



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 Bonneville Builders, L.C. (“Operator”), jointly referred to herein 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. Operator is a “person” as that term is defined in Utah Code § 19-1-103(4).
2. Operator is conducting “construction activity” at Powerhouse – Building 1 & 2 (the “Project”).
3. The Director issued the General Permit for Storm Water Discharges from Construction Activities UTRC00000 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 obtained coverage for the Project under UTRC00000 and was assigned UPDES Permit No.: UTRC01963/UTRC04025), making the Operator responsible for compliance with UTRC00000. (UTRC00000 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 in 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 observed at the Project during an on-site inspection conducted on March 02, 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 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 agrees that a penalty in the amount of **\$2,142.00** is appropriate based on the circumstances specified herein. This ESO is subject to a thirty (30) calendar 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 § 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) calendar 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 thirty (30) calendar days of receiving the signed and final ESO and invoice information from the Division of Water Quality ("Division"), 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 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.



STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY


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FOR THE UTAH DIVISION OF WATER QUALITY

By: \_\_\_\_\_  
John K. Mackey, P.E.  
Director, Utah Division of Water Quality

Date: \_\_\_\_\_ (Effective Date)

FOR BONNEVILLE BUILDERS, L.C.

By:  \_\_\_\_\_ Cody Christian  
Title: Project Manager  
Date: 8/28/2023

**Expedited Settlement Offer**  
**Deficiencies Form**  
*Consult instructions regarding eligibility criteria  
and procedures prior to use*

Version 2.1 (Rev. 02/2023)



<b>LEGAL NAME AND MAILING ADDRESS OF OPERATOR</b> Bonneville Builders, L.C. Attn: Cody Christiansen 8610 S. Sandy Parkway STE 210 Sandy UT, 84070	Inspector Name:	Kelsee York
	Inspector Name:	Eric Castrejon
	Inspection Date:	3/2/2022
	UPDES Program:	Construction Storm Water
	UPDES Permit Number:	UTRC01369/UTRC04205
<b>LOCATION AND ADDRESS OF SITE</b> Powerhouse - Building 1 & 2 1820 N. Technology Springville UT, 84663	Inspection Report Issue Date:	3/7/2022
	Compliance Date:	4/1/2022

<b>FACILITY DESCRIPTION / CONTACT NAMES</b>	
Name & Telephone Number of Site Contact (ESO Worksheet recipient):	Cody Christiansen (801) 808-2638
Name of Authorized Official (UT CGP Appendix G.16):	Cody Christiansen
Start Construction Date:	02/01/2021
Estimated Completion Construction Date:	01/13/2023
Name of Receiving Water Body (Indicate whether 303(d) listed or high quality):	Spring Creek - Ammonia
Acres Currently Disturbed   Acres to be Disturbed in Whole Common Plan:	16.30   30.00
Has Operator Requested a Low Erosivity Waiver?	No

PERMIT COVERAGE	FINDINGS	Citation Reference	DEFICIENT	AMOUNT	TOTAL
1 Project Unpermitted		UAC R317-8-3.1(1)(a)		\$750.00 =	\$0
2 Lapse in coverage (was permitted, failed to renew)		UT CGP 1.4.2.		\$180.00 =	\$0

SWPPP REVIEW					
3 No SWPPP <i>If No SWPPP, do not also count missing SWPPP contents.</i>		UT CGP 7.1.		\$1,200.00 =	\$0
4 Erosion & Sediment Control Plan but no SWPPP.		UT CGP 7.3.3.		\$300.00 =	\$0
5 SWPPP prepared after construction start.		UT CGP 7.1., 1.4.		\$180.00 =	\$0
6 SWPPP missing identification of all potential sources of pollution to include: portable toilet, fuel tanks, egress points, staging areas, waste containers, chemical storage areas, concrete washout, paints, solvents, etc.		UT CGP 7.3.2.		\$60.00 =	\$0
7 SWPPP missing identification of project owner and operator for the project site		UT CGP 7.3.1		\$60.00 =	\$0
8 SWPPP missing site description - nature of activity in description (including disturbed & total acres).	SWPPP did not include description of the nature of construction activity.	UT CGP 7.3.2.a., 7.3.2.b., 7.3.2.c.	Yes	\$60.00 =	\$60
9 SWPPP missing site description - intended sequence of major activities.		UT CGP 7.3.2.e.		\$60.00 =	\$0
10 No Site Map <i>If No Site Map, do not also count missing site map contents.</i>		UT CGP 7.3.3.		\$240.00 =	\$0
11 Site map missing - boundaries of project, disturbances, drainage patterns, slopes, stockpiles, egress points, structures to be constructed, offsite staging, waste bins, equipment and supply storage areas, borrow areas (including off-site locations).		UT CGP 7.3.3.		\$60.00 =	\$0
12 Site map missing - surface waters, inlets, storm water control measures, stabilization practices, discharge points, areas of final stabilization.	Site map did not include locations of storm water controls.	UT CGP 7.3.3.	Yes	\$60.00 =	\$60
13 SWPPP missing natural buffers description and locations of natural buffer or compliance alternative by water body(ies).	SWPPP did not calculate and document compliance alternative.	UT CGP 7.3.5.b.(1)	Yes	\$120.00 =	\$120
14 SWPPP missing location/description of industrial activities including concrete, asphalt batch plants, staging areas, equipment or supply storage, borrow areas (including those that are off-site).		UT CGP 7.3.2.d.		\$60.00 =	\$0
15 SWPPP missing description of all pollution control measures (e.g. BMPs), and show details and specifications for proper installation.		UT CGP 7.3.5.a.		\$180.00 =	\$0
16 SWPPP missing description of permanent and interim stabilization practices.	SWPPP did not include specific final stabilization measures.	UT CGP 7.3.5.b.(6)	Yes	\$120.00 =	\$120
17 SWPPP missing identification of non-storm water discharge sources and locations.		UT CGP 7.3.4.		\$60.00 =	\$0
18 SWPPP missing spill prevention and response procedures.		UT CGP 7.3.5.b.(7)		\$60.00 =	\$0

