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State of Utah

DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

Norman H. Bangertter
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

orig mine file
ACT/007/007

RECEIVED
FEB 23 1990

DEPT OF
OIL, GAS & MINING
*cc P.G. Hittig
L. Blawie
B. W. Roberts
SRN*

February 22, 1990

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

Re: Settlement Agreement
Docket Number I89-02SA

Dear Mr. Balaz:

Enclosed is your copy of a signed settlement agreement. This settlement agreement is in full force and effect as of the date of this letter.

If you have any questions concerning this matter contact myself or Mike Herkimer at 538-6146.

Sincerely,

Utah Water Pollution Control Committee

Don A. Ostler, P.E.
Executive Secretary

Enclosure

- cc: Kenneth Alkema, Director, Division of Environmental Health
- Fred Nelson, Assistant Attorney General
- Pauline Afshar, U.S. EPA, Region VIII
- Robert L. Furlow, 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.

MH/ag
S:SRSBalaz.ltr

UTAH WATER POLLUTION CONTROL COMMITTEE

IN THE MATTER OF	~	SETTLEMENT AGREEMENT
SUNNYSIDE RECLAMATION AND	~	DOCKET NUMBER I89-02 SA
SALVAGE, INC.	~	
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 I89-02) issued to **SRS** on August 20, 1989 by the **COMMITTEE**. This **AGREEMENT** constitutes a settlement of the violations of water pollution laws and regulations cited in said **NOTICE** and **ORDER I89-02**. 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;
 - a. **SRS** agrees to pay an amount of \$1,662.74 to the Division of Wildlife Resources for damage to the aquatic life in Grassy Trail Creek.
 - b. **SRS** agrees to pay a penalty amount of \$13,096.00 in resolution of the violations referenced in Paragraph 2 of this **AGREEMENT** and a sum of \$2,304.00 for stream impact assessment completed by the Bureau of Water Pollution Control. 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. The **COMMITTEE** acknowledges **SRS's** efforts to mitigate the environmental damage resultant from the violations, their cooperation in resolving this matter, and their commitment to comply with the terms and conditions of the discharge permit in the future.

5. SRS shall make payment in full of the amounts required by paragraphs 3a and 3b of this AGREEMENT no later than 30 days from the date of this agreement with a check for \$1,662.74 made out and sent to the Division of Wildlife Resources for damage to the aquatic life, and another check for \$15,400.00 made payable to the State of Utah and sent to the Bureau of Water Pollution Control, which includes \$13,096.00 in penalties and \$2,304.00 for stream impact assessment.

6. 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 22 day of December, 1989.
 " " " 22nd " " February 1990 *dao*

**SUNNYSIDE RECLAMATION &
SALVAGE, INC.**

**UTAH WATER POLLUTION
CONTROL COMMITTEE**

By William R. Galy Jr.

by Wm. A. Dittler
Executive Secretary

S:Agreement