



State of Utah

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Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL
Scott T. Anderson
Director

August 11, 2015

Marney DeVroom
Senior Corporate Counsel
Big West Oil, LLC
185 South State Street, Suite 201
Salt Lake City, UT 84111

RE: Stipulation and Consent Order
Big West Oil LLC
Big West Refinery, North Salt Lake, UT
UTD045267127

Dear Ms. DeVroom:

Enclosed please find a signed original of Stipulation and Consent Order No. 1305008 (SCO). Please note that submittal of the Current Conditions/Release Assessment Report is due based on the effective date of the SCO. Related to this first deliverable, the Division would like to conduct a site walk through with members of your staff to assist in preparation of the report.

To schedule the site visit or if you have any questions, please call Rolf Johnsson at (801) 536-0242.

Sincerely,

Scott T. Anderson, Director
Division of Waste Management and Radiation Control

STA/RTJ/jr

Enclosure: Stipulation and Consent Order

c: Lewis R. Garrett, A.P.R.N., M.P.H., Health Officer, Davis County Health Dept.
David W. Spence, EHS, MBA, Env. Health Director, Davis County Health Dept.
Moye Lin, USEPA Region VIII

DSHW-2015-008388

195 North 1950 West • Salt Lake City, UT
Mailing Address: P.O. Box 144880 • Salt Lake City, UT 84114-4880
Telephone (801) 536-0200 • Fax (801) 536-0222 • T.D.D. (801) 536-4414
www.deq.utah.gov
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In the Matter of	:	STIPULATION AND
Big West Oil LLC		
Big West Refinery	:	CONSENT ORDER
North Salt Lake, Utah		
EPA ID No. UTD045267127	:	No. 1305008

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This STIPULATION AND CONSENT ORDER (“Order”) is issued by the Director of the Division of Waste Management and Radiation Control (“Director”) pursuant the Utah Solid and Hazardous Waste Act (“the Act”), Utah Code Annotated § 19-6-101, *et seq.*

JURISDICTION

1. The Big West Refinery, owned and operated by Big West Oil LLC, is subject to the provisions of the Utah Solid and Hazardous Waste Act, Utah Code Annotated, Title 19, Section 6. In accordance with Utah Code Annotated § 19-6-112, the Director is authorized to issue this Order. The Director and Big West Oil are parties to this Order.

FINDINGS

2. Big West Oil LLC (“BWOL”) operates the Big West Refinery (the “Refinery”) located at 333 West Center Street, North Salt Lake, Utah.
3. BWOL is a “person” as defined in Utah Code Annotated §19-1-103(4) and is subject to all applicable provisions of the Act and R315 of the Utah Administrative Code (the Rules).
4. BWOL generates listed and characteristic hazardous wastes as defined in the Act and the Rules and is classified as a large quantity generator. Currently, the 2013 Biennial Report identified the Refinery generating D001, D002, D004, D005, D006, D007, D008, D009, D011, D018 F037, F038, K048, K051, K169, K170, K171, and U019. All hazardous wastes generated from refining operations are transported to off-site, permitted facilities for treatment and/or disposal.

5. Husky Oil Corporation (“Husky”), a former owner and operator of the Refinery, operated a land treatment unit known as the Land Treatment Area (“LTA”) from 1962 to 1982. The LTA was operated as a hazardous waste management unit pursuant to “interim status” requirements under the federal Resource Conservation and Recovery Act. Based on the manner in which the LTA was closed, pursuant to Utah Admin. Code R315-7-14, BWOL is classified as a treatment, storage and disposal facility for purposes of post-closure care for the LTA.
6. On August 1, 1985, Husky submitted a Closure/Post-Closure Plan for the LTA to the Utah Department of Health. The Executive Secretary of the Utah Hazardous Waste Control Board approved the Closure/Post-Closure Plan on June 17, 1986.
7. Big West Oil Company (“BWOC”), a corporate predecessor to BWOL, purchased the Refinery from Husky on December 31, 1985 and continued to operate the Refinery until July 27, 1998, when BWOC changed its corporate structure and name to Big West Oil, LLC.
8. BWOL is the current owner and operator of the Refinery. On October 31, 1986, BWOC completed closure of the LTA and certified closure on November 18, 1986. On November 24, 1986, a deed notification of closure was filed with the Davis County Recorder and Planning Commission.
9. Closure of the LTA did not meet the standards for closure by removal or decontamination as required by Utah Admin. Code R315-3-1.1(e)(5) or (6). Thus, BWOL is required to have a post-closure permit or an enforceable document in lieu of a post-closure permit for the LTA. To date, a post-closure permit or an enforceable document in lieu of a post-closure permit has not been issued for the LTA.
10. In 2011, the Division and BWOL agreed to evaluate whether closure of the LTA could be addressed through risk-based closure. As part of the evaluation, BWOL provided a Sampling and Analysis Plan (“SAP”) and Quality Assurance Project Plan (“QAPP”) for sampling potential residual soil and groundwater contamination associated with the former LTA operations. BWOL prepared a risk assessment based on the collected sampling data. A Risk Assessment Report (“RAR”) submitted in September of 2013 indicated that the LTA met the criteria for an industrial risk-based closure in accordance with Utah Admin. Code R315-101. Based on a review of the report, the Director approved the RAR on September 27, 2013.
11. BWOL is obligated to address corrective action responsibilities pursuant to Utah Admin. Code R315-8-6.12. BWOL shall undertake the investigation and corrective action (if necessary) for the Solid Waste Management Units (“SWMUs”) and Areas of Concerns (AOCs) identified at the Refinery according to the terms of this Order. A SWMU is any discernible unit at the Refinery at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at the Refinery at which solid wastes have been routinely and systematically released. An Area of Concern includes any area having a probable release of a hazardous waste or hazardous constituent which is not from a

