



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WATER QUALITY
John K. Mackey, P.E.
Director

November 30, 2022

VIA EMAIL
(Read Receipt Requested)

CERTIFIED MAIL
(Return Receipt Requested)

Staker Parson Companies
Attn: Bryan Jorgensen
2350 South 1900 West
Ogden, Utah 84401

**Subject: Expedited Settlement Offer (ESO) for Staker Parson Companies-Tower Quarry,
UPDES Permit No. UTRI00101 located in Ogden, UT**

Dear Mr. Jorgensen:

On March 28, 2022 the Utah Division of Water Quality ("Division") performed an evaluation to verify permit coverage for the above named facility and identified it to be in violation of the Utah Multi-Sector General Permit ("MSGP") for Storm Water Discharges Associated with Industrial Activities due to non-payment of the annual permit fee and the expired status of permit coverage. In accordance with Utah Administrative Code R317-1-8.6, this enforcement case qualifies for an Expedited Settlement Offer ("ESO") in lieu of the standard penalty process under R317-1-8.3.

The Division is offering you the opportunity to voluntarily enter into the attached agreement to resolve the violations identified in the attached Expedited Settlement Offer Deficiencies Form. In order to accept this ESO, please sign and return the agreement to the Division within **30 calendar days** of the received date.

If you have any questions regarding this Order or other information contained therein, please contact Eric Castrejon at (385) 341-3503 or ecastrejon@utah.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Samantha K. Heusser".

Samantha K. Heusser
Manager, Compliance & Enforcement Section
Utah Division of Water Quality

Staker Parson Companies-Tower Quarry

EC:SKH:cjh

Enclosures: Expedited Settlement Offer Instruction Sheet
Expedited Settlement Offer
Expedited Settlement Offer Worksheet Deficiencies Form

Cc: Via Email

Kimberly D. Shelley, Executive Director, Department of Environmental Quality
John Mackey, Director, Division of Water Quality
Eric Castrejon, Division of Water Quality
Jeanne Riley, Division of Water Quality
Haley Sousa, Assistant Attorney General
Scott Braeden, Weber-Morgan Health Department
Bryan Jorgenson, Tower Quarry

DWQ-2022-013233

EQ_Docs/DWQ/Compliance and Enforcement//Staker Parson Companies/2022-05 ESO Tower Quarry

EXPEDITED SETTLEMENT OFFER INSTRUCTION SHEET

The Expedited Settlement Offer (“Offer”) is the preferred option to resolve non-compliance. If you choose to sign and return the Offer, you waive your opportunity for a hearing and to appeal pursuant to the Utah Water Quality Act, Utah Code § 19-5-112. If you choose not to sign and return the Offer within THIRTY (30) DAYS, the Offer will be automatically withdrawn, without prejudice to the Division’s ability to file an enforcement action for the violations alleged herein or any other violations. The Division may choose to pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to a maximum penalty of \$10,000 per day per violation.

To accept and proceed you must:

(1) **Correct all deficiencies** identified by the Division in the Deficiencies Form (enclosed);

(2) You will receive two copies of the offer, one hard copy via certified mail and a second electronic copy via email. **Sign the electronic copy of the Offer sent via email within thirty (30) days of receipt. DO NOT SUBMIT PAYMENT AT THIS TIME.**

(3) **Wait for the 30-day public notice** to be completed and for the Director of the Division to sign the Offer; and

(4) **After** the Division has sent you a copy of the Offer signed by the Director with an invoice, you will have **thirty (30) days** to submit payment for the penalty to the Division of Water Quality. Payment cannot be accepted before this time and will be returned if sent prior to the invoice being generated.

Please retain copies of the signed Offer, the report detailing your corrective actions, and the penalty checks for your own records.

You may contact Eric Castrejon at 385-341-3503 or ecastrejon@utah.gov to request an extension. The Division will consider whether to grant an extension on a case-by-case basis. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations) you must provide such information to the Division as soon as possible but no later than **30 DAYS** from your receipt of the Offer.

Staker Parson Companies-Tower Quarry

**STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
EXPEDITED SETTLEMENT OFFER**

This Expedited Settlement Offer (“ESO”), is entered into by and between the Director of the Division of Water Quality (“Director”) and **Staker Parson Companies-Tower Quarry**. (“Owner/Operator”), jointly referred to hereinafter as the “Parties,” pursuant to the Director’s authority under the Utah Water Quality Act, Utah Code §§ 19-5-111, 19-5-115, Utah Administrative Code (UAC) R317-1-8 and R317-8-3.9.

