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

THERMO FLUIDS INC. : **No. 1905039**  
Notice of Violation and Compliance Order :  
No. 1810087  
UTR000008458

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This **STIPULATION AND 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 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 Thermo Fluids Inc.’s facility owned and operated by Thermo Fluids Inc. (Thermo). Thermo and the Director are the parties to this agreement.
2. The Waste Management and Radiation Control Board (Board) has authority to review this **CONSENT ORDER** pursuant to Utah Code Ann. §19-6-104(3)(f) and jurisdiction over Thermo.

**FINDINGS**

3. Thermo is a Delaware corporation licensed to do business in the State of Utah. Thermo is the owner and operator of the Thermo’s facility located at 3545 West 500 South in Salt Lake City, Utah.
4. The Thermo facility is a used oil processing facility located in Salt Lake County, Utah. Thermo operates the Salt Lake City facility under the provisions of the State of Utah-issued Used Oil Processing Permit (# UOP-0095) issued on July 16, 2005, as modified (the Permit). The Permit was renewed and reissued, effective December 15, 2008, and again on May 10, 2018.
5. The Thermo Fluids Inc. 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 Rules), the Act, and the Permit.
6. Authorized representatives of the Director conducted a used oil inspection at the Thermo facility on August 8, 2018 (the FY2018 inspection). Based on findings documented during the FY2018 inspection, the Director issued NOTICE OF VIOLATION and COMPLIANCE ORDER No 1810087 (NOV/CO) on March 7, 2019, alleging violations by Thermo of its Permit, the Act and the Utah Administrative Code. Thermo filed a Request for Agency Action on March 22, 2019 (DSHW-2019-002908) and a response to the NOV/CO on March 26, 2019 (DSHW-2019-003006).

**STIPULATION AND CONSENT ORDER**

7. The parties now wish to fully resolve NOV/CO No. 1810087 without further administrative or judicial proceedings.
8. In full settlement of the violations alleged in NOV/CO No. 1810087, Thermo shall pay a penalty of **\$8,400.00**. 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, 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**

9. For the purpose 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. Nothing contained herein shall be deemed to constitute a waiver by the State of Utah of its right to initiate enforcement action, including civil penalties, against Thermo in the event of future non-compliance with this CONSENT ORDER, with the Act, with the Rules, or with the Permit; nor shall the State of Utah be precluded in any way from taking appropriate action should such a situation arise again at the Thermo facility. However, entry into this CONSENT ORDER shall relieve Thermo of all liability for violations, which did arise or could have arisen with respect to the allegations contained in the NOV/CO.

**EFFECTIVE DATE**

10. This **CONSENT ORDER** shall become effective upon execution by Thermo Fluids Inc. and the Director.

**Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**Thermo Fluids Inc.**

**Division of Waste Management and Radiation Control**

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

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Ty L. Howard, Director

(Authorized signatory for Thermo Fluids Inc.)