SWMU and is determined by the Director to pose a current or potential threat to human health or the environment. The list of SWMUs and AOCs are provided in Table 1.

12. BWOL shall also address, in the same manner, any newly identified SWMUs or AOCs discovered at the Refinery after the effective date of this Order.

CONSENT ORDER

Based on the foregoing Findings, the Director and BWOL hereby agree as follows:

Submittal Review and Approval Process

13. All work plans and reports listed in Table 2, including any revisions or modifications, shall require the Director's written approval. BWOL shall submit to the Director for review, all submittals, notices, work plans, reports and data presentations, or other documents pursuant to this Order which discuss, describe, demonstrate, or support findings to demonstrate compliance with requirements of this Order. All submittal pursuant to this Order shall be certified by a responsible BWOL corporate officer as specified in Utah Admin. Code R315-3-2.2(d)(1).
14. BWOL shall submit the required information, proposals, work plans, and reports for review and approval in accordance with the time frames specified in Table 2. The Director shall provide written approval, disapproval, or modification, or notice of intent to draft and approve, for each work plan, report, specification, schedule, or other documents as required by this Order.
15. The Director shall provide BWOL with comments associated with any disapproval. BWOL shall revise and resubmit any documents disapproved in accordance with the written comments and the time frames specified by the Director. The Director may directly modify and approve any submitted document which fails to meet the provisions of Utah Admin. Code R315-8-6.12.
16. Any modification for a prior approved work plan, schedule, or other document must be authorized by the Director in writing. Where opportunity for review and approval is provided, BWOL shall not proceed with the proposed activity unless and until written approval has been granted by the Director.
17. Implementation of any work plan, site management plan, or corrective action plan shall not occur prior to BWOL receiving the Director's written authorization. No informal advice, guidance, suggestions, or comment by the Division regarding reports, plans, specifications, schedules, or any other document submitted by BWOL shall be construed as authorization nor considered binding on either party until BWOL has obtained approval in writing from the Director.

18. Any report, work plan, specification or schedule approved by the Director, including those drafted by the Division shall be automatically incorporated in this Order upon such written approval.
19. Within thirty (30) days of approval of any document or as specified in the written approval, BWOL shall commence work to implement the tasks required by such document in accordance with the standards, specifications and schedule set forth in the document.

Current Conditions / Release Assessment

20. BWOL shall submit a Current Conditions / Release Assessment (“CCRA”) report in accordance with the U.S. Environmental Protection Agency’s (“EPA”) RCRA Corrective Action Plan (CAP, ASWER Directive 9902-2A, May 1994). The CCRA shall evaluate the SWMUs and AOCs listed in Table 1, attached to this Order, and provide information concerning any other Refinery releases. The CCRA can be utilized to tailor an effective RFI Work Plan by grouping adjacent SWMUs with similar constituents and media impacts.
21. The CCRA identified in Paragraph 20, shall detail past and existing conditions, and shall include a site conceptual model to assist the Director in determining the need for future investigations and corrective action activities regarding SWMUs and AOCs. The CCRA shall provide a description of current conditions, facility background, history, geographical information, and descriptions of each SWMU listed in Table 1 (as applicable), unit uses, dates of operation, types/quantities of all waste/products handled there and information on known or suspected releases throughout the Refinery, potential contamination sources, potential contamination pathways, potential receptors, and summary of previous field work (e.g., remediation at the time of occurrence, subsequent interim measures, or other studies conducted).

RCRA Facility Investigation of SWMUs and AOCs

22. BWOL shall conduct a RFI in accordance with the compliance schedule listed in Table 2 for the SWMUs and AOCs listed in Table 1.
23. Discoveries made during the course of groundwater monitoring, field investigation or environmental auditing conducted in accordance with this Order, or other facility activities which indicate that hazardous waste or hazardous constituents have been released from a SWMU shall be reported in writing as specified in Table 2. Such releases may include those already documented or newly identified SWMUs and AOCs.
24. BWOL shall retain all RFI raw data, such as laboratory Quality Assurance/Quality Control (“QA/QC”) reports, field notes, photographs, instrument calibrations, maintenance records, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during RFI activities in the operating record at the facility throughout the corrective action investigation.

