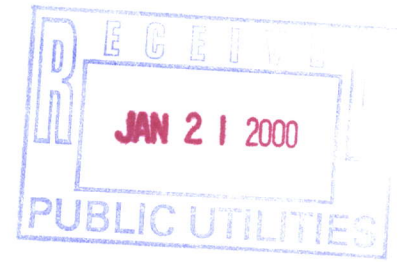




ENVIRONMENTAL HEALTH DIVISION

788 East Woodoak Lane
Murray, Utah 84107-6379
801-313-6608 Fax



Division Director

Royal P. DeLegge, L.E.H.S., M.P.H.
801-313-6600

In the Matter of:)
)
)
Salt Lake City Corp.)
Public Utilities Department)
1530 South West Temple)
Salt Lake City Utah 84115)
)
)
)
_____)

Notice of Violations
And
Order of Compliance
January 21, 2000

This Notice of Violation and Order of Compliance is issued by the Salt Lake City-County Health Department pursuant to the authority contained in Title 26A Chapter 1, Utah Code Annotated, R317-2-7. Pursuant to Title 26A Chapter 1 and Title 9, Chapter 9.04, Salt Lake County Code of Ordinances, the Salt Lake City-County Health Department has adopted Regulation #13, wastewater disposal as adopted in section 9.32.010 of the Salt Lake County Code of Ordinances. Furthermore, based on the authority contained in Sections 19-5-107, 19-5-115(2) and 26A-1-114(1)(a), the Salt Lake City-County Health Department (hereinafter the Health Department) has the authority to enforce state laws, local ordinances, department rules and local health department standards and regulations including, but not limited to, Rule R317-2-7, Utah Admin. Code, Prohibiting the discharge of pollutants and wastes into the waters of the State of Utah wherein the pollution is harmful to wildlife, fish, and aquatic life.

FINDINGS OF FACT

1. On information and belief, the Salt Lake City Public Utilities Department (hereinafter Public Utilities) owns and operates the Salt Lake Reservoir located at approximately 3450 East 3045 South, Salt Lake County, which has a drainage system into the Parleys Canyon Creek.
2. On or about January 17, 2000, Dale Keller, a Health Department Environmental Health Scientist, received a complaint from Neil Taylor of Utah Department of Environmental Quality (hereafter DEQ) of an alleged fish kill in Parleys Creek. Parleys Creek is classified as a class 3A waterway. The alleged fish kill was located in a ravine east of Tanner Park in Salt Lake County.

BUREAUS:

Air Pollution Control / Food Protection / Sanitation & Safety / Water Quality & Hazardous Waste / Environmental Risk Reduction

3. On or about January 18, 2000, Richard Denton of DEQ conducted DPD chlorine samples of the two discharge pipes located in the nature walk ravine east of Tanner Park. Mr. Denton's sample of the south effluent pipe confirmed a chlorine level of .45 ppm. The south pipe is the discharge line for two large underground water resevors controlled by Public Utilities and Metro water. Mr. Denton obtained a sample of Parleys creek (east effluent) which was negative for chlorine.
4. On or about January 18, 2000, Dale Keller, Steve Beach, and Randy Williams, Environmental Health Scientists for the Health Department, observed approximately 10 dead fish next to the bridge east of Tanner Park. During this inspection there was a strong chlorine odor near the discharge pipe east (upstream) of where the dead fish were observed. Randy Williams collected a sample and confirmed a discharge chlorine level of .60 ppm from the south effluent pipe, this chlorine level was observed using a DPD chlorine test kit. The Utah acute one hour regulatory limit for cold water fish in a class 3A waterway is .019 Cl ppm. Pictures were taken during the inspection.
5. The Health Department contacted Florence Reynolds and Scott Cardwell of Salt Lake City Public Utilities and notified them of the problem. Mr. Cardwell stated he was aware of a open valve which could be releasing water from the near empty drinking water reservoir. Mr. Cardwell stated he would address the valve problem immediately. At 3:30 pm the Health Department observed the discharge form the south pipe had completely ceased.
6. A Notice of Violation and Order dated August 7, 1996, was previously issued to Salt Lake City Public Utilities Department for a discharge of Magnacide (a herbicide) into Big Cottonwood Creek at approximately 5300 South 2200 East, Salt Lake County, Utah. This violation was resolved by a settlement agreement which included a \$7,000.00 penalty. Based on this Prior violation Public Utiilities is aware of the County and State regulations which prohibit the discharge

DETERMINATION OF VIOLATIONS

Based on the inspection on or about January 18, 2000, and foregoing Findings of Fact, Public Utilities has violated Salt Lake City-County Health Department Regulation #13, the Utah Water Quality Act, Title 19 Chapter 5, Utah Code Ann. And Subsection 7.2 of Utah Administrative Code, R317-2-7, and the Utah Local Health Department Act, Section 26A-1-123, as follows:

1. Discharging wastewater into waterway system in violation of Section 10.1 of Salt Lake City-County Health Regulation #13, and section 9.32.020 of the Salt Lake County Code of ordinances;
2. Violating a health regulation adopted by the Salt Lake City-County Health Department pursuant to the authority contained in section 9.04.050 of the Salt Lake County Code of Ordinances, in violation of section 26A-1-123 of the local Health Dept. Act, Utah Code Ann., 1953, As Amended.
3. Discharging a pollutant into waters of the State or causing pollution which constitutes a menace to public health and welfare or is harmful to wildlife, fish or aquatic life in violation of Utah Code Annotated 19-5-107(1);
4. Discharging a substance into waters of the state that produced undesirable physiological responses in desirable resident fish or other desirable aquatic life in violation of Subsection 7.2 of Utah Administrative Code, R317-2-7;
5. Discharging a waste or pollutant into the waters of the State of Utah without a UPDES permit in violation so Section 19-5-107(2)(a) Utah Code Ann.
6. Creating a Public Nuisance in violation of section 76-10-804, Utah Code Ann., 1953, as amended.

ORDER


Based upon the foregoing findings of fact and determination of violations; Public Utilities is hereby ordered to:


1. Immediately cease discharging Chlorine into the Waters in the State of Utah.
2. Prepare a written pollution prevention plan which shall be submitted to the Health Department for review and approval which shall include the education of all employees on proper wastewater disposal procedures.
3. Prepare a remediation plan of fish replacement, in accordance with the Utah State, Fish and Wildlife Services.
4. Contact the Salt Lake City-County Health Department, Bureau of Water Quality and Hazardous Waste within ten (10) calendar days from the date herein, regarding your intention to comply with this Order and to schedule a meeting to discuss this violation and associated penalties.

COMPLIANCE, OPPORTUNITY FOR HEARING

This Order shall become final without further notice unless you request a hearing within ten (10) calendar days from the date specified hereinabove. The request for hearing must be filed in writing with the Division of Environmental Health, 788 East Woodoak Lane, Suite 120, Murray, Utah 84107-6379. If a hearing is not requested, the foregoing Findings of Fact will be deemed true and not subject to challenge and any right to proceed with an administrative or judicial appeal will be forfeited. Failure to comply with this Order may result in civil action, penalties and criminal sanctions as provided by law.

Dated this 21st day of January, 2000

By 
Steve Beach, L.E.H.S.
Storm Water Manager

By 
Garth C. Miner
Assistance Bureau Director