



**Ralph Chamness**  
Chief Deputy  
Civil Division

**SIM GILL**  
DISTRICT ATTORNEY

**Jeffrey William Hall**  
Chief Deputy  
Justice Division

**Lisa Ashman**  
Administrative  
Operations

**Blake Nakamura**  
Chief Deputy  
Justice Division

**FOR IMMEDIATE RELEASE: October 1, 2015**  
Contact Sim Gill: (801) 230-1209 or [sgill@slco.org](mailto:sgill@slco.org)

**District Attorney's Office Files Multiple Felony Charges in Violation of Water Quality Act**

*Salt Lake City, UT* – The Salt Lake County District Attorney's Office filed felony criminal charges Thursday in 3rd District Court alleging Water Quality Act violations by William Ashton and William Brent Baker and the companies Owell Precast, LLC and L&B Resources, LLC. The attached charging documents outline the allegations of environmental crimes against the defendants.

As more specifically set forth in the attached *Statement of Probable Cause*, it is alleged that the defendants have been illegally disposing of waste for years. According to witnesses, on at least one occasion, three cement trucks were observed washing their cement chutes and mixer openings, allowing the mixture to flow down the apron of an artificial platform into the area directly adjacent to the Jordan River. To one witness, it appeared defendant Owell Precast, LLC was "bulking-up" the apron of the artificial platform with concrete mix, concrete chunks and solid waste including broken pallets, drums and rubber tubing. An employee of Owell Precast, LLC was advised that what the company was doing was a violation and was ordered to cease and desist.

Even though the defendant company had been notified they were allegedly violating the law, witnesses reported that the defendant companies continued to violate the Water Quality Act.

A short time after the above referenced observations, witnesses reported seeing fresh fill on the apron of the artificial platform. Witnesses compared photos taken the week before with the then existing conditions and saw new material discarded. In addition, a witness observed pools of fine concrete mix dispersing as much as 30 to 40 feet into the areas that are directly adjacent to the Jordan River.

The defendants have been charged with two Third Degree Felonies. Each Third Degree Felony against Mr. Ashton and Mr. Baker is punishable by a maximum prison sentence not to exceed five years and a fine not to exceed \$50,000.00 per day of violation, and against each company as a fine not to exceed \$50,000.00 per day of violation.

The Salt Lake County District Attorney's Office expresses its appreciation to local law enforcement personnel and the Salt Lake County Health Dept., the Environmental Protection Agency, the US Army Corps of Engineers, and the Environmental Crimes Task Force for their collaborative efforts and significant work during the investigation of these matters. The Environmental Crimes Task Force provides important environmental enforcement and education efforts. These criminal charges and the allegations set forth therein are the result of an ongoing effort in collaboration with multiple partners to address the issues of environmental degradation and abuse in our community.

All persons accused of a crime are presumed innocent unless and until proven guilty in a court of law.  
###

SIM GILL, Bar No. 6389  
District Attorney for Salt Lake County  
THOMAS LOPRESTO II, Bar No. 11320  
Deputy District Attorney  
111 East Broadway, Ste. 400  
Salt Lake City, Utah 84111  
Telephone: (385) 468-7600

---

IN THE THIRD DISTRICT COURT, SALT LAKE DEPARTMENT  
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

---

THE STATE OF UTAH

Plaintiff,

vs.

**WILLIAM NIELSEN ASHTON**  
**DOB: 02/25/1967,**  
**10279 Chesnut View Ct.**  
**South Jordan, UT 84095**

Defendant,

WILLIAM BRENT BAKER

Co-Defendant,

OWELL PRECAST, LLC

Co-Defendant,

L & B RESOURCES, LLC

Co-Defendant.

Screened by: THOMAS LOPRESTO II  
Assigned to: THOMAS LOPRESTO II

**INFORMATION**

DAO # 15024257

ECR Status: **NON-ECR**  
Initial Appearance:

SUMMONS TO BE ISSUED  
Warrant/Release: Release

Case No.

---

The undersigned Alex Huggard – SALT LAKE COUNTY DISTRICT ATTORNEY’S OFFICE, U.S. ENVIRONMENTAL PROTECTION AGENCY Case No. 0802-0123, upon a written declaration states on information and belief that the defendant, WILLIAM NIELSEN ASHTON, committed the crime(s) of:

COUNT 1

VIOLATE WATER QUALITY ACT, 19-5-115 UCA, Third Degree Felony, as follows: That on or between November 20, 2013 and January 7, 2015, in Salt Lake County, State of Utah, the defendant did knowingly (a) discharge pollutants in violation of Utah Code § 19-5-107(1) or in violation of any condition or limitation included in a permit issued under Utah Code § 19-5-107(3);

(b) violate Utah Code §19-5-113;

(c) violate a pretreatment standard or toxic effluent standard for publicly-owned treatment works;  
or

(d) manage sewage sludge in violation of Utah Code § 19-5 or rules adopted under it.