25. BWOL shall analyze its samples at a laboratory certified by State of Utah for the constituents and analytical methods listed in the RFI Work Plan. If an analysis is performed for constituents for which State of Utah certification is unavailable, the laboratory shall provide quality control/quality assurance data sufficient to assess the validity of the data as specified in the RFI Quality Assurance Project Plan (“QAPP”). BWOL shall inform the laboratory in writing that it must operate under the conditions set forth in work plans and this Order.
26. BWOL shall conduct the RFI to determine the nature and extent of known and suspected releases of hazardous waste(s) or hazardous constituents from the SWMUs listed in Table 1. The RFI’s description of the nature and extent of all contamination shall include the vertical and horizontal extent of contamination, potential receptors, and contaminant migration pathways. The investigation shall characterize sources of contamination and determine the distribution, concentration and fate of contaminants to demonstrate compliance with Utah Admin. Code R315-8-6.12. The RFI shall also characterize the environmental setting, including geology, hydrogeology, soils, surface water, sediment, and air.
27. The RFI may be conducted in two or more phases, which shall be identified as Phase I, Phase II, and Phase III, etc. RFI activities. Each Phase RFI Work Plan shall detail investigation activities and objectives, and shall be based on guidance in EPA Directive Number 9502.00-6D, EPA 530/SW89-031 (Volumes I - IV).
28. BWOL shall establish project Data Quality Objectives (“DQOs”) criteria as outlined by EPA *Guidance on Systematic Planning Using Data Quality Objectives Process (EPA/240/B-06/001)* to determine data needs and decisions for the RFI. The DQOs are necessary to ensure collection of data of appropriate quantity and quality.
29. BWOL shall submit a Phase I RFI Work Plan to the Director as specified in Table 2, for review and written approval by the Director. The purpose of the Phase I RFI Work Plan is to detail investigation activities and objectives to determine if contamination exists at each SWMU. The Phase I RFI Work Plan shall detail procedures and activities for monitoring, sampling, testing, reporting and analysis. Upon approval by the Director, BWOL shall perform the Phase I RFI Work Plan activities as specified in the approved work plan. The Phase I RFI Work Plan shall, at a minimum, contain the following:
 - a. Project Management Plan,
 - b. Data Collection Quality Assurance / Quality Control Plan,
 - c. Data Management Plan,
 - d. Phase I RFI Work Plan Schedule,
 - e. RFI Health and Safety Plan, and
 - f. Community Relations Plan.
30. Upon completion of the Phase I RFI Work Plan activities, BWOL shall submit a Phase I RFI Final Report to the Director as specified in Table 2. This report shall describe activities conducted to fulfill the requirements of the approved Phase I RFI Work Plan and shall be of adequate technical quality to evaluate whether a release of hazardous waste or hazardous constituents has occurred at each SWMU or AOC. BWOL may submit a petition to the

Director for No Further Action (“NFA”) for any SWMU if the Phase I RFI Final Report demonstrates that a release has not occurred or demonstrates that the release meets the residential human health risk-based standards of Utah Admin. Code R315-101.

31. BWOL shall submit a Phase II RFI Work Plan to the Director as specified in Table 2 for all SWMUs and AOCs that the Phase I RFI Final Report indicates contamination exists. The purpose of the Phase II RFI Work Plan is to define the nature and extent of contamination at each SWMU. If warranted, the Phase II RFI Work Plan shall specify procedures to be used to establish site background levels. The Phase II RFI Work Plan shall detail procedures and activities for monitoring, sampling, testing, reporting and analysis to meet the RFI requirements specified in Paragraph 24. All RFI procedures and activities shall adhere to and consider the established DQOs referenced in Paragraph 28. The Phase II RFI Work Plan shall, at a minimum, contain the following:
 - a. Project Management Plan,
 - b. Data Collection Quality Assurance Project Plan (QAPP),
 - c. Project Data Management Plan,
 - d. Characterization of the Environmental Setting,
 - e. Source Characterization
 - f. Contamination Characterization,
 - g. Project Risk Assessment Characterization Plan,
 - h. Phase II RFI Work Plan Schedule,
 - i. RFI Health and Safety Plan, and
 - j. Community Relations Plan.
32. Upon the Director’s written approval of the Phase II RFI Work Plan, BWOL shall implement the work plan. The approved Phase II RFI Work Plan shall include a schedule that describes timeframes, including the requirement to provide advance notice to the Director prior to conducting field activities and sampling events.
33. Upon completion of the Phase II RFI Work Plan activities, BWOL shall submit to the Director for written approval a Phase II RFI Final Report as specified in Table 2. This report shall describe activities conducted to fulfill the requirements of the approved Phase II RFI Work Plan and shall be of adequate technical quality to support the development and evaluation of subsequent documentation and the associated recommendation(s).
34. The RFI Phases may be combined into one Phase or extend to multiple Phases, provided that all of the components listed in Paragraphs 29 and 31 shall be submitted to the Director as specified in Table 2, all RFI procedures and activities shall adhere to established DQO referenced in Paragraph 28, and all requirements set forth in Paragraph 22 through 33 are met.
35. Based on the results of the approved final Phase RFI Final Report, BWOL shall recommend the following potential courses of action or a combination thereof for each SWMU and AOC at the Refinery: 1) petition the Director for no-further-action if constituent concentrations are non-detectable or are below preapproved background levels; 2) closure by removal; or 3) risk-based closure.

