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

IN THE MATTER OF:

Ralph L. Wadsworth Construction
Company, LLC
4051 West Terminal Drive
Salt Lake City, Utah 84122

STIPULATION AND CONSENT ORDER

Docket No. I25-01

This Stipulation and Consent Order (“Order”) is entered into voluntarily by and between the Director (“Director”) of the Utah Division of Water Quality (“Division”) Ralph L. Wadsworth Construction Company, LLC (“RLW”), jointly referred to hereinafter as “the Parties.”

By entering into this Order, the Parties wish, without further administrative or judicial proceedings, to establish compliance requirements and stipulate to civil penalties arising out of alleged violations of the Utah Water Quality Act, Utah Code §§ 19-5-101 *et. seq.* (the “Act”), and corresponding regulations in the Utah Admin. Code R317-1-1 *et. seq.* (the “Water Quality Rules”).

I. STATUTORY AND REGULATORY AUTHORITY

1. The Director has authority to administer the Act pursuant to Utah Code § 19-1-105(1)(e), and to enforce the Water Quality Rules in Utah Admin. Code R317 through the issuance of orders, as specified in Utah Code §§ 19-5-106(2)(d) and -111. The Director also has authority to settle any civil action initiated to compel compliance with the Act and implementing regulations pursuant to Utah Code § 19-5-106(2)(k).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. RLW is a “person” as defined in Utah Code § 19-1-103(4) and is subject to all applicable provisions of the Act and the Water Quality Rules.
2. RLW is the operator responsible for the operation of the Terminal Redevelopment Program project located at the Salt Lake City International Airport (“Facility”).
3. For the purposes of this Order, the Parties stipulate to the findings and violations identified in the August 04, 2025 Notice of Violation and Compliance Order (“NOV/CO”), Docket No. I25-01, and to the findings described below.
4. On August 27, 2025 RLW submitted a request for an extension of the 30-calendar day deadline for the reports required by the NOV/CO Order (paragraphs E.3. and E.4.), due

September 3, 2025. On September 10, 2025, RLW requested a second extension for submission of these reports. The extension requests were approved by the Director through the office of Attorney General on August 27, 2025 and September 10, 2025. In response to the NOV/CO, RLW submitted a report titled, “Utah Department of Environmental Quality” (“Report”) on September 26, 2025.

- The analytical results included in the Report indicate additional effluent limit exceedances that were not reported in previously submitted Discharge Monitoring reports (“DMR”). These exceedances are summarized in Table 1:

Table 1: RLW Effluent Limit Exceedances January 2024 – April 2025

Monitoring Period (Month Ending)	Outfall	Parameter	Permit Limit mg/L	Result mg/L	Percent Exceedance
Permit effective February 1, 2020 (expired May 31, 2024)					
1/31/2024	Outfall 2	Total Suspended Solids Daily Max	70	<u>108</u>	54%
1/31/2024	Outfall 2	Total Suspended Solids Average Weekly	35	<u>108</u>	209%
02/29/2024	Outfall 1	Total Suspended Solids Daily Max	70	<u>124</u>	77%
02/29/2024	Outfall 1	Total Suspended Solids Daily Max	70	<u>272</u>	289%
02/29/2024	Outfall 1	Total Suspended Solids Daily Max	70	<u>90</u>	29%
02/29/2024	Outfall 1	Total Suspended Solids Average Weekly	35	<u>198</u>	466%
02/29/2024	Outfall 1	Total Suspended Solids Average Weekly	35	<u>90</u>	157%
02/29/2024	Outfall 2	Total Suspended Solids Daily Max	70	<u>115</u>	64%
02/29/2024	Outfall 2	Total Suspended Solids Daily Max	70	<u>302</u>	302%
02/29/2024	Outfall 2	Total Suspended Solids Average Weekly	35	<u>115</u>	229%
02/29/2024	Outfall 2	Total Suspended Solids Average Weekly	35	<u>302</u>	763%
03/31/2024	Outfall 2	Total Suspended Solids Daily Max	70	<u>74</u>	6%
03/31/2024	Outfall 2	Total Suspended Solids Average Weekly	35	<u>74</u>	111%
05/31/2024	Outfall 1	Total Suspended Solids Daily Max	70	<u>298</u>	326%
05/31/2024	Outfall 1	Total Suspended Solids Average Weekly	35	<u>298</u>	751%
05/31/2024	Outfall 1	Total Suspended Solids Average Monthly	25	<u>102</u>	308%
Permit effective June 10, 2024 (expires June 10, 2029)					

