

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

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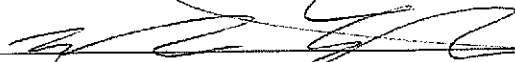
This Expedited Settlement Offer (“ESO”) is entered into by and between the Director of the Division of Water Quality (“Director”) and Casper’s Ice Cream, LLC (“Owner/Operator”), jointly referred to hereinafter as the “Parties,” pursuant to the Director’s authority under the Utah Water Quality Act, Utah 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 legally responsible for the operation of Casper’s Ice Cream, Inc. (“Facility”).
3. The Director issued the Utah Pollutant Discharge Elimination System (UPDES) Minor Industrial Discharge Permit UT0025526 on January 25, 2021, with an effective date of February 1, 2021, authorizing discharges from the Facility at Outfalls 001 and 001R, and other conditions set forth in this Permit and UAC R317-8. Owner/Operator is responsible for compliance with UT0025526 and the Owner’s/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 January 29, 2022 and January 29, 2023. 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 \$760.00 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.

ACCEPTED BY OWNER/OPERATOR:

Name (print) Shawn Anderson

Title (print) Engineer

Signature 

Date 3/31/23

DIVISION OF WATER QUALITY

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Date \_\_\_\_\_  
John K. Mackey, P.E.  
Director