Determinations of No Further Action

36. Based on the results presented in the Phase I RFI Final Report, or Phase II RFI Final Report, or other relevant information, BWOL may submit one or more NFA petitions to the Director. Each petition must demonstrate that there has not been a release of hazardous waste and hazardous waste constituents from the SWMU or AOCs at the Refinery that poses a threat to human health or the environment. To be successful, each petition shall demonstrate that at least one of the following standards has been met: 1) there has not been a release of hazardous constituents from the SWMU(s) or AOC(s) at the Refinery 2) a release(s) has been cleaned up by removal to non-detect or preapproved background levels or 3) the release(s) does not pose an unacceptable risk to human health or the environment in accordance with Utah Admin. Code R315-101. The Director shall review the petition and all other relevant information and approve or deny the petition. If the Director determines that the NFA standards have been met, he shall grant the requested petition in writing and no further management of these SWMUs is required by BWOL. If the Director denies the petition, he shall provide BWOL with a written notice outlining the basis for the denial.

Closure by Removal

37. BWOL may choose to close individual SWMUs or AOCs by removing hazardous waste and hazardous waste constituents to non-detectable levels using preapproved analytical methods or to preapproved site-established background levels. If BWOL chooses to close by removal, then BWOL shall submit a Corrective Action Plan ("CAP") as specified in Table 2.

Risk Assessment

38. BWOL may address closure by assessing the risk to human health and the environment associated with any contamination that BWOL proposes to leave in place. These risks shall be assessed in a Risk Assessment Report ("RAR") conducted in accordance with Utah Admin. Code R315-101-5. BWOL shall submit the RAR to the Director for review and written approval. The risk for human health shall be determined using one or both standard exposure scenarios (residential or actual) as needed to determine site risk management options.
39. If the Director determines through a review of the assessment that the risk to human health present at the site is less than 1×10^{-6} for carcinogens and the hazard index is less than one for non-carcinogens, using the residential exposure scenario, then BWOL may submit a NFA petition.
40. If the Director determines through a review of the assessment that the risk to human health present at the site is greater than 1×10^{-6} for carcinogens or the hazard index is greater than one for non-carcinogens, using the residential exposure scenario, then BWOL shall submit a Site Management Plan ("SMP") as specified in Table 2.
41. If the Director determines through a review of the assessment that the risk to human health present at the site is greater than 1×10^{-4} for carcinogens or the hazard index is greater than

one for non-carcinogens, using the actual exposure scenario, then BWOL shall submit a Corrective Action Plan (“CAP”) as specified in Table 2.

Site Management Plan

42. BWOL shall submit a SMP to the Director for written approval as specified in Table 2 for all SWMUs and AOCs where contamination will be left in place that presents a risk to human health or the environment. The SMP shall propose appropriate institutional controls (e.g., monitoring, environmental covenants, site security, or post-closure care) as determined on a case-by-case basis in accordance with the criteria in Utah Admin. Code R315-101-1(b)(4). The institutional controls may be reevaluated at a future date.

Financial Responsibility for Site Management

43. The purpose of financial assurance in this Order is to ensure performance and payment for BWOL’s entire obligation under the SMP required under this Order, and to provide financial responsibility for third-party injury or property damage in accordance with the requirements of this Order and Utah Admin. Code R315-8-8.
44. BWOL shall comply with the requirements of Utah Admin. Code R315-8-8 regarding cost estimate of all activities specified in the SMP. Requirements shall continue for the duration of this Order and shall include third-party costs, annual inflation adjustment and a change in the cost estimate when there has been a change in the required activities which result in an increase or decrease in the cost of such activities.
45. BWOL shall provide and maintain financial assurance for all activities specified in the SMP required pursuant to this Order as set forth in Utah Admin. Code R315-8-8. The wording of the financial assurance mechanism, at a minimum must comply with Utah Admin. Code R315-8-8 and shall be modified only as appropriate to reflect the fact that the mechanism is being used for all activities required by the SMP pursuant to this Order. The wording of BWOL’s financial assurance and all associated cost estimates shall be submitted annually to the Director for review and approval.

