



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Executive Director

DIVISION OF WATER QUALITY
Candice A. Hasenyager, P.E.
Director

Water Quality Board

James Webb, Chair
Vacant Vice Chair
Jeannie Simmonds
Robert Fehr
Michela Harris
Joseph Havasi
Trevor Heaton
Jill Jones
Tim Davis
Candice A. Hasenyager, P.E.
Executive Secretary

Utah Water Quality Board Meeting MASOB

195 North 1950 West
Salt Lake City, UT 84116
And

[Google Meet](#)

January 28, 2026

Board Meeting Begins at 8:30 AM

AGENDA

Water Quality Board Meeting Call to Order & Roll Call

James Webb

Nomination for Vice Chair

James Webb

Minutes:

Approval of Minutes for December 10, 2025
Water Quality Board Meeting

James Webb

Executive Secretary Report

Candice A. Hasenyager

Wastewater Certification:

1. Recommendation for Appointment to the Utah Wastewater Operator Certification Council for February 1, 2026.

Tessa Scheuer

Compliance & Enforcement:

1. Request for Approval of Settlement Docket No. I23-08 for Citation Oil & Gas Corp
2. Request for Approval of Settlement Docket No. I23-11 for Citation Oil & Gas Corp

Brendon Quirk, PhD

Brendon Quirk, PhD

Other:

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Public Comment Period

Meeting Adjournment

James Webb

Next Meeting
February 25, 2026, at 8:30 am
MASOB & Via [Google Meet](#)
195 North 1950 West
Salt Lake City, UT 84116



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MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY UTAH WATER QUALITY BOARD

MASOB

and

Via [Zoom](#)

December 10, 2025
8:30 am Board Meeting

UTAH WATER QUALITY BOARD MEMBERS PRESENT

James Webb	Tim Davis
Michela Harris	
Trevor Heaton	
Jill Jones	
Joe Havasi	
Michelle Kaufusi	
Jeannie Simmonds	
Rob Fehr	

DIVISION OF WATER QUALITY STAFF MEMBERS' PRESENT

John Mackey	Ben Holcomb
Clanci Hawks	Adriana Hernandez
Don Hall	Dan Griffin
Ken Hoffmam	Jeanne Riley
Judy Etherington	Jodi Gardberg
Christa Hutchison	Mark Stanger
Skyler Davies	Daniel Lenz

OTHERS PRESENT

Rob Dubuc	Vern Maloy
Candice A. Hasenyager	Jim Bowcutt
Trevor Schlossnagle	Michael
Katie Koplitz	
Calah Worthen	

Mr. Webb called the Meeting to order at 8:30 AM.

ROLL CALL

Mr. Webb took roll call for the members of the Board.

APPROVAL OF MINUTES OF OCTOBER 22, 2025 MEETING

Motion: Ms. Jones moved to approve the meeting minutes.
Ms. Simmonds seconded the motion.
The motion passed unanimously.

EXECUTIVE SECRETARY REPORT:

Mr. Mackey addressed the Board with the following updates:

- Waters of the United States (WOTUS) – A federal rule proposal is currently in the public comment phase. The Division of Water Quality (DWQ) will be providing comments in conjunction with other state agencies. The new rule provides several definitions to help clarify the applicability of jurisdictional water determinations. We are hopeful that this tool will provide the necessary support to accurately manage 401 Certification responsibilities.
- Governor's Budget - The Governor has proposed support for staff through several initiatives, including adjustments to how leave time is accounted for and a proposed cost-of-living adjustment (COLA). DWQ will work with leadership to communicate needs and identify efficiencies.
- Jordan River Flow Study – This study focused on managing water resources, analyzing hydrology, modeling streamflow for flood control, and addressing water quality/scarcity in the transboundary Middle Eastern basin which has diversions that drastically reduced flow, contrasting with Utah's efforts to balance urban/agricultural needs with ecosystem health.
- Fish Tissue Studies - DWQ conducted a fish tissue study for polychlorinated biphenyls (PCBs) which have been found in Utah Lake fish tissue since 2010, leading to consumption advisories for species like carp and catfish. Another study was conducted for per- and polyfluoroalkyl substances (PFAS) around the state. Recent research shows accumulation in fish like sculpin and trout. DWQ plans broader PFAS fish tissue monitoring to inform public health guidance.

- Other Accomplishments – Mr. Mackey noted the completion of the Total Maximum Daily Load (TMDL) study to address *E. coli* impairments in the Moab area, specifically focusing on **Mill Creek, Pack Creek, and Castle Creek**. He also acknowledged the work of permitting teams to clear a permit backlog and highlighted their ability to meet goals for turnaround time.
- Leadership Change - Mr. Mackey informed the Board that this would be his last meeting due to his retirement on December 31, 2025. He introduced Candice A. Hasenyager, who will begin her role as the DWQ Director on January 5, 2026. Ms. Hasenyager provided a brief introduction to herself.
- Board Member Change - Mr. Mackey announced to the Board that Ms. Kaufusi, the current WQ Vice Chair, will be resigning from the Board. As a result, the seat is now open for applicants who are non-federal government representatives.

FUNDING:

Kane County Water Conservancy District (Duck Creek), Reauthorization

of Supplemental Funding: Mr. Davies requested that the approved scope be modified to include the purchase of a backhoe and the development of an asset management plan, with remaining project funds.

Motion: Ms. Jones moved to authorize an expansion of the scope of work for the previously approved funds to include the completion of the asset management plan and following the special conditions as recommended by staff. Any remaining funds may be used to purchase a backhoe for the use of the wastewater system and other necessary use..

Ms. Kaufusi seconded the motion.

The motion passed with 7 ayes and 1 nay.

RULE MAKING ACTION:

Request for Water Quality Board Approval to Adopt Changes to the R317-8-10, Animal Feeding Operation (AFO) & Concentrated Animal Feeding

Operation (CAFO) Rule: Mr. Hall recommended the Board approve the amendment of R317-8-10, the state's AFO and CAFO Rule, effective immediately.

