

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 8 1595 Wynkoop Street Denver, Colorado 80202

EXPEDITED SETTLEMENT AGREEMEN

Docket Number: CWA-08-2017-0014, NPDES Permit No. UTR375389 Docket No. CWA-A08+2017-0014

This Expedited Settlement Agreement (Agreement) is entered into between the U.S. Environmental Protection Agency (EPA), and Hamlet Homes Corporation (Respondent), a Utah corporation and a "person" within the meaning of section 502(5) of the Clean Water Act (Act), 33 U.S.C. § 1362(5).

The EPA finds that Respondent failed to comply with the National Pollutant Discharge Elimination System (NPDES) storm water permit cited above, which was issued pursuant to section 402 of the CWA, 33 U.S.C. § 1342, and that Respondent is responsible for the deficiencies specified in the attached Expedited Settlement Offer Deficiencies Form (Form), which is incorporated by reference. The EPA also finds, and Respondent admits, that the EPA is authorized to assess administrative penalties for NPDES permit violations pursuant to section 309 of the Act, 33 U.S.C. § 1319, and 40 C.F.R. part 22, and that the Regional Judicial Officer for EPA Region 8 has jurisdiction to issue a final order ratifying this Agreement under section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.13(b). Respondent neither admits nor denies the deficiencies specified in the Form.

The parties enter into this Agreement in order to settle civil penalty liability for the violations described in the Form for a penalty of \$7,750.00. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the statements in the Form; (2) participate in 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) of the Act, 33 U.S.C. § 1319(g)(8).

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. No later than the date it signs this Agreement, Respondent shall submit a written report detailing the specific actions taken to correct all violations cited in the Form. Respondent also certifies that, no later than 10 days after receiving notice from the EPA that a final order has been signed ratifying this Agreement, Respondent shall submit a bank, cashiers or certified check, with the case name and docket number noted, for the amount specified above payable to the Treasurer, United States of America, to:

> U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979077 St. Louis, MO 69197-9000

This Agreement, upon incorporation into a Final Order and full satisfaction by the parties, shall be a complete and full resolution of the Respondent's liability for federal civil penalties for the violations and facts alleged in the Form. The 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, any permit issued under the Act, or of any other federal statute or regulation. The EPA does not waive its

right to issue a compliance order for any uncorrected deficiencies

or violation(s) described in the Form. The EPA has determined

In the Matter of: Hamlet Homes Corporation

This Agreement is binding on the parties signing below and shall become final thirty (30) days from the date an order approving it is issued 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)(5) of the Act, 33 U.S.C. § 1319(g)(5).

APPROVED BY THE EPA:

this Agreement to be appropriate.

Date: 6/11/17

Stephanie DeJong, Unit Chief NPDES Enforcement Unit

Office of Enforcement, Compliance and Environmental Justice

James H. Eppers, Supervisory Attorney

Legal Enforcement Program Office of Enforcement, Compliance and Environmental Justice

APPROVED BY RESPONDENT:

Name of individual signing (printed)

ICESIDENT Title of individual signing (printed)

Signature

	*

Expedited Settlement Offer Worksheet Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use

version 10.3.4



	LEGAL NAME AND MAILING ADDRESS OF OPERATOR	Telephone Number	NPDES Per	rmit Number	
1	Hamlet Homes Corporation	801-281-2223	UTR375389	}	
1	308 East 4500 South, Suite 200				
	Murray, Utah 84117	Inspector Name:	Laurel Dygo	wski	
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Inspector Agency:	US EPA		
		Entrance Interview Cor	nducted:	Yes	
		Exit Interview Conduct	ed:	Yes	
	LOCATION AND ADDRESS OF SITE	Exit Interview given to:	Dave Gleav	es	
2	Glenmore Village	Exit Interview time:	14:10	Date:	03/28/2017
_	1300 West 6500 South Winchester Ave.				
	Murray, Utah 84117				
	FACILITY DESCRIPTION / CONTACT NAMES				
	Name of Site Contact (ESO Works	sheet recipient): Reggie Pendleton, Sur	perintendent,	Hamlet Hom	nes

	Name of Site Contact (ESO Worksheet recipient):	Reggie Pendleton, Superintendent, Hamlet Homes
	Name of Authorized Official (40 CFR 122.22):	
	Inspection Date:	. 03/28/2017
***************************************	Start Construction Date:	: 11/01/2016
	Estimated Completion Construction Date:	
	If Unpermitted, Number of Months Unpermitted:	: 0
	Name of Receiving Water Body (Indicate whether 303(d) listed):	: Jordan River
	Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan	4.5 acres