Corrective Action Plan

46. If a CAP is determined to be necessary, BWOL shall submit a CAP as specified in Table 2 to the Director for review and approval. The CAP shall address all SWMUs and AOCs that have been identified in the RAR to have had a release of hazardous waste or hazardous constituents and that have a level of risk greater than 1×10^{-4} for carcinogens or a Hazard Index greater than one for non-carcinogens based on the approved risk assessment conducted in accordance Utah Admin. Code R315-101-5.2(b)(2). A CAP may also be used to propose remediation for any SWMU or AOC which BWOL intends to clean close by removal of hazardous waste and hazardous constituents to non-detectable levels or to below preapproved background levels.
47. To the extent that contamination from any SWMU or AOC addressed in this Order, or approved Work Plan extends to property not owned or controlled by BWOL, BWOL shall

implement corrective actions beyond the facility property boundary, as necessitated by the criteria in Paragraph 41, unless BWOL demonstrates to the Director that, despite BWOL best efforts, BWOL was unable to obtain the necessary permission to undertake such corrective action. Required efforts to obtain permission are specified in the Section entitled Off-Site Access.

48. The purpose of the CAP is to develop and evaluate corrective action alternatives and to outline one or more alternate corrective actions which will satisfy the target cleanup objectives. The criteria identified in Utah Admin. Code R315-101-1(b)(4) shall be considered in the determination of appropriate corrective action. The CAP shall include:
 - a. Project Management Plan;
 - b. A summary of the Phase II RFI information as needed to prepare the CAP;
 - c. Proposed remediation goals or target cleanup objectives;
 - d. The corrective measure(s) which shall satisfy target cleanup objectives;
 - e. Summary of all corrective measure alternatives examined for the CAP;
 - f. Data Collection Quality Assurance / Quality Control Plan;
 - g. Data Management Plan;
 - h. Schedules for implementation of corrective action(s);and
 - i. Community Action Plan
49. BWOL shall provide public notice of availability of the RFI Final Reports, Risk Assessment, and Corrective Action Plan in accordance with BWOL's approved community relations plan.
50. Upon written approval of the CAP by the Director, BWOL shall implement the corrective actions(s) according to the schedule approved in the CAP.
51. BWOL shall submit a Cleanup/Management Report ("CMR") as specified in Table 2. The CMR shall be prepared in accordance with Utah Admin. Code R315-101-8(b).
52. BWOL shall submit a Certification of Completion ("CC") upon approval of a SMP or when Corrective Action is completed as specified in Table 2. The CC shall be prepared and submitted for written approval by the Director in accordance with Utah Admin. Code R315-101-8(c).

Off-Site Access

53. To the extent that contamination from any SWMU or AOC addressed in this Order, or approved work plan extends to property not owned or controlled the BWOL, BWOL shall use its best efforts to obtain site access agreements from the present owner(s) of such property with thirty (30) days following transmittal of the Work Plan to the Director.
54. "Best efforts" as used herein shall include, at a minimum, a written request from BWOL to the present owner(s) of such property requesting the execution of reasonable access agreements to permit BWOL and the Director, and their authorized representatives to obtain access to such property.

55. Any such access agreement shall be incorporated by reference into this Order upon execution by BWOL, and, if not previously submitted, copies of fully executed access agreements shall be submitted to the Director.
56. In the event that agreements for access are not obtained within the thirty (30) days of the date of BWOL's letter to the property owner, BWOL shall notify the Director in writing within seven (7) business days thereafter regarding both the efforts undertaken to obtain access and its failure to obtain such agreements. The Director may, at his or her discretion, assist BWOL in obtaining access.
57. Nothing in this section limits or otherwise affects the Director's right to access and entry pursuant to applicable provisions under the Act, the Rules, Resource Conservation and Recovery Act, or and the Comprehensive Environmental Response, Compensation, and Liability Act.

Additional Work

58. Based upon new information and/or changed circumstances, the Director may determine or BWOL may propose that certain tasks, including investigatory work, engineering evaluations, or procedure/methodology modifications, are necessary in addition to or in lieu of the tasks included in any Director approved work plan.
59. If the Director determines that it is necessary for BWOL to perform additional work, he shall specify in writing the technical support and other bases for his determination.
60. Within ten (10) days of receipt of such determination for BWOL shall have the opportunity to meet and confer with the Director, or his representatives, to discuss the additional work.
61. If required by the Director, BWOL shall submit for the Director written approval a draft work plan for the additional work. Such work plans shall be submitted within sixty (60) days of receipt of the Director's determination that additional work is required, or according to an alternative schedule in the final work plan established and approved in writing by the Director.
62. Upon approval of a work plan modified to reflect additional work, BWOL shall implement the work plan in accordance with the revised schedule and provisions contained therein.

