

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
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Located in Glendale, Colorado
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Colorado Department
of Public Health
and Environment

Brownstein Hyatt & Farber PC, Registered Agent
c/o Bair Chase Property Company, LLC
818 Colorado Avenue
Glenwood Springs, Colorado 81601

June 27, 2008

Certified Mail Number: 7005 1820 0000 3208 1883

RE: Order for Civil Penalty, Number: SP-080627-1

Dear Sir or Madam:

Bair Chase Property Company, LLC is hereby served with the enclosed Order for Civil Penalty ("Penalty Order"). This Penalty Order is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §25-8-608(2) of the *Colorado Revised Statutes*. Payment of the imposed civil penalty should be made in accordance with the methods referenced in the Penalty Order.

If you or other representatives of Bair Chase Property Company, LLC have any questions regarding the Penalty Order or the payment method, please do not hesitate to contact Mike Harris of this office at (303) 692-3598 or by electronic mail at michael.harris@state.co.us.

Sincerely,

Scott Klarich, Unit Manager
Enforcement & Clean Water Compliance Assurance Unit
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION

cc: Garfield County Public Health Nursing Service

ec: Aaron Urdiales, EPA Region VIII
Mark Kadnuck, Engineering Section, CDPHE
Kathy Dolan, Permits Section, CDPHE
Dick Parachini, Outreach and Assistance Unit, CDPHE

MS-3 File

Enclosure(s)



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
DIVISION OF ADMINISTRATION
WATER QUALITY CONTROL DIVISION

ORDER FOR CIVIL PENALTY

NUMBER: SP-080627-1

IN THE MATTER OF: BAIR CHASE PROPERTY COMPANY, LLC
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-037833
GARFIELD COUNTY, COLORADO

This matter having come to my attention as the Designee of the Executive Director of the Colorado Department of Public Health and Environment, upon petition for imposition of a civil penalty by the Water Quality Control Division's Compliance Assurance and Data Management Section, I hereby impose a civil penalty in the amount of \$187,729.00 against Bair Chase Property Company, LLC for the violations cited in the Notice of Violation / Cease and Desist Order that the Water Quality Control Division issued to Bair Chase Property Company, LLC on February 26, 2007 (the "NOV"). A copy of the NOV is attached hereto as Exhibit A and is incorporated herein by reference. The civil penalty was determined in accordance with the procedures outlined in the Division's Stormwater Civil Penalty Policy (January 25, 2007). A copy of the civil penalty calculation is attached hereto as Exhibit B and is incorporated herein by reference. The civil penalty shall be paid within thirty (30) calendar days of the date of this Order for Civil Penalty. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered 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

Dated this 27th day of June, 2008.

Steven H. Gunderson, Director
Water Quality Control Division
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT