

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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Located in Glendale, Colorado
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Colorado Department
of Public Health
and Environment

December 1, 2009

Anthony C. Wallace, Registered Agent
Cornerstone Townhomes, LLC
17335 Nature Walk Trail
Parker, CO 80134

Certified Mail Number: 7005 1820 0000 3208 0961

RE: Order for Civil Penalty, Number: SP-091130-1

Dear Mr. Wallace:

Cornerstone Townhomes, 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 have any questions regarding the Penalty Order or the payment method, please do not hesitate to contact me at (303) 692-3598 or by electronic mail at michael.harris@state.co.us.

Sincerely,

Michael Harris
Enforcement Unit
WATER QUALITY CONTROL DIVISION

cc: Tri County Health Department

cc: Aaron Urdiales, EPA Region VIII
Nathan Moore, Permits Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Carolyn Schachterle, OPA, CDPHE

Enclosure(s)



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

ORDER FOR CIVIL PENALTY

NUMBER: SP-091130-1

IN THE MATTER OF: CORNERSTONE TOWNHOMES, LLC
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-037606
ADAMS COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health & Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority is implemented through the Department's Water Quality Control Division (the "Division"), the Division hereby makes the following findings and issues the following Order for Civil Penalty in accordance with §25-8-608, C.R.S. and 5 CCR 1002-21, §21.12. The Department's Executive Director has delegated the authority to determine civil penalties in this matter to the Director of the Water Quality Control Division.

GENERAL FINDINGS

1. Pursuant to §25-8-608(1), C.R.S., any person who violates the Colorado Water Quality Control Act (the "Act"), or any permit issued under the Act, shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs.
2. On April 26, 2007, the Division issued Cornerstone Townhomes, LLC ("Cornerstone") a Notice of Violation/Cease and Desist Order (the "NOV/CDO") which included findings that Cornerstone violated the Colorado Discharge Permit System General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity. A copy of the NOV/CDO is attached hereto as Exhibit A and is incorporated herein by reference.
3. On May 23, 2007, the Division received a request for a hearing from Cornerstone. Cornerstone further requested that the Division delay scheduling the hearing to allow for the opportunity to discuss a possible resolution of the matter.
4. On April 8, 2009, following several months of unsuccessful settlement negotiations, Cornerstone withdrew its request for a hearing.

5. Cornerstone's withdrawal of its request for hearing constitutes a waiver of its right to a hearing, including a waiver of its right to contest the findings and conclusions set forth in the NOV/CDO. Since Cornerstone has so waived its right to contest those findings and conclusions, the Director hereby accepts those findings and conclusions as true and enters the following order.

ORDER FOR CIVIL PENALTY

6. Based upon the facts described in the NOV/CDO, the Division has determined that a civil penalty is appropriate and warranted in this matter. Therefore, the Division hereby imposes a civil penalty in the amount of Sixty Thousand Two Hundred Seventeen Dollars (\$60,217.00) against Cornerstone for the violations cited in the NOV/CDO. 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

REQUEST FOR APPEAL

7. You may appeal this Order for Civil Penalty pursuant to 5 CCR 1002, §21.12.

Issued at Denver, Colorado, this 30th day of November, 2009.



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

EXHIBIT A



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

NOTICE OF VIOLATION / CEASE AND DESIST ORDER

NUMBER: SO-070426-4

IN THE MATTER OF: **CORNERSTONE TOWNHOMES, LLC**
 CDPS PERMIT NO. COR-030000
 CERTIFICATION NO. COR-037606
 ADAMS COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority has been delegated to the Department's Water Quality Control Division (the "Division"), and pursuant to §§25-8-602 and 25-8-605, C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the alleged violations identified herein, Cornerstone Townhomes, LLC ("Cornerstone") was a Colorado limited liability company in good standing and registered to conduct business in the State of Colorado.
2. Cornerstone 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).
3. Cornerstone is involved in construction activities to build a residential development on property located at or near Thornton Parkway and Colorado Boulevard, in or near the City of Thornton, Adams County, Colorado (the "Project").
4. Cornerstone's construction activities at the Project are covered under the Colorado Discharge Permit System ("CDPS") General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity (the "Permit").
5. On November 16, 2005, the Division provided Cornerstone Certification Number COR-037606 authorizing Cornerstone to discharge stormwater from the construction activities associated with the Project to the South Platte River under the terms and conditions of the Permit. Certification Number COR-037606 remains in effect until June 30, 2007 or until Cornerstone inactivates Permit coverage.

