



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 3969

RE: Notice of Violation No. 2003041
UTR000013953

Dear Mr. Welty:

Enclosed is a **NOTICE OF VIOLATION (NOV)** Number 2003041, based on findings documented by Division of Waste Management and Radiation Control inspectors during an inspection on February 6, 2020, regarding used oil tracking and spill kit contents at Tri State Oil Reclaimers' (Tri State's) facility in Genola, UT.

You are hereby requested to submit to this office on or before May 18, 2020, written description of the corrective actions implemented to ensure that these violations do not recur. Your response to this request will not constitute an administrative contest to the attached NOV.

This NOV addresses violations associated with Tri State's used oil processor permit UOP-0172 (EPA ID number UTR000013953). Violations documented during the February 6, 2020 inspection associated with Tri State's used oil transporter permit (EPA ID number WYD988869400) 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)

TLH/DSW/ar

Enclosure: Notice of Violation No. 2003041

c: Ralph Clegg, EHS, MPA, Health Officer, Utah County Health Department
Bryce C. Larsen, MPA, LEHS, Environmental Health Director, Utah County Health Department
Annette Maxwell, U.S. EPA, Region VIII, ENF-R
Charles R. Welty, Registered Agent

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In the Matter of: : **NOTICE OF VIOLATION**
:
Tri State Oil Reclaimers, Inc : **No. 2003041**
UTR000013953 :
:

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This **NOTICE OF VIOLATION (NOV)** is issued by the Director of the Utah Division of Waste Management and Radiation Control (the 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 in accordance with Utah Code §§ 19-6-705 and 721.

FINDINGS

1. Tri State Oil Reclaimers, Inc is a Wyoming corporation licensed to do business in the State of Utah.
2. Tri State Oil Reclaimers, Inc (Tri State) 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 Permit issued to Tri State as owner and operator of the Tri State Genola facility.
3. Tri State stores used oil in a tank farm in Genola, Utah. The Director issued a used oil processor permit, UOP-0172, to Tri State on February 2, 2018. The Tri State Genola Processor Facility (Genola Facility) is a used oil facility located at 12370 West Mountain Road, Genola, Utah.
4. On March 20, 2019, authorized representatives of the Director conducted a compliance evaluation inspection at the Genola Facility.
5. Based on findings documented during the March 20, 2019 inspection, the Division issued a warning letter to Tri State on June 17, 2019. The warning letter described documented violations, including failure to comply with Permit Condition II.H.7 requiring granulated absorbent and boom/oil sock spill kit materials.
6. Authorized representatives of the Director conducted an additional compliance evaluation inspection at the Genola Facility on February 6, 2020.
7. During the February 6, 2020 inspection, the inspectors documented that every spill kit at Tri State's facility lacked the two cubic feet of granulated absorbent required by Condition II.H.7, Table II.H.7 of Tri State's Used Oil Processor permit, UOP-0172.

(Over)

DETERMINATION OF VIOLATIONS

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

1. Condition II.H.7 of Tri State’s used oil processor permit by failing to maintain the required spill kit materials at its facility.

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, Return Receipt Requested, to:

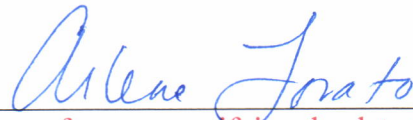
Charles R. Welty, President
Tri State Oil Reclaimers, Inc
1770 Otto Road
Cheyenne, WY 82001

Certified Mail #7004 1160 0005 5671 3969

and

Charles R. Welty, Registered Agent
Tri State Oil Reclaimers, Inc
14944 South 200 West
Bluffdale, UT 84065

Certified Mail #7004 1160 0005 5671 3976



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