Interim Measures

63. BWOL or the Director may at any time during the term of this Order identify and propose to the other party an Interim Measure (IM). IMs shall include measures designed to prevent or abate a potential or immediate threat to human health or the environment. If the parties agree on the appropriateness of such measures, BWOL shall implement them as authorized by the Director. Any disagreements between the parties shall be resolved in accordance with Resolution of Disputes. The following factors shall, at a minimum, be considered when developing an IM work plan:

- a. Time required developing and implementing a final remedy;
 - b. Actual or potential exposure of human or environmental receptors;
 - c. Actual or potential contamination of drinking water supplies or sensitive ecosystems;
 - d. The potential for further environmental degradation of the medium absent an IM;
 - e. Presence and concentration of hazardous waste or hazardous constituents in the soil that have the potential to migrate to groundwater or surface water;
 - f. Weather conditions that may promote the spread of contamination;
 - g. Risks of fire, explosion, or accident;
 - h. Other situations that may pose a threat to human health or the environment and;
 - i. Community Relations Plan.
64. Interim Measures, in addition to those which may already be in place, shall be used whenever possible and appropriate to achieve the goal of stabilization of the constituents. Stabilization, is defined to mean the control or abatement of imminent threats to human health and/or the environment (including, without limitation, actions in support or an interim measure), or prevention or minimization of the spread of hazardous waste or hazardous constituents while long-term corrective measures are being evaluated.
65. Upon written request of the Director, BWOL shall submit an IM work plan within the time specified in the request.
66. Each IM work plan shall ensure that the IM is designed to mitigate immediate or potential threat(s) to human health and/or the environment, prevent or minimize the spread of hazardous waste of hazardous constituents, and is consistent with the objective of and contributes to the performance of any long-term remedies which may be required at BWOL.
67. Each IM Work Plan shall also include the following sections, as appropriate:
- a. Quality Assurance Project Plan (QAPP);
 - b. Sampling and Analysis Plan (SAP);
 - c. Waste Management Plan (WMP);
 - d. Data Management Plan; and
 - e. Interim Measure Construction Quality Assurance Plan.

Notification Requirements of Newly Identified SWMUs or AOCs

68. When information becomes available, BWOL shall notify the Director in writing of any SWMU(s) not identified by Table 1 in this Order. BWOL shall submit written notification within thirty (30) calendar days of discovery of the SWMU. The notification shall include the location of the new SWMU(s) identified on a map, the dates of its/their operation, and all available information regarding wastes identified or suspected.
69. For all newly identified SWMUs, or AOCs which have been identified by the Director pursuant to Paragraph 11 hereof, BWOL shall submit a SWMU Assessment Work Plan (“SAWP”) for review and written approval by the Director as specified in Table 2. The SAWP shall include information concerning past and present operations at the unit(s), and a scope of work for investigation required for a Phase I RFI Work Plan.
70. Upon written approval of the SAWP, BWOL shall implement the SAWP in accordance with the terms and schedules contained therein. BWOL shall provide a schedule in the SAWP, that describes time frames, including the requirement to provide advance notice to the Director prior to conducting activities and sampling events of the SAWP activities.
71. BWOL shall submit a SWMU Assessment Report (“SAR”) to the Director within sixty (60) calendar days after completion of SAWP activities. The report shall describe activities conducted to fulfill the requirements of the approved SAWP and shall be of adequate technical quality to support the recommended course of action. At a minimum, the report shall provide the following information for each newly identified SWMU:
 - a. The SWMU location, identified in a map;
 - b. The type of the unit, including dimensions and a structural description;
 - c. The period during which the unit was operated; and
 - d. All waste that was or is being managed at the SWMU, including results of any sampling and analysis used to determine whether releases of hazardous waste or hazardous constituents have occurred, are occurring, or have the potential to originate from the SWMU.
72. The Director shall review the SAR for written approval. Based on the Director’s review and the results of the SAR, the Director may require further investigations at specific unit(s) included in the SAR.
73. BWOL shall amend the Phase II RFI Work Plan and any other necessary documents as specified in Table 2 if the SAR indicates contamination at a newly identified SWMU.
74. The SAWP shall become an addendum to the Phase I RFI Work Plan. The SAR shall become an addendum to the Phase I RFI Report.

Confidential Information

75. Any data or information provided under this Order which is claimed by BWOL to contain confidential business information or which contains descriptions of a proprietary process,

procedure or product or trade secret must be submitted as confidential information in accordance with the procedures set forth in Utah Code Annotated, Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA), Utah Code Annotated, § 19-1-306, and Utah Admin. Code R305-1.

Reservation of Rights and Privileges

76. Nothing contained herein shall be deemed to constitute a waiver by the State of its right to initiate enforcement action, including civil penalties, against BWOL in the event of future non-compliance with this Order, the Act, or the Rules, nor shall the State be precluded in any way from taking appropriate action to abate an imminent endangerment to public health or the environment should such a situation arise at BWOL's Refinery.

Exchange of Data

77. The Director, BWOL, and their representatives shall cooperate in the reporting and exchange of data developed pursuant to this Order. Results of all sampling, analyses, and other relevant data generated by the parties, agents or contractors, shall be exchanged within the time frame outlined in the approved work plan. If requested, copies of the raw data, field notes, and laboratory data shall be provided.

Resolution of Disputes

78. This Order expressly contemplates submissions of plan, proposals and reports. The Director shall determine the adequacy and applicability of such submissions consistent with the Act, the Rules, and this Order. If agreement by BWOL and the Director cannot be reached regarding any plan, proposal, report, or billing under this Order, BWOL or the Director may commence a proceeding under the Administrative Procedures Act and applicable regulations of the Utah Solid and Hazardous Waste Control Board to resolve any disputed activity or requirement in accordance with approved schedules.
79. Final decisions of the Director are subject to review pursuant to Utah Admin. Code R305-7 and the Utah Administrative Procedures Act, § 63G-4-101, *et seq.*, Utah Code Annotated.