1. Owner/Operator is a “person” as that term is defined in Utah Code § 19-1-103(4).
2. Owner/Operator is conducting “industrial activity” at **Staker Parson Companies-Tower Quarry** (“Facility”).
3. The Director issued the Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities UTR000000 authorizing operators associated with industrial activity to discharge industrial storm water from the specified industrial site to waters of the State in accordance with the eligibility and Notice of Intent requirements, discharges point(s), effluent limitations, inspection and monitoring requirements, and other conditions set forth in this Permit and UAC R317-8-11. Operator submitted a Notice of Intent and obtained coverage for the Facility under UTR000000 and was assigned UPDES Permit No. UTR100101, making the Operator responsible for compliance with UTR000000. (UTR000000 and the Operator’s specific coverage are referred to collectively herein after as “the Permit”).
4. An ESO may be used in enforcement cases in lieu of the penalty process when violations are readily identifiable, readily correctable, and do not cause significant harm to human health or the environment. *See* UAC R317-1-8.3 and -8.6.
5. The attached Expedited Settlement Offer Deficiencies Form (“ESODF”), incorporated herein by reference, includes findings which specify the conditions in violation of the Permit on March 28, 2022. The ESODF is in lieu of an initial order, notice of violation or notice of agency action to facilitate the purposes described hereinafter.
6. The Parties voluntarily enter into this ESO in order to: identify the actions necessary to correct the deficiencies observed at the Facility; determine the amount of the civil penalty appropriate for the violation(s) based on the deficiencies alleged; and to conclude this matter without the necessity of further administrative or judicial proceedings.
7. Owner/Operator understands and agrees that a penalty in the amount of **\$340.00** is appropriate based on the circumstances specified herein. This proposed settlement and penalty are subject to a thirty (30) day notice and comment period as provided for in UAC R317-8-1.9. The Parties each reserve the right to withdraw from this ESO if comments received during the notice period result in a modification to the terms and conditions.
8. By accepting this ESO, Owner/Operator neither admits nor denies the findings, violations or deficiencies specified herein.

9. Owner/Operator agrees to the terms, conditions and requirements of this ESO. By signing this ESO, Owner/Operator understands, acknowledges and agrees that it waives: (1) the opportunity for an administrative hearing pursuant to Utah Code § 19-1-301; (2) the right to contest the finding(s) in the ESODF and the penalty amount specified herein; and (3) the opportunity for judicial review.
10. Owner/Operator certifies that all deficiencies identified herein have been corrected and that the Facility is currently in full compliance with the terms and provisions of the Permit. Additionally, Owner/Operator has addressed the alleged violations identified in the ESODF by either: (1) developing and implementing a Storm Water Pollution Prevention Plan and submitting a Notice of Intent to be covered by the applicable industrial storm water permit; or (2) acting to meet eligibility requirements for a waiver from industrial storm water permit requirements as allowed by the permit and submitting the relevant forms (such as the No Exposure Certification form), to the permit authority.
11. The Parties mutually agree that this ESO is entered in good faith and is an appropriate means to resolve the matters specified herein.
12. This ESO will be final after the thirty (30) day notice and comment period on the date the Director signs the ESO, at which time the civil penalty takes effect.
13. Owner/Operator agrees that within thirty (30) calendar days of receiving the signed and final ESO and invoice information from the Division of Water Quality ("Division"), Owner/Operator shall submit payment in accordance with the instructions attached to the invoice in the amount specified in paragraph 7 above.
14. The violations described herein will constitute part of Owner/Operator's compliance history where such history is relevant, including any subsequent violations. Owner/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.
15. This ESO, when final, is binding upon Owner/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 OWNER/OPERATOR:

Name (print) BRYAN JORGESEN

Title (print) ENVIRONMENTAL SPECIALIST

Signature 

Date 2/24/23

DIVISION OF WATER QUALITY

 John K. Mackey, P.E.
 Director

Expedited Settlement Offer Worksheet

Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use

Version 2.0 (Rev. 3/2022)



NAME AND MAILING ADDRESS OF OPERATOR		UPDES Program: Industrial Storm Water
Staker Parson Companies Bryan Jorgensen 2350 South 1900 West Ogden, UT 84401		UPDES Permit Number: UTRI00101
LOCATION AND ADDRESS OF FACILITY		Permit Evaluation Date: 3/28/2022
Tower Quarry 2350 South 1900 West Ogden, UT 84401		

PERMIT COVERAGE	FINDINGS	Citation Reference	DEFICIENT	AMOUNT	TOTAL
1 Lapse in coverage (was permitted, failed to renew)		UT MSGP PART 1.F.	Yes	\$180.00 =	\$180
2 Cost Recovery: Labor costs for the preparation of the ESO	\$110.00 per Hr.			1 Hour =	\$110
Cost Recovery: Publication of Public Notice				=	\$50
TOTAL EXPEDITED SETTLEMENT				=	\$340