Colorado Department of Public Health & Environment
Water Quality Control Division

EXPEDITED SETTLEMENT AGREEMENT

Number: ES-080206-1

The Colorado Department of Public Health and Environment ("Department"), through the Water Quality Control Division ("Division"), issues this Expedited Settlement Agreement ("ESA"), pursuant to the Division's authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control Act (the "Act") §§25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of Chris Zoll. The Division and Chris Zoll may be referred to collectively as "the Parties."

1. Chris Zoll is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).

2. Chris Zoll is involved in construction activities of the Clover Meadows Subdivision located at or near Clover Drive, in or near the Town of Bayfield, La Plata County, Colorado (the "Project").

3. Chris Zoll failed to obtain coverage for the Project under the Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (the "Permit"), in violation of §25-8-501(1), C.R.S. and its implementing permit regulation, 5CCR 1002-61, §61.3(1)(a), as described in the attached Notice of Violation / Cease and Desist Order, Number SO-070427-2 ("NOV/CDO"), that was issued to Chris Zoll on April 27, 2007.

4. Upon obtaining coverage for the Project under the Permit (Certification Number COR-03A178), Chris Zoll failed to comply with the provisions of the Permit as described in the attached NOV/CDO.

5. The parties enter into this ESA in order to resolve the matter of civil penalties associated with the violation(s) alleged herein and in the attached NOV/CDO for a penalty of $6,750.00.

6. By accepting this ESA, Chris Zoll neither admits nor denies the violations or deficiencies specified herein and in the attached NOV/CDO.

7. Chris Zoll certifies that all deficiencies identified in the attached NOV/CDO have been corrected and that the Project is currently in full compliance with the terms and provisions of the Permit.

8. Chris Zoll agrees to the terms and conditions of this ESA. Chris Zoll agrees that this ESA constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., and is an enforceable requirement of the Act. By signing the ESA, Chris Zoll waives: (1) the right to contest the finding(s) specified herein and in the attached NOV/CDO; and (2) the opportunity for a public hearing pursuant to §25-8-603, C.R.S.

9. This ESA is subject to the Division's "Public Notification of Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and Chris Zoll each reserve the right to withdraw consent to this ESA if comments received during the thirty-day period result in any proposed modification to the ESA.

10. This ESA constitutes a final agency order or action upon the date when the Executive Director or his designee signs the ESA and effectively imposes the civil penalty.

11. Chris Zoll agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, Chris Zoll shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for the amount specified in paragraph 5 above, to:

    Michael Harris
    Colorado Department of Public Health and Environment
    Water Quality Control Division
    Mail Code: WQCD-CADM-B2
    4300 Cherry Creek Drive South
    Denver, Colorado 80246-1530

12. Notwithstanding paragraph 6 above, the violations described in this ESA will constitute part of Chris Zoll's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against Chris Zoll. Chris Zoll agrees not to challenge the use of the cited violations for any such purpose.

13. This ESA, when final, is binding upon Chris Zoll and his employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this ESA.

ACCEPTED BY CHRIS ZOLL:

Signature — Date: 11/30/07

Chris Zoll — Owner

Name (printed) — Title

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

Lori M. Gerzina — Date: 2/6/08

Lori M. Gerzina, Section Manager
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION