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In the Matter of: : **PROPOSED STIPULATION AND
CONSENT ORDER**

EMERALD SERVICES, INC. : **No. 1909098**
Notice of Violation and Compliance Order :
No. 1908087
WAD009492877

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This proposed **STIPULATION AND CONSENT ORDER (CONSENT ORDER)** is issued by the **DIRECTOR OF THE UTAH DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL (Director)** pursuant to the Utah Used Oil Management Act (the Act), Utah Code §19-6-701, *et seq.* and the Utah Solid and Hazardous Waste Act, Utah Code §19-6-101, *et seq.*

JURISDICTION

1. The Director has jurisdiction over the subject matter of this **CONSENT ORDER** pursuant to Utah Code §19-6-705(2)(c), §19-6-721, §19-6-107, and §19-6-112 and jurisdiction over Emerald Services, Inc., a Washington corporation doing business in the State of Utah. Emerald Services, Inc. and the Director are the parties to this agreement.

FINDINGS

2. Emerald Services, Inc. (Emerald) is a Washington corporation licensed to do business in the State of Utah and is the owner and operator of Emerald Services, Inc., a used oil transporter business located at 6851 East Marginal Way South, Seattle, Washington. Emerald is a "used oil transporter" within the meaning of Utah Code §19-6-703(28)(a).
3. Emerald conducts used oil transportation operations in Utah out of Emerald’s transportation facility located at 3545 West and 500 South in Salt Lake City, Utah. Emerald operates the Salt Lake City facility under the provisions of its Used Oil Transporter Permit (# UOP-0084) issued by the Director on December 18, 2002, as modified (the Permit). The Permit was renewed and reissued, effective May 24, 2019.
4. Emerald is a “person” as defined in Utah Code § 19-1-103(4) and is subject to all applicable provisions of the Utah Administrative Code (the Rules), the Act, and the Permit.
5. On August 15, 2019 , an authorized representative of the Director conducted a non-financial review of records and information obtained during a compliance evaluation inspection (the FY2019 inspection) conducted at a used oil processing facility, also located at 3545 West and 500 South, Salt Lake City, Utah . Based on findings documented during the FY2019 inspection, the Director issued NOTICE OF VIOLATION and COMPLIANCE ORDER No. 1908087 (NOV/CO) on November 7, 2019, alleging violations by Emerald of its Permit, the Act and the Rules. Emerald submitted to the Director a response to the NOV/CO on January 22, 2020.

STIPULATION AND CONSENT ORDER

- 6. The parties now wish to fully resolve NOV/CO No. 1908087 without further administrative or judicial proceedings.
- 7. In full settlement of the violations alleged in NOV/CO No. 1908087, Emerald shall pay a penalty of **\$11,372.00**. Payment shall be made within 30 days of the effective date of this **CONSENT ORDER**. Payment shall be made to the State of Utah, Department of Environmental Quality, Utah Division of Waste Management and Radiation Control, c/o Ty L. Howard, Director, P.O. Box 144880, Salt Lake City, Utah 84114-4880. This amount has been determined in accordance with the Division's Civil Penalty Policy (R315-102 of the Rules), which considers such factors as the gravity of the violations, the extent of deviation from the rules, the potential for harm to human health and the environment, good faith efforts to comply, and other factors.

EFFECT OF CONSENT ORDER

- 8. For the purpose of this **CONSENT ORDER**, the parties agree and stipulate to the above. The stipulations contained herein are for the purposes of settlement, shall not be considered admissions by any party and shall not be used by any person related or unrelated to this **CONSENT ORDER** for purposes other than determining the basis of this **CONSENT ORDER**. Nothing contained herein shall be deemed to constitute a waiver by the Director of his right to initiate enforcement action, including civil penalties, against Emerald in the event of future non-compliance with this **CONSENT ORDER**, with the Act, with the Rules, or with the Permit; nor shall the Director be precluded in any way from taking appropriate action for future violations. However, entry into this **CONSENT ORDER** shall relieve Emerald of all liability under the NOV/CO for violations, which did arise or could have arisen with respect to the allegations contained in the NOV/CO.

EFFECTIVE DATE

- 9. This **CONSENT ORDER** shall become effective upon execution by Emerald Services, Inc. and the Director.

Dated this _____ day of _____, 2020.

Emerald Services, Inc.

**Division of Waste Management and
Radiation Control**

Billy Ray Ross, Inc., Senior Vice President
Compliance, Safety-Kleen Systems Inc.

Ty L. Howard, Director

(Authorized signatory for Emerald Services, Inc.)