COUNT 2

VIOLATE WATER QUALITY ACT, 19-5-115 UCA, Third Degree Felony, as follows: That on or between January 13, 2015 and January 21, 2015, in Salt Lake County, State of Utah, the defendant did knowingly (a) discharge pollutants in violation of Utah Code § 19-5-107(1) or in violation of any condition or limitation included in a permit issued under Utah Code § 19-5-107(3);

(b) violate Utah Code §19-5-113;

(c) violate a pretreatment standard or toxic effluent standard for publicly-owned treatment works;  
or

(d) manage sewage sludge in violation of Utah Code § 19-5 or rules adopted under it.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES:

Jude Densley,

DECLARATION OF PROBABLE CAUSE:

The following information was provided to DECLARANT by Jude Densley, Special Agent U.S. Environmental Protection Agency, Criminal Investigation Division:

The statement of Timothy Witman, Project Manager U.S. Army Corps of Engineers, that on January 7, 2015, in Salt Lake County, he observed, for approximately one-half hour, an excavator and a skid steer repeatedly dumping cured cement, concrete mix and a fifty-five(55) gallon drum down the edge of a fill pile, off the west edge of property, later identified as owned by L&B RESOURCES, LLC, Defendant, later identified as operated by OWELL PRECAST, LLC, Defendant, onto an area directly adjacent to the Jordan River. The Jordan River is a water of the State of Utah. Mr. Witman reported his observations to Salt Lake County.

According to records from the Utah Department of Corporations and Commercial Code, Defendant OWELL PRECAST was first registered as a limited liability company in the State of Utah on May 23, 1997, BRENT BAKER, Defendant, has been listed as a Member since February 26, 2008 and was listed as a Registered Agent as far back as from October 20, 1999. WILLIAM ASHTON, Defendant, has been listed as a Member of Defendant OWELL PRECAST since November 20, 2013. According to records from the Utah Department of Corporations and Commercial Code, Defendant L&B RESOURCES was first registered as a limited liability company in the State of Utah on March 23, 2011 and that Brent Baker has been listed as a Member since that time. William Ashton has been listed as a Member of Defendant L&B RESOURCES since November 20, 2013.

The statement of Ron Lund, Salt Lake County Health Department(SLCoHD), that the SLCoHD has responded to the site operated by Defendant OWELL PRECAST as early as 2009. According to records from the SLCoHD, on December 14, 2009, representatives of SLCoHD met with Ryan Balls, President or Defendant OWELL PRECAST at the time, who stated Defendant OWELL PRECAST had been at the location for the last eleven(11) years.

Mr. Witman compared historical aerial imagery with present day aerial imagery focusing on the artificial platform. From October 2, 2011 onward, Mr. Witman estimated the expansion of the artificial platform in question was built by filling approximately 0.81 acres of the area adjacent to the Jordan River.

The statement of Kevin Okleberry, Salt Lake County Health Department, that on January 13, 2015, he conducted an on-site visit of the property operated by Defendant OWELL PRECAST and met with Todd Panter, Owell Precast's Maintenance Manager. While onsite, and at the location of the artificial platform, Mr. Okleberry observed three(3) cement trucks washing their cement chute and mixer openings, allowing the mixture flow down the apron of the artificial platform, into the area directly adjacent to the Jordan River. In addition, Mr. Okleberry observed that it appeared Defendant OWELL PRECAST was bulking-up the apron of the artificial platform with concrete mix, concrete chunks and solid waste including broken pallets, drums and rubber tubing. Mr. Panter was advised that what Defendant OWELL PRECAST was doing was a violation and was ordered to cease and desist.

On January 21, 2015, Mr. Witman and Hollis Jenks, Project Manager with the U.S. Army Corps of Engineers, conducted an on-site visit with Bill Ashton and Brent Baker of Owell Precast. Mr. Baker did most of the talking during the meeting, while Mr. Ashton made some clarifying statements or agreed with what Mr. Baker was saying. Both Ashton and Baker acknowledged they were using the west side of the property for disposal. Baker claimed that because the company who operated at the north side of the property shut off their access to a concrete washout area, Defendant OWELL PRECAST started washing out the concrete on the west side of the property in December 2014. Baker claimed they had been dumping on the west side of the property for a few weeks or months. In addition, Mr. Ashton elaborated they used the

west side of the property for storage of precast seconds and that they were looking to clear and expand the area for trucks to have access to pick out seconds. While touring the site, Mr. Jenks observed chunks of concrete, hardened concrete slurry and rusted rebar on the apron of the artificial platform. While touring the site, Mr. Witman observed fresh fill on the apron of the artificial platform that, when compared to photographs taken the week earlier by Mr. Okleberry, did not exist at the time of Mr. Okleberry's photos. In addition, Mr. Witman observed pools of fine concrete mix dispersing as much as thirty(30) to forty(40) feet into the area directly adjacent to the Jordan River.

Dr. Toby Hooker, PhD, Wetland Biochemist with the Utah Division of Water Quality reported that samples taken adjacent from the Owell Precast site revealed pH conditions above what would be found naturally. Dr. Hooker stated pH levels above 8.5 would be outside of expected soil conditions for that area. Dr. Hooker stated testing of the samples indicated pH levels as high as 10.20.

Mike George, Environmental Scientist with Utah Division of Water Quality, advised that Defendant OWELL PRECAST did not have a state permit for the site to discharge any process wastewater, to include a concrete mixture. Tim Witman advised that Defendant OWELL PRECAST did not have a Federal discharge permit for the site.

Pursuant to Utah Code Annotated § 78B-5-705 (2008) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
ALEX HUGGARD  
Declarant

Authorized for presentment and filing  
SIM GILL, District Attorney

\_\_\_\_\_  
Deputy District Attorney  
1st day of October, 2015  
/ / DAO # 15024257

STATE vs WILLIAM NIELSEN ASHTON

DAO # 15024257

Page 1

**OTHER PENDING CASES FOR THE DEFENDANT**

<b><u>Court</u></b>	<b><u>Court Case #</u></b>	<b><u>Trial Judge</u></b>	<b><u>DAO#</u></b>	<b><u>Charge</u></b>
---------------------	----------------------------	---------------------------	--------------------	----------------------

SIM GILL, Bar No. 6389  
District Attorney for Salt Lake County  
THOMAS LOPRESTO II, Bar No. 11320  
Deputy District Attorney  
111 East Broadway, Ste. 400  
Salt Lake City, Utah 84111  
Telephone: (385) 468-7600

---

IN THE THIRD DISTRICT COURT, SALT LAKE DEPARTMENT  
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

---

THE STATE OF UTAH

Plaintiff,

vs.

**WILLIAM BRENT BAKER**  
**DOB: 09/28/1960,**  
**2001 Hidden Creek Rd.**  
**Heber City, UT 84032**

Defendant,

WILLIAM NIELSEN ASHTON

Co-Defendant,

OWELL PRECAST, LLC

Co-Defendant,

L & B RESOURCES, LLC

Co-Defendant.

Screened by: THOMAS LOPRESTO II  
Assigned to: THOMAS LOPRESTO II

**INFORMATION**

DAO # 15024254

ECR Status: **NON-ECR**  
Initial Appearance:

SUMMONS TO BE ISSUED  
Warrant/Release: Release

Case No.

---

The undersigned Alex Huggard – SALT LAKE COUNTY DISTRICT ATTORNEY’S OFFICE, U.S. ENVIRONMENTAL PROTECTION AGENCY Case No. 0802-0123, upon a written declaration states on information and belief that the defendant, WILLIAM BRENT BAKER, committed the crime(s) of:

COUNT 1

VIOLATE WATER QUALITY ACT, 19-5-115 UCA, Third Degree Felony, as follows: That on or between October 02, 2011 and January 7, 2015, in Salt Lake County, State of Utah, the defendant did knowingly (a) discharge pollutants in violation of Utah Code § 19-5-107(1) or in violation of any condition or limitation included in a permit issued under Utah Code § 19-5-107(3);

(b) violate Utah Code §19-5-113;

(c) violate a pretreatment standard or toxic effluent standard for publicly-owned treatment works;  
or

(d) manage sewage sludge in violation of Utah Code § 19-5 or rules adopted under it.