19	SWPPP missing description of measures that will be used to control <u>waste</u> on the site including: demolition debris, spoils (unwanted dirt), construction waste, hazardous or toxic waste, and sanitary waste.		UT CGP 7.3.5.b.(8)	\$60.00	=	\$0
20	SWPPP missing inspection procedures, inspectors (and certs), inspection schedules, inspection forms/checklists and procedures for corrective action.		UT CGP 7.3.6.	\$60.00	=	\$0
21	SWPPP missing description training of personnel responsible for conducting inspections, taking corrective action, applying or storing treatment chemicals, and those involved with design; installation; maintenance; and repair of storm water control measures.		UT CGP 7.3.7	\$60.00	=	\$0
22	SWPPP missing copy of permit, authorization to discharge form, and/or NOI.		UT CGP 7.3.10.	\$60.00	=	\$0
23	SWPPP missing revisions to match corrective actions and modifications made on the site.		UT CGP 7.5.	\$120.00	=	\$0
24	SWPPP copy not retained on site.		UT CGP 7.4.1.	\$60.00	=	\$0
25	SWPPP not made available per DWQ request.		UT CGP 4.8.2.	\$60.00	=	\$0
26	SWPPP Missing signature/certification by authorized representative.		UT CGP 7.3.9., 9.16.	\$60.00	=	\$0
				<b>Subtotal Permit Coverage &amp; SWPPP Deficiencies</b>	=	<b>\$360</b>
<b>INSPECTIONS</b>						
27	Inspections: 10% or less not conducted (or not documented).		UT CGP 4.2.	\$300.00	=	\$0
28	Inspections: Greater than 10% Not conducted (or not documented).		UT CGP 4.2.	\$525.00	=	\$0
29	Inspections: No inspections conducted.		UT CGP 4.2.	\$750.00	=	\$0
30	Inspections: Not conducted by qualified personnel.		UT CGP 4.1.a.	\$60.00	=	\$0
31	Inspections: Missing disturbance areas, areas with sw control measures, construction support areas, areas exposed to precipitation with storm water flows, temporarily stabilized areas, and storm water discharge points.		UT CGP 4.5	\$60.00	=	\$0
32	Inspections: Incomplete site inspection reports including associated corrective actions (date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates, and not properly signed).		UT CGP 4.5., 4.6., 5.1	\$120.00	=	\$0
				<b>Subtotal Inspection Deficiencies</b>	=	<b>\$0</b>
<b>AVAILABILITY OF RECORDS</b>						
33	Sign/Notice not posted. <i>If no sign/notice, do not also count missing contents.</i>		UT CGP 1.5.	\$120.00	=	\$0
34	Sign/Notice missing copy of complete NOI.		UT CGP 7.3.10	\$60.00	=	\$0
35	Sign/Notice missing contact information.		UT CGP 1.5.2.	\$60.00	=	\$0
				<b>Subtotal Records Deficiencies</b>	=	<b>\$0</b>