				R	No. of		
			Citation	С	Deficien-	Dollar	
	PERMIT COVERAGE	Findings	Reference**	Α*	cies	Amount	Tota
3		arge	CWA 301			\$500.00 =	
	SWPPP REVIEW					4 40 4	
4	SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)		UCGP 7.1.1			\$5,000.00 =	
5		n	UCGP 7.1.1			\$75.00 =	
6	SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, stag areas, waste containers, chemical storage areas concrete cure, paints, solvents, etc	ing	UCGP 7.2.6.9			\$250.00 =	
7	SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		UCGP 7.1.1			\$500.00 =	
8	The state of the s	/s:					
- F	A Nature of activity in description		UCGP 7.2.2			\$100.00 =	
-	B Intended sequence of major activities		UCGP 7.2.4			\$100.00 =	
ŀ	C Total disturbed acreage		UCGP 7,2,2			\$100.00 =	
f	D General location map		N/A			\$100.00 =	
- 1	E Site map		UCGP 7.2.5			\$500.00 =	

		Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage ageas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		UCGP 7.2.5	\$50.00 =	
		Location/description industrial activities, like concrete or asphalt batch plants		UCGP 7.2.5f	\$500.00 =	58000000
9		SWPPP does not: Describe all pollution control measures (e.g. BMPs)		UCGP 7.2.9	\$750.00 =	
	В	Describe sequence for implementation		UCGP 7.2.4.a	\$250.00 =	
-	C	Detail operator(s) responsible for implementation	3. 3.	UCGP 7.2.1	\$250.00 =	
10		SWPPP does not describe interim stabilization practices		UCGP 2.2 & 7.2.9	\$250.00 =	
11		SWPPP does not describe permanent stabilization practices		UCGP 2.2 & 7.2.9	\$250.00 =	_
12	-	SWPPP does not describe a schedule to implement stabilization practices		UCGP 7.2.4.d	\$250.00 =	
13	,	Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		UCGP 7.2.4	\$250.00 =	
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		UCGP 2.1.3	\$500.00 =	-
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed		UCGP 2.2.2	\$500.00 =	
16	ļ	SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit			\$500.00 =	
17		SWPPP does not describe measures to minimize off site vehicle tracking and generation of dust	The SWPPP did not document control techniques that would be used to remove sediment prior to vehicle exit.	UCGP 7.2.9.9 & Yes 2.1.2.c & e	1 \$500.00 = \$	500
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials		UCGP 7.2.6.6 & 2.3.3.c	\$250.00 =	
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		UCGP 1.3.3	\$500.00 =	
20		SWPPP does not identify allowable sources of non- storm water discharges listed in subpart 1.3.B of the CGP	. '	UCGP 1.3.4 & 7.2.7	\$500.00 =	
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		UCGP 7.2.9.a	\$500.00 =	

Section Copy of permit agriculture Copy		Endangered Species Act documentation is not in					П	\$500.00 =	-
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True, then leave elements 32-39 blank) Number of Inspections expected if performed		INSPECTIONS Inspections not performed and documented at least once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and	inspection schedule specified. Due to this, it was not feasible at the time of the to determine if inspections were being done on schedule. It appears that a schedule of at least every 14 days was being implemented. In addition, there were six inspections that should have been done due to a rain event that were not done on the following dates: 1/9/17, 1/22/17, 2/12/17, 3/6/17 and 3/23/17. Following the 14-day schedule, there	UCGP 4.1.2, 4.1.3, 44, 7.2.11b, and 7.2.11c			> P	Deficiencies	\$50
True, then leave elements 32-39 blank) Number of Inspections expected if performed		INSPECTIONS Inspections not performed and documented at least once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).	inspection schedule specified. Due to this, it was not feasible at the time of the to determine if inspections were being done on schedule. It appears that a schedule of at least every 14 days was being implemented. In addition, there were six inspections that should have been done due to a rain event that were not done on the following dates: 1/9/17, 1/22/17, 2/12/17, 3/6/17 and 3/23/17. Following the 14-day schedule, there	UCGP 4.1.2, 4.1.3, 44, 7.2.11b, and 7.2.11c		6	PPP	\$250.00 =	\$50
		INSPECTIONS Inspections not performed and documented at least once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation). No inspections conducted and documented (if	inspection schedule specified. Due to this, it was not feasible at the time of the to determine if inspections were being done on schedule. It appears that a schedule of at least every 14 days was being implemented. In addition, there were six inspections that should have been done due to a rain event that were not done on the following dates: 1/9/17, 1/22/17, 2/12/17, 3/6/17 and 3/23/17. Following the 14-day schedule, there	UCGP 4.1.2, 4.1.3, 44, 7.2.11b, and 7.2.11c		6	pp	\$250.00 =	\$50
every 7 days:		INSPECTIONS Inspections not performed and documented at least once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation). No inspections conducted and documented (if True, then leave elements 32-39 blank)	inspection schedule specified. Due to this, it was not feasible at the time of the to determine if inspections were being done on schedule. It appears that a schedule of at least every 14 days was being implemented. In addition, there were six inspections that should have been done due to a rain event that were not done on the following dates: 1/9/17, 1/22/17, 2/12/17, 3/6/17 and 3/23/17. Following the 14-day schedule, there	UCGP 4.1.2, 4.1.3, 44, 7.2.11b, and 7.2.11c		6	PP	\$250.00 =	\$50