EXHIBIT A

6. The South Platte River is “state waters” as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (101).
7. Pursuant to 5 CCR 1002-61, §61.8, a permittee must comply with all the terms and conditions of a permit and violators of the terms and conditions specified in a permit may be subject to civil and criminal liability pursuant to §§25-8-601 through 612, C.R.S.
8. On September 1, 2006, a representative from the Division (the “Inspector”) conducted an on-site inspection of the Project, pursuant to the Division’s authority under §25-8-306, C.R.S., to determine Cornerstone’s compliance with the Water Quality Control Act and the Permit. During the inspection, the Inspector interviewed Project representatives, conducted a review of the Project’s stormwater management system records, and performed a physical inspection of the Project.

Deficient and/or Incomplete Stormwater Management Plan

9. Pursuant to Part I. B. of the Permit, Cornerstone is required to prepare and maintain a Stormwater Management Plan (“SWMP”) that identifies Best Management Practices (“BMPs”) that, when implemented, will meet the terms and conditions of the Permit. The SWMP is required to identify potential sources of pollution, which may be reasonably expected to affect the quality of stormwater discharges associated with construction activity from the Project. In addition, the plan is required to describe and ensure the implementation of BMPs, which will be used to reduce the pollutants in stormwater discharges associated with construction activity.
10. Pursuant to Part I. B. of the Permit, the Project’s SWMP shall include, at a minimum, the following items:
 - a. Site Description - Each plan shall provide a description of the following:
 - i. A description of the construction activity.
 - ii. The proposed sequence for major activities.
 - iii. Estimates of the total area of the site, and the area of the site that is expected to undergo clearing, excavation or grading.
 - iv. An estimate of the runoff coefficient of the site before and after construction activities are completed and any existing data describing the soil, soil erosion potential or the quality of any discharge from the site.
 - v. A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
 - vi. The location and description of any other potential pollution sources, such as vehicle fueling, storage of fertilizers or chemicals, etc.
 - vii. The location and description of any anticipated non-stormwater components of the discharge, such as springs and landscape irrigation return flow.
 - viii. The name of the receiving water(s) and the size, type and location of any outfall or, if the discharge is to a municipal separate storm sewer, the name of that system, the location of the storm sewer discharge, and the ultimate receiving water(s).

EXHIBIT A

- b. **Site Map** - Each plan shall provide a generalized site map or maps which indicate:
 - i. Construction site boundaries.
 - ii. All areas of soil disturbance.
 - iii. Areas of cut and fill.
 - iv. Areas used for storage of building materials, soils or wastes.
 - v. Location of any dedicated asphalt or concrete batch plants.
 - vi. Location of major erosion control facilities or structures.
 - vii. Springs, streams, wetlands and other surface waters.
 - viii. Boundaries of 100-year flood plains, if determined.

 - c. **BMPs for Stormwater Pollution Prevention** - The plan shall include a narrative description of appropriate controls and measures that will be implemented before and during construction activities at the facility.
 - i. **Erosion and Sediment Controls** - A description of structural site management controls (Structural Practices) which will minimize erosion and sediment transport and a description of interim and permanent stabilization practices (Non-Structural Practices), including the site-specific scheduling of the implementation of the practices.
 - ii. **Material Handling and Spill Prevention** - The SWMP shall identify any procedures or significant materials handled at the site that could contribute pollutants to runoff.

 - d. **Final Stabilization and Long-Term Stormwater Management** - Description of the measures used to achieve final stabilization and measures to control pollutants in stormwater discharges that will occur after construction operations have been completed.

 - e. **Other Controls** - Description of other measures to control pollutants in stormwater discharges, including plans for waste disposal and limiting off-site soil tracking.

 - f. **Inspection and Maintenance** - Description of procedures to inspect and maintain in good and effective operating condition the vegetation, erosion and sediment control measures and other protective measures identified in the SWMP.
11. The Division has determined that Cornerstone failed to prepare and maintain a complete and accurate SWMP for the Project as described in paragraphs 11(a-e) below:
- a. During the September 1, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the SWMP did not include the location and description of all potential pollutant sources at the site, including vehicle fueling areas, vehicle washing areas, solvents and sealants stored onsite, nor waste storage areas.

