

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

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Colorado Department
of Public Health
and Environment

July 8, 2009

Ann C. Browning, President
Colorado Marble and Granite, Inc.
1875 West Adriatic Place
Denver, CO 80110

Certified Mail Number: 7007 0220 0001 0160 6211

RE: Expedited Settlement Agreement, Number: ES-090702-3

Dear Ann C. Browning:

Enclosed for your records you will find Colorado Marble and Granite, Inc.'s copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was changed in order to place the correct ESA Number on the final document. The ESA is now fully enforceable and constitutes a final agency action.

As specified in paragraph 10a of the enclosed ESA, Colorado Marble and Granite, Inc. must, within fifteen (15) calendar days, submit a certified or cashier's check for one third (\$3,500.00) of the total penalty amount to the Water Quality Control Division. The remainder of the penalty shall be received by Water Quality Control Division as specified in paragraph 10b-c of the ESA in order for this matter to be resolved.

If you have any questions, please don't hesitate to contact me at (303) 692-3176 or by electronic mail at danelle.morgan@state.co.us.

Sincerely,

Danelle Morgan, EPS
Water Quality Protection Section
WATER QUALITY CONTROL DIVISION

cc: Denver County Public Health

ec: Aaron Urdiales, EPA Region VIII
Gary Beers, Permits Unit, CDPHE
Dick Parachini, Watershed Program, CDPHE
Carolyn Schachterle, OPA

Enclosure(s)



Colorado Department of Public Health & Environment
Water Quality Control Division

EXPEDITED SETTLEMENT AGREEMENT

Number: ES-090702-3

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 Colorado Marble & Granite, Inc. ("CMG"). The Division and CMG may be referred to collectively as "the Parties."

1. CMG 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. CMG is conducting industrial activities to fabricate marble and granite located at 1265 South Jason Street, in or near the City of Denver, Denver County, Colorado (the "Facility").
3. CMG failed to obtain coverage for the Project under the Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Industrial Activity, 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 inspection report.
4. 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 inspection report for a penalty of \$10,500.00.
5. By accepting this ESA, CMG neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. CMG certifies that all deficiencies identified in the attached inspection report have been corrected and that the Facility is currently in full compliance with the terms and provisions of the Permit. Additionally, CMG 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 Facility.
7. CMG agrees to the terms and conditions of this ESA. CMG 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, CMG waives: (1) the right to contest the finding(s) specified herein and in the attached inspection report; 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 CMG 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. CMG agrees to the following payment plan:
 - a. Within fifteen (15) calendar days of receiving the signed and final ESA from the Division, CMG shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for one third (\$3500.00) of the amount specified in paragraph 4 above.

