0003

DO 12/10/90 Orig. mine file Sunnyside Mine route thru Braxton cc Pam Grubaugh-Littig

DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

Norman H. Bangerter
Governor
Suzanne Dandoy, M.D., M.P.H.
Executive Director
Kenneth L. Alkema
Director

288 North 1460 West
P.O. Box 16690
Salt Lake City, Utah 84116-0690
(801) 538-6121

December 4, 1990

RECEIVED
DEC 06 1990
DIVISION OF
OIL, GAS & MINING

Certified Mail
(Return Receipt Requested)

Mr. W.P. Balaz, P.E., Mine Manager
Sunnyside Reclamation & Salvage, Inc.
P.O. Box 99
Sunnyside, UT 84539

Dr/007/007
#3

Re: Settlement Agreement
Docket Number I90-01SA

Dear Mr. Balaz:

Enclosed is a signed copy of a Settlement Agreement for your records. This Settleme Agreement was public noticed for a thirty day period and no comment was received. Please no that paragraph four indicates that the penalty payments are due no later than thirty days after tl agreement date. If you have any questions please contact Mike Herkimer at 538-6146.

Sincerely,

Utah Water Pollution Control Committee

Don A. Ostler

Don A. Ostler, P.E.
Executive Secretary

Enclosure
cc: Kenneth Alkema, Director, Division of Environmental Health
Fred Nelson, Assistant Attorney General
Max Dodson, U.S. EPA, Region VIII
Southeastern Utah District Health Department
Dave Ariotti, District Engineer
Tim Provan, Director, Division of Wildlife Resources
Larry Dalton, Division of Wildlife Resources
Dianne Nielson, Director, Division of Oil, Gas & Mining.

S:SRSBalaz.ltr

UTAH WATER POLLUTION CONTROL COMMITTEE

IN THE MATTER OF	:	
SUNNYSIDE RECLAMATION AND	:	**DOCKET NUMBER I90-01 SA**
SALVAGE. INC.	:	**SETTLEMENT AGREEMENT**
SUNNYSIDE, UTAH	:	
UPDES PERMIT NO. UT0022942	:	

This **SETTLEMENT AGREEMENT** is between **SUNNYSIDE RECLAMATION & SALVAGE, INC. (SRS)** and the **UTAH WATER POLLUTION CONTROL COMMITTEE (COMMITTEE),** concerning discharges from their 002 discharge point to Grassy Trail Creek.

1. The **COMMITTEE** has been delegated authority by the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program under the Federal Clean Water Act.

2. This **AGREEMENT** resolves the **NOTICE OF VIOLATION** and **ORDER** (Docket Number I90-01) issued to **SRS** on February 23, 1990 by the **COMMITTEE.** This **AGREEMENT** constitutes a settlement of the violations of **SRS**'s NPDES permit and water pollution laws and regulations cited in said **NOTICE** and **ORDER I90-01.** It does not in any way relieve **SRS** from any other obligations imposed under the Utah Water Pollution Control Act, the Utah Wastewater Disposal Regulations, or other state or federal laws.

3. In full settlement of these matters **SRS** and the **COMMITTEE** agree to the terms set forth herein;

   In resolution of the violations referenced in Paragraph 2 of this **AGREEMENT SRS** agrees to pay a total penalty amount of $15,000.00 with $7,500.00 of this amount going towards funding a stream enhancement project. The penalty has been determined using the Civil Penalty Policy, Utah Administrative Code Section R448-1-9 which considers such factors as nature, severity and extent of the violations, history of noncompliance, degree of willfulness and/or negligence, and good faith efforts to comply.

4. **SRS** shall make payment in full of the amount required by paragraph 3 of this **AGREEMENT** no later than 30 days from the date of this **AGREEMENT** with one check for $7,500.00 made payable to the State of Utah and a second check for $7500.00 made payable to the Division of Wildlife Resources both of which are to be sent to the Bureau of Water Pollution Control. The Division of Wildlife Resources will use the money for a stream enhancement project in accordance with the Civil Penalty Policy R448-1-9, upon approval of the **EXECUTIVE SECRETARY**, with preference given to Grassy Trail Creek.

5. Nothing contained herein shall be deemed to constitute a waiver by the **COMMITTEE**, or the State of Utah, of the right to initiate an enforcement action for specific performance against **SRS** in the event of future noncompliance with the Utah Water Pollution Control Act and Wastewater Disposal Regulations; nor shall the **COMMITTEE** be precluded in any way from taking appropriate action to abate an eminent endangerment to public health or the environment should such a situation arise at **SRS** facilities.

Agreed to this 4th day of December, 1990.

SUNNYSIDE RECLAMATION & SALVAGE, INC.

By _____

UTAH WATER POLLUTION CONTROL COMMITTEE

by _____
Executive Secretary

S:Angelic1