



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

December 7, 2022

VIA EMAIL
(Read Receipt Requested)

CERTIFIED MAIL
(Return Receipt Requested)

RelaDyne, Inc.
Attn: Chance Densley, Safety and Compliance Manager
8280 Montgomery Road, Suite 101
Cincinnati, Ohio 45236
(chance.densley@reladyne.com)

**Subject: Expedited Settlement Offer (ESO) for RelaDyne West,
UPDES Permit No. UTR290817 located in Ballard, Utah**

Dear Mr. Densley:

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 has been determined eligible 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,

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



RelaDyne West

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
Nathan Hall, DEQ District Engineer
Darrin Brown, Tri-County Health Department**

**DWQ-2022-024741
EQ_Docs/DWQ/Compliance and Enforcement/RelaDyne West, LLC/2022-07 ESO RelaDyne West UTR290817**

Construction Permit for the Hunter Power Plant

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.

**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 RelaDyne, Inc. ("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 RelaDyne West ("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. UTR293713, 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.

Construction Permit for the Hunter Power Plant

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) Ronnie Bastian

Title (print) Area Manager

Signature 

Date 1/4/23

DIVISION OF WATER QUALITY

John K. Mackey, P.E.
Director

Date _____

DWQ-2022-024741

Expedited Settlement Offer Worksheet

Deficiencies Form

*Consult instructions regarding eligibility criteria
and procedures prior to use*

Version 2.0 (Rev. 3/2022)



UTAH DEPARTMENT OF
ENVIRONMENTAL QUALITY
**WATER
QUALITY**

NAME AND MAILING ADDRESS OF OPERATOR		UPDES Program: Industrial Storm Water	
RelaDyne, Inc. Chance Densley 8280 Montgomery Road, Suite 101 Cincinnati, OH 45236		UPDES Permit Number: UTR290817	
LOCATION AND ADDRESS OF FACILITY		Permit Evaluation Date: 3/28/2022	
RelaDyne West 4369 East Main Street Highway 40 Ballard, UT 84066			

	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						=	\$340.00