06/30/2024	Outfall 1	Total Suspended Solids Daily Max	70	<u>83</u>	19%
06/30/2024	Outfall 1	Total Suspended Solids Average Weekly	35	<u>53</u>	51%
06/30/2024	Outfall 1	Total Suspended Solids Average Monthly	25	<u>36</u>	44%
06/30/2024	Outfall 5	Total Suspended Solids Daily Max	70	<u>334</u>	377%
06/30/2024	Outfall 5	Total Suspended Solids Average Weekly	35	<u>334</u>	854%
06/30/2024	Outfall 5	Total Suspended Solids Average Monthly	25	<u>170</u>	580%
07/31/2024	Outfall 1	Total Suspended Solids Daily Max	70	<u>101</u>	44%
07/31/2024	Outfall 1	Total Suspended Solids Average Weekly	35	<u>101</u>	189%
07/31/2024	Outfall 1	Total Suspended Solids Average Monthly	25	<u>53</u>	112%
08/31/2024	Outfall 1	Total Suspended Solids Daily Max	70	<u>146</u>	109%
08/31/2024	Outfall 1	Total Suspended Solids Average Weekly	35	<u>146</u>	317%
08/31/2024	Outfall 1	Total Suspended Solids Average Monthly	25	<u>46</u>	84%
08/31/2024	Outfall 2	Total Suspended Solids Average Monthly	25	<u>32</u>	28%
09/30/2024	Outfall 2	Total Suspended Solids Average Weekly	35	<u>322</u>	820%
09/30/2024	Outfall 2	Total Suspended Solids Average Monthly	25	<u>322</u>	1188%
09/30/2024	Outfall 5	Total Suspended Solids Average Weekly	35	<u>46</u>	31%
09/30/2024	Outfall 5	Total Suspended Solids Average Monthly	25	<u>46</u>	84%
11/30/2024	Outfall 2	pH Daily Min	6.5	<u>6.2</u>	0.3*
11/30/2024	Outfall 2	Total Suspended Solids Daily Max	70	<u>136</u>	360%
11/30/2024	Outfall 2	Total Suspended Solids Average Weekly	35	<u>45</u>	29%
11/30/2024	Outfall 2	Total Suspended Solids Average Weekly	35	<u>136</u>	289%
11/30/2024	Outfall 2	Total Suspended Solids Average Monthly	25	<u>52</u>	108%
11/30/2024	Outfall 4	Total Suspended Solids Average Weekly	35	<u>68</u>	94%
11/30/2024	Outfall 4	Total Suspended Solids Average Weekly	35	<u>50</u>	43%

11/30/2024	Outfall 4	Total Suspended Solids Average Monthly	25	<u>59</u>	136%
02/28/2025	Outfall 1	Total Suspended Solids Average Weekly	35	<u>61</u>	74%
04/31/2025	Outfall 1	Total Suspended Solids Daily Max	70	<u>76</u>	9%
04/31/2025	Outfall 1	Total Suspended Solids Average Weekly	35	<u>76</u>	117%

*Note. Values in **bold and italics** indicate a Permit limit exceedance.*

** Exceedance expressed in pH units*

6. The Report submitted by RLW indicates that the DMR certified and submitted for the September 2024 and October 2024 monitoring period erroneously identified an exceedance of the permitted Total Suspended Solids (“TSS”) Daily Max limitation for Outfall 001.
7. The Report submitted by RLW also indicates that TSS concentrations were not monitored in the Facility’s effluent between January 2024 through September 2024 on nine occasions. The Permit requires RLW to monitor TSS concentrations of the Facility’s effluent on a weekly basis.
8. The Parties voluntarily enter into this Settlement to resolve the violations identified both in the NOV/CO as well as this Settlement without the necessity of further administrative or judicial proceedings.

