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Scott M. Matheson
Governor

STATE OF UTAH
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH
Utah Water Pollution Control Committee

150 West North Temple, P.O. Box 2500, Salt Lake City, Utah 84110-2500



Calvin K. Sudweeks
Executive Secretary
Rm 410 (801) 533-6146

James O. Mason, M.D., Dr.P.H.
Executive Director
Department of Health
801-533-6111

December 9, 1983
533-6146

CERTIFIED MAIL
RETURN RECEIPT



Kenneth L. Alkema
Director

Mr. John Nielson
President
Nielson Construction Company
P.O. Box 620
Huntington, Utah 84528

DIVISION OF
OIL, GAS & MINING

Division of Environmental Health
801-533-6121

MEMBERS

Grant K. Borg, Chairman
W. Lynn Cottrell
Harold B. Lamb
Kenneth L. Alkema
Franklin N. Davis
Dale P. Bateman
Joseph A. Urbanik
C. Arthur Zeldin
Mrs. Lloyd G. Bliss

Dear Mr. Nielson:

Transmitted herewith is an order from the Utah Water Pollution Control Committee for your immediate attention.

Sincerely,

UTAH WATER POLLUTION CONTROL COMMITTEE

Calvin K. Sudweeks
Calvin K. Sudweeks
Executive Secretary

SRM:jg
0099-2

cc: Fred Nelson - Assistant Attorney General
Southeastern District Health Department
Kenneth Wyatt - Oil, Gas and Mining
Ken Alkema - Director, Environmental Health
Mike Stapley - Acting Director, Department of Health

December 9, 1983
533-6146

UTAH WATER POLLUTION CONTROL COMMITTEE

In the matter of
Nielson Construction Company
and Emery Mining Company

Order to Cease and Desist
and
Order for Information

The Utah Division of Oil, Gas and Mining has notified us of illegal wastewater disposal from Utah Power and Light Deer Creek Mine by Nielson Construction Company on December 1, 1983. According to information received, Nielson Construction Company was disposing of septic tank sanitary wastewater on the surface of land in Section 11, *sect 14* T17S R8E northwest of Huntington, Utah.

The above action constitutes a menace to public health and welfare as prohibited by Section 26-11-8 of the Utah Water Pollution Control Act, as amended, 1981. Section 1.2.2 of the Utah Wastewater Disposal Regulations states that no person shall make or construct any device for treatment or discharge of wastewater without first receiving a permit to do so from the Utah Water Pollution Control Committee. No record is on file granting such an approval.

You are therefore hereby ordered to immediately Cease and Desist the land disposal of septic tank wastewater.

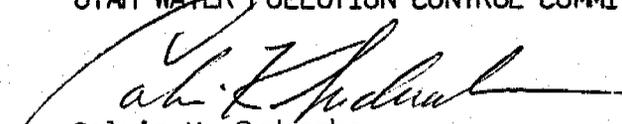
You are also ordered to submit the following information to this office within 7 days of receiving this notice.

1. Dates wastewater from Utah Power and Light Deer Creek Mine was disposed at unapproved locations.
2. Daily volume of wastewater disposed at unapproved locations.
3. Description of disposal locations including methods to prevent runoff.

This order is issued in accordance with Section 26-11-6(7) of the Utah Code. You are advised that failure to comply with this order could result in penalties outlined in Section 26-11-16 including a \$10,000 per day violation penalty to a \$25,000 per day willful violation penalty. As outlined in Section 26-11-12, you have a right to appeal this order by making a written application for a hearing before the Utah Water Pollution Control Committee within 30 days of receipt of this order.

If you have any questions, please contact this office at the above number.

UTAH WATER POLLUTION CONTROL COMMITTEE


Calvin K. Sudweeks
Executive Secretary