Motion: Mr. Heaton moved to approve the amendment of R317-8-10, the state's AFO & CAFO rule to be effective immediately.

Mr. Havasi seconded the motion.

The motion passed unanimously.

OTHER:

2026 Water Quality Board Meeting Schedule: The Board discussed and voted on the 2026 Water Quality Board Meeting Schedule.

Minutes

Motion: Ms. Kaufusi moved to approve the 2026 Water Quality Board Meeting Schedule.
Ms. Harris seconded the motion.
The motion passed unanimously.

PUBLIC COMMENTS: None

MEETING ADJOURNMENT

Motion: Ms. Simmonds moved to adjourn the meeting.
Mr. Fehr seconded the motion.
The motion passed unanimously.

To view the full recording of the December 10, 2025 Water Quality Board Meeting, you may view it here [Zoom](#)

Next Meeting – January 28, 2026
Meeting begins at 8:30 am

In-Person
MASOB
195 North 1950 West
Board Room 1015
Salt Lake City, UT 84116

James Webb, Chair
Utah Water Quality Board



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Candice A. Hasenyager, P.E.
Executive Secretary

MEMORANDUM

TO: Utah Water Quality Board

FROM: Tessa Scheuer, Wastewater Certification Program Coordinator

THROUGH: Candice A. Hasenyager, P.E., Director;
Emily Cantón, Assistant Director; and
Alexander Heppner, Data and Information Services Section Manager

DATE: January 28, 2026

SUBJECT: Recommendations for Appointment to the Utah Wastewater Operator Certification Council
for February 1, 2026, through January 31, 2029

As of January 31, 2026, the terms of two members of the Utah Wastewater Operator Certification Council expire. The members with expiring terms are Phil Harold and Ben Willardson, both representing the at-large position representing educational institutions, vocational training, and the private sector. Other current members of the Council include Jonathan Gubler, Kyle Dean, Matt Goodrich, Chad Burrell, and Spencer Parkinson.

Recommendations for appointment to these positions were solicited from individuals and organizations in the wastewater sector and educational institutions. Three recommendations were submitted by the deadline. Individuals are appointed for a three-year term. Council members may be reappointed, but they do not automatically succeed themselves. The names recommended to the Board at this time are selected from written recommendations received by the Division of Water Quality prior to January 2, 2026.

At this time, it is recommended that *Phil Harold*, representative for Rural Water Association of Utah, be reappointed as a representative at-large with experience in the private sector and vocational training for the upcoming term. It is also recommended that *Brian Lamar*, North Davis Sewer District Treatment Lead Operator and wastewater education specialist, be appointed to serve as a representative at-large with experience in the private sector and vocational training for the upcoming term.

This is a request for Board approval of these two individuals for the term February 1, 2026, through January 31, 2029.

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File: WWOCC/Appointments/2026



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MEMORANDUM

TO: Water Quality Board

THROUGH: Candice A. Hasenyager, P.E., Director

THROUGH: Leanna Littler-Woolf, Assistant Director

THROUGH: Samantha Heusser, Compliance and Enforcement Manager

FROM: Brendon Quirk, PhD

DATE: January 28, 2026

SUBJECT: Request for Approval of Settlement Docket No. I23-08 for Citation Oil & Gas Corp.

The Utah Water Quality Act, Utah Code Section 19-5-104(3)(g) requires that any settlement negotiated by the Director with a civil penalty of \$25,000 or more must be reviewed and approved or disapproved by the Utah Water Quality Board ("Board"). The Division is requesting Board approval of a settlement with Citation Oil & Gas Corp. ("Citation"). Citation signed the stipulation and consent order ("SCO") on December 14, 2025.

Citation is a foreign corporation headquartered in Houston, Texas doing business in Garfield County, Utah. Citation is legally responsible for the operation of the Upper Valley Unit Satellite Tank Battery facility, located approximately 10.8 miles southwest of the town of Escalante.

The SCO resolves violations associated with the September 13, 2023, release of approximately 115 barrels (4,830 gallons) of crude oil and 3,357 barrels (140,994 gallons) of produced water to Alvey Wash and its tributaries. The crude oil and produced water flowed just under 17 miles from the point of release within Alvey Wash and through the town of Escalante. In response to the violations, the Director issued a Notice of Violation and Compliance Order ("NOV/CO"), Docket No. I23-08, to Citation on October 10, 2023 (enclosed).

In compliance with the NOV/CO, Citation completed soil cleanup activities within Alvey Wash and its tributaries. The SCO includes a confirmation soil sampling plan and groundwater monitoring and plan.

The total negotiated civil penalty is **\$416,783.00**, with \$150,000.00 held in abeyance to encourage compliance with terms outlined in the confirmation soil sampling and groundwater monitoring plans. Further, the abeyance will be held so long as Citation does not violate the Utah Water Quality Act and Water Quality Rules for a period of thirty-six (36) months from the SCO effective date. The partially signed SCO can be accessed [here](#).

The public comment period for the SCO ran from December 15, 2025, to January 14, 2026, and no comments were received.

The SCO represents what the Division believes to be a fair and reasonable settlement. It is the Division's recommendation that this settlement be granted Board approval for execution by the Director.