 - b. During the September 1, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the site map did not include the construction site boundaries, all areas of soil disturbance, and some BMPs observed in the field (i.e., vehicle tracking pad and straw wattle drop inlet protection).

EXHIBIT A

- c. During the September 1, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the SWMP described the use of a detention pond as a BMP at the Project. However, a detention pond was not being utilized.
 - d. During the September 1, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the SWMP did not include specifications and design criteria for the rock sock inlet protections, concrete washout, nor the seed mix application at the site.
 - e. During the September 1, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the SWMP did not describe the relationship between the phases of construction at the Project and the implementation of controls and measures.
12. Cornerstone's failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violation(s) of Part I. B. of the Permit.

Failure to Implement and/or Maintain Best Management Practices to Protect Stormwater Runoff

13. Pursuant to Part I. B. 3. a. (1) of the Permit, Cornerstone is required to minimize erosion and sediment transport from the Project. The Permit specifies that structural site management practices may include, but are not limited to: straw bales, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins.
14. Pursuant to Part I. B. 3. a. (2) of the Permit, Cornerstone is required to implement interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. The Permit specifies that site plans should ensure existing vegetation is preserved where possible and that disturbed areas are stabilized. The Permit specifies that non-structural practices may include, but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees and preservation of mature vegetation.
15. The Division has determined that Cornerstone failed to implement and/or maintain functional BMPs at the Project as described in paragraphs 15(a-i) below:
- a. During the September 1, 2006 inspection, the Inspector observed a vehicle tracking pad located at the west side of the Clermont Street roundabout at the Project. The tracking pad was not being maintained to act as functional BMP, however, as a significant amount of tracked sediment was observed onto Clermont Street.
 - b. During the September 1, 2006 inspection, the Inspector observed a disturbed area located adjacent to Cherry Lane, north of East 97th Avenue at the Project with no BMPs in place to stabilize the disturbed area or to prevent sediment from discharging from the disturbed area toward the storm sewer. Consequently, significant dirt and sediment discharge was observed onto Cherry Lane.

EXHIBIT A

- c. During the September 1, 2006 inspection, the Inspector observed a disturbed area located north of East 97th Avenue between Cherry Lane and the Lower Clear Creek Canal with no BMPs observed in place to stabilize the disturbed area or to prevent sediment from discharging from the area. A stormwater drop inlet was located adjacent to the disturbed area. Straw wattles were in place around the drop inlet, however, the straw wattles were not acting as functional BMPs as the straw wattles were extremely deteriorated and, thus, would not prevent sediment from the adjacent disturbed area from entering the inlet.
 - d. During the September 1, 2006 inspection, the Inspector observed a disturbed area located adjacent to Dexter lane, north of East 97th Avenue at the Project with no BMPs in place to stabilize the disturbed area or to prevent sediment from discharging from the disturbed area toward the storm sewer. Consequently, dirt and sediment discharge was observed onto Dexter Lane.
 - e. During the September 1, 2006 inspection, the Inspector observed a soil stockpile area located adjacent to the north side of East 98th Place between Dexter Lane and Cherry Lane at the Project with no BMPs in place to prevent sediment from discharging from the stockpiles toward the storm sewer.
 - f. During the September 1, 2006 inspection, the Inspector observed a ballast stockpile area located adjacent to the south side of East 98th Place between Dexter Lane and Cherry Lane at the Project with no BMPs in place to prevent the ballast material from discharging toward the storm sewer. Consequently, ballast material discharge was observed onto East 98th Place.
 - g. During the September 1, 2006 inspection, the Inspector observed a disturbed area located adjacent to 4683 East 98th Place at the Project with no BMPs in place to stabilize the disturbed area or to prevent sediment from discharging from the disturbed area toward the storm sewer.
 - h. During the September 1, 2006 inspection, the Inspector observed a disturbed area located adjacent to the south side of East 98th Place, just east of Cherry Lane at the Project with no BMPs in place to stabilize the disturbed area or to prevent sediment from discharging from the disturbed area toward the storm sewer. Consequently, significant dirt and sediment discharge was observed onto East 98th Place.
 - i. During the September 1, 2006 inspection, the Inspector observed a disturbed slope located at the end of East 98th Place at the Project. A silt fence was observed in place between the disturbed area and East 98th Place, however, the silt fence was not acting as a functional BMP as a significant amount of dirt and sediment discharge was observed onto East 98th Place.
16. Cornerstone's failure to implement and maintain functional BMPs to protect stormwater quality during construction activities at the Project constitutes violations of Part I. B. 3. a. of the Permit.

