regulatory Commission or Hydro Resources,  
16 Incorporated. They're not going to tell you this.

17 But this draft Environmental Impact Statement,  
18 Hydro Resources, Incorporated, this is their justification  
19 to get at all that uranium. But they're going to say,  
20 that we followed procedure, that we went to the public.  
21 The same way with NRC here. They're going to say the same  
22 thing.

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STATEMENT OF .

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decided that this project is most likely against

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the Safe Drinking Water Act.

1                   Page 3-18 states that HRI expects to place at  
2   least one Navajo tribal utility authority well due to  
3   mining activities showing that it is expected that their  
4   process will destroy the drinking water there. The Safe  
5   Drinking Water Act states that underground injections must  
6   not endanger drinking water sources.

7                   Section 4.1.4 of the draft EIS demonstrates  
8   that neither HRI or Mobil has been able to restore the  
9   purity of the groundwater.

10                  Table 4.3 shows that after leach test the so-  
11   called restored water sample had elevated levels of  
12   arsenic, manganese, solinium, radium, and uranium. Page  
13   4-7 states that even after months of treatment mellidnium  
14   concentration remain above allowable standards.

15                  The draft EIS does not discuss the presence of  
16   Thorium 230 in the mining solution. Thorium 230 is the  
17   parent radio-nucleus high of Radium 226 and has a half-  
18   life of 75,000 years. HRI's past record in Texas also  
19   shows numerous spills, mining solution excursions,  
20   accidents, and lack of proper monitoring. According to  
21   the Texas Natural Resource Conservation Commission spills  
22   are expected and they are require a spill map be filed  
23   with them.

24                  Employees of the State of Texas have called  
25   HRI's parent company Uranium Resources Inc.'s track record

1 abominable. These employees have noted that URI's record  
2 of misrepresentation of information to the state. This is  
3 an arid climate and everyone's groundwater is a precious  
4 resource. Please don't gamble with it.

5 (Applause.)

6 (Statement given in English and translated into

7 Navajo.)

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5/9/95

TC Myron Tilden

Hydro Recourse

Calling to confirm alleg. are correct as in ltr to him.

Wanted to know what time frame for response. Advised him that we had forwarded much of his information to State of Texas for response and that we would send him a copy of the Texas response when we receive it.

He asked if it would be OK for him to contact the State of Texas directly - I said he certainly could do that, but I pointed out that we had not given his identity to the State, so they wouldn't necessarily know that he was the source of the info we sent to the State.

B/17



# Texas Natural Resource Conservation Commission

INTEROFFICE MEMORANDUM

To: Minor Hibbs, P.E., Director      Date: Sept. 28, 1995  
Industrial and Hazardous  
Waste Section

Thru: *AK* Dale Kohler  
Uranium Team Leader

*AK* Alice Hamilton Rogers, P.E.  
Manager  
UIC, Uranium, and Radioactive  
Waste Section

From: *V* Victor W. Whadford, Health  
Physicist

Subject: URI, Inc. Allegations

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## SUMMARY:

This is in response to the May 16, 1995 request for information by Mr. Robert J. Doda of the US Nuclear Regulatory Commission (NRC) involving Hydro Resources Inc. Hydro Resources Inc. is affiliated with Uranium Resources Inc. and the Texas uranium mining company URI, Inc. URI, Inc. has been issued Texas Natural Resource Conservation Commission (TNRCC) license number RW3653 (Kingsville Dome and Rosita projects) and license number RW2704 (Benavides and Longoria projects). Specifically, Mr. Doda requested whether certain allegations could be proved or disproved.

A review of the license file RW3653 (inspection reports and other documentation) shows that the Texas Department of Health (TDH) did issue Notice of Violations (NOVs) to URI, Inc. It appears that the NOVs were handled through routine administrative processes. Although not a part of the Texas Regulations for the Control of Radiation (TRCR) Part 43 until April 1990, spills and leaks were reported by the company to TDH. Apparently, there was a period of time before two leaking pond liners were repaired. The company responded to TDH inquiries concerning the pond liner repairs. An investigation by TDH was conducted concerning alleged, unauthorized disposal of byproduct II by irrigation. The investigation found that URI Inc. was not in violation.

Although an individual event/allegation may be proved true based on facts found in the file record, this does not necessarily prove an act of wrongdoing as defined by the NRC (NRC-0517-0415):

*B/20*

"0415 Wrongdoing. Wrongdoing consists of either (a) intentional violations of regulatory requirements or (b) violations resulting from careless disregard of or reckless indifference to regulatory requirements, or both (a) and (b)".

An investigator or agency must be able to prove that an allegation is not simply an error, poor judgement, or oversight. Allegations not considered wrongdoing are processed through regular administrative procedures such as NOVs. The allegation that the URI, Inc. has "followed a practice of lying to the State of Texas...", "covered up" accidents, and "has followed a practice of misrepresentation..." was not proven with documents found in the license files.

ATTACHMENT A

URI, Inc.  
Review of Allegations

This is in response to the May 16, 1995 request for information by Mr. Robert J. Doda of the USNRC involving Hydro Resources Inc. Hydro Resources Inc. is affiliated with Uranium Resources Inc. and the Texas uranium mining company URI, Inc. URI, Inc. has been issued TNRCC license number RW3653 (Kingsville Dome and Rosita projects) and license number RW2704 (Benavides and Longoria projects).

On September 1, 1993, the Texas Legislature transferred regulatory authority for in situ uranium recovery facilities from TDH to TNRCC.

