

UTAH DIVISION OF WATER QUALITY

IN THE MATTER OF: Mr. KENT PACE 455 E. SPRING CANYON RD COALVILLE, UTAH 84017	DOCKET NUMBER I15-04 SETTLEMENT AGREEMENT
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This **SETTLEMENT AGREEMENT** (hereinafter "**AGREEMENT**") is between **KENT PACE** and the **DIRECTOR OF THE UTAH DIVISION OF WATER QUALITY** (hereinafter the "**DIRECTOR**"), concerning violations of the *Utah Water Quality Act* (the *Act*), *Utah Code Annotated*, and the *Utah Administrative Code*.

1. The **DIRECTOR** has authority to administer the *Utah Water Quality Act*, as amended 1953, (hereinafter the "**ACT**").
2. The **DIRECTOR** has been delegated authority by the U.S. Environmental Protection Agency (EPA) to administer the *National Pollutant Discharge Elimination System (NPDES)* permit program under the *Federal Clean Water Act (CWA)*.
3. The parties now desire to resolve this matter fully without further administrative proceedings except to the extent provided herein by entering into this **AGREEMENT**. Entering into this **AGREEMENT** is not an admission of liability or factual allegation set out in the **NOTICE**, nor is it an admission of or an agreement to any disputed facts or disputed legal theories, nor is it an admission of any violation of any law, rule, regulation or permit by **KENT PACE**.
4. The **DIRECTOR** will administer the terms and provisions of this **AGREEMENT**.
5. This **AGREEMENT** resolves the **NOTICE OF VIOLATION** and **ORDER**, Docket Number I15-04 (hereinafter the "**NOTICE**"), between the **KENT PACE** and the **DIRECTOR**, issued to the **KENT PACE** in March 11, 2016, by the **DIRECTOR**. It does not in any way relieve **KENT PACE** from any other obligation imposed under the Act or any other State or Federal laws.
6. In resolution of said **NOTICE** referenced in Paragraph 5 of this **AGREEMENT**: **KENT PACE** agrees to pay a total penalty amount of \$1,667.00. Payments made in accordance with this **AGREEMENT**, if made by check, must be made payable to the State of Utah delivered or mailed to the Division of Water Quality, Department of Environmental Quality, P.O. Box 144870, Salt Lake City, Utah 84114-4870. The penalty must be paid in full within 30-days. The penalty has been determined using the Penalty Criteria for Civil Settlement Negotiations, Utah Administrative Code ("UAC") R317-1-8 which considers such factors as the nature, severity and extent of the violations, history of noncompliance, degree of willfulness and/or negligence, good faith efforts to comply, and economic benefit.



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7. Nothing contained in this **AGREEMENT** shall preclude the **DIRECTOR** from taking additional actions against **KENT PACE** for permit violations not resolved by this **AGREEMENT**.
8. If an agreement between the **KENT PACE** and the **DIRECTOR** cannot be reached in a dispute arising under any provision of this **AGREEMENT**, then the **KENT PACE** or the **DIRECTOR** may commence a proceeding with the **BOARD** under the *Administrative Procedures Act* to resolve the dispute. A final decision in any adjudicative proceeding shall be subject to judicial review under applicable state law.
9. Nothing in this **AGREEMENT** shall constitute a waiver by the **KENT PACE** to raise in defense any legal or factual contention for future allegations of noncompliance.
10. Nothing in this **AGREEMENT** shall constitute or be considered as a release from any claims, to include natural resource damage claims, cause of action, or demand in law or equity which the **STATE** may have against the **KENT PACE**, or any other person, firm, partnership or corporation for any liability arising out of or relating in any way to the release of pollutants to waters of the State.

AGREED to this ____ day of _____, 2017.

KENT PACE

**UTAH DIVISION OF
WATER QUALITY**

By 
Kent Pace

By _____
Director