EXHIBIT A

Failure to Conduct Inspections of Stormwater Management System

17. Pursuant to Part I. C. 5. a. of the Permit, for active sites where construction has not been completed, Cornerstone is required to make a thorough inspection of the Project's stormwater management system at least every 14 days and after any precipitation or snowmelt event that causes surface erosion.
18. During the September 1, 2006 inspection, the Inspector reviewed the Project's stormwater management system inspection records and identified that the time period between inspections at the Project exceeded the 14 day maximum on twelve (12) occasions between November 16, 2005 and August 25, 2006.
19. Cornerstone's failure to conduct inspections of the Project's stormwater management system, in accordance with the provisions of the Permit, constitutes violations of Part I. C. 5. a. of the Permit.

NOTICE OF VIOLATION

Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that Cornerstone has violated the following sections of the Permit.

Part I. B. of the Permit, which states in part, "The SWMP shall be prepared in accordance with good engineering, hydrologic and pollution control practices. The main objective of the plan shall be to identify Best Management Practices (BMPs) which when implemented will meet the terms and conditions of this permit. The plan shall identify potential sources of pollution (including sediment) which may be reasonably expected to affect the quality of stormwater discharges associated with construction activity from the facility. In addition, the plan shall describe and ensure the implementation of BMPs which will be used to reduce the pollutants in stormwater discharges associated with construction activity. Construction operations must implement the provisions of the SWMP required under this part as a condition of this permit."

Part I. B. 3. a. of the Permit, which outlines in part, that BMPs for Stormwater Pollution Prevention shall address erosion and sediment controls, including, "structural site management practices which will minimize erosion and sediment transport," and "interim and permanent stabilization practices, including site specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where possible and that disturbed areas are stabilized."

Part I. C. 5. a. of the Permit, which states in part, "For active sites where construction has not been completed, the permittee shall make a thorough inspection of their stormwater management system at least every 14 days and after any precipitation or snowmelt event that causes surface erosion."

EXHIBIT A

CEASE AND DESIST ORDER

Based upon the foregoing factual and legal determinations and pursuant to §§25-8-605 and 25-8-606, C.R.S., Cornerstone is hereby ordered to:

20. Cease and desist from all violations of the Colorado Water Quality Control Act, §§25-8-101 through 25-8-703, C.R.S., the permit regulations promulgated thereto and the Permit.

Furthermore, the Division hereby orders Cornerstone to comply with the following specific terms and conditions of this Order:

21. Cornerstone shall immediately evaluate the Project's SWMP and implement necessary measures to ensure that the SWMP contains all of the elements required by the Permit and is effective in managing stormwater and pollutant discharges from the Project. Within thirty (30) calendar days of receipt of this Order, Cornerstone shall submit to the Division a written certification stating that a complete, effective and up-to-date SWMP has been fully developed and implemented at the Project.
22. Cornerstone shall immediately implement measures to ensure that adequate BMPs are in place to control stormwater and pollutant discharges from the Project. Within thirty (30) calendar days of receipt of this Order, Cornerstone shall evaluate and modify all existing BMPs at the Project to ensure the BMPs meet the design requirements specified in the Project's complete and up-to-date SWMP. Within forty-five (45) calendar days of receipt of this Order, Cornerstone shall submit photographs to the Division documenting the current conditions and the associated BMPs implemented at the Project.
23. Cornerstone shall immediately begin conducting inspections of the Project's stormwater management system in accordance with the provisions outlined in Part I. C. 5. of the Permit. Within thirty (30) calendar days of receipt of this Order, Cornerstone shall submit to the Division a written certification stating that all such inspections are being conducted, pursuant to the terms and conditions of the Permit.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation / Cease and Desist Order, Cornerstone shall submit an original and one copy to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-B2
Compliance Assurance and Data Management Section
Attention: Michael Harris
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

