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

THERMO FLUIDS INC. : **No. 1909099**
Notice of Violation and Compliance Order :
No. 1908089
AZR000003681

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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.

FINDINGS

2. Thermo Fluids Inc. (“TFI”) is a Delaware corporation licensed to do business in the State of Utah and is the owner and operator of Thermo Fluids, Inc., a used oil transporter business located at 4301 West Jefferson Street, Phoenix, Arizona. TFI is a "used oil transporter" within the meaning of Utah Code §19-6-703(28)(a).
3. TFI conducts used oil transportation operations in Utah out of TFI’s transportation facility located at 3545 West and 500 South in Salt Lake City, Utah. TFI operates the Salt Lake City facility under the provisions of the State of Utah-issued Used Oil Transporter Permit (# UOP-0010) issued on November 21, 1994, as modified (the Permit). The Permit was modified and reissued, effective April 3, 2018.
4. 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, and the Permit.
5. On August 21, 2019 an authorized representative of the Director conducted a non-financial record review of records and information obtained during a compliance evaluation inspection (the FY2019 inspection), conducted at the used oil processing facility operated by TFI 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 1908089 (NOV/CO) on November 5, 2019, alleging violations by TFI of its Permit, the Act and the Utah Administrative Code. TFI 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 Notice of Violation and Compliance Order No. 1908089 without further administrative or judicial proceedings.
- 7. In full settlement of the violations alleged in NOV/CO No. 1908089, TFI shall pay a penalty of **\$9,600.00**. 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 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 transportation 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.

EFFECTIVE DATE

- 9. 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

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

Ty L. Howard, Director

(Authorized signatory for Thermo Fluids Inc.)