



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

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

March 31, 2016

Ben Machlis
Holland & Hart, LLP
222 South Main Street, Suite 2200
Salt Lake City, UT 84101

RE: Stipulation and Consent Order
UTR000000786

Dear Mr. Machlis:

Enclosed please find the draft final Stipulation and Consent Order reflecting the agreement reached March 28, 2016. Please review this draft and provide any comments at your convenience. Following your approval, the Division will proceed with formal public comment.

If you have any questions, please call Deborah Ng at (801) 536-0218.

Sincerely,

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

STA/DSW/kl

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In the Matter of:	:	STIPULATION AND CONSENT
	:	ORDER
		NOTICE OF INTENT TO
		TERMINATE PERMIT
Heckmann Woods Cross	:	No. 1601004
UTR000000786	:	

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This **STIPULATION AND CONSENT ORDER and NOTICE OF INTENT TO TERMINATE PERMIT** is issued by the **DIRECTOR OF THE DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL** pursuant to the Utah Used Oil Management Act (the Act), Utah Code Ann. §19-6-701, *et seq.*

JURISDICTION

1. The Director has jurisdiction over the subject matter of this **CONSENT ORDER** pursuant to Utah Code Ann. §19-6-721 and jurisdiction over the former Thermo Fluids’ portion of the Cowboy Asphalt Terminal where Heckmann Woods Cross is permitted as a used oil processor. Heckmann Woods Cross and the Director are the parties to this agreement.
2. The Board has authority to review this **CONSENT ORDER** pursuant to Utah Code Ann. §19-6-104(1)(f) and jurisdiction over Heckmann Woods Cross.

FINDINGS

3. Heckmann Woods Cross (Heckman) is a Utah Limited Liability Corporation licensed to do business in Utah and is a subsidiary of Nuverra Environmental Solutions, Inc.
4. Heckmann is a “person” as defined in Utah Code Ann. § 19-1-103(4) and is subject to all applicable provisions of the Utah Administrative Code, the Act and the Permit.
5. Heckmann is permitted to operate as a used oil processor at the former Thermo Fluids portion of the Cowboy Asphalt Terminal under the provisions of the State-issued Used Oil Processor Permit (UOP-0068). The Heckmann facility is a tank farm and former used oil re-refinery in Davis County, Utah.
6. On June 17, 2014, the Director of the Division of Solid and Hazardous Waste approved the transfer of the Thermo Fluids used oil processor permit (UOP-0068) to Heckmann Woods Cross. As the permittee, Heckmann was required to implement closure of the facility in accordance with the approved closure plan.
7. On July 14, 2015, Heckmann notified the Director that it was not possible to fully implement the approved closure plan of the facility.

STIPULATION AND CONSENT ORDER

8. In full settlement of the violation described above, Heckmann shall pay a penalty of \$75,000.00 (seventy-five thousand dollars). Payment shall be made within thirty days of entry into this **CONSENT ORDER**. Payment shall be made to the State of Utah, Department of Environmental Quality, c/o Scott T. Anderson, Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880.

EFFECT OF CONSENT ORDER

9. For purposes of this **CONSENT ORDER**, the parties agree and stipulate to the above stated facts. The stipulations contained herein are for the purposes of settlement and 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**.

TERMINATION OF USED OIL PROCESSOR PERMIT

10. After Heckman has paid the penalty described in Paragraph 8, the Director will notify Heckmann that Used Oil Processor Permit #UOP-0068 is terminated.

EFFECTIVE DATE

11. This **CONSENT ORDER** shall become effective upon execution by Heckmann Woods Cross and the Director.

Dated this _____ day of _____, 2016

Heckmann Woods Cross

Division of Waste Management and Radiation Control

Name
Title

Scott T. Anderson, Director