BEST MANAGEMENT PRACTICES						
36	Control measures not installed (1)		UT CGP 2.1.3.		\$180.00	= \$0
37	Control measures not installed (2-3)	•Silt fencing missing in various areas of the site. •Onsite inlet was unprotected. •Exit point controls not installed	UT CGP 2.1.3.	Yes	\$240.00	= \$240
38	Control measures not installed (4+)		UT CGP 2.1.3.		\$300.00	= \$0
39	Control measures not properly installed/designed/selected (1)		UT CGP 2.1.2.		\$120.00	= \$0
40	Control measures not properly installed/designed/selected (2-3)		UT CGP 2.1.2.		\$180.00	= \$0
41	Control measures not properly installed/designed/selected (4+)		UT CGP 2.1.2.		\$240.00	= \$0
42	Maintenance not performed to maintain effectiveness of BMPs (1-3)	•Inlet protection was covered in debris and dirt. •Silt fencing downed along buffer zone. •Track out controls not maintained.	UT CGP 2.1.4.	Yes	\$60.00	= \$60
43	Maintenance not performed to maintain effectiveness of BMPs (4-5)		UT CGP 2.1.4.		\$120.00	= \$0
44	Maintenance not performed to maintain effectiveness of BMPs (6+)		UT CGP 2.1.4.		\$180.00	= \$0
45	Prohibited discharges with potential impact to waters of the State. (1-3) Example: Impacts to storm water conveyances (catch basins, curbs, gutters)		UT CGP 1.2; 1.3; 2.3		\$180.00	= \$0
46	Prohibited discharges with potential impact to waters of the State. (4-6)		UT CGP 1.2; 1.3; 2.3		\$240.00	= \$0
47	Prohibited discharges with potential impact to waters of the State. (7-10)		UT CGP 1.2; 1.3; 2.3		\$300.00	= \$0
48	Sediment Track out. (1)		UT CGP 2.2.4.d.		\$120.00	= \$0
49	Sediment Track out. (2-3)		UT CGP 2.2.4.d.		\$180.00	= \$0
50	Sediment Track out. (4+)	Sediment tracked out at 4 locations.	UT CGP 2.2.4.d.	Yes	\$300.00	= \$300
51	Natural vegetated buffer or alternative is not present adjacent to bordering water bodies (or substituted equivalent BMPs).	50 ft buffer had ben disturbed, silt fencing had been removed.	UT CGP 2.2.1.	Yes	\$180.00	= \$180
52	Discharge not treated prior to entering buffer.		UT CGP A.2.3.		\$120.00	= \$0
53	Pollutant sources such as litter, construction debris, chemicals, spilled washout material are exposed to storm water. Pollutant Source exposed to storm water (1-3)	Construction waste was not appropriately contained.	UT CGP 2.3.	Yes	\$120.00	= \$120
54	Pollutant Source exposed to storm water (4-5)		UT CGP 2.3.		\$180.00	= \$0
55	Pollutant Source exposed to storm water (6+)		UT CGP 2.3.		\$240.00	= \$0
56	Stabilization measures not met.	Operator failed to stabilize slopes within 14 days on inactivity.	UT CGP 2.2.14.	Yes	\$300.00	= \$300
57	Sediment basin has inadequate capacity or is greater than 50% full.		UT CGP 2.2.12.		\$180.00	= \$0
					Subtotal BMP Deficiencies	= \$1,200

NOT conditions not met						
58	Failure to submit NOT		UT CGP 8.2		\$60.00	= \$0
59	Final Stabilization Requirements Not Met		UT CGP 8.2.1.a		\$300.00	= \$0
60	All waste, including potential pollutants, not properly removed and/or disposed of		UT CGP 8.2.1.b; UT CGP 8.2.1.d		\$120.00	= \$0
61	All temporary stormwater controls (not associated with stabilization) not removed.		UT CGP 8.2.1.c		\$120.00	= \$0
					Subtotal NOT Deficiencies	= \$0

ADDITIONAL FACTORS						
62	The project is UPDES Common Plan Permit applicable. (True or False)	25% reduction of penalty		FALSE	=	\$0
63	Is the project over 30 acres? (True or False)	15% applied to penalty		FALSE	=	\$0
64	Is the project over 100 acres? (True or False). If over 100 acres, do not include fine for project being over 30 acres.	30% applied to penalty		FALSE	=	\$0
65	Does the project border on a water body? (True or False)	20% applied to penalty		TRUE	=	\$312
66	Adjustment for Repeat Violator  To adjust the settlement amount for repeat violators, the Total Expedited Settlement Amount is multiplied by the appropriate Escalation Factor.	Second formal enforcement issued over previous five years: 25% applied to penalty  Third formal enforcement issued over previous five years: 50% applied to penalty			=	\$0
67	Cost Recovery: Labor costs for the preparation of the ESO	\$110 per hour		Hours: 2	=	\$220
68	Cost Recovery: Publication of Public Notice				=	\$50
<b>TOTAL EXPEDITED SETTLEMENT</b>					=	<b>\$2,142.00</b>