Attachments: Notice of Violation and Compliance Order Docket No. I23-08 (DWQ-2023-123840)

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY**

In the Matter of: Citation Oil & Gas Corporation 14077 Cutten Road Houston, TX 77069-2212	NOTICE OF VIOLATION AND COMPLIANCE ORDER DOCKET NO. I23-08
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This Notice of Violation and Compliance Order (“NOV/CO”) is issued to Citation Oil & Gas Corporation (“Citation”) in its capacity as operator of the Upper Valley Satellite Battery (“Facility”) located in Garfield County near Escalante, Utah, based upon the Facts and Determinations asserted herein. This NOV/CO is issued by the Director of the Utah Division of Water Quality (“Director”) pursuant to the Director’s authority under the Utah Water Quality Act, Utah Code §§ 19-5-101 to 19-5-124 (the “Act”) and the Utah Admin. Code R317-1 *et. seq.* (“Water Quality Rules”). This NOV/CO is also issued in accordance with the administrative procedures of the Utah Department of Environmental Quality, Utah Admin. Code R305-7 *et. seq.*

A. STATUTORY AUTHORITY

1. The State of Utah’s surface water quality programs as adopted in the Utah Water Quality Act by the Utah Legislature operate with federal oversight and under delegation from the Environmental Protection Agency (“EPA”) under the federal Clean Water Act, 33 U.S.C. 1342.
2. The Director is authorized to issue, continue in effect, renew, revoke, modify or deny discharge permits and to issue orders under the Act and in accordance with Utah Code § 19-5-106(2)(d) and may enforce rules made by the Board through the issuance of orders.
3. Under Utah Admin. Code R317-6-6, the Director has the authority to protect ground water including prohibiting the discharge of pollutants into ground water, requiring a ground water discharge permit, and requiring investigations and corrective action if a discharge occurs.
4. The Utah Division of Water Quality (“Division”) was created to administer the Act under the immediate direction and control of the Director pursuant to Utah Code § 19-1-105.
5. Pursuant to Utah Code § 19-5-111, whenever the Director determines that there are reasonable grounds to believe that there has been a violation of the Act, the Water Quality Rules, or any order of the Director or the Board, the Director may issue a notice of violation. In that event, the notice shall require that the matters complained of be corrected.

6. Utah Code § 19-5-115 provides that any person who violates a rule or order made or issued pursuant to the Act, or any rule or order made thereunder, may be subject, in a civil proceeding, to a civil penalty of up to \$10,000 per day of violation. Higher penalties and other sanctions may arise in situations amounting to knowing or willful violations.

B. APPLICABLE STATUTORY AND REGULATORY PROVISIONS

1. Utah Code § 19-5-107(1)(a) states: “Except as provided in [the Act] or [Water Quality Rules], it is unlawful for any person to discharge a pollutant into waters of the state or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any waste in a location where there is probable cause to believe it will cause pollution.”
2. Utah Code § 19-5-102(22) defines “Waste” or “pollutant” as “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.”
3. Utah Code § 19-5-102(23)(a) defines “Waters of the state” as “streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, that are contained within, flow through, or border upon this state or any portion of the state.”
4. Utah Code § 19-5-114 states, “Any person who spills or discharges any oil or other substance which may cause the pollution of waters of the state shall immediately notify the director of the spill or discharge, any containment procedures undertaken, and a proposed procedure for cleanup and disposal, in accordance with rules of the board.”
5. Utah Admin. Code R317-2-7 states, “The numeric criteria listed in R317-2-14 shall apply to each of the classes assigned to waters of the State as specified in R317-2-6. It shall be unlawful and a violation of these rules for any person to discharge or place wastes or other substances in such a manner as may interfere with designated uses protected by assigned classes or to cause any of the applicable standards to be violated, except as provided in R317-1-3.1.”
6. Utah Admin. Code R317-6-6.15 shall apply to any person who discharges pollutants into ground water in violation of Utah Code § 19-5-107 or who places or causes to be placed any wastes in a location where there is probably cause to believe they will cause pollution of ground water in violation of Utah Code § 19-5-107.

C. FACTS & DETERMINATIONS

1. Citation is a foreign for-profit corporation located in Houston, Texas, doing business in Garfield County, Utah.
2. Citation operates the Facility, located southwest of Escalante, Utah in Section 24, Township 36S, Range 1E, SL B&M (37°39'27"N 111°44'17"W) along Forest Service Road 146 ("FR 146"), within the Dixie National Forest.
3. On September 13, 2023, the Division received notification from Citation's environmental consultant, Absaroka Energy and Environmental Solutions, LLC ("AE2"), of a produced water and crude oil release from the Facility. The volume of the release was reportedly unknown at the time of the notification. The notification was logged as Incident Report No. 16656 in the Utah Department of Environmental Quality Environmental Incidents Database.
4. On September 14, 2023, the Division received e-mailed correspondence from AE2, on behalf of Citation, which provided additional details regarding the release. This correspondence indicated that the spill traveled a total of 16.95 miles from the Facility through Willow Creek stream within Coal Bed Canyon. After exiting the canyon, the release migrated into Alvey Wash Upper and continued through the wash until terminating near the Escalante Municipal Airport (approximate location unknown). The correspondence also stated that Citation placed haybales at "various locations along the spill path to capture oily fluids" and "deployed sorbent booms and sorbent pads in many areas that are accessible from a road." Additionally, AE2 reported that they "do not expect the spill to migrate any further unless they get flash flooding conditions."
5. On September 16, 2023, the Division received a written report from Citation, dated September 15, 2023 and titled "Public Statement," which stated "the release traveled offsite onto U.S. Forest Service and Grand Staircase-Escalante National Monument properties." The report indicated that a cleanup response had been initiated but a release volume had not yet been determined.
6. On September 16 and 17, 2023, a representative of the Division inspected portions of Alvey Wash Upper from approximately where Willow Creek converges with Alvey Wash Upper following the spill path to its approximate suspected terminus adjacent to the Escalante Municipal Airport (37°44'19"N 111°37'42"W to 37°44'38"N 111°34'39"W). The Division representative observed petroleum free-product pooling, oil-contaminated media (soils/sediment/sand, vegetation, rocks, etc.), oil-sheening on live waters, as well as oil-contaminated spill kit media (absorbent booms and haybales) within portions of Willow Creek and Alvey Wash Upper. Additionally, waste material (sandbags and contaminated-soil piles) and odors analogous to crude oil were observed throughout portions of the inspection.

7. On September 17, 2023, a representative of the Division inspected the Facility which included, but not limited to, building/structure, pressurized oil storage tank, sump, and overflow tank. Additionally, oil was observed to be contained within what appeared to be two unlined, earthen ponds (“ponds”) (note: additional information is being requested within the Order section of this NOV/CO). Staining and free petroleum product were observed along the sides of the tank and pooling at the bottom of the tank, leading to the sump.
8. During the inspection on September 17, 2023, a representative of Citation verbally reported to the Division that the release originated from a storage tank located at the Facility which likely ruptured due to pressure buildup after a valve failure. As evidenced by the observed free-product and staining, the released fluids (a mixture of crude oil and produced water) flowed from the ruptured tank into a series of retention ponds before discharging into Willow Creek and finally into Alvey Wash Upper.
9. On September 19, 2023, the Division received an updated written report from Citation, dated September 19, 2023 and titled “Public Statement.” In this report, Citation estimated a maximum volume release of 323 barrels of crude oil and 6,273 barrels of produced water, for a maximum duration of 14 hours. This estimate was based on the presumption that the valve malfunction occurred immediately following the final Facility inspection on September 12, 2023 and continued until it was discovered the morning of September 13, 2023.
10. On September 20, 2023, the Division received a subsequent written report, dated September 20, 2023 and titled “Public Statement,” with a modified volume estimate of released crude oil and produced water. In this report, Citation stated that during the investigative process to determine the cause of the release, two storage tanks were emptied of their contents and an additional 160 barrels of crude oil were discovered. Therefore, Citation reduced their initial estimate of crude oil released to 163 barrels and increased the estimated produced water released to 6,433 barrels.
11. Willow Creek is a water of the State. The impacted portion of Willow Creek stream is located within both the Dixie National Forest and the Grand Staircase-Escalante National Monument.
12. Alvey Wash Upper is a water of the State. The impacted portion of Alvey Wash Upper is located within the Grand Staircase-Escalante National Monument, private land, and BLM property.
13. Both Willow Creek stream and Alvey Wash Upper are tributaries of the Escalante River. The Escalante River is a tributary of Lake Powell.
14. Utah Admin. Code R317-2-12 classifies all surface waters geographically located within the outer boundaries of U.S. National Forests, whether on public or private lands, as Category 1 Waters.

The Division considers Willow Creek to be a Category 1 and Category 3 Water of the State, establishing the following protections surrounding discharges:

- i. Category 1 – No point discharges allowed within U.S. Forest Service outer boundary or to other specified waters of R317-2-12. Waters which have been determined by the [Water Quality] Board to be of exceptional recreational or ecological significance or have been determined to be a State or National resource requiring protection.
 - ii. Category 3 – Point discharges allowed only after an antidegradation review which determines whether the proposed activity complies with the applicable antidegradation requirements for receiving waters that may be affected.
15. Utah Admin. Code R317-2-13 classifies all tributaries to Lake Powell (except those excluded in rule; Alvey Wash and tributaries not being considered an exemption) as Class 2B, 3B, 4 Waters of the State, establishing the following protections:
- i. Class 2B – Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with water.
 - ii. Class 3B – Protected for warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain.
 - iii. Class 4 – Protected for agricultural uses including irrigation of crops and stock watering.
16. Utah Admin. Code R317-2-14. Numeric Criteria includes numeric standards for surface waters, including but not limited to, 2B 3B 4 Waters of the State such as Willow Creek and Alvey Wash.
17. Utah Admin. Code R317-6-2 includes standards for ground waters.

D. VIOLATIONS

Based on the foregoing, Citation has violated the following:

- 1. Utah Admin. Code R317-2-7.2 for placing wastes in such a manner that caused a violation of the Utah Water Quality Narrative Standard.
- 2. Utah Code § 19-5-107(1)(a) for causing pollution which constitutes a menace to public health and welfare and that is harmful to wildlife; and for placing or causing to be placed waste in a location where it causes pollution.

E. ORDER

Based on the foregoing Facts and Determinations, and Violations and pursuant to Utah Code §§ 19-5-107 and 19-5-111, Citation is hereby **ORDERED** to:

1. As of the date of issuance of this NOV/CO, if not already initiated, initiate all action required to come into compliance with all applicable provisions of the Utah Water Quality Act in Utah Code Title 19, Chapter 5 and the Water Quality rules in the Utah Admin. Code, R317.
2. Cease and desist all un-permitted discharges.
3. Within **10 calendar days** of the date of issuance of this NOV/CO, provide a report detailing all of the following:
 - i. An analysis of:
 - a. the cause of the release;
 - b. the specific corrective actions taken to stop the release, results achieved, and applicable dates;
 - c. if future corrective actions are proposed, the specific corrective actions and proposed completion dates, including intermediate milestones, as applicable; and
 - d. how the corrective actions will prevent future releases from recurring.
 - ii. A characterization of the released waste, including:
 - a. Waste volumes for both oil and produced water; and
 - b. Pollutant types and amounts, i.e. concentrations, pH, total dissolved solids, anions/cations, volatile and semi-volatile organic compounds, and oil and grease.
 - iii. A map of the entire affected area with defined river stations established at 100 foot intervals, and all available photos from along the spill length and keyed to their location on the map.
4. Interim Actions are necessary to control the source of pollutants. *See* Utah Admin. Code R317-6-6.15(B)(2). **Within ten (10) days of the date of issuance of this NOV/CO,** provide an Interim Action Plan for all segments/areas impacted by the release, including Willow Creek, Alvey Wash and any impacted downstream waterways (ephemeral or otherwise) detailing:
 - i. Interim Actions taken to date to control the source of pollutants.
 - ii. Interim Actions planned to be taken to control the source of pollutants, including:
 - a. Interim waste management practices and plans;
 - b. Plans for barrier/boom removal and replacement;