COUNT 2

VIOLATE WATER QUALITY ACT, 19-5-115 UCA, Third Degree Felony, as follows: That on or between January 13, 2015 and January 21, 2015, in Salt Lake County, State of Utah, the defendant did knowingly, (a) discharge pollutants in violation of Utah Code § 19-5-107(1) or in violation of any condition or limitation included in a permit issued under Utah Code § 19-5-107(3);

(b) violate Utah Code §19-5-113;

(c) violate a pretreatment standard or toxic effluent standard for publicly-owned treatment works;  
or

(d) manage sewage sludge in violation of Utah Code § 19-5 or rules adopted under it.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES:

Jude Densley,

DECLARATION OF PROBABLE CAUSE:

The following information was provided to DECLARANT by Jude Densley, Special Agent U.S. Environmental Protection Agency, Criminal Investigation Division:

The statement of Timothy Witman, Project Manager U.S. Army Corps of Engineers, that on January 7, 2015, in Salt Lake County, he observed, for approximately one-half hour, an excavator and a skid steer repeatedly dumping cured cement, concrete mix and a fifty-five(55) gallon drum down the edge of a fill pile, off the west edge of property, later identified as owned by L&B RESOURCES, LLC, Defendant, later identified as operated by OWELL PRECAST, LLC, Defendant, onto an area directly adjacent to the Jordan River. The Jordan River is a water of the State of Utah. Mr. Witman reported his observations to Salt Lake County.

According to records from the Utah Department of Corporations and Commercial Code, Defendant OWELL PRECAST was first registered as a limited liability company in the State of Utah on May 23, 1997, BRENT BAKER, Defendant, has been listed as a Member since February 26, 2008 and was listed as a Registered Agent as far back as from October 20, 1999. WILLIAM ASHTON, Defendant, has been listed as a Member of Defendant OWELL PRECAST since November 20, 2013. According to records from the Utah Department of Corporations and Commercial Code, Defendant L&B RESOURCES was first registered as a limited liability company in the State of Utah on March 23, 2011 and that Brent Baker has been listed as a Member since that time. William Ashton has been listed as a Member of Defendant L&B RESOURCES since November 20, 2013.

The statement of Ron Lund, Salt Lake County Health Department(SLCoHD), that the SLCoHD has responded to the site operated by Defendant OWELL PRECAST as early as 2009. According to records from the SLCoHD, on December 14, 2009, representatives of SLCoHD met with Ryan Balls, President or Defendant OWELL PRECAST at the time, who stated Defendant OWELL PRECAST had been at the location for the last eleven(11) years.

Mr. Witman compared historical aerial imagery with present day aerial imagery focusing on the artificial platform. From October 2, 2011 onward, Mr. Witman estimated the expansion of the artificial platform in question was built by filling approximately 0.81 acres of the area adjacent to the Jordan River.

The statement of Kevin Okleberry, Salt Lake County Health Department, that on January 13, 2015, he conducted an on-site visit of the property operated by Defendant OWELL PRECAST and met with Todd Panter, Owell Precast's Maintenance Manager. While onsite, and at the location of the artificial platform, Mr. Okleberry observed three(3) cement trucks washing their cement chute and mixer openings, allowing the mixture flow down the apron of the artificial platform, into the area directly adjacent to the Jordan River. In addition, Mr. Okleberry observed that it appeared Defendant OWELL PRECAST was bulking-up the apron of the artificial platform with concrete mix, concrete chunks and solid waste including broken pallets, drums and rubber tubing. Mr. Panter was advised that what Defendant OWELL PRECAST was doing was a violation and was ordered to cease and desist.

On January 21, 2015, Mr. Witman and Hollis Jenks, Project Manager with the U.S. Army Corps of Engineers, conducted an on-site visit with Bill Ashton and Brent Baker of Owell Precast. Mr. Baker did most of the talking during the meeting, while Mr. Ashton made some clarifying statements or agreed with what Mr. Baker was saying. Both Ashton and Baker acknowledged they were using the west side of the property for disposal. Baker claimed that because the company who operated at the north side of the property shut off their access to a concrete washout area, Defendant OWELL PRECAST started washing out the concrete on the west side of the property in December 2014. Baker claimed they had been dumping on the west side of the property for a few weeks or months. In addition, Mr. Ashton elaborated they used the

west side of the property for storage of precast seconds and that they were looking to clear and expand the area for trucks to have access to pick out seconds. While touring the site, Mr. Jenks observed chunks of concrete, hardened concrete slurry and rusted rebar on the apron of the artificial platform. While touring the site, Mr. Witman observed fresh fill on the apron of the artificial platform that, when compared to photographs taken the week earlier by Mr. Okleberry, did not exist at the time of Mr. Okleberry's photos. In addition, Mr. Witman observed pools of fine concrete mix dispersing as much as thirty(30) to forty(40) feet into the area directly adjacent to the Jordan River.

