

CONTRACT ROUTING FORM

REQUESTING DEPARTMENT/DIVISION Public Utilities Development Services	DATE July 5, 2023
DEPARTMENTAL CONTACT Karryn Greenleaf	PHONE 801-483-6769
CONTRACTING PARTY: Division of Water Quality - State of Utah	REF #M21-07
SUBJECT: Administrative Settlement Agreement for NOV on March 3, 2022	

RECORDER

FINANCE


Lisa M. Tarufelli (Jul 5, 2023 09:43 MDT)

07/05/2023

Contract Number

Cost Center 5103200 2590- \$8,163.00

ATTORNEY


Mark Kittrell (Jul 5, 2023 10:50 MDT)

07/05/2023

Approved as to Form (see attached agreement for approval signature)

This agreement has been signed by the Public Utilities Director, please execute on behalf of Salt Lake City Corporation and forward an executed copy to Pat Denning at pat.denning@slcgov.com.

COPY DISTRIBUTION

Date _____ To _____

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY**

IN THE MATTER OF:

Salt Lake City Corporation
Department of Public Utilities
1530 South West Temple Street
Salt Lake City, Utah 84115

**ADMINISTRATIVE SETTLEMENT
AGREEMENT**

Docket No. M21-07

This Administrative Settlement Agreement (“Settlement”) is entered into voluntarily by and between the Director of the Utah Division of Water Quality (“Director”), under the Director’s legal authorities described below and Salt Lake City Corporation (“SLC Corp”), jointly referred to hereafter as “the Parties.” By entering into this Agreement, the Parties wish, without further administrative or judicial proceedings, to stipulate to civil penalties and associated administrative costs arising out of alleged violations of the Utah Water Quality Act, Utah Code § 19-5-101 through 19-5-126 (the “Act”), and corresponding regulations in the Utah Admin. Code R317-1-1 through R317-801-6 (“Water Quality Rules”) and Utah Admin. Code R305-7-101 through R305-7-611.

1. The Director has authority to administer the Act pursuant to Utah Code § 19-1-105(1)(e), and to enforce the Water Quality Rules in Utah Admin. Code R317 through the issuance of orders, as specified in Utah Code §§ 19-5-106(2)(d) and -111. The Director also has authority to settle any civil action initiated to compel compliance with the Act and implementing regulations pursuant to Utah Code § 19-5-106(2)(k).
2. SLC Corp is a “person” as that term is defined in Utah Code § 19-1-103(4).
3. For the purposes of this Settlement, the Parties agree to and stipulate to the findings and violations identified in the May 03, 2021 Notice of Violation and Compliance Order (“NOV/CO”), Docket No. M21-07, and as described below, except for any alleged violation tied to the Parley’s Water Treatment Plant (“PWTP”) permitted under UPDES Permit No. UTG640041 as summarized in paragraph 5 below.
4. On May 20, 2021 SLC Corp submitted a written response to the NOV/CO which detailed remedial actions taken for all violations identified.
5. In the May 20, 2021 response, SLC Corp denies that the illicit discharge was a violation of PWTP’s UPDES Permit No. UTG640041 and therefore requested that reference to UPDES Permit No. UTG640041 be removed from the NOV/CO. The Division agrees, as the illicit discharge occurred along the City’s culinary water distribution system, approximately 5 miles down canyon from the PWTP. For purposes of this Settlement, the Parties agree to correct the record in this Settlement in lieu of administratively revising and reissuing the NOV/CO.

6. The Division of Water Quality (“Division”) acknowledges that there was no violation of UPDES Permit No. UTG640041 as a result of the illicit discharge occurring on March 29, 2021. As a result, violations to the General Permit for Drinking Water Treatment Plants are not included in any assessed penalty.
7. SLC Corp timely complied with the requirements in the NOV/CO to the Director’s satisfaction, such that no further remedial action to address the violations is necessary.
8. On March 31, 2022 SLC Corp notified the Division of a release of approximately 150 gallons of chlorinated water from a service line, operated and maintained by SLC Corp, to Parley’s Creek occurring on March 30, 2022; the notification was logged in the Utah Department of Environmental Quality Environmental Incidents Database as Report No. 15516. It was later determined that the concentration of chlorine within the release is unknown due to inaccurate test readings.
9. The Parties voluntarily enter into this Settlement to resolve the NOV/CO and the March 30, 2022 release without the necessity of further administrative or judicial proceedings.
10. SLC Corp agrees to pay a total amount of \$8,163.00, which is made up of the following sums:
 - a. A penalty in the amount of \$5,708.00 based on the Division’s application of the penalty policy outlined in Utah Admin. Code R317-1-8; and
 - b. Associated investigative costs in the amount of \$2,455.00.
11. This Settlement and penalty are subject to a thirty (30) day notice and comment period. The Parties each reserve the right to withdraw from this Settlement if comments received during the notice period result in a modification to the terms and conditions.
12. This Settlement will be final after the thirty-day notice and comment period, on the date the Director signs the Settlement.
13. SLC Corp agrees that within thirty (30) calendar days of receiving the signed and final Settlement from the Director, SLC Corp shall submit payment in the amount specified in paragraph 10 above, using one of the following methods:
 - a. CHECK – Payable to the Division of Water Quality. The payment shall be sent to:

Division of Water Quality
PO Box 144870
Salt Lake City, Utah 84114-4870
 - b. OTHER – For other available payment options, please contact the Division of Water Quality Finance staff at eqwqfinance@utah.gov
14. SLC Corp agrees that if it fails to make the required payment within thirty (30) calendar days of receiving the signed and final Settlement from the Director, the Director reserves the right to rescind the Settlement and seek the full penalty amount authorized under the Act, currently authorized at \$10,000 per violation per day.