- c. Weather contingency plans, i.e., how Citation will prevent downstream transport of pollution during precipitation events, both rain and snow, up to and including spring runoff;
 - d. Plans to ensure Citation will achieve cleanup and secure waste materials prior to major precipitation events, i.e., flash flooding, in the area; and
 - e. Plans for the proper disposal of all wastes generated as a result of the release.
- 5. Within 10 calendar days of the date of issuance of this NOV/CO, and continuing weekly thereafter until notified in writing by the Director to cease, submit a weekly report to the Director describing:
 - i. Cleanup activities performed per defined river station;
 - ii. Weekly inspection of active cleanup work areas, including an inspection log with time-stamped photos and location information to verify the inspection occurred;
 - iii. Inspection of the entire affected area when live water has been present within the last 48 hours, including an inspection log with time-stamped photos and location information to verify the inspection occurred;
 - iv. If an inspection confirms migration of the release, verbally notify the Division within 24 hours and include details of the migration in the weekly report.
- 6. Within 90 calendar days of the date of issuance of this NOV/CO, perform and complete a Contamination Investigation for groundwater and submit a Contamination Investigation Report ("CIR") (Utah Admin. Code R317-6-6.15(D)(1)) containing the information below:
 - i. A characterization of the pollution, including:
 - a. The amount, form, concentration, toxicity, environmental fate and transport, and other significant characteristics of substances present from oil and produced water, for both ground water contaminants and any contributing surficial contaminants;
 - b. The areal and vertical extent of the contaminant concentration, distribution and chemical make-up;
 - i. Shallow groundwater monitoring should be proposed for both midstream and downstream of the affected area.
 - ii. Routine surface water testing should be included.
 - c. The extent to which contaminant substances have migrated and are expected to migrate.
 - ii. A characterization of the Facility and all areas impacted by the spill, i.e. Willow Creek, Alvey Wash, Coal Bed Canyon, and the ponds located at the Facility, including:
 - a. Contaminant substance mixtures present and media of occurrence;
 - b. Hydrogeologic conditions underlying and, upgradient and downgradient of the facility;

- c. Surface waters in the area;
 - d. Climatologic and meteorologic conditions in the area of the facility;
 - e. Type, location and description of possible sources of the pollution at the facility;
 - f. Groundwater withdrawals, pumpage rates, and usage within a 2-mile radius.
 - g. For each pond, information on the maximum volume capacity, construction date, liner information, materials typically contained within and frequency of use, and copies of any existing permits associated with the described ponds.
- iii. Supporting data, including:
 - a. Data packages including quality assurance and quality control reports;
 - b. A description of the data used in the report; and
 - c. A description of any data gaps encountered, how those gaps affect the analysis and any plans to fill those gaps.
 - iv. If Citation intends to propose an Alternate Corrective Action Concentration Limit that is higher than applicable water quality standards, then Citation must include an endangerment assessment that includes descriptions of any risk evaluation necessary to support a proposal for a standard.
 - v. The CIR must be performed under the direction, and bear the seal, of a professional engineer or professional geologist.
7. Within 60 days from the date the Director approves the CIR, submit a Corrective Action Plan ("CAP"), for Director approval. *See* Utah Admin. Code R317-6-6.15(E). The CAP shall:
- i. Be complete and accurate;
 - ii. Be protective of the public health and the environment;
 - iii. Meet concentration limits; and
 - iv. Produce a permanent effect.

F. NOTICE

This NOV/CO is effective upon issuance (date signed) and shall become final unless it is administratively contested. This NOV/CO may be contested by filing and serving a written Request for Agency Action as provided in Utah Admin. Code R305-7-303 and R305-7-104(5). Even if this NOV/CO is contested, it remains effective unless a stay is issued or the NOV/CO is rescinded, vacated or otherwise terminated.

Failure to contest this NOV/CO within thirty (30) days, as specified in Utah Admin. Code R305-7-303(8), constitutes a waiver of any right to contest the NOV/CO or to seek judicial review.

All reports required under this NOV/CO must be accompanied by the following certification, which is to be signed in accordance with Utah Admin. Code R317-8-3.4(4):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

Utah Code § 19-5-115 provides that violation of the Act, or any permit, rule or order adopted under the Act, may be subject to a civil penalty not to exceed \$10,000 per day of violation. Failure to comply with this NOV/CO may result in additional civil penalties or criminal fines under Utah Code § 19-5-115.

Issued this Tenth day of October, 2023.



John K. Mackey, P.E.
Director, Division of Water Quality

DWQ-2023-123840



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Executive Director

DIVISION OF WATER QUALITY
Candice A. Hasenyager, P.E.
Director

Water Quality Board

James Webb, Chair
Vacant Vice Chair
Jill Jones

Michela Harris
Joseph Havasi
Trevor Heaton
Robert Fehr
Tim Davis

Candice A. Hasenyager, P.E.
Executive Secretary

MEMORANDUM

TO: Water Quality Board

THROUGH: Candice A. Hasenyager, P.E., Director

THROUGH: Leanna Littler-Woolf, Assistant Director

THROUGH: Samantha Heusser, Compliance and Enforcement Manager

FROM: Brendon Quirk, PhD

DATE: January 28, 2026

SUBJECT: Request for Approval of Settlement Docket No. I23-11 for Citation Oil & Gas Corp.

The Utah Water Quality Act, Utah Code Section 19-5-104(3)(g) requires that any settlement negotiated by the Director with a civil penalty of \$25,000 or more must be reviewed and approved or disapproved by the Utah Water Quality Board ("Board"). The Division is requesting Board approval of a settlement with Citation Oil & Gas Corp. ("Citation"). Citation signed the stipulation and consent order ("SCO") on December 17, 2025.

Citation is a foreign corporation headquartered in Houston, Texas doing business in Garfield County, Utah. Citation is legally responsible for the operation of the Upper Valley Unit Well #8, located approximately 10 miles southwest of the town of Escalante.

