



EXPEDITED SETTLEMENT OFFER

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This Expedited Settlement Offer (ESO), is entered into by and between the Division of Water Quality (Division) and Next Level Homes, LLC (Owner/Operator) pursuant to the Director's authority under the Utah Water Quality Act, Utah Code Sections 19-5-111, 19-5-115, Utah Administrative Code (UAC) R317-1-8 and R317-8-3.9. The Division and Operator are sometimes jointly referred to hereinafter as "the Parties." "Director" refers to the Director of the Division.

1. Operator is a "person" as that term is defined in Utah Code Section 19-1-103(4).
2. Operator is conducting "construction activity" at Hunter Meadows located at 760 West 580 South, Tooele, UT 84074 (the Project).
3. The Director issued the General Permit for Storm Water Discharges from Construction Activities UTRC00000 (Permit) authorizing owners/operators of construction activities to discharge in accordance with specific terms, conditions and best management practices as provided for in the Permit and UAC R317-8-11. Operator failed to submit a Notice of Intent to attain coverage for the Project under UTRC00000 and was not assigned an UPDES permit, the Operator is responsible for compliance with UTRC00000.
4. An ESO may be used in enforcement cases in lieu of the penalty process in UAC R317-1-8.3 when violations are readily identifiable, readily correctable, and do not cause significant harm to human health or the environment. UAC R317-1-8.6.
5. The attached "Expedited Settlement Offer Deficiencies Form" (ESODF), incorporated herein by reference, includes findings which specify the conditions in violation of the Permit observed at the Project during an on-site inspection conducted on December 13, 2021. 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 Project; 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. Operator understands and agrees that a penalty in the amount of \$3,510.00 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, Operator neither admits nor denies the findings, violations or deficiencies specified herein.



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9. Operator agrees to the terms, conditions and requirements of this ESO. By signing this ESO, Operator understands, acknowledges and agrees that it waives: (1) the opportunity for an administrative hearing pursuant to Utah Code Section 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. 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 Best Management Practices implemented at the Project.
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. Operator agrees that within fifteen (15) calendar days of receiving the signed and final ESO and invoice information from the Division, Operator shall submit payment in accordance with the attached instructions and the Divisions invoice to the Division of Water Quality in the amount specified in paragraph 7 above.
14. 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.
15. 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) **John D. Thomas**

Title (print) **Manager of Next Level Homes, LLC**

Signature 

Date **10/03/2022**

DIVISION OF WATER QUALITY

\_\_\_\_\_  
Date \_\_\_\_\_

John K. Mackey, P. E., Interim Director

Delegation of Authority

I, Kyle Denos, hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the UPDES "General Permit for Storm Water Discharges Associated with Construction Activity" (CGP), at the construction site:

Hunters Meadow, Permit No. UTRC0

The designee is authorized to sign all reports required by the Permit and other information requested by the Director of the Utah Division of Water Quality, or by an authorized representative of the Executive Secretary.

Name of Person or Position: Kayli Roller, Mickayla Harris

Owner/Operator: Wilding Engineering

Mailing Address: 14721 South Heritage Crest Way

City, State, Zip Code: Bluffdale, Utah 84065


Phone Number: (O) 801.553.8112 (Kayli) 801.750.4634 (Mickayla) 385.224.3176

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Part 9.16 of the CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Part 9.16.b. of the CGP.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Kyle Denos

Title: Exec. Project Mgr of Next Level Homes, LLC


Signature: 

Date: 05/09/2022

## Kyle Denos

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**From:** no-reply@epacdx.net  
**Sent:** Monday, May 9, 2022 10:30 AM  
**To:** no-reply@epacdx.net  
**Subject:** Utah Construction General Permit (CGP) Authorization for - Hunters Meadows, UPDES Number: UTRC05007

<b>STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY</b>		
<b>195 North 1950 West, P.O. Box 144870 Salt Lake City, Utah 84114-4870 (801)-536-4300</b>		
 UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY <b>WATER QUALITY</b>	<b>Authorization to Discharge under the Construction General Permit (CGP) for Storm Water Discharges Associated with Construction Activity</b>	<b>CGP</b>

The Utah Division of Water Quality (DWQ) is in receipt of the Notice of Intent (NOI) requesting coverage for Hunters Meadows, 740 West 660 South, Tooele, UT 84074 under the Construction General Permit for Storm Water Discharges (CGP). As of 05/09/2022, this facility is authorized to discharge storm water, provided that all discharges are in compliance with the requirements of the current CGP. This includes development and implementation of a storm water pollution prevention plan, conducting self-inspections, training, visual assessments of discharges, and potentially analytical monitoring. Please keep a copy of this Authorization to Discharge on site with your NOI.

An annual fee is required each calendar year to maintain coverage. If the fee is paid and the facility complies with the permit terms, then the coverage will remain effective until 05/08/2023. At that time the NOI will need to be re-certified and a new Authorization to Discharge will be issued.

Your electronic signature on the NOI form certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you have correctly determined whether you are eligible for coverage under this permit. This authorization does not represent a determination by DWQ regarding the validity of the information provided on the NOI. A copy of the NOI submission can be downloaded at this link: <https://npdes-ereporting.epa.gov/net-cgp/api/public/v1/form/1519571/attachment/zip>.

