



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 WYNKOOP STREET
DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

2016 DEC -9 PM 3:46

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2017-0001

IN THE MATTER OF:

HUGHES GENERAL CONTRACTORS

RESPONDENT

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FINAL ORDER

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement.

SO ORDERED THIS 9th DAY OF December, 2016.

Katherin E. Hall
Katherin E. Hall
Regional Judicial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 8
1595 Wynkoop Street
Denver, Colorado 80202

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EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-08-2017-0001, NPDES Permit No. UTR370389

FILED
EPA REGION VIII
HEARING CLERK

Hughes General Contractors, Inc. ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act (Act), 33 U.S.C. § 1362(5), and 40 C.F.R. Part 122.2.

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 69197-9000
In the Matter of: Hughes General Contractors, Inc.

Attached is an Expedited Settlement Offer Deficiencies Form (Form), which is incorporated by reference. By its signature, Complainant (EPA) finds that Respondent is responsible for the deficiencies specified in the Form.

Docket No: CWA-08-2017-0001

Respondent failed to comply with its National Pollutant Discharge Elimination System (NPDES) storm water permit issued under section 402 of the Act, 33 U.S.C. § 1342.

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

EPA finds, and Respondent admits, that Respondent is subject to section 301(a) of the Act, 33 U.S.C. § 1311(a), and that EPA has jurisdiction over any person who discharges pollutants from a point source to waters of the United States. Respondent neither admits nor denies the deficiencies specified in the Form.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed by the Regional Judicial Officer, unless a petition to set aside the Order approving this Agreement is filed by a commenter pursuant to section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), or a hearing is requested under section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4).

EPA is authorized to enter into this Consent Agreement and Final Order (Agreement) under the authority vested in the Administrator of EPA by section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. Part 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$15,000.00. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to section 309(g)(8), 33 U.S.C. § 1319(g)(8).

APPROVED BY EPA:

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

[Signature] Date: 10/13/16
Art Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

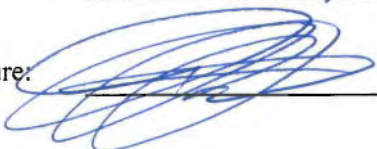
Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective (the effective date is thirty (30) days from the date it is signed by the Regional Judicial Officer), Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the Treasurer, United States of America, via certified mail, to:

[Signature] Date: 10/6/16
James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

APPROVED BY RESPONDENT:

Name (print): John Burggraf

Title (print): Vice President

Signature:  Date: 9/26/2016

Having determined that this Agreement is authorized by law,
IT IS SO ORDERED:

Hon. Elyana R. Sutin
Regional Judicial Officer

Date: _____

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT** in the matter of **HUGHES GENERAL CONTRACTORS; DOCKET NO.: CWA-08-2017-0001** was filed with the Regional Hearing Clerk on October 12, 2016. The **FINAL ORDER** was filed on December 9, 2016.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Jessica Portmess, Enforcement Attorney. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on December 9, 2016, to:

Respondent

John Burgraff
Hughes General Contractors
900 N. Redwood Road
North Salt Lake, Utah 84054

And emailed to:

Jessica Farmer
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

December 9, 2016


Melissa Haniewicz
Regional Hearing Clerk



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street, Denver, CO 80202-1129**

**PUBLIC NOTICE OF PROPOSED EXPEDITED SETTLEMENT AGREEMENT AND
OPPORTUNITY TO COMMENT**

Action: The EPA is providing notice of the opportunity to comment on a proposed expedited settlement agreement. The agreement relates to alleged violations of a Clean Water Act (CWA) storm water permit at the Logan High School construction site in Logan, Utah which is being constructed by Hughes General Contractors, Inc. (Hughes). The corporate address of Hughes is 900 N. Redwood Rd. North Salt Lake, Utah.

Summary: The EPA is authorized by section 309(g) of the CWA, 33 U.S.C. § 1319(g)(2), to issue an order assessing a civil administrative penalty for violations of certain CWA requirements, after providing (1) an opportunity for the person to be assessed the penalty (Respondent) to request a hearing to contest the penalty, and (2) notification to the public of its rights to submit written comments and to participate in any hearing. The deadline for the public to submit comments is forty (40) days after issuance of this notice.

The EPA and Hughes have agreed to enter into an expedited settlement agreement to resolve the EPA's claims that Hughes violated the requirements listed below. Hughes has agreed to pay a civil penalty of \$15,000.00 to resolve its civil penalty liability for these claims. Pursuant to section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4), the EPA hereby notifies the public of the opportunity to comment on this proposed penalty assessment.

EPA Docket Number for proposed expedited settlement: CWA-08- **2017-0001**

Alleged violations: (1) Failure to develop a complete and updated stormwater pollution prevention plan, (2) Failure to conduct complete self-inspections, (3) Failure to take corrective actions, and (4) Failure to implement stormwater controls to minimize discharges of sediment and other pollutants into waters of the United States.

PUBLIC COMMENTS

Written comments on the expedited settlement agreement are encouraged and will be accepted at the address listed below for a period of thirty (30) days after the publication of this notice.

Written comments submitted by the public as well as information submitted by Respondent will be available for public review, subject to the provisions of law restricting the disclosure of confidential information. Any person submitting written comments has a right to participate in a hearing, if one is held. The expedited settlement agreement is available for review between 9:00 a.m. and 4:00 p.m. at the address listed below and on the internet at:

<http://www2.epa.gov/region8/public-notices-proposed-administrative-settlements-and-administrative-penalty-assessments>.

Please submit written comments to:

Melissa Haniewicz (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone: (303) 312-7059

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the expedited settlement agreement or other documents in this proceeding (such as the regulations in 40 C.F.R. part 22, which establish procedures for the hearing), or to comment upon the proposed penalty assessment or upon any other aspect of the matter, should contact the Regional Hearing Clerk identified above.