The SCO resolves violations associated with October 9, 2023, release of approximately 125 barrels (5,250 gallons) of crude oil and an unknown volume of produced water to an unnamed drainage. The crude oil and produced water travelled less than one-quarter mile where they accumulated behind a bermed area used as a stock pond for livestock. In response to the violations, the Director issued a Notice of Violation and Compliance Order ("NOV/CO"), Docket No. I23-11, to Citation on January 11, 2024.

In compliance with the NOV/CO, Citation completed soil cleanup activities in the effected drainage and stock pond areas. The SCO incorporates the surface water monitoring plan included in Citation's workplan submitted on September 5, 2024.

The total negotiated civil penalty is **\$279,000.00**, with \$100,000 held in abeyance to encourage compliance with terms outlined in surface water monitoring plan. Further, the abeyance will be held so long as Citation does not violate the Utah Water Quality Act and Water Quality Rules for a period of thirty-six (36) months. The partially-signed SCO can be accessed [here](#).

The public comment period for the SCO ran from December 17, 2025, to January 17, 2026 and no comments were received.

The SCO represents what the Division believes to be a fair and reasonable settlement. It is the Division's recommendation that this settlement be granted Board approval for execution by the Director.

Attachments: I23-11 Notice of Violation and Compliance Order (DWQ-2023-200429)

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY**

In the Matter of: Citation Oil & Gas Corporation 14077 Cutten Road Houston, TX 77069-2212	NOTICE OF VIOLATION AND COMPLIANCE ORDER DOCKET NO. I23-11
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This Notice of Violation and Compliance Order (“NOV/CO”) is issued to Citation Oil & Gas Corporation (“Citation”) in its capacity as operator of the Upper Valley Unit (“UVU”) Field Well #8 and associated facilities (“Facility”) located in Garfield County near Escalante, Utah, based upon the Facts and Determinations asserted herein. This NOV/CO is issued by the Director of the Utah Division of Water Quality (“Director”) pursuant to the Director’s authority under the Utah Water Quality Act, Utah Code §§ 19-5-101 *et. seq.* (the “Act”) and the Utah Admin. Code R317-1 *et. seq.* (“Water Quality Rules”). This NOV/CO is also issued in accordance with the administrative procedures of the Utah Department of Environmental Quality, Utah Admin. Code R305-7 *et. seq.*

A. STATUTORY AUTHORITY

1. The State of Utah’s surface water quality programs, as adopted in the Utah Water Quality Act by the Utah Legislature, operate with federal oversight and under delegation from the Environmental Protection Agency (“EPA”) under the federal Clean Water Act, 33 U.S.C. § 1342.
2. The Director is authorized to issue, continue in effect, renew, revoke, modify, or deny discharge permits and to issue orders under the Act and in accordance with Utah Code § 19-5-106(2)(d) and may enforce rules made by the Board through the issuance of orders.
3. Under Utah Admin. Code R317-6-6, the Director has the authority to protect ground water, including prohibiting the discharge of pollutants into ground water, requiring a ground water discharge permit, and requiring investigations and corrective action if a discharge occurs.
4. The Utah Division of Water Quality (“Division”) was created to administer the Act under the immediate direction and control of the Director pursuant to Utah Code § 19-1-105.
5. Pursuant to Utah Code § 19-5-111, whenever the Director determines that there are reasonable grounds to believe that there has been a violation of the Act, the Water Quality Rules, or any order of the Director or the Board, the Director may issue a notice of violation. In that event, the notice shall require that the matters complained of be corrected.

6. Utah Code § 19-5-115 provides that any person who violates a rule or order made or issued pursuant to the Act, or any rule or order made thereunder, may be subject, in a civil proceeding, to a civil penalty of up to \$10,000 per day of violation. Higher penalties and other sanctions may arise in situations amounting to knowing or willful violations.

B. APPLICABLE STATUTORY AND REGULATORY PROVISIONS

1. Utah Code § 19-5-107(1)(a) states: “Except as provided in [the Act] or [Water Quality Rules], it is unlawful for any person to discharge a pollutant into waters of the state or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any waste in a location where there is probable cause to believe it will cause pollution.”
2. Utah Code § 19-5-102(22) defines “Waste” or “pollutant” as “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.”
3. Utah Code § 19-5-102(23)(a) defines “Waters of the state” as “streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, that are contained within, flow through, or border upon this state or any portion of the state.”
4. Utah Code § 19-5-114 states, “Any person who spills or discharges any oil or other substance which may cause the pollution of waters of the state shall immediately notify the director of the spill or discharge, any containment procedures undertaken, and a proposed procedure for cleanup and disposal, in accordance with rules of the board.”
5. Utah Admin. Code R317-2-7 states, “The numeric criteria listed in R317-2-14 shall apply to each of the classes assigned to waters of the State as specified in R317-2-6. It shall be unlawful and a violation of these rules for any person to discharge or place wastes or other substances in such a manner as may interfere with designated uses protected by assigned classes or to cause any of the applicable standards to be violated, except as provided in R317-1-3.1.”
6. Utah Admin. Code R317-6-6.15 shall apply to any person who discharges pollutants into ground water in violation of Utah Code § 19-5-107 or who places or causes to be placed any wastes in a location where there is probable cause to believe they will cause pollution of ground water in violation of Utah Code § 19-5-107.

C. FACTS & DETERMINATIONS

1. Citation is a foreign for-profit corporation located in Houston, Texas, doing business in Garfield County, Utah.
2. Citation operates the Facility which is located southwest of Escalante, Utah, at approximately 37.6825°N 111.7478°W along Forest Service Road 272, within the Dixie National Forest.
3. On October 9, 2023, the Division received notification from Citation's consultant, Absaroka Energy and Environmental Solutions, LLC ("AE2"), of a produced water and crude oil release from the Facility. The volume of the release was reported by AE2 as unknown at the time of the notification. The notification was logged as Incident Report No. 16701 in the Utah Department of Environmental Quality Environmental Incidents Database.
4. On October 12, 2023, the Division received a written report from Citation titled *Spill Report Update Upper Valley Unit Field Well #8 Flowline* providing additional details regarding the release. Specifically, the release was discovered on October 8, 2023, at approximately 16:30 hours and was associated with a leak from the Facility. Citation stated that migration of the spill downgradient was stopped "within a few hundred yards by an earthen berm" constructed by Citation and "fortified by the rancher who leases grazing rights on the property." On October 8, 2023, Citation shut in UVU Well #8. On the morning of October 9, 2023, Citation shut in the entire UVU Field. Citation excavated UVU Well #8 Flowline on October 11, 2023, and determined the leak was caused by a puncture of the flowline by a rock. The estimated duration and volume of the release was still under investigation at the time of correspondence submittal.
5. On October 12, 2023, the Division received e-mail correspondence and a written report titled *Citation Site Visit – October 11th 2023* from United States Forest Service ("USFS") staff. The report details the USFS inspection of the Facility on October 11, 2023. The report states that, from the origin of the release at the flowline leak, the spill had traveled "20 yards down to a drainage, then traveled down the drainage and spilled over a rock feature into a more defined channel... The start of the smaller, defined channel picks up at a point where two ephemeral drainages meet." The report also states that water was observed flowing within the channel and that "oil remained in pools down the rest of the channel for 150-200 yards until it entered [the bermed area]." The USFS report was accompanied by a detailed photograph log.
6. On October 17, 2023, the Division sent a Cleanup Report Request to Citation via e-mail. The Division requested a report from Citation within five business days detailing the cause of the incident, procedures used for cleanup thus far, and proposed plans for remaining cleanup and disposal pursuant to Utah Code § 19-5-114 and Utah Admin. Code R317-6-6.15(B).

7. On October 19, 2023, the Division was verbally notified by Utah Department of Natural Resources, Division of Wildlife Resources (“DWR”) of wildlife mortalities discovered by Citation in the impacted bermed area associated with the October 8, 2023, release at the Facility. On October 26, 2023, the Division received a written report from AE2, on behalf of Citation, with the subject *Upper Valley Flowline #8 Leak – Impacted Wildlife Report*. The report detailed both wildlife impacts and mortalities, as well as wildlife deterrents implemented to prevent future mortalities, e.g. ultrasonic devices and fencing. The mortalities included:
 - i. Bats (Chiropterids): 20-25 mortalities
 - ii. Perching Birds (Passerines): 4 mortalities
 - iii. Deer (Cervids): 3 presence observations
8. On October 19, 2023, the Division performed an inspection of the Facility and release area with USFS and DWR personnel. Division personnel observed oil-impacted soils at the flowline excavation site and noted shallow bedrock in and around the excavation. Downgradient from the release origin, Division personnel observed oil staining on a large bedrock feature, below which the spill path entered a morphologically well-defined, small drainage or channel. The Division observed crude oil and water with a sheen along the length of the drainage. Approximately 150 yards downstream of the bedrock feature, the release entered and pooled within a bermed area. At the time of the Division’s inspection, most of the fluids in the bermed area had been removed – though, some crude oil remained. The Division observed crude oil impacted soil across the entire bermed area. Division personnel inspected the berm as well as the drainage downstream of the berm and did not observe any crude oil or impacted media. During the inspection and associated field mapping, Division staff determined that the impacted drainage is part of the Alvey Wash Upper Assessment Unit and flows to Willow Creek and Alvey Wash.
9. Utah Code § 19-5-102(23)(a) defines drainage systems, such as the unnamed drainage within the Alvey Wash Upper Assessment Unit, as a water of the State. The impacted portion of the drainage is located within the Dixie National Forest and flows to Willow Creek and Alvey Wash, both waters of the State. Willow Creek and Alvey Wash are tributaries of the Escalante River. The Escalante River is a tributary of Lake Powell.
10. Utah Admin. Code R317-2-13 classifies all tributaries to Lake Powell (except those excluded in rule) as Class 2B, 3B, 4 Waters of the State, establishing the following protections:
 - i. Class 2B – Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with water.
 - ii. Class 3B – Protected for warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain.
 - iii. Class 4 – Protected for agricultural uses including irrigation of crops and stock watering.

11. On October 17, 2023, the Division requested, via e-mail (*Cleanup Report Request - EIR 16701 Citation O&G flowline release*) that Citation provide analytical data characterizing produced water generated at the Facility, including but not limited to the following constituents: arsenic, barium, beryllium, cadmium, chromium, copper, lead, mercury, selenium, and silver (“total metals”); total dissolved solids (“inorganics”); gross alpha, gross beta, radium, strontium, tritium, uranium (“radiological”); total recoverable petroleum hydrocarbons (“TRPH”), i.e. oil and grease (“O&G”) (“organics”).
- i. In response to the Division’s request, on October 29, 2023, Citation provided analytical data for produced water samples collected from their systems at the Facility for some, but not all, of the analytes requested. The provided analytical data did not include the following constituents requested by the Division: arsenic, barium, beryllium, cadmium, chromium, copper, lead, mercury, selenium, silver, gross alpha, gross beta, radium, strontium, tritium, and uranium. Constituents detected above analyte specific minimum detection limits include, but are not limited to, the following:
- | ANALYTE | REPORTED VALUE (UNITS) |
|------------------------|------------------------|
| Benzene | 120 (µg/L) |
| Ethylbenzene | 20 (µg/L) |
| m,p-Xylene | 40 (µg/L) |
| Naphthalene | 13 (µg/L) |
| n-Propylbenzene | 4.8 (µg/L) |
| o-Xylene | 23 (µg/L) |
| Toluene | 57 (µg/L) |
| 1,2,4-Trimethylbenzene | 17 (µg/L) |
| 1,3,5-Trimethylbenzene | 6.8 (µg/L) |
| Oil & Grease | 248 (mg/L) |
| 2,4-Dimethylphenol | 33.7 (µg/L) |
| Total Dissolved Solids | 8,950 (mg/L) |
- ii. The analytical data reports depict some abnormalities with the chain of custody. Specifically, the samples were collected on September 28, 2023, but the documentation indicates the samples were relinquished twice and received once all on September 29, 2023. Also, the temperature upon receipt was listed as 12.9 degrees C. Yet the sample receipt checklist states “YES” for cooling below 6 degrees C or on ice, if sampled the same day. These abnormalities may have skewed the analytical results.
12. Utah Admin. Code R317-2-14 Numeric Criteria includes numeric standards for waters of the State, including but not limited to, 2B, 3B, and 4 Waters of the State such as all tributaries to Lake Powell (except those excluded in rule).

