



State of Utah

GARY R. HERBERT  
GovernorSPENCER J. COX  
Lieutenant GovernorDepartment of  
Environmental QualityL. Scott Baird  
Interim Executive DirectorDIVISION OF WATER QUALITY  
Erica Brown Gaddis, PhD  
Director

DWQ-2019-010612ch

August 27, 2019

DIVISION OF WATER QUALITY  
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
PUBLIC NOTICE OF LADERA PHASE 2 EXPEDITED SETTLEMENT OFFER**PURPOSE OF PUBLIC NOTICE**

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENT ON THE EXPEDITED SETTLEMENT OFFER (ESO) BETWEEN THE STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY ("DIVISION") AND CORAL CANYON BUILDERS LLC. THE ESO CONTAINS PENTALTIES FOR VIOLATIONS OF THE STORM WATER RULES ON THE LADERA PHASE 2 CONSTRUCTION SITE IN WASHINGTON, UT. THE ESO IS PROVIDED UNDER THE AUTHORITY OF THE UTAH WATER QUALITY ACT, TITLE 9, CHAPTER 5, SECTION 115.

**PERMIT INFORMATION**

NAME: EXPEDITED SETTLEMENT OFFER FOR LADERA PHASE 2.

**BACKGROUND**

The Utah Pollutant Discharge Elimination System (UPDES) General Permit for Discharges from Construction Activities (Permit No. UTRC00000) authorizes owners and operators of construction activities that meet the requirements of Part 1 of this permit to discharge pollutants in accordance with specific effluent limitations and conditions. The owner and operator, Coral Canyon Builders LLC, obtained coverage under this general permit on April 18, 2019 and was assigned permit number of UTR392699.

The Division conducted an inspection of the construction site on June 26, 2019 in response to a complaint. The following violations were discovered during the inspection: The site failed to post a signage identifying Construction Storm Water permit coverage, tracking controls were not installed on four lots, sediment was stockpiled without perimeter controls on a storm water conveyance, two dumpsters were found without appropriate covers, sediment was tracked onto the road on seven lots, and concrete washout was dumped on four lots on the site.

**PUBLIC COMMENTS**

The Expedited Settlement Offer is available for public review under "Public Notices" at [www.waterquality.utah.gov/](http://www.waterquality.utah.gov/). Written public comments can be submitted to: Ryan Curtin, Utah Division of Water Quality, P.O. Box 144870, Salt Lake City, Utah 84114-4870 or by email at: [Rscurtin@utah.gov](mailto:Rscurtin@utah.gov). The deadline to receive comments is by close of business on September 26, 2019. After considering public comment, the Division of Utah Water Quality will execute the Expedited Settlement Offer or revise it.



STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY

EXPEDITED SETTLEMENT OFFER

DOCKET NUMBER:

- 9. Operator certifies that all deficiencies identified herein have been corrected and that the Project is currently in full compliance with the terms and provisions of the Permit. Additionally, operator has attached to this ESO: (1) a written description detailing how the deficiencies were corrected; and (2) representative photographs documenting the current conditions and the associated BMPs implemented at the Project.
- 10. The Parties mutually agree that this ESO is entered in good faith and is an appropriate means to resolve the matters specified herein.
- 11. This ESO will be final after the thirty day notice and comment period on the date the Director signs the ESO, at which time the civil penalty takes effect.
- 12. Operator agrees that within fifteen (15) calendar days of receiving the signed and final ESO from the Division Operator shall submit a certified or cashier's check written to the Division of Water Quality in the amount specified in paragraph 4, above and hand deliver or send by certified mail to:

Division of Water Quality  
PO Box 144870  
Salt Lake City, Utah 84114-4870



- 13. Notwithstanding paragraph 7 above, the violations described herein will constitute part of Operator's compliance history where such history is relevant, including any subsequent violations. Operator understands and agrees that this ESO is not and cannot be raised as a defense to any other action to enforce any federal, state or local law.
- 14. This ESO, when final, is binding upon Operator and any corporate subsidiaries or parents, their officers, directors, employees, successors in interest, and assigns. The undersigned warrants that it is authorized to legally bind their respective principals to this ESO.

ACCEPTED BY OPERATOR:

Name (print) Michael Gardner

Title (print) Manager

Signature *Michael Gardner*

Date 8-12-19

DIVISION OF WATER QUALITY

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Erica Brown Gaddis, PhD, Director

**Expedited Settlement Offer Worksheet  
Deficiencies Form**  
Consult instructions regarding eligibility criteria  
and procedures prior to use

version 1



<b>LEGAL NAME AND MAILING ADDRESS OF OPERATOR</b>		<b>Telephone Number</b>	<b>UPDES Permit No.</b>
Mike Gardner Coral Canyon Builders LLC 2303 N Coral Canyon Boulevard #108 Washington, UT 84780			UTR392699
<b>LOCATION AND ADDRESS OF SITE</b>		Inspector Name:	Ryan Curtin
N Red Stone Road Washington, UT 84780		UPDES Program:	Construction Storm Water
		Entrance Interview Conducted:	No
		Exit Interview Conducted:	No
		Exit Interview given to:	
		Exit Interview time:	Date:

<b>FACILITY DESCRIPTION / CONTACT NAMES</b>	
Name of Site Contact (ESO Worksheet recipient):	Mike Gardner
Name of Authorized Official (UT CGP Appendix G.16):	
Inspection Date:	06/26/2019
Start Construction Date:	04/16/2018
Estimated Completion Construction Date:	
If Unpermitted, Number of Months Unpermitted:	
Name of Receiving Water Body (Indicate whether 303(d) listed or high quality):	
Acres Currently Disturbed   Acres to be Disturbed in Whole Common Plan:	6.00   6.41
Has Operator Requested Rainfall Erosivity?	

PERMIT COVERAGE	Findings	Citation Reference**	R C A*	No. of Deficiencies	Dollar Amount	Total
1 Operator unpermitted for _____ months (# months unpermitted equals number of violations)		UAC R317-8-3.9(1), (6)(d)10, & (6)(e)			\$500.00 =	
<b>SWPPP REVIEW</b>						
2 SWPPP not prepared (If no SWMP, leave elements 3 - 24 blank and put "1" for deficiencies)		UT CGP 7.1.1			\$3,000.00 =	
3 SWPPP prepared but prepared after construction start (# of months = # of violations)		UT CGP 7.1.1 & 1.4			\$200.00 =	
4 SWPPP does not list and identify all potential sources of pollution to include: portable toilet, fuel tanks, egress points, staging areas, waste containers, chemical storage areas, concrete washout, paints, solvents, etc.		UT CGP 7.2.6			\$75.00 =	
5 SWPPP does not correctly identify owner and general contractor for the project site		UT CGP 1.1.1			\$50.00 =	
6 SWPPP does not have site description, as follows:						
7 Nature of activity in description (including disturbed & total acres)		UT CGP 7.2.2			\$40.00 =	
8 Intended sequence of major activities		UT CGP 7.2.4			\$40.00 =	
9 Site Map		UT CGP 7.2.5			\$400.00 =	
10 Site map does not show boundaries of project & disturbances, drainage patterns, slopes, stockpiles, surface waters, inlets, egress points, storm water control measures, natural buffers, structures (to be constructed), stabilization practices, offsite staging, waste bins, equipment storage areas, discharge points, areas of final stabilization (each relevant omission is 1 violation)		UT CGP 7.2.5 a to h.			\$25.00 =	
11 SWPPP does not have location/description industrial activities including concrete, asphalt batch plants, staging areas, equipment or supply storage, borrow areas (including those that are off-site).		UT CGP 7.2.5 a.vii			\$75.00 =	