Dr. Toby Hooker, PhD, Wetland Biochemist with the Utah Division of Water Quality reported that samples taken adjacent from the Owell Precast site revealed pH conditions above what would be found naturally. Dr. Hooker stated pH levels above 8.5 would be outside of expected soil conditions for that area. Dr. Hooker stated testing of the samples indicated pH levels as high as 10.20.

Mike George, Environmental Scientist with Utah Division of Water Quality, advised that Defendant OWELL PRECAST did not have a state permit for the site to discharge any process wastewater, to include a concrete mixture. Tim Witman advised that Defendant OWELL PRECAST did not have a Federal discharge permit for the site.

Pursuant to Utah Code Annotated § 78B-5-705 (2008) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
ALEX HUGGARD  
Declarant

Authorized for presentment and filing  
SIM GILL, District Attorney

\_\_\_\_\_  
Deputy District Attorney  
1st day of October, 2015  
/ / DAO # 15024254

STATE vs WILLIAM BRENT BAKER

DAO # 15024254

Page 1

**OTHER PENDING CASES FOR THE DEFENDANT**

<b><u>Court</u></b>	<b><u>Court Case #</u></b>	<b><u>Trial Judge</u></b>	<b><u>DAO#</u></b>	<b><u>Charge</u></b>
---------------------	----------------------------	---------------------------	--------------------	----------------------

SIM GILL, Bar No. 6389  
District Attorney for Salt Lake County  
THOMAS LOPRESTO II, Bar No. 11320  
Deputy District Attorney  
111 East Broadway, Ste. 400  
Salt Lake City, Utah 84111  
Telephone: (385) 468-7600

---

IN THE THIRD DISTRICT COURT, SALT LAKE DEPARTMENT  
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

---

THE STATE OF UTAH

Plaintiff,

vs.

**L & B RESOURCES, LLC**  
**16115 South Pony Express Rd.**  
**Bluffdale, UT 84065**

Defendant,

OWELL PRECAST, LLC

Co-Defendant,

WILLIAM BRENT BAKER

Co-Defendant,

WILLIAM NIELSEN ASHTON

Co-Defendant.

Screened by: THOMAS LOPRESTO II  
Assigned to: THOMAS LOPRESTO II

**INFORMATION**

DAO # 15024239

ECR Status: **NON-ECR**  
Initial Appearance:

SUMMONS TO BE ISSUED  
Warrant/Release: Release

Case No.

---

The undersigned Alex Huggard – SALT LAKE COUNTY DISTRICT ATTORNEY'S OFFICE, U.S. ENVIRONMENTAL PROTECTION AGENCY Case No. 0802-0123, upon a written declaration states on information and belief that the defendant, L&B RESOURCES, LLC, committed the crime(s) of:

COUNT 1

VIOLATE WATER QUALITY ACT, 19-5-115 UCA, Third Degree Felony, as follows: That on or between October 02, 2011 and January 7, 2015, in Salt Lake County, State of Utah, the defendant, as a party, did knowingly (a) discharge pollutants in violation of Utah Code § 19-5-107(1) or in violation of any condition or limitation included in a permit issued under Utah Code § 19-5-107(3);

(b) violate Utah Code §19-5-113;

(c) violate a pretreatment standard or toxic effluent standard for publicly-owned treatment works;  
or

(d) manage sewage sludge in violation of Utah Code § 19-5 or rules adopted under it.

COUNT 2

VIOLATE WATER QUALITY ACT, 19-5-115 UCA, Third Degree Felony, as follows: That on or between January 13, 2015 and January 21, 2015, in Salt Lake County, State of Utah, the defendant, as a party, did knowingly (a) discharge pollutants in violation of Utah Code § 19-5-107(1) or in violation of any condition or limitation included in a permit issued under Utah Code § 19-5-107(3);

(b) violate Utah Code §19-5-113;

(c) violate a pretreatment standard or toxic effluent standard for publicly-owned treatment works;  
or

(d) manage sewage sludge in violation of Utah Code § 19-5 or rules adopted under it.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES:

Jude Densley,

DECLARATION OF PROBABLE CAUSE:

The following information was provided to DECLARANT by Jude Densley, Special Agent U.S. Environmental Protection Agency, Criminal Investigation Division:

The statement of Timothy Witman, Project Manager U.S. Army Corps of Engineers, that on January 7, 2015, in Salt Lake County, he observed, for approximately one-half hour, an excavator and a skid steer repeatedly dumping cured cement, concrete mix and a fifty-five(55) gallon drum down the edge of a fill pile, off the west edge of property, later identified as owned by L&B RESOURCES, LLC, Defendant, later identified as operated by OWELL PRECAST, LLC, Defendant, onto an area directly adjacent to the Jordan River. The Jordan River is a water of the State of Utah. Mr. Witman reported his observations to Salt Lake County.

