



State of Utah

SPENCER J. COX  
*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 12, 2022

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

**CERTIFIED MAIL**  
7003 2260 0003 2359 0608  
7003 2260 0003 2359 0592

RE: Notice of Violation No. 2109004  
Simons Petroleum LLC (A.K.A. Simons Petroleum, LLC)  
Used Oil Transfer Facility Permit (UOP-0075)  
UTR000005124

Dear Mr. Christian:

Enclosed is **NOTICE OF VIOLATION AND COMPLIANCE ORDER (NOV/CO) Number 2109004**, based on findings documented by Division of Waste Management and Radiation Control inspectors regarding compliance issues documented during an inspection on May 20, 2021. The inspection documented violations relating to used oil and waste storage, cleanup, labeling, inspections, and the maintenance of spill kits. Please be advised that compliance with this ORDER is mandatory and will not relieve Simons Petroleum LLC (also known as 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 of the 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

(Over)

DJH/DSW/kd

Enclosure: Notice of Violation No. 2109004

c: Kirk Bengé, Health Officer, Tri-County Health Department  
Darrin Brown, LEHS, Environmental Health Director, Tri-County Health Department  
Nathan Hall, District Engineer, UDEQ  
Annette Maxwell, U.S. EPA, Region VIII (ENF-R)

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In the Matter of:	:	<b>NOTICE OF VIOLATION/ COMPLIANCE ORDER</b>
	:	
Simons Petroleum LLC	:	<b>No. 2109004</b>
(A.K.A. Simons Petroleum, LLC)	:	
UTR000005124	:	

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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.* and the Utah Solid and Hazardous Waste Act, Utah Code § 19-6-101, *et seq.* The Director has authority to issue such NOTICES and ORDERS in accordance with Utah Code §§ 19-6-705, 19-6-721, and 19-6-112.

**FINDINGS**

1. Simons Petroleum LLC, A.K.A. Simons Petroleum, LLC (Simons Petroleum) is an Oklahoma limited liability company licensed to do business in Utah. Simons Petroleum is the operator of the Simons Petroleum Vernal facility located at 1157 East 135 South, Vernal, Utah (Facility).
2. The Simons Petroleum Vernal facility is a used oil transfer facility located in Uintah County, Utah. Simons Petroleum operates its Facility under the provisions of a used oil transfer facility permit and the Utah Administrative Code (UAC).
3. 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 Rules, and the used oil transfer facility permit issued to Simons Petroleum.
4. On September 16, 1999, the Director issued a used oil transfer facility permit (Permit), UOP-0075 to Simons Petroleum. The Director renewed and reissued the Permit, effective September 8, 2020.
5. 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 Permit, UOP-0075 and the Rules.
6. R315-15-4.6(d)(4) of the Utah Administrative Code (UAC) requires water, used oil, or other liquids be removed from secondary containment at transfer facilities within 24 hours of discovery.
  - 6.1. During the May 20, 2021, inspection, there was considerable liquid in the containment around the sunken, 3,000-gallon used oil tank located in the northwest corner of the warehouse. Besides the liquid, the containment also included dissolved granulated absorbent and saturated absorbent pads, indicating the material had been there longer than 24 hours.