12	SWPPP does not: Describe all pollution control measures (e.g. BMPs), and show details and specifications for proper installation. (include 0.5 for description and 0.5 for details & specifications for each BMP not provided in SWPPP)	UT CGP 7.2.9.a			\$75.00	=		
13	SWPPP does not describe permanent and interim stabilization practices	UT CGP 7.2.9.c			\$75.00	=		
14	SWPPP does not identify and show locations of the source of non-storm water and discharge.	UT CGP 7.2.7			\$100.00	=		
15	SWPPP does not describe and show locations of natural buffer by water body(ies).	UT CGP 7.2.8			\$150.00	=		
16	SWPPP does not describe the use of treatment chemicals	UT CGP 7.2.9.b			\$100.00	=		
17	SWPPP does not have description of spill prevention and response procedures.	UT CGP 7.2.10.a			\$50.00	=		
18	SWPPP does not have a description of measures that will be used to control waste on the site including: demolition debris, spoils (unwanted dirt), construction waste, hazardous or toxic waste, and sanitary waste. (include 1 for each deficiency).	UT CGP 7.2.10.b			\$50.00	=		
19	SWPPP does not describe inspection procedures including inspectors (and certifications), inspection schedules, inspection forms or checklists, and procedures for corrective action. (1 violation for each deficiency).	UT CGP 7.2.11			\$50.00	=		
20	SWPPP does not describe training of personnel responsible for conducting inspections, taking corrective action, applying or storing treatment chemicals, and those involved with design; installation; maintenance; and repair of storm water control measures.	UT CGP 6 & 7.2.12			\$50.00	=		
21	Copy of permit and/or NOI not in SWPPP (each omission is 1 violation)	UT CGP 7.2.16			\$50.00	=		
22	SWPPP has not been updated to match corrections and modifications made on the site.	UT CGP 7.4.1			\$100.00	=		
23	Copy of SWPPP not retained on site per permit conditions	UT CGP 7.3			\$300.00	=		
	A SWPPP not made available upon request	UT CGP 7.3			\$100.00	=		
24	SWPPP not signed/certified	UT CGP 7.2.15			\$50.00	=		
<b>Subtotal SWMP Deficiencies</b>								\$0
<b>INSPECTIONS</b>								
25	Number of inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: permanent stabilization; runoff unlikely due to winter conditions; once a month if temporarily stabilized) (Count each failure to inspect and document as one violation -- see next 5 rows).	UT CGP 4.1.2, 4.1.3, 4.1.4			\$200.00	=		
	No inspections conducted and documented (if true leave elements 26 to 29 blank):				True or False			
	Number of inspections expected if performed every 7 days:							
	Number of inspections expected if performed biweekly:							
	If known, number of days of rainfall of >0.5" that occurred during the construction time.							
26	Inspections not conducted by qualified personnel	UT CGP 4.1.1			\$40.00	=		
27	All areas with construction activity disturbance, storm water control measures, construction support areas, exposed to precipitation with storm water flows, temporarily stabilized areas, and storm water discharge points not inspected.	UT CGP 4.1.5			\$40.00	=		
28	Incomplete site inspection reports (date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates).	UT CGP 4.1.5			\$40.00	=		
29	Inspection reports not properly signed/certified (count each failure to sign/certify as 1 violation)	UT CGP Appendix G.16			\$25.00	=		

Subtotal Inspections Deficiencies \$0

AVAILABILITY OF RECORDS						
30	Sign/notice not posted	No signage posted	UT CGP 1.5	1	\$100.00 =	\$100
	Does not contain copy of complete NOI		UT CGP 7.2.16		\$40.00 =	
	Contact information on site sign/notice was not available.		UT CGP 1.5		\$40.00 =	
<b>Subtotal Records Deficiencies</b>						<b>\$100</b>

BEST MANAGEMENT PRACTICES							
31	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		UT CGP 2.1.1			\$100.00	=
32	Control measures are not properly Selected, installed and maintained	tracking controls not installed on 4 lots. Sediment stockpile missing perimeter controls. 2 dumpsters with broken lid were found onsite.	UT CGP 2.1.1		7	\$100.00	= \$700
	Maintenance not performed regular enough to maintain effectiveness of BMPs (count each failure to select, install, maintain each BMP as one violation)		UT CGP 2.1.1			\$100.00	=
33	When sediment escapes the site from track out or bypassing BMPs, it is not removed at a frequency necessary to minimize off-site impacts	Sediment tracked onto road and not removed on 7 lots	UT CGP 2.1.2		7	\$100.00	= \$700
34	Natural vegetated buffer is not present adjacent to bordering water bodies (or substituted equivalent BMPs).		UT CGP 2.1.2			\$100.00	=
35	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)	Concrete washout was dumped on four lots onsite	UT CGP 2.3.3		4	\$100.00	= \$400
36	Stabilization measures are not initiated within 14-days on portions of the site where construction activities have temporarily or permanently ceased		UT CGP 2.2.1 & 2			\$500.00	=
	*Exceptions:						
	(a) Snow or frozen ground conditions						
	(b) Activities will be resumed immediately after the 14 days						
	(c) Arid or Semi-arid areas (<20 inches per year)						
37	If a sedimentation basin is used, it is not designed for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained.		UT CGP 2.1.3			\$100.00	=
	Where a sedimentation basin is not used, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries		UT CGP 2.1.1			\$100.00	=
	Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		UT CGP 2.1.2.b.ii & 2.1.3.b.ii			\$100.00	=
38	Common Drainage does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 37 above)		UT CGP 2.1.1			\$100.00	=
<b>Subtotal BMP Deficiencies</b>							<b>\$1,800</b>

**ADDITIONAL FACTORS**

39	Is the project over 30 acres? (True or False)	Add 15% to penalty					\$0
40	Is the project over 100 acres? (True or False)	Add 50% more to penalty					\$0
41	Does the project border on a water body? (True or False)	Add 20% to penalty					\$0
42	Significant Economic Benefit	Economic Benefit entries over \$200 enter in column "H" from separate BEN worksheet (included if value)				\$199.00	

**Total Expedited Settlement: \$1,900**