



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL
Ty L. Howard
Director

April 17, 2020

Charles R. Welty, President
Tri State Oil Reclaimers, Inc
1770 Otto Road
Cheyenne, WY 82001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7004 1160 0005 5671 3945

RE: Notice of Violation No. 2004046
WYD988869400

Dear Mr. Welty:

Enclosed is a **NOTICE OF VIOLATION (NOV)** Number 2004046, based on findings documented by Division of Waste Management and Radiation Control inspectors regarding used oil record keeping and tracking.

You are hereby requested to submit to this office on or before May 15, 2020, written verification that the violations documented in the NOV have been corrected. Please include a description of the corrective actions implemented to ensure that these violations do not recur.

This NOV addresses violations associated with Tri State's used oil transporter permit (EPA ID number WYD988869400). Violations documented during the February 6, 2020, inspection associated with Tri State's used oil processor permit (EPA ID number UTR000013953) are addressed in a separate NOV.

You have 30 days from the date of the attached NOV to contest it in the manner and within the time period prescribed by R305-7-303 of the Utah Administrative Code.

If you have any questions, please call David Wheeler at (801) 536-0260.

Sincerely,

Ty L. Howard, Director
Division of Waste Management and Radiation Control

(Over)

DSHW-2020-005289

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Enclosure: Notice of Violation No. 2004046

c: Charles Welty, Registered Agent
Annette Maxwell, U.S. EPA, Region VIII, ENF-R
Robert Breuer, Manager, Wyoming DEQ

9. On February 6, 2020, authorized representatives of the Director conducted an additional compliance evaluation inspection at the Genola Facility and documented that Tri State had failed to record the required EPA Identification Numbers on the majority of the used oil collection tickets it uses for tracking collections from facilities with EPA Identification numbers.
10. R315-15-4.7(b)(2) of the Utah Administrative Code, requires that used oil transporters record on tracking documents the EPA ID numbers of the facilities to whom they deliver used oil.
11. During the February 6, 2020 inspection, authorized representatives of the Director documented that Tri State had failed to record the required EPA Identification Numbers on two out of three of the used oil delivery tickets it uses for tracking deliveries to facilities with EPA Identification numbers.

DETERMINATION OF VIOLATIONS

Based on the foregoing FINDINGS, Tri State Oil Reclaimers, Inc has violated provisions of the Rules, the Act, and the Permit applicable to its facility. Specifically, Tri State has violated the following:

1. R315-15-4.7(a)(2) of the Utah Administrative Code, by failing to record EPA Identification Numbers of generators from whom it collected used oil. *See Findings paragraph 9.*
2. R315-15-4.7(b)(2), of the Utah Administrative Code, by failing to record EPA Identification Numbers of the facilities to whom it delivered used oil. *See Findings paragraph 11.*

OPPORTUNITY FOR HEARING

This NOTICE OF VIOLATION is effective immediately and shall become final unless contested administratively by Tri State Oil Reclaimers, Inc. Failure to contest this NOTICE OF VIOLATION in the manner and within the time period prescribed by R305-7-303 of the Utah Administrative Code constitutes a waiver of any right of administrative contest, reconsideration, review, or judicial appeal. Utah Code Section 19-6-721 provides that violation of any order, plan, rule, or other requirement issued or adopted under Title 19, Ch. 6, Pt. 7 may be subject to a civil penalty of up to \$10,000 per day for each day of violation.

Dated this April 17, 2020 day of April, 2020

By: 

Ty L. Howard, Director
Division of Waste Management and Radiation Control

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed a true and correct copy of the foregoing **NOTICE OF VIOLATION** on the 17th day of April, 2020 by US Certified Mail No. to:

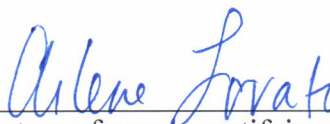
Charles R. Welty, President
Tri State Oil Reclaimers, Inc
1770 Otto Road
Cheyenne, WY 82001

Certified Mail # 7004 1160 0005 5671 3945

and

Charles R. Welty, Registered Agent
Tri State Oil Reclaimers, Inc
14944 South 2200 West
Bluffdale, UT 84065

Certified Mail # 7004 1160 0005 5671 3952



[Signature of person certifying the date the
NOV is mailed]