



Colorado Department of Public Health & Environment
Water Quality Control Division

EXPEDITED SETTLEMENT AGREEMENT

Number: ES-080304-6

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 Black Forest Partners, LLC ("Black Forest"). The Division and Black Forest may be referred to collectively as "the Parties."

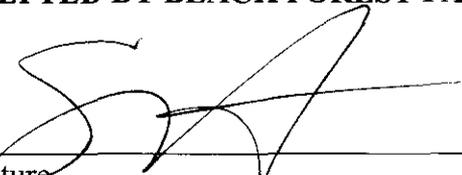
1. Black Forest is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
2. Black Forest is involved in construction activities to build a residential development on property located at or near Meridian Road and Murphy Road, in or near the Town of Black Forest, El Paso County, Colorado (the "Project").
3. The Division has determined that Black Forest failed to comply with the provisions of its Colorado Discharge Permit System ("CDPS") General Permit for Stormwater Discharges Associated with Construction Activity, Certification Number COR-03A674, as described in the attached inspection report and attached compliance advisory.
4. The parties enter into this ESA in order to resolve the matter of civil penalties associated with the violation(s) alleged herein, in the attached inspection report and attached compliance advisory for a penalty of \$13,500.00.
5. By accepting this ESA, Black Forest neither admits nor denies the violations or deficiencies specified herein, in the attached inspection report and attached compliance advisory.
6. Black Forest certifies that all deficiencies identified in the attached inspection report and attached compliance advisory have been corrected and that the Project is currently in full compliance with the terms and provisions of the Permit. Additionally, Black Forest has attached to this ESA: (1) a written description detailing how the deficiencies were corrected; and (2) representative photographs documenting the current conditions and the associated BMPs implemented at the Project.
7. Black Forest agrees to the terms and conditions of this ESA. Black Forest 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, Black Forest waives: (1) the right to contest the finding(s) specified herein, in the attached inspection report and in the attached compliance advisory; and (2) the opportunity for a public hearing pursuant to §25-8-603, C.R.S.

8. 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 Black Forest 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.
9. 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.
10. Black Forest agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, Black Forest 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 4 above, to:

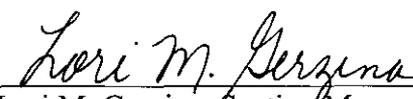
Michael Harris
 Colorado Department of Public Health and Environment
 Water Quality Control Division
 Mail Code: WQCD-CADM-B2
 4300 Cherry Creek Drive South
 Denver, Colorado 80246-1530

11. Notwithstanding paragraph 5 above, the violations described in this ESA will constitute part of Black Forest'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 Black Forest. Black Forest agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon Black Forest and its corporate subsidiaries or parents, their officers, directors, employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this ESA.

ACCEPTED BY BLACK FOREST PARTNERS, LLC:

	<u>21 Dec 07</u>
Signature	Date
<u>SPENCER J. DARR</u>	<u>MANAGER</u>
Name (printed)	Title

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

	<u>Date: March 4, 2008</u>
Lori M. Gerzina, Section Manager Compliance Assurance and Data Management Section WATER QUALITY CONTROL DIVISION	