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

**Thermo Fluids Inc.** : **No. 1909097**  
Notice of Violation and Compliance Order :  
No. 1909088  
UTR000008458

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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 Thermo Fluids Inc. owned and operated by Thermo Fluids Inc. . Thermo Fluids Inc. 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 §19-6-104(e) and jurisdiction over Thermo Fluids Inc.

**FINDINGS**

3. Thermo Fluids Inc. (“TFI”) is a Delaware corporation licensed to do business in the State of Utah and is the owner and operator of the Thermo Fluids Inc., used oil processing facility located at 3545 West 500 South in Salt Lake City, Utah. TFI is a "used oil processor" and a “used oil marketer" within the meaning of Utah Code §19-6-703 (26) and §19-6-703(23), respectively.
4. TFI conducts used oil processing operations at its facility located at 3545 West and 500 South, in Salt Lake City, Utah. TFI operates the Salt Lake City facility under the provisions of its Used Oil Processor Permit (Permit) (#UOP-0095 and Used Oil Marketer Registration (Registration) (UOR-0060) issued by the Director to TFI on July 16, 2005 and September 17, 1996, respectively. The Division renewed and reissued the Permit and Registration to TFI effective May 10, 2018 and May 23, 2018, respectively.
5. The TFI 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, the Permit and the Registration.
6. Authorized representatives of the Director (inspectors) conducted a compliance evaluation and used oil inspection at the TFI facility on May 1-2, and May 9 of 2019 (the FY2019 inspection).

7. Based on findings documented during the FY2019 inspection, the Director issued **NOTICE OF VIOLATION and COMPLIANCE ORDER** No. 1909088 (NOV/CO) on November 19, 2019, alleging violations by TFI of its Permit, the Act and the Utah Administrative Code.
8. TFI filed a response to the NOV/CO on February 12, 2020.

### **STIPULATION AND CONSENT ORDER**

9. The parties now wish to fully resolve Notice of Violation/Compliance Order No. 1909088 without further administrative or judicial proceedings.
10. In full settlement of the violations alleged in NOV/CO No. 1909088, TFI shall pay a penalty of \$42,906.00. 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**

11. 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 TFI 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 TFI facility. However, entry into this **CONSENT ORDER** shall relieve TFI of all liability for violations, which did arise or could have arisen with respect to the allegations contained in the NOV/CO.

*(Intentionally left blank)*

**EFFECTIVE DATE**

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**Thermo Fluids Inc.**

**Division of Waste Management and Radiation Control**

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Billy Ray Ross, Senior Vice President  
Compliance, Safety-Kleen Systems Inc.  
(Authorized signatory for Thermo Fluids Inc.)

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Ty L. Howard, Director