34	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected All pollution control measures not inspected to ensure proper operation		UCGP 4.1.5.b & 4.1.6				\$50,00	=	
35	Discharge locations are not observed and inspected		Part 4.1.5.e			Н	\$50.00	=	
36	For discharge locations that are not accessible,	**************************************				H	\$50.00	=	
37	nearby locations are not inspected Entrance/exit not inspected for off-site tracking		UCGP 4.1.5 & 4.1.6				\$50.00	=	
38	Site inspection report does not include: 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 (count each omission under 38 as 1 violation)		UCGP 4.1.7.a, 4.1.6,				\$50.00	П	
39	Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)		UCGP 4.1.7.b				\$50.00		
			Sub	total	Inspection	ons	Deficiencie	es	\$1,500
	AVAILABILITY OF RECORDS							П	
10 _	Sign/notice not posted A Does not contain copy of complete NOI B Location of SWPPP or contact person for scheduling viewing times where on-site location for	There was no publicly accessible sign with the SWPPP and permit information.	UCGP 1.5 UCGP 7.2.16.a UCGP 1.5	Yes	1		\$250.00 \$50.00 \$50.00	Ξ	\$250
	SWPPP unavailable not noted on sign			Subt	otal Reco	rds	Deficiencie	es	\$250
1	BEST MANAGEMENT PRACTICES					П		П	
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water						\$500.00		
42	Control measures are not properly: A Selected, installed and maintained	There are no vehicle trackout controls and vehicle trackout was observed at the site (see photos 1169-1172, and 1177-1182). There were two vehicle exits. There was sediment observed leaving the site as well as sediment in the gutter and on the street and there were no perimeter controls installed (see photos 1173-1175 and 1178-1181). There were seven areas that needed perimeter control. There was one	UCGP 2.1.1.c.i, 2.1.1.c.ii, 2.1.1.d, and 2.3.2	Yes	11	X	\$500.00	1	\$5,500
		stockpile with no controls stockpile controls (see photo 1181). The inlet shown in photo 1187 was not installed per the manufacturer's specifications as there is a gap between the inlet control on the side of the inlet where sediment can enter the inlet and bypass the control.							
	B Maintenance not performed prior to next anticipated	stockpile with no controls stockpile controls (see photo 1181). The inlet shown in photo 1187 was not installed per the manufacturer's specifications as there is a gap between the inlet control on the side of the inlet where sediment can enter the inlet and bypass the control.	UCGP 2.1.1.d.ii				\$250.00		

	(count each failure to select, install, maintain each BMP as one violation)					
43	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts	UCGP 2.1.1.b.i			\$500.00	=
44	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)	UCGP 2.3.3			\$500.00	=
45	Stabilization measures are not initiated as soon as practible on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation	UCGP 2.2			\$500.00	
	*Exceptions:					
	(a) Snow or frozen ground conditions					
	(b) Activities will be resumed within 14 days					4
46	(c) Arid or Semi-arid areas (<20 inches per year) Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm,	UCGP 2.1.3.b.i			\$1,000.00	=
	or 3600 cubic ft. storage per acre drained Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries				\$1,000.00	=
	B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more	UCGP 2.1.3.b.ii			\$500.00	
47	Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)	UCGP 2.1			\$500.00	=
7	A Sediment not removed from sediment trap when design capacity reduced by 50% or more	UCGP 2.1.1.d			\$500.00	=
	design capacity reduced by 50% of more		Sú	btotal BM	P Deficiencie	s \$5,50
				Decital 200		V
	SMALL BUSINESS EVALUATION		,		-,,-	
48	Is the Owner/Operator a Small Business?	Access to the contract of the		- Victoria de Sancia de Caracia d	de Dussia S. vascular de manti	Englishman and extraord result
	A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all					
	facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual					
	basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.					
L	worked per year.		Total I	Expedited	Settlement:	\$7,75
	* Requires Corrective Action		·otai	zxpourtou		

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			4