7. R315-15-4.6(d)(3) UAC requires that the secondary containment system at a transfer facility be of sufficient extent to prevent used oil releases from containers from migrating out of the system to the soil, groundwater, or surface water. Condition I.D.1 of the Permit requires that the Permittee maintain and operate the transfer facility, including all used oil transportation vehicles, storage units, containers, tanks, and associated equipment, to minimize the possibility of a sudden or non-sudden release of used oil to the ground or soil.
  - 7.1 During the May 20, 2021 inspection, containers of used oil were stored in areas without secondary containment. Several areas of oil-stained soil/gravel were documented around the back lot.
8. R315-15-4.6(a) UAC and Condition I.J.1 of the Permit state that the Permittee shall not store used oil longer than 35 days without first obtaining a processor permit for that storage location.
  - 8.1. Between May 2020 and April 2021, used oil was stored at the facility in excess of the 35 days. It was stored for 68 days from May 13, 2020 to July 20, 2020; for 56 days from July 21, 2020 to September 15, 2020; and for 158 days from November 4, 2020 to April 12, 2021.
9. Condition II.B.2 of the Permit requires Simons Petroleum to store used oil in either the 3,000-gallon warehouse tank or “in the concrete containment at the rear (northeast) corner of the warehouse.”
  - 9.1. Simons Petroleum has been storing used oil in containers and drums north of the warehouse, in areas outside of the concrete containment specified in the Permit.
10. Condition I.D.2 of the Permit requires Simons Petroleum to inspect and maintain used oil equipment, tanks, containers, and storage units on a weekly basis.”
  - 10.1. Simons Petroleum representative could not produce inspection records and stated they were not aware of the inspection requirement.
11. Condition II.F.7 of the Permit requires that the Facility spill kits contain, at a minimum, the equipment listed in Attachment 3 of the Permit. The Permit requires that the spill kits contain, among other items, three 4-foot booms, one package of spill pads, and 50 pounds of granulated absorbent.
  - 11.1. During the May 20, 2021 inspection, the Facility spill kit did not have the granulated absorbent, spill pads, and booms required by the Permit.
12. R315-15-4.6(e) UAC and Condition I.J.4 of the Permit requires all containers and aboveground tanks at the facility to be clearly marked with the words "Used Oil."
  - 12.1. During the May 20, 2021 inspection, approximately five drums and numerous inadequately drained totes of used oil were not properly labeled with the words “Used Oil.”
13. R315-262-11 UAC requires a person who generates a solid waste to make an accurate determination as to whether that waste is a hazardous waste.
  - 13.1. During the May 20, 2021 inspection, unpunctured, unlabeled, waste aerosol cans were found floating in a drum containing an unknown liquid. The drum was unlabeled, and the Simons Petroleum representative was uncertain as to the nature of liquid. Simons Petroleum failed to make a waste determination of the unknown liquid and waste aerosol cans.

## **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 Rules, the Act, and the Permit applicable to its facility. Specifically, Simons Petroleum has violated the following:

1. R315-15-4.6(d)(4) UAC by failing to remove liquid from secondary containment around the 3,000-gallon used oil tank within 24 hours of discovery. (*See finding 6*)
2. R315-15-4.6(d)(3) UAC and Condition I.D.1 of the Permit by failing to store its used oil at the Facility in a secondary containment system of sufficient extent to prevent used oil releases from containers. (*See finding 7*)
3. R315-15-4.6(a) UAC and Condition I.J.1 of the Permit by storing used oil at the transfer facility in excess of 35 days. (*See finding 8*)
4. Condition II.B.2 of the Permit by storing used oil at the transfer facility outside of the permitted storage areas. (*See finding 9*)
5. Condition I.D.2 of the Permit by failing to conduct weekly inspections at the Facility. (*See finding 10*)
6. Condition II.F.7 of the Permit by failing to maintain required spill kit materials at the Facility. (*See finding 11*)
7. R315-15-4.6(e) UAC and Condition I.J.4 of the Permit by failing to properly label containers of used oil at the Facility with the words "Used Oil." (*See finding 12*)
8. R315-262-11 UAC by failing to make an accurate waste determination of whether solid waste at the Facility was hazardous. (*See finding 13*)

## **ORDER**

Simons Petroleum is hereby ordered to:

1. Immediately remove all liquid, sludge, and spill cleanup materials from the secondary containment around the 3,000-gallon used oil tank.
2. Immediately move and store used oil containers into areas specified by the Permit which have adequate secondary containment to contain spills.
3. Begin conducting and documenting weekly inspections of the Facility as required by the Permit.
4. Supplement and maintain spill kits as required by the Permit.
5. Immediately label all used oil drums and containers at the facility with the words "Used Oil."

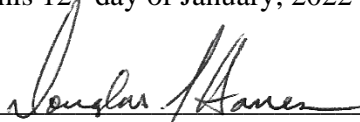
- Determine if the unknown liquid and aerosol cans in the 55-gallon drum are hazardous wastes. Properly manage the wastes once determinations are made. Submit the waste determinations, including any sampling documentation, analytical reports, and documentation of the offsite management of the waste, to the Division within 30 days.

### **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 12<sup>th</sup> 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 12<sup>th</sup> day of January, 2022 by US Certified Mail, Return receipt Requested, to:

Bryan Christian, Environmental Compliance Mgr. **CERTIFIED MAIL 7003 2260 0003 2359 0608**  
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 2359 0592**

  
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Klaudia Drazetic