



State of Utah

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Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberley D. Shelley
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Douglas J. Hansen
Director

January 7, 2022

Bryan Christian, Environmental Compliance Mgr.
Pilot Thomas Logistics
Attn: Environmental Dept
201 North Rupert Street
Fort Worth, TX 76107

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7003 2260 0003 2353 4923

RE: Notice of Violation No. 2109003
Used Oil Transporter Permit (UOP-0076)
OKR000017897


Dear Mr. Christian:

Enclosed is a **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO) Number 2109003**, based on findings documented by Division of Waste Management and Radiation Control inspectors regarding issues documented during an inspection of Simons Petroleum LLC's (also known as Simons Petroleum, LLC) used oil transporter activities in Utah. Please be advised that compliance with this ORDER is mandatory and will not relieve Simons Petroleum LLC of liability for past violations.

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

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

Sincerely,


Douglas J. Hansen, Director

Division of Waste Management and Radiation Control

DJH/DSW/kd

Enclosure: Notice of Violation No. 2109003

c: Annette Maxwell, U.S. EPA, Region VIII (ENF-R)
Simons Petroleum LLC, c/o CT Corporation System, Registered Agent
(Hard Copy) CERTIFIED MAIL 7003 2260 0003 2353 4930

DSHW-2021-015864

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In the Matter of: : **NOTICE OF VIOLATION/
COMPLIANCE ORDER**

Simons Petroleum LLC : **No. 2109003**
(A.K.A. Simons Petroleum, LLC) :
OKR000017897 :

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This **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO)** is issued by the Director of the 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.* The Director has authority to issue such NOTICES and ORDERS in accordance with Utah Code §§ 19-6-705 and 19-6-721.

FINDINGS

1. Simons Petroleum LLC, A.K.A. Simons Petroleum, LLC (Simons Petroleum) is a limited liability company formed in the state of Oklahoma and registered to do business in Utah.
2. Simons Petroleum is the operator of the Simons Petroleum Vernal facility located at 1157 East 135 South, Vernal, Utah (Facility).
3. Simons Petroleum transports used oil in Utah under the provisions of a used oil transporter permit and the Utah Administrative Code (Rules).
4. Simons Petroleum is a "person" as defined in Utah Code § 19-1-103(4) and is subject to all applicable provisions of the Act, the Utah Administrative Code (Rules), and the used oil transporter permit issued to Simons Petroleum.
5. On September 16, 1999, the Director issued a used oil transporter permit (Permit), UOP-0076, to Simons Petroleum. The Director renewed and reissued the Permit, effective December 11, 2020.
6. On May 20, 2021, authorized representatives of the Director conducted a compliance evaluation inspection at the Facility. This inspection evaluated compliance with the Simons Petroleum used oil transporter permit, UOP-0076 and the Rules.
7. Condition II.A.1 of the Permit allows Simons Petroleum to transport used oil in a bobtail tanker and totes but does not allow it to transport used oil in drums.
 - 7.1 During the May 20, 2021, inspection, inspectors documented that Simons Petroleum has transported used oil in drums.
8. Condition II.E.2 of the Permit states that "The Permittee shall document employees are trained in the identification of used oil, recordkeeping requirements, emergency spill plan and facility used oil procedures for handling, transporting, sample collection, halogen screening and laboratory analytical methods, rebuttable presumption testing, and the appropriate use of 'generator knowledge' when determining halogen content of used oil."

- 8.1 The training record was undated and did not specify the subjects required by this permit condition. It only specified the following training topics: “Used oil vs waste oil. Used oil burner limitations (only generated oil to be used in heater). Testing, generator knowledge, recordkeeping. Transportation and storage.”
- 8.2 Simons Petroleum could not provide training records for two of its drivers who delivered used oil to the Facility.
9. Condition I.F.2 of the Permit requires that the transporter name and EPA identification number be recorded on the tracking documents.
 - 9.1. During the May 20, 2021, inspection, inspectors documented that transporter identification information (name and EPA identification number) was missing on 76% of the pickup tickets examined.
10. Condition I.F.2.a of the Permit states: “For petroleum industry locations without a formal street address, the Permittee shall use the owner’s corporate address, facility or equipment number/designation, and GPS coordinates of the location from which the used oil was picked up.”
 - 10.1 During the May 20, 2021 inspection, the inspection team did not observe any GPS coordinates of the remote locations from which used oil was collected on any of the pickup tickets examined.
11. Condition I.F.3 of the Permit requires that halogen content of used oil collected by Simons Petroleum be recorded on the shipping documents.
 - 11.1 During the May 20, 2021 inspection, the inspection team documented that halogen determinations were missing on 40% of the pickup tickets examined.

DETERMINATION OF VIOLATIONS

In accordance with Utah Code § 19-6-701, *et seq.*, and based on the foregoing FINDINGS, Simons Petroleum has violated provisions of the Permit applicable to its used oil transporter operations. Specifically, Simons Petroleum has violated the following:

1. Condition II.A.1 of the Permit by transporting used oil in drums. (*See finding 7*)
2. Condition II.E.2 of the Permit by inadequately documenting employee training and failing to train two drivers who delivered used oil in Utah. (*See finding 8*)
3. Condition I.F.2 of the Permit by failing to include transporter identification information (name and EPA identification number) on shipping documents. (*See finding 9*)
4. Condition I.F.2.a of the Permit by failing to include on shipping documents GPS coordinates for collection locations lacking a formal street address. (*See findings 10*)
5. Condition I.F.3 of the Permit by failing to record a halogen determination on shipping documents. (*See finding 11*)

ORDER

Simons Petroleum is hereby ordered to:

1. Immediately cease transporting used oil in any containers other than those specified in the Permit,
2. Immediately train all of its employees who handle used oil in Utah in the manner specified by Condition II.E of the Permit, and
3. Record the halogen content, EPA Identification number and other permit required information on the shipping documents.

OPPORTUNITY FOR HEARING

This NOTICE OF VIOLATION AND COMPLIANCE ORDER is effective immediately and shall become final unless Simons Petroleum administratively contests it. Failure to contest this NOTICE OF VIOLATION AND COMPLIANCE ORDER in the manner and within the time period prescribed by Utah Admin. Code R305-7-303 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 7th day of January, 2022

By: _____


Douglas J. Hansen, Director
Division of Waste Management and Radiation Control

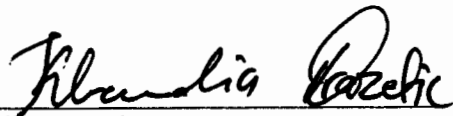
CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed a true and correct copy of the foregoing NOTICE OF VIOLATION AND COMPLIANCE ORDER on the 7th day of January, 2022 by US Certified Mail, Return receipt Requested, to:

Bryan Christian, Environmental Compliance Mgr. CERTIFIED MAIL 7003 2260 0003 2353-4923
Pilot Thomas Logistics
Attn: Environmental Dept.
201 North Rupert Street
Fort Worth, TX 76107

Simons Petroleum LLC
c/o CT Corporation System,
Registered Agent
1108 East South Union Avenue
Midvale, UT 84047

CERTIFIED MAIL 7003 2260 0003 2353 4930



Klaudia Drazetic