### Site Details

**UPDES Permit Number: UTRC05007**

**Project/Site Name: Hunters Meadows**

**Project/Site Address: 740 West 660 South, Tooele, UT 84074**

**Effective Date: 05/09/2022**

**Expiration Date: 05/08/2023**



UTAH DEPARTMENT of  
ENVIRONMENTAL QUALITY  
**WATER  
QUALITY**

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction  
Activity Under the Construction General Permit (CGP) UPDES General Permit  
No. UTRC00000

**NOI**

Permit Information

Master Permit Number: UTRC00000

UPDES ID: UTRC05007

State/Territory to which your project/site is discharging: UT

Is your project/site located on federally recognized Indian Country Lands? No

Which type of form would you like to submit? Notice of Intent (NOI)

Have stormwater discharges from your project/site been covered previously under an UPDES permit? No

Has a Stormwater Pollution Prevention Plan (SWPPP) been prepared in advance of filling this NOI, as required? Yes

Owner/Operator Information

Owner Information

Owner: Next Level Homes

Status of Owner: Private

Owner Mailing Address:

Address Line 1: 4376 South 700 East

Address Line 2:

City: Murray

ZIP/Postal Code: 84107

State: UT

Owner Point of Contact Information

First Name Middle Initial Last Name: Kyle Deno

Title: Manager

Phone: 385-281-2539

Ext.:

Email: kyled@nlhblders.com

Operator Information

Is the Operator Information the same as the Owner Information? Yes

NOI Preparer Information

This NOI is being prepared by someone other than the certifier.

First Name Middle Initial Last Name: Kayl Roller

Organization: Wilding Engineering

Phone: 801-750-4634

Ext.:

Email: kroller@wildingengineering.com

Project/Site Information

Project/Site Name: Hunters Meadows

Project Number:

Project/Site Address

Address Line 1: 740 West 660 South

Address Line 2:

City: Tooele

ZIP/Postal Code: 84074

State: UT

County or Similar Division: Tooele

Have you submitted a Fugitive Dust Control Plan to UT Division of Air Quality? Yes

## Latitude/Longitude for the Project/Site

Coordinate System: Degrees Minutes Seconds

Latitude/Longitude: 40° 31' 9.0012"N, 112° 19' 1.9992"W

Estimated Project Start Date: 05/09/2022

Estimated Project End Date: 05/08/2024

Total Area of Plot (In Acres): 14.07

Estimated Area to be Disturbed (In Acres): 14.07

## Proposed Best Management Practices

Silt Fence/Straw Wattle/Perimeter Controls

Seeding/Preservation of Vegetation

Structural Controls (Berms, Ditches, etc.)

## Proposed Good Housekeeping Practices

Sanitary/Portable Toilet

Washout Areas

Construction Chemicals/Building Supplies Storage Area

Garbage/Waste Disposal

Non-Storm Water

Track Out Controls

Spill Control Measures

## Site Construction Types

Residential

### Site Activity Information

Municipal Separate Storm Sewer System (MS4) Operator Name: Not Applicable

Receiving Water Body: Great Salt Lake

↳ This is known

What is the estimated distance to the nearest water body? 23

Unit: Miles

Is the receiving water designated as Impaired? No

Will any part of the project area be located within 50 feet of any Water of the State? No

Does this project site have any other UPDES permits? No

### Subdivision Information

Is this project involved in the development of a subdivision? Yes

Lot Number	Status
1	Active
2	Active
3	Active
4	Active
5	Active
6	Active
7	Active
8	Active
9	Active
10	Active
11	Active
12	Active
13	Active
14	Active
15	Active
16	Active
17	Active
18	Active
19	Active
20	Active
21	Active
22	Active
23	Active
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36	Active
37	Active
38	Active
39	Active
40	Active
41	Active
42	Active
43	Active
44	Active
45	Active
46	Active
47	Active
48	Active
49	Active
50	Active
51	Active
52	Active
53	Active

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. Signing an electronic document on behalf of another person is subject to criminal, civil, administrative, or other lawful action.

**Certified By:** Kyle Denos

**Certifier Title:** Executive Project Manager

**Certifier Email:** kyled@nihbuilders.com

**Certified On:** 05/09/2022 12:28 PM ET

## Kyle Denos

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**From:** no-reply@epacdx.net  
**Sent:** Monday, May 9, 2022 10:30 AM  
**To:** no-reply@epacdx.net  
**Subject:** UTDEQ NeT CGP Online Payment Transaction: Hunters Meadows - UPDES ID: UTRC05007

2022-05-09

Dear NeT User,

An online payment transaction has been completed by John Thomas. A summary of the payment and transaction results are listed below.

UPDES	Coverage Type	Payment Date	Payment Amount	Transaction Result	Approval Code	Transaction ID	Tran: Com
UTRC05007	NOI	2022-05-09	\$150.00	Successful	07573G	6279415E73FD0F697E0CA4B1C7E18733E0725449	UTRC NOI / Cove Fee

If you have questions about this email or about NeT CGP, please refer to [NeT Support](#) or e-mail [wqinfodata@utah.gov](mailto:wqinfodata@utah.gov) for assistance.

This is an automated notification; please do not reply to this email.