According to records from the Utah Department of Corporations and Commercial Code, Defendant OWELL PRECAST was first registered as a limited liability company in the State of Utah on May 23, 1997, BRENT BAKER, Defendant, has been listed as a Member since February 26, 2008 and was listed as a Registered Agent as far back as from October 20, 1999. WILLIAM ASHTON, Defendant, has been listed as a Member of Defendant OWELL PRECAST since November 20, 2013. According to records from the Utah Department of Corporations and Commercial Code, Defendant L&B RESOURCES was first registered as a limited liability company in the State of Utah on March 23, 2011 and that Brent Baker has been listed as a Member since that time. William Ashton has been listed as a Member of Defendant L&B RESOURCES since November 20, 2013.

The statement of Ron Lund, Salt Lake County Health Department(SLCoHD), that the SLCoHD has responded to the site operated by Defendant OWELL PRECAST as early as 2009. According to records from the SLCoHD, on December 14, 2009, representatives of SLCoHD met with Ryan Balls, President of Defendant OWELL PRECAST at the time, who stated Defendant OWELL PRECAST had been at the location for the last eleven(11) years.

Mr. Witman compared historical aerial imagery with present day aerial imagery focusing on the artificial platform. From October 2, 2011 onward, Mr. Witman estimated the expansion of the artificial platform in question was built by filling approximately 0.81 acres of the area adjacent to the Jordan River.

The statement of Kevin Okleberry, Salt Lake County Health Department, that on January 13, 2015, he conducted an on-site visit of the property operated by Defendant OWELL PRECAST and met with Todd Panter, Owell Precast's Maintenance Manager. While onsite, and at the location of the artificial platform, Mr. Okleberry observed three(3) cement trucks washing their cement chute and mixer openings, allowing the mixture flow down the apron of the artificial platform, into the area directly adjacent to the Jordan River. In addition, Mr. Okleberry observed that it appeared Defendant OWELL PRECAST was bulking-up the apron of the artificial platform with concrete mix, concrete chunks and solid waste including broken pallets, drums and rubber tubing. Mr. Panter was advised that what Defendant OWELL PRECAST was doing was a violation and was ordered to cease and desist.

On January 21, 2015, Mr. Witman and Hollis Jenks, Project Manager with the U.S. Army Corps of Engineers, conducted an on-site visit with Bill Ashton and Brent Baker of Owell Precast. Mr. Baker did most of the talking during the meeting, while Mr. Ashton made some clarifying statements or agreed with what Mr. Baker was saying. Both Ashton and Baker acknowledged they were using the west side of the property for disposal. Baker claimed that because the company who operated at the north side of the property shut off their access to a concrete washout area, Defendant OWELL PRECAST started washing out the concrete on the west side of the property in December 2014. Baker claimed they had been dumping on the west side of the property for a few weeks or months. In addition, Mr. Ashton elaborated they used the

west side of the property for storage of precast seconds and that they were looking to clear and expand the area for trucks to have access to pick out seconds. While touring the site, Mr. Jenks observed chunks of concrete, hardened concrete slurry and rusted rebar on the apron of the artificial platform. While touring the site, Mr. Witman observed fresh fill on the apron of the artificial platform that, when compared to photographs taken the week earlier by Mr. Okleberry, did not exist at the time of Mr. Okleberry's photos. In addition, Mr. Witman observed pools of fine concrete mix dispersing as much as thirty(30) to forty(40) feet into the area directly adjacent to the Jordan River.

Dr. Toby Hooker, PhD, Wetland Biochemist with the Utah Division of Water Quality reported that samples taken adjacent from the Owell Precast site revealed pH conditions above what would be found naturally. Dr. Hooker stated pH levels above 8.5 would be outside of expected soil conditions for that area. Dr. Hooker stated testing of the samples indicated pH levels as high as 10.20.

Mike George, Environmental Scientist with Utah Division of Water Quality, advised that Defendant OWELL PRECAST did not have a state permit for the site to discharge any process wastewater, to include a concrete mixture. Tim Witman advised that Defendant OWELL PRECAST did not have a Federal discharge permit for the site.