13. Utah Admin. Code R317-2-12 classifies all surface waters geographically located within the outer boundaries of U.S. National Forests, whether on public or private lands, as Anti-Degradation Category 1 Waters:
 - i. Category 1 – No point discharges allowed within U.S. Forest Service outer boundary or to other specified waters of R317-2-12. Waters which have been determined by the [Water Quality] Board to be of exceptional recreational or ecological significance or have been determined to be a State or National resource requiring protection.
14. Utah Admin. Code R317-6-2 includes ground water quality standards.

D. VIOLATIONS

Based on the foregoing, Citation has violated the following:

1. Utah Admin. Code R317-2-7.2 for placing wastes in such a manner that caused a violation of the Utah Water Quality Narrative Standard.
2. Utah Code § 19-5-107(1)(a) for causing pollution which constitutes a menace to public health and welfare and that is harmful to wildlife and impairs agricultural beneficial uses of water and for placing waste in a location where it causes and where there is probable cause to believe it will cause pollution.

E. ORDER

Based on the foregoing Facts and Determinations, and Violations and pursuant to Utah Code §§ 19-5-107 and 19-5-111, Citation is hereby **ORDERED** to:

1. As of the date of issuance of this NOV/CO, if not already initiated, initiate all action required to come into compliance with all applicable provisions of the Utah Water Quality Act in Utah Code § 19-5-101 *et. seq.* and the Water Quality Rules in Utah Admin. Code, R317-1 *et seq.*
2. Cease and desist all unpermitted discharges.
3. **Immediately** commence the cleanup, removal, and proper disposal of released contaminants and contaminated materials from all impacted areas, including but not limited to free product and contaminated soils.
4. **Within fifteen (15) calendar days** of the date of issuance of this NOV/CO, submit to the Director a Clean Up Plan that includes the following information:
 - a. A written description of all impacted areas with GPS location and photo documentation for each impacted area.
 - b. An estimate of the total volume of materials released, including breakdown of volume of produced water released and volume of crude oil released.

- c. Laboratory analysis that characterizes all materials released, including but not limited to the following constituents in produced water generated at the facility: arsenic, barium, beryllium, cadmium, chromium, copper, lead, mercury, selenium, silver, gross alpha, gross beta, radium, strontium, tritium, and uranium.
 - d. A schedule that specifies when (with dates) and how (with specific methods) the released materials will be removed from all impacted areas.
 - e. An explanation of how contaminated media, including contaminated soils, will be characterized and properly disposed in accordance with local, state, and federal regulations.
 - f. The specific environmental mitigation and restoration plans for all areas affected by the discharge and the applicable dates related to these plans.
5. **Within thirty (30) calendar days** of issuance of this NOV/CO, submit to the Director a report that includes the following information in detail:
- a. The cause of each violation;
 - b. The specific corrective actions taken and/or planned to be taken, results achieved, and applicable dates;
 - c. How the corrective actions will prevent similar violations from recurring; and
 - d. The specific environmental mitigation and restoration plans for the area affected by the discharge and the applicable dates related to these plans.
6. **Within thirty (30) calendar days** of the date of issuance of this NOV/CO, and in accordance with Utah Code R317-6-6.15(C)(1), submit to the Director a proposed schedule for submission of a groundwater Contamination Investigation Report and a proposed Corrective Action Plan for all areas impacted by the release. The Contamination Investigation Report shall include all of the information listed under Utah Code R317-6-6.15(D)(1). The proposed Corrective Action Plan shall include all of the information listed under Utah Code R317-6-6.15(D)(2).
7. **Within thirty (30) calendar days** prior to submittal of the groundwater Contamination Investigation Report, per paragraph E.6. above, Citation shall submit for Director approval a groundwater investigation work plan that details how Citation will meet the investigation report requirements of R317-6-6.15(D)(1).
8. Any requested or submitted analytical laboratory data must be completed by a laboratory accredited under the National Environmental Laboratory Accreditation Program.

F. NOTICE

This NOV/CO is effective upon issuance (date signed) and shall become final unless it is administratively contested. This NOV/CO may be contested by filing and serving a written Request for Agency Action as provided in Utah Admin. Code R305-7-303 and R305-7-104(5). Even if this NOV/CO is contested, it remains effective unless a stay is issued or the NOV/CO is rescinded, vacated, or otherwise terminated.

Failure to contest this NOV/CO within the time period and manner prescribed by Utah Admin. Code R305-7-303 constitutes a waiver of any right of administrative contest, reconsideration, review, or judicial appeal.

All reports required under this NOV/CO must be accompanied by the following certification, which is to be signed in accordance with Utah Admin. Code R317-8-3.4(4):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

Utah Code § 19-5-115 provides that violation of the Act, or any permit, rule or order adopted under the Act, may be subject to a civil penalty not to exceed \$10,000 per day of violation. Failure to comply with this NOV/CO may result in additional civil penalties or criminal sanctions under Utah Code § 19-5-115.

Issued this 11th day of January, 2024.

A handwritten signature in blue ink, reading "John K. Mackey", with a stylized flourish at the end.

John K. Mackey, P.E.
Director, Division of Water Quality

DWQ-2023-200429