- a. Prior to rescinding the Settlement, the Director shall provide written notice to SLC Corp of its default and will provide fourteen (14) calendar days to cure the default. If payment is not received within the fourteen (14) calendar day default period, the Director is authorized, without providing written notice to SLC Corp to begin a civil action for all appropriate relief provided under the Act, including seeking the full penalty amount authorized under the Act.
- 15. SLC Corp agrees to the terms, conditions and requirements of this Settlement. By signing this Settlement, SLC Corp 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 findings in the NOV/CO; and (3) the opportunity for judicial review.
- 16. The Parties mutually agree that this Settlement is entered in good faith and is an appropriate means to resolve the matters specified herein.
- 17. The violations described herein will constitute part of SLC Corp compliance history where such history is relevant, including any subsequent violations. SLC Corp understands and agrees that this Settlement is not and cannot be raised as a defense to any other action to enforce any federal, state or local law.
- 18. This Settlement, when final, is binding upon SLC Corp 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 Settlement.

FOR THE UTAH DIVISION OF WATER QUALITY

By: _____
 John K. Mackey, P.E.
 Director, Division of Water Quality

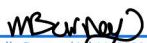
Date: _____ (Effective Date)

FOR SALT LAKE CITY CORPORATION

By: 
 Laura Briefer (Jul 6, 2023 15:15 MDT)
 DIRECTOR, DEPARTMENT OF
 PUBLIC UTILITIES

Date: 07/06/2023

ATTEST AND COUNTERSIGNED:


 Michelle Barney (Jul 6, 2023 11:44 MDT)
 CITY RECORDER
 Minutes & Records Clerk

RECORDED
 Jul 11, 2023

APPROVED TO FORM

 Mark Kittrell (Jul 5, 2023 10:50 MDT)
 Deputy City Attorney
 Date 07/05/2023











Settlement Agreement Docket No. M21-07 - State of Utah Division of Water Quality

Final Audit Report

2023-07-06

Created:	2023-07-05
By:	Karryn Greenleaf (karryn.greenleaf@slcgov.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAHHoMq_hRkcD85p5LutqXi5mY2-MywS1Z

"Settlement Agreement Docket No. M21-07 - State of Utah Division of Water Quality" History

-  Document created by Karryn Greenleaf (karryn.greenleaf@slcgov.com)
2023-07-05 - 3:38:08 PM GMT
-  Document emailed to lisa.tarufelli@slcgov.com for signature
2023-07-05 - 3:40:28 PM GMT
-  Email viewed by lisa.tarufelli@slcgov.com
2023-07-05 - 3:41:09 PM GMT
-  Signer lisa.tarufelli@slcgov.com entered name at signing as Lisa M. Tarufelli
2023-07-05 - 3:43:33 PM GMT
-  Document e-signed by Lisa M. Tarufelli (lisa.tarufelli@slcgov.com)
Signature Date: 2023-07-05 - 3:43:35 PM GMT - Time Source: server- Signature captured from device with phone number XXXXXXX2242
-  Document emailed to Mark Kittrell (mark.kittrell@slcgov.com) for signature
2023-07-05 - 3:43:36 PM GMT
-  Email viewed by Mark Kittrell (mark.kittrell@slcgov.com)
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-  Document e-signed by Mark Kittrell (mark.kittrell@slcgov.com)
Signature Date: 2023-07-05 - 4:50:57 PM GMT - Time Source: server
-  Document emailed to Laura Briefer (laura.briefer@slcgov.com) for signature
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-  Email viewed by Laura Briefer (laura.briefer@slcgov.com)
2023-07-05 - 5:51:10 PM GMT



 Document e-signed by Laura Briefer (laura.briefer@slcgov.com)

Signature Date: 2023-07-06 - 9:15:04 PM GMT - Time Source: server

 Agreement completed.

2023-07-06 - 9:15:04 PM GMT



Settlement Agreement Docket No. M21-07 - State of Utah Division of Water Quality - signed

Final Audit Report

2023-07-11

Created:	2023-07-11
By:	Michelle Barney (michelle.barney@slcgov.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAQWSmlsmDYIsvRc4hjxz_g2E5sWDnYscb

"Settlement Agreement Docket No. M21-07 - State of Utah Division of Water Quality - signed" History

 Document created by Michelle Barney (michelle.barney@slcgov.com)

2023-07-11 - 5:43:16 PM GMT

 Document e-signed by Michelle Barney (michelle.barney@slcgov.com)

Signature Date: 2023-07-11 - 5:44:43 PM GMT - Time Source: server

 Agreement completed.

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