Site Access and Enforcement

80. BWOL shall provide access to the property upon request by the Director or his authorized representatives for the purposes of monitoring, photographing, sampling, and observing activities conducted under this Order. Nothing in this paragraph waives the Director's right of access to the property under the Act.
81. All activities conducted by BWOL under this Order shall be conducted in accordance with applicable provisions of the Act and the Rules enacted thereunder and subject to inspection and enforcement by the Director in accordance with procedures in the Act and the Rules. Nothing contained herein shall limit the Director's ability to enforce the provisions of the Act and the Rules with respect to work performed under this Order or any Approved Plan.

82. BWOL shall provide a minimum of seven working days advance notification to the Director prior to commencement of any field work including but not limited to monitoring, sampling and drilling activity, interim measures, removal action, construction, or any combination of these activities to be conducted under this Order. The notice may be either oral or in writing. The use of electronic mail shall constitute adequate written notice.
83. Upon request by an authorized representative of the Director, BWOL shall allow the representative to receive split samples of any samples collected by BWOL. The Director and BWOL shall provide a copy of the results of any split sample analysis to the other party promptly.

Liability

84. The Director and his representatives shall not be liable for any injuries or damages to persons, property, or natural resources which result from acts or omissions by BWOL, its agents or contractors in carrying out activities pursuant to this Order. The Director and his representatives shall comply with all reasonable requirements established by BWOL for the protection of health, safety, and security while located at BWOL's property or property under its control. The Director shall determine which of these requirements are reasonable. The health and safety of BWOL's personnel, agents, and contractors shall be the sole responsibility of BWOL.

Relation to Other Laws/Permit Requirements

85. This Order shall not be construed as a permit, nor does it relieve BWOL of any liabilities or obligations, including permitting requirements, it might otherwise have under applicable state or federal statutes or regulations. However, the Director shall not impose requirements on BWOL through this Consent Agreement that are inconsistent with any of BWOL's obligations, including permitting requirements, it might otherwise have under applicable state or federal statutes or regulations.

Duration of Order

86. At such time that the Director has determined that BWOL has fulfilled all requirements and obligations under provisions outlined in approved plans and reports associated with this Order and all Division invoices have been paid in full, BWOL shall, upon written request, be entitled to receive a written notice from the Director that all provisions of this Order have been satisfied, and any deviations from the requirements and obligations outlined herein are documented and are found to be acceptable to the Director.

Modification

87. This Order contains the entire agreement between the parties hereto concerning the subject matters treated herein. No agreements exist between the parties hereto concerning the matters treated herein other than as set forth above. This Order may not be amended, supplemented, or modified except in writing, signed and executed by all parties hereto. This Order shall be governed by and construed in accordance with the laws of the State of Utah.

88. BWOL may request modifications of the compliance dates, to the Director for approval. If the Director approves the interim compliance date modifications, Table 2 of this Order shall be modified as necessary to incorporate the modified compliance dates as approved.

Reopener and Continuing Corrective Actions

89. An approval for NFA or completion of corrective action by the Director does not preclude requirements for further investigations, or interim measures, at a later date. If new information or subsequent analysis indicates a release from a NFA site, BWOL shall be required to make additional determinations. In such a case, the Director shall provide written notification of the requirements for closure and corrective action investigation.

Parties Bound

90. This Order shall be binding on the parties, their respective successors and assigns, and on all persons or entities acting under, through, or for them.

Reimbursement for Oversight

91. BWOL shall reimburse the Director for all reasonable costs related to overseeing compliance with this Order and in reviewing documents submitted to the Division, including Division contractor review for overseeing BWOL's compliance of this Order. The Director shall submit periodic invoices to BWOL identifying the oversight and review costs including, but not limited to, work performed by Division employees, costs of public notice, and costs of contractors performing work for the Division pursuant to this Order in accordance with the fee collection schedule in the Utah Appropriations Act. The invoices shall provide a detailed description of the work performed. Within thirty (30) calendar days of receipt of each such invoice, BWOL shall remit payment to the Division made payable to "Utah Department of Environmental Quality" and payment mailed to Scott T. Anderson, Director, Utah Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880.
92. The Director may employ an independent contractor to review any plan or proposal submitted in accordance with this Order. BWOL may request that the Director have the proposal or plan reviewed by an environmental contractor under contract with the Division. All work performed by such contractor shall be performed at BWOL's expense; BWOL shall be billed pursuant to Paragraph 91.

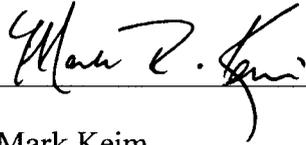
Effective Date

This STIPULATION and CONSENT ORDER shall become effective upon execution by Big West Oil, LLC and the Director of the Utah Division Waste Management and Radiation Control.