III. STIPULATION AND CONSENT ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Parties have negotiated this Order in good faith and now wish to fully resolve NOV/CO No. I25-01 without additional administrative or judicial proceedings.

1. In accordance with Utah Admin. Code R317-1-8. Penalty Criteria for Civil Settlement Negotiations, RLW shall pay a penalty of \$48,785.75.
2. In addition to payment of the above-referenced penalty and in full settlement of the violations alleged in NOV/CO No. I25-01, RLW shall complete the following:
 - a. Within thirty (30) days of the Effective Date of this Order, demonstrate to the Division that applicable DMRs have been corrected and resubmitted. Specifically, ensure submitted DMRs adequately reflect laboratory analytical results for all samples taken during the monitoring period of January 2024 through April 2025, for all applicable Outfalls. At minimum, demonstrate that correct monitoring data has been submitted for the outfalls and constituents identified in Table 2:

Table 2: *DMR corrections required for January 2024 – April 2025*

Monitoring Period (Month Ending)	Outfall	Correction
01/31/2024	Outfall 2	Include additional violations to comments section: <ul style="list-style-type: none"> • TSS Daily Max violation 01/03/2024 • TSS Weekly Ave violation 01/07/2024 • Missed Monitoring week ending 01/21/2024
02/29/2024	Outfall 1	Edit the DMR entry for TSS Daily max to reflect the highest value attained from TSS monitoring in the month of February. Correct entries for the following: <ul style="list-style-type: none"> • TSS Weekly Ave • TSS Monthly Ave Include additional violations to comments section: <ul style="list-style-type: none"> • TSS Daily Max violation 02/05/2024 • TSS Daily Max violation 02/08/2024 • TSS Daily Max violation 02/19/2024 • TSS Weekly Ave violation 02/11/2024 • TSS Weekly Ave violation 02/25/2024 • Missed Monitoring week ending 02/18/2024
02/29/2024	Outfall 2	Edit the DMR entry for TSS Daily max to reflect the highest value attained from TSS monitoring in the month of February. Correct entries for the following: <ul style="list-style-type: none"> • TSS Weekly Ave • TSS Monthly Ave Include additional violations to comments section: <ul style="list-style-type: none"> • TSS Daily Max violation 02/19/2024 • TSS Daily Max violation 02/28/2024 • TSS Weekly Ave violation 02/25/2024 • TSS Weekly Ave violation 03/03/2024
03/31/2024	Outfall 2	Correct entries for the following: <ul style="list-style-type: none"> • TSS Daily Max • TSS Weekly Ave
04/30/2024	Outfall 2	Include additional violations to comments section: <ul style="list-style-type: none"> • Missed Monitoring week ending 04/07/2024 • Missed Monitoring week ending 04/28/2024
05/31/2024	Outfall 1	Include additional violations to comments section: <ul style="list-style-type: none"> • Missed Monitoring week ending 05/19/2024 • Missed Monitoring week ending 05/26/2024