The information below is in answer to the "list of concerns" attached to the letter of May 16, 1995 and are in the same order as the concerns. The letter, list of concerns, and some specific concerns submitted to the NRC are found in attachment A. The list of concerns (in bold) are followed by the results of file review:

1. Uranium Resources, Inc. (URI) may have followed a practice of lying to the State of Texas (Texas Natural Resource Conservation Commission) and been involved in covering up "accidents."

- A. The file review showed no record of any official TDH or TNRCC administrative hearings against URI, Inc. for "lying" or "covering up" accidents. Also, there was no indication that criminal charges have been filed against the company by either regulatory agency.

Inspectors and compliance staff have issued Notice of Violations (NOVs) to URI, Inc. If a particular inspection report did not contain possible violations, TDH issued a letter stating that the company appeared to be in compliance (attachment B-1). If the inspection found areas of possible noncompliance, a NOV was sent to the company (see attachment B-2). Violation severity levels are found in the Texas Regulations for the Control of Radiation (TNRCC Part 104 (attachment B-3 & 4)). The company is required to respond to alleged violations. TDH then replied to correspondence or explanations from the company. This file review of records covered 1988 through 1994 (the dates of concern in Mr. Doda's correspondence of May 16, 1995). Although NRC only

requires annual inspections, TDH inspected each facility every 6 months. There were 10 Rosita facility inspections in the file for the period of interest (1988 through 1994); the findings were:

- 7 inspections - no violations
- 1 inspection - one class IV
- 1 inspection - one class III, one class IV
- 1 inspection - one class III, two class IVS

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10 total

After initiating corrective actions the company was found to be in compliance.

There were 11 Kingsville Dome inspections in the file for the period of 1988 through 1994. After reviewing company responses, TDH reviewers reduced three initial class III violations to three separate class IV violations. The results of the inspections are:

- 3 inspections - no violations
- 3 inspections - one class IV violation each
- 2 inspections - two class IV violations each
- 1 inspection - four class IV violations

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11 total

After initiating corrective actions the company was found to be in compliance.

2. Environmental sampling and recordkeeping was not in accordance with license conditions.
  - A. Examples of NOVs involving recordkeeping and environmental sampling issues are found in attachments C-1 through C-25. The violations appear to have been resolved using the administrative methods discussed above.
3. Various Spills and leaks from pipelines and evaporation ponds have been reported by URI. Delay of repairs to evaporation pond leaks was implied in two instances.



A. Leaks and spills from pipelines have been reported by URI. The Texas Regulations for the Control of Radiation (TRCR) Part 43.31 (g) and (h) (attachment D) gives requirements for the licensee to notify the agency in case of leaks and spills. This section was incorporated into the TRCR effective in April 1990 according to Cynthia Cardwell of TDH, Bureau of Radiation Standards Branch. Prior to April 1990, companies used this format to report spills to TDH; however, it was not a regulation. The in situ mining technique can involve extensive networks of pipeline. Reports of breaks or spills are not considered unusual for any facility using this method of uranium extraction. Before any well field or facility is released by TNRCC and the U.S. Nuclear Regulatory Commission, the company must perform surveys, and any area contaminated with radioactivity must be remediated.

One letter (attachment E-1) was found concerning delays in repairs to leaking ponds. There did not appear to have been any further requests or action by TDH.

4. URI was "caught" by the State in "improperly disposing" of waste water through land applications without state authorization in June 1991.

A. A memo of June 21, 1991 (attachment F-1) details allegations that URI, Inc. was improperly irrigating using fluids from the mine or plant processes. In the TDH investigation (attachment F-2) company officials explained that they were under the impression that because of conversations with individuals of TDH and Texas Water Commission (TWC), they would not need a TWC permit or TWC license amendment. However, the TDH investigator notes that the Licensing Section sent a letter dated May 14, 1991 (attachment F-4) stating that a license amendment would be necessary. The investigation concluded that "URI apparently had not violated the Texas Regulations for the Control of Radiation (TRCR) or their license."

5. A Texas Department of Health interoffice memo recommends not granting a license amendment, alleging that URI disposed of prohibited byproduct material in interim storage ponds at Rosita, in violation of a license condition.

B. The TDH interoffice memo against granting the license amendment for an extension for an interim storage pond at the Rosita site is found in attachment G-1. The TDH NOV

concerning this violation and resulting correspondence is found in attachment G-2 through G-9. The license amendment for extension of the interim storage disposal pond was subsequently granted.

6. [Transcript pp. 85-86] URI has followed a practice of misrepresentation to the State of Texas about their operation.

A. Charges of misrepresentation can have serious consequences. The accused may truthfully not have understood, may have been unaware, or may have interpreted something differently.

7. [Transcript pp. 27-29] (a) Hydro Resources, Inc.'s (HRI's) process will destroy the drinking water, in violation of the safe Drinking Water Act. Companies have not been able to restore drinking water quality. The water still contains various specified metals. HRI and its parent company, URI, have a bad past record in Texas - spills, mining solution excursions, accidents, lack of proper monitoring, misrepresentation to the State.

- A. URI, Inc. has received NCVs with severity levels up to class III (attachment E explains TRO severity levels).

The company has reported leaks and spills which are not unusual for its water treatment lines. According to the files, when monitoring discrepancies were found by TDH, the company was compelled to follow regulations and its license with corrective actions verified at the next inspection. There is a record of violations, leaks and spills, etc.