Dated this 11th day of August, 2015

Big West Oil, LLC

Division of Waste Management and
Radiation Control



Mark Keim
President, Big West Oil, LLC



Scott T. Anderson, Director
Division of Waste Management and
Radiation Control

TABLE 1 - BWOL SWMU List

<u>SWMU Number</u>	<u>SWMU Name</u>
<u>SWMU 1</u>	<u>API Separator 1</u>
<u>SWMU 2</u>	<u>API Separator 2</u>
<u>SWMU 3</u>	<u>API Separator 3</u>
<u>SWMU 4</u>	<u>DAF</u>
<u>SWMU 5</u>	<u>Process Tank 1-A</u>
<u>SWMU 6</u>	<u>Surface Impoundment 1</u>
<u>SWMU 7</u>	<u>Surface Impoundment 2</u>
<u>SWMU 8</u>	<u>Surface Impoundment 3</u>
<u>SWMU 13</u>	<u>Boneyard</u>
<u>SWMU 15</u>	<u>Skimmer following the DAF</u>
<u>SWMU 17</u>	<u>Tank 7</u>
<u>SWMU 19</u>	<u>Former Flare Pit</u>
<u>SWMU 20</u>	<u>Tank Farm, Tank Draw Disposal Area</u>
<u>SWMU 21</u>	<u>Waxy Crude Truck Unloading Areas</u>
<u>SWMU 22</u>	<u>Heat Exchanger Bundle Cleaning Pad</u>
<u>SWMU 23</u>	<u>Refinery Process Sewer System</u>
<u>SWMU 24</u>	<u>North End Rail Loading/Unloading Areas</u>
<u>SWMU 26</u>	<u>Spent Caustic Tank</u>
<u>SWMU 29</u>	<u>90-day Hazardous Waste Storage Area</u>
<u>SWMU 30</u>	<u>TEL Lead Weathering Area</u>
<u>SWMU 31</u>	<u>Pump Wash-off Pad</u>
<u>SWMU 32</u>	<u>Land Treatment Area (RCRA Regulated Unit)</u>
<u>SWMU 33</u>	<u>Former Pond in Northwest corner of facility</u>
<u>SWMU 34</u>	<u>Open Ditch between API 2 and API 3</u>
<u>SWMU 35</u>	<u>Former Excavation in Open Field Northeast of Open Ditch</u>
<u>SWMU 36</u>	<u>Former Raw Sewage Transport Ditch</u>
<u>SWMU 37</u>	<u>Historic Waste Piles (west of facility entrance)</u>
<u>SWMU 38</u>	<u>Former Drum Storage Area at Truck Shop and Warehouse</u>
<u>SWMU 39</u>	<u>Flare Stained Soil Area</u>
<u>SWMU 40</u>	<u>Drainage Ditch to Cudahy Drain</u>
<u>SWMU 41</u>	<u>Former Ponds at Current Location of Tank 17</u>
<u>AOC 1</u>	<u>Former Administration Building</u>
<u>AOC 2</u>	<u>Former Cardlock</u>

TABLE 2 -- Schedule of Compliance Submittal Due Date (calendar days)

Submit Draft Current Conditions / Release Assessment	Within 90 days of the effective date of the Stipulation and Consent Order
Submit Draft Phase I RFI Work Plan	Within 90 Days of the approval of the Final Current Conditions / Release Assessment
Submit Draft Phase I RFI Final Report	Within 180 days of the approval of the Phase I RFI Final Work Plan
Submit Draft Phase II RFI Work Plan	Within 90 days of the approval of the Phase I RFI Final Report
Submit Draft Phase II RFI Final Report	Within 180 days of the approval of the Phase II RFI Final Work Plan
Submit any subsequent Draft Phase RFI Work Plan	Within 90 days of the approval of the prior Phase RFI Final Report
Submit any subsequent Draft Phase RFI Final Report	With 180 days of the approval of the subsequent Phase RFI Final Work Plan
Submit Draft Risk Assessment Work Plan	Within 90 days of approval of the Phase II RFI Final Report
Submit Draft Risk Assessment Report	Within 90 days of approval of the Final Risk Assessment Work Plan
Submit Draft Site Management Plan	Within 60 days of approval of the Final Risk Assessment Report
Submit Draft Corrective Action Plan	Within 90 days of approval of the Final Site Management Plan
Submit Draft Cleanup/Management Report	Within 180 days of approval of the Final Corrective Action Plan
Submit Draft Certification of Completion	Within 60 days of approval of the Final Site Management Plan or completion of Corrective Action pursuant to the Final Corrective Action Plan
Submit Release Report	Within 15 days of discovery
Submit New SWMU Notification	Within 30 days of identification of newly identified SWMU
Submit Draft SWMU Assessment Work Plan	Within 60 days of submitting SWMU Notification
Submit Draft SWMU Assessment Report	Within 120 days of approval of the Final SWMU Assessment Plan
Document Revision	Within 90 days after Director comments are issued