06/30/2024	Outfall 1	<p>Edit the DMR entry for TSS Daily max to reflect the highest value attained from TSS monitoring in the month of June.</p> <p>Correct entries for the following:</p> <ul style="list-style-type: none"> • TSS Weekly Ave • TSS Monthly Ave <p>Include additional violations to comments section:</p> <ul style="list-style-type: none"> • Missed Monitoring week ending 06/02/2024 • Missed Monitoring week ending 06/16/2024
08/31/2024	Outfall 1	<p>Edit the DMR entry for TSS Daily max to reflect the highest value attained from TSS monitoring in the month of August.</p> <p>Correct entries for the following:</p> <ul style="list-style-type: none"> • TSS Weekly Ave • TSS Monthly Ave
08/31/2024	Outfall 2	<p>Edit the DMR entry for TSS Daily max to reflect the highest value attained from TSS monitoring in the month of August.</p> <p>Correct entries for the following:</p> <ul style="list-style-type: none"> • TSS Weekly Ave • TSS Monthly Ave
09/31/2024	Outfall 1	<p>Edit the DMR entry for TSS Daily max to reflect the highest value attained from TSS monitoring in the month of September.</p> <p>Correct entries for the following:</p> <ul style="list-style-type: none"> • TSS Weekly Ave • TSS Monthly Ave <p>Include additional violations to comments section:</p> <ul style="list-style-type: none"> • Missed Monitoring week ending 09/29/2024
09/31/2024	Outfall 5	<p>Edit the DMR entry for TSS Daily max to reflect the highest value attained from TSS monitoring in the month of September.</p> <p>Correct entries for the following:</p> <ul style="list-style-type: none"> • TSS Weekly Ave • TSS Monthly Ave

11/30/2024	Outfall 2	<p>Edit the DMR entry for TSS Daily max to reflect the highest value attained from TSS monitoring in the month of November.</p> <p>Correct entries for the following:</p> <ul style="list-style-type: none"> • TSS Weekly Ave • TSS Monthly Ave <p>Include additional violations to comments section:</p> <ul style="list-style-type: none"> • TSS Weekly Ave violation 11/14/2024
02/29/2025	Outfall 1	<p>Edit the DMR entry for TSS Daily max to reflect the highest value attained from TSS monitoring in the month of February.</p> <p>Correct entries for the following:</p> <ul style="list-style-type: none"> • TSS Weekly Ave • TSS Monthly Ave <p>Include additional violations to comments section:</p> <ul style="list-style-type: none"> • TSS Weekly Ave violation 02/13/2025
04/30/2025	Outfall 1	<p>Edit the DMR entry for TSS Daily max to reflect the highest value attained from TSS monitoring in the month of April.</p> <p>Correct entries for the following:</p> <ul style="list-style-type: none"> • TSS Weekly Ave

3. Payment in the amount of **\$48,785.75** is to be made within thirty (30) calendar days of the Effective Date of this Order, using one of the following options:
 - a. CHECK – Payable to the Division. The payment shall be sent to:

Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870
 - b. ELECTRIC CHECK PAYMENT – [Online Payment Portal](https://secured.utah.gov/dwq/Forms/Page/dwq-market/dwq-market/):
<https://secured.utah.gov/dwq/Forms/Page/dwq-market/dwq-market/>
 - c. OTHER – For other available payment options, please contact the Division’s finance staff at eqwqfinance@utah.gov.

4. If, for any reason, RLW fails to pay the penalty within thirty (30) calendar days and thereby defaults, the Director reserves the right to request the Water Quality Board (“Board”) rescind its approval of this Order under Utah Code § 19-5-104(4)(a).
 - a. Prior to requesting that the Board rescind its approval of this Order, the Director shall provide written notice to RLW of its default and will provide fourteen (14) calendar

days to cure the default by remitting payment. If payment is not received within the fourteen (14) calendar day cure period and, following Board action, the Director is authorized, without providing further written notice to RLW, to begin a civil action for all appropriate relief provided under the Act, including seeking the full penalty amount of \$10,000 per violation per day, as authorized under the Act.

IV. GENERAL PROVISIONS

1. The Parties recognize that this Order has been negotiated in good faith and nothing herein constitutes an admission by any Party. RLW does not admit to, and retains the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Order, the validity of the facts and violations alleged in the NOV/CO. RLW further agrees it will not contest the basis or validity of this Order or its terms.
2. The violations described herein will constitute part of RLW's compliance history where consideration of such history is relevant, including any subsequent violations. RLW understands and agrees that this Order is not and cannot be raised as a defense to any other action to enforce any federal, state, or local law.
3. RLW agrees to the terms, conditions, and requirements of this Order. By signing this Order, RLW understands, acknowledges, and agrees that it waives: (1) the opportunity for an administrative hearing pursuant to Utah Code § 19-1-301; (2) the right to contest the findings in the NOV/CO; and (3) the opportunity for judicial review.
4. This Order is subject to a public notice and comment period of at least thirty (30) days, in accordance with Utah Admin. Code R317-8-1.9. The Parties each reserve the right to withdraw from this Order if comments received during the notice and comment period render this Order inappropriate, improper, or inadequate.
5. The "Effective Date" shall be the date this Order is executed by the Director. The Director will not sign this Order until after the Division has provided public notice of the proposed Order and has solicited and reviewed any public comments received.
6. This Order includes a civil penalty in excess of \$25,000 and therefore must be presented to, reviewed by, and approved or disapproved by the Board in accordance with Utah Code § 19-5-104(3)(h). Final execution of this Order by the Director shall not occur until it is approved by the Board. The Order will be presented to the Board for final action after the Division has provided public notice of the proposed Order and has solicited and reviewed any public comments received. All public comments, and the Director's responses, shall be provided to the Board in connection with the Director's request for final action.
7. The dates set forth in the Stipulation and Consent Order section of this Order may be extended in writing by the Director, in the Director's sole discretion, based on RLW's showing of good cause. Good cause for an extension generally means events outside of the reasonable control of RLW, such as force majeure, inclement weather, contractor or supplier delays, and similar circumstances. However, the Director expects RLW to employ reasonable

means to limit and prevent foreseeable causes of delay. The timeliness of RLW's request for an extension shall constitute an important factor in the Director's evaluation.

8. Nothing in this Order shall preclude the Director from taking actions, including additional penalties against RLW, for future violations of State or Federal law.
9. The Parties acknowledge that neither the Director nor the Board has jurisdiction regarding natural resource damage claims, causes of action, or demands. Therefore, such matters are outside the scope of this Order.
10. This Order is binding upon each of the Parties and their respective heirs, successors, and assigns. Any change in ownership or corporate or legal status, including but not limited to, any transfer of assets or real or personal property, shall in no way alter the status or responsibilities of the Parties under this Order.
11. This Order may be amended in writing if signed by both Parties.

V. COMPLIANCE AND PENALTY NOTICE

As of the Effective Date, this Order shall constitute a final administrative order. Compliance with the provisions of this Order is mandatory. All violations of the Act, the Water Quality Rules, and this Order will be strictly enforced during the time that this Order remains in effect. Utah Code § 19-5-115, provides that any person who violates a rule or order made or issued pursuant to the Act may be subject, in a civil proceeding, to a state district court judge imposing a civil penalty per day of violation.

VI. SIGNATORY

The undersigned, signing this Order on behalf of Ralph L. Wadsworth Construction Company, LLC represents and warrants that it is duly authorized and has legal capacity to legally bind Ralph L. Wadsworth Construction Company, LLC and agrees that the Director may rely on that representation.

Pursuant to the Utah Water Quality Act, Utah Code § 19-5-101 *et seq.*, and Utah Admin. Code R317, the Parties hereto mutually agree and consent to this Stipulation and Consent Order, as evidenced below:

[SIGNATURE PAGE FOLLOWS]

IT IS SO AGREED AND ORDERED:

For the State of Utah, Department Of Environmental Quality, Division of Water Quality

Candice A. Hasenyager, P.E.
Director

Date: _____

For Ralph L. Wadsworth Construction Company, LLC

[Name of Authorized Representative]
[Title] Brandon Squire, President

Date: 3/25/2026