Pursuant to Utah Code Annotated § 78B-5-705 (2008) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
ALEX HUGGARD  
Declarant

Authorized for presentment and filing  
SIM GILL, District Attorney

\_\_\_\_\_  
Deputy District Attorney  
1st day of October, 2015  
/ / DAO # 15024239

STATE vs L&B RESOURCES, LLC

DAO # 15024239

Page 1

**OTHER PENDING CASES FOR THE DEFENDANT**

<b><u>Court</u></b>	<b><u>Court Case #</u></b>	<b><u>Trial Judge</u></b>	<b><u>DAO#</u></b>	<b><u>Charge</u></b>
---------------------	----------------------------	---------------------------	--------------------	----------------------

SIM GILL, Bar No. 6389  
District Attorney for Salt Lake County  
THOMAS LOPRESTO II, Bar No. 11320  
Deputy District Attorney  
111 East Broadway, Ste. 400  
Salt Lake City, Utah 84111  
Telephone: (385) 468-7600

---

IN THE THIRD DISTRICT COURT, SALT LAKE DEPARTMENT  
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

---

THE STATE OF UTAH

Plaintiff,

vs.

**OWELL PRECAST, LLC**  
**16120 SOUTH PONY EXPRESS RD PO**  
**BOX 2347**  
**SANDY, UT 84091**

Defendant,

L & B RESOURCES, LLC

Co-Defendant,

WILLIAM BRENT BAKER

Co-Defendant,

WILLIAM NIELSEN ASHTON

Co-Defendant.

Screened by: THOMAS LOPRESTO II  
Assigned to: THOMAS LOPRESTO II

**INFORMATION**

DAO # 15024253

ECR Status: **NON-ECR**  
Initial Appearance:

SUMMONS TO BE ISSUED  
Warrant/Release: Release

Case No.

---

The undersigned Alex Huggard – SALT LAKE COUNTY DISTRICT ATTORNEY’S OFFICE, U.S. ENVIRONMENTAL PROTECTION AGENCY Case No. 0802-0123, upon a written declaration states on information and belief that the defendant, OWELL PRECAST, LLC, committed the crime(s) of:

COUNT 1

VIOLATE WATER QUALITY ACT, 19-5-115 UCA, Third Degree Felony, as follows: That on or between October 02, 2011 and January 7, 2015, in Salt Lake County, State of Utah, the defendant did knowingly (a) discharge pollutants in violation of Utah Code § 19-5-107(1) or in violation of any condition or limitation included in a permit issued under Utah Code § 19-5-107(3);

(b) violate Utah Code §19-5-113;

(c) violate a pretreatment standard or toxic effluent standard for publicly-owned treatment works;  
or

(d) manage sewage sludge in violation of Utah Code § 19-5 or rules adopted under it.

COUNT 2

VIOLATE WATER QUALITY ACT, 19-5-115 UCA, Third Degree Felony, as follows: That on or between January 13, 2015 and January 21, 2015, in Salt Lake County, State of Utah, the defendant did knowingly (a) discharge pollutants in violation of Utah Code § 19-5-107(1) or in violation of any condition or limitation included in a permit issued under Utah Code § 19-5-107(3);

(b) violate Utah Code §19-5-113;

(c) violate a pretreatment standard or toxic effluent standard for publicly-owned treatment works;  
or

(d) manage sewage sludge in violation of Utah Code § 19-5 or rules adopted under it.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES:

Jude Densley,

DECLARATION OF PROBABLE CAUSE:

The following information was provided to DECLARANT by Jude Densley, Special Agent U.S. Environmental Protection Agency, Criminal Investigation Division:

The statement of Timothy Witman, Project Manager U.S. Army Corps of Engineers, that on January 7, 2015, in Salt Lake County, he observed, for approximately one-half hour, an excavator and a skid steer repeatedly dumping cured cement, concrete mix and a fifty-five(55) gallon drum down the edge of a fill pile, off the west edge of property, later identified as owned by L&B RESOURCES, LLC, Defendant, later identified as operated by OWELL PRECAST, LLC, Defendant, onto an area directly adjacent to the Jordan River. The Jordan River is a water of the State of Utah. Mr. Witman reported his observations to Salt Lake County.

According to records from the Utah Department of Corporations and Commercial Code, Defendant OWELL PRECAST was first registered as a limited liability company in the State of Utah on May 23, 1997, BRENT BAKER, Defendant, has been listed as a Member since February 26, 2008 and was listed as a Registered Agent as far back as from October 20, 1999. WILLIAM ASHTON, Defendant, has been listed as a Member of Defendant OWELL PRECAST since November 20, 2013. According to records from the Utah Department of Corporations and Commercial Code, Defendant L&B RESOURCES was first registered as a limited liability company in the State of Utah on March 23, 2011 and that Brent Baker has been listed as a Member since that time. William Ashton has been listed as a Member of Defendant L&B RESOURCES since November 20, 2013.

The statement of Ron Lund, Salt Lake County Health Department(SLCoHD), that the SLCoHD has responded to the site operated by Defendant OWELL PRECAST as early as 2009. According to records from the SLCoHD, on December 14, 2009, representatives of SLCoHD met with Ryan Balls, President of Defendant OWELL PRECAST at the time, who stated Defendant OWELL PRECAST had been at the location for the last eleven(11) years.

Mr. Witman compared historical aerial imagery with present day aerial imagery focusing on the artificial platform. From October 2, 2011 onward, Mr. Witman estimated the expansion of the artificial platform in question was built by filling approximately 0.81 acres of the area adjacent to the Jordan River.

The statement of Kevin Okleberry, Salt Lake County Health Department, that on January 13, 2015, he conducted an on-site visit of the property operated by Defendant OWELL PRECAST and met with Todd Panter, Owell Precast's Maintenance Manager. While onsite, and at the location of the artificial platform, Mr. Okleberry observed three(3) cement trucks washing their cement chute and mixer openings, allowing the mixture flow down the apron of the artificial platform, into the area directly adjacent to the Jordan River. In addition, Mr. Okleberry observed that it appeared Defendant OWELL PRECAST was bulking-up the apron of the artificial platform with concrete mix, concrete chunks and solid waste including broken pallets, drums and rubber tubing. Mr. Panter was advised that what Defendant OWELL PRECAST was doing was a violation and was ordered to cease and desist.

On January 21, 2015, Mr. Witman and Hollis Jenks, Project Manager with the U.S. Army Corps of Engineers, conducted an on-site visit with Bill Ashton and Brent Baker of Owell Precast. Mr. Baker did most of the talking during the meeting, while Mr. Ashton made some clarifying statements or agreed with what Mr. Baker was saying. Both Ashton and Baker acknowledged they were using the west side of the property for disposal. Baker claimed that because the company who operated at the north side of the property shut off their access to a concrete washout area, Defendant OWELL PRECAST started washing out the concrete on the west side of the property in December 2014. Baker claimed they had been dumping on the west side of the property for a few weeks or months. In addition, Mr. Ashton elaborated they used the

west side of the property for storage of precast seconds and that they were looking to clear and expand the area for trucks to have access to pick out seconds. While touring the site, Mr. Jenks observed chunks of concrete, hardened concrete slurry and rusted rebar on the apron of the artificial platform. While touring the site, Mr. Witman observed fresh fill on the apron of the artificial platform that, when compared to photographs taken the week earlier by Mr. Okleberry, did not exist at the time of Mr. Okleberry's photos. In addition, Mr. Witman observed pools of fine concrete mix dispersing as much as thirty(30) to forty(40) feet into the area directly adjacent to the Jordan River.

Dr. Toby Hooker, PhD, Wetland Biochemist with the Utah Division of Water Quality reported that samples taken adjacent from the Owell Precast site revealed pH conditions above what would be found naturally. Dr. Hooker stated pH levels above 8.5 would be outside of expected soil conditions for that area. Dr. Hooker stated testing of the samples indicated pH levels as high as 10.20.

Mike George, Environmental Scientist with Utah Division of Water Quality, advised that Defendant OWELL PRECAST did not have a state permit for the site to discharge any process wastewater, to include a concrete mixture. Tim Witman advised that Defendant OWELL PRECAST did not have a Federal discharge permit for the site.

Pursuant to Utah Code Annotated § 78B-5-705 (2008) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
Alex Huggard  
Declarant

Authorized for presentment and filing  
SIM GILL, District Attorney

\_\_\_\_\_  
Deputy District Attorney  
1st day of October, 2015  
/ / DAO # 15024253

STATE vs OWELL PRECAST, LLC

DAO # 15024253

Page 1

**OTHER PENDING CASES FOR THE DEFENDANT**

<b><u>Court</u></b>	<b><u>Court Case #</u></b>	<b><u>Trial Judge</u></b>	<b><u>DAO#</u></b>	<b><u>Charge</u></b>
---------------------	----------------------------	---------------------------	--------------------	----------------------