EXHIBIT A

For any person submitting documents, plans, records and reports pursuant to this Notice of Violation / Cease and Desist Order, that person shall make the following certification with each submittal:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

Pursuant to §25-8-603, C.R.S. and 5 CCR 1002, §21.11(A) you are required to submit to the Division an answer affirming or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

Section 25-8-603, C.R.S. and 5 CCR 1002, §21.11 also provide that the recipient of a Notice of Violation may request the Division to conduct a public hearing to determine the validity of the Notice, including the Findings of Fact. Such request shall be filed in writing with the Division and include the information specified in 5 CCR 1002, §21.4(B)(2). Absent a request for hearing, the validity of the factual allegations and the Notice of Violation shall be deemed established in any subsequent Department proceeding.

Both the answer and the request for hearing, if any, shall be filed no later than thirty (30) calendar days after issuance of this action. The filing of an answer does not constitute a request for hearing.

FALSIFICATION AND TAMPERING

Be advised, in accord with §25-8-610, C.R.S., that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Colorado Water Quality Control Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

POTENTIAL CIVIL AND CRIMINAL PENALTIES

You are also advised that any person who violates any provision of the Colorado Water Quality Control Act (the "Act"), §§25-8-101 to 703, C.R.S., or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order issued by the Division shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs. Further, any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a

EXHIBIT A

permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S., and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

Pursuant to §25-8-601, C.R.S., you are further advised that any person engaged in any operation or activity which results in a spill or discharge of oil or other substance which may cause pollution of the waters of the state, shall notify the Division of the discharge. If said person fails to so notify, said person is guilty of a misdemeanor, and may be fined or imprisoned or both.

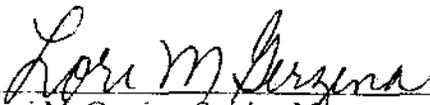
EFFECT OF ORDER

Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder, or to make any discharge into state waters. Nothing herein contained shall be construed to preclude other individuals, cities, towns, counties, or duly constituted political subdivisions of the state from the exercise of their respective rights to suppress nuisances or to preclude any other lawful actions by the State.

For further clarification of your rights and obligations under this Notice of Violation / Cease and Desist Order you are advised to consult the Colorado Water Quality Control Act, §§25-8-101 to 703, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 26th day of April 2007.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



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

EXHIBIT B

STORMWATER PENALTY COMPUTATION WORKSHEET

System Name: Cornerstone Townhomes, Inc.	Permit Number: COR-037606
Beneficial Use Classification: Upper South Platte River Segment 15 – Aq Life Warm 2, Recreation 1a, <i>Water Supply</i> , Agriculture	Date of NOV/CDO: April 26, 2007 Number: SO-070426-4
Type of Facility: Construction	Disturbed Acres: ~20 acres within 52 total Number of Employees: N/A

Part I – Base Penalty Calculation

A. Potential Damage Component

	Violation Type	Adjustment	Amount in Dollars
Line 1	Conducting Covered Activity Without A Stormwater Permit <i>Adjustment Justification:</i>		\$0.00
Line 2	Failure to Prepare Stormwater Management Plan (SWMP) <i>Adjustment Justification:</i>		\$0.00
Line 3	Deficient Stormwater Management Plan (SWMP) <i>Adjustment Justification:</i> The Division reviewed the SWMP and identified deficiencies in the development of the plan, including a failure to describe and locate all potential pollutant sources and a failure to describe the relationship between the phases of construction and the implementation of control measures. The Division believes the SWMP deficiencies directly contributed to the BMP and inspection deficiencies. Additionally, the project is located in close proximity to state waters and the main pollutant on the site (sediment), as determined by EPA in their 2000 National Water Quality Inventory Report, is one of the leading causes of water quality impairment. However, the number of counts of violation was relatively few. Therefore, the Division conservatively assigns a minor/moderate potential harm to health/environment.	Minor/Moderate = +20% of \$200	\$240.00
Line 4	Failure to Install, Maintain or Properly Select Best Management Practices <i>Adjustment Justification:</i> The Division conducted an inspection of the project and identified several deficiencies in the implementation and maintenance of BMPs at the project. The number of counts of violation was relatively many and Cornerstone was relying mainly on inlet protections at the point of discharge as its primary BMP across the site. Inlet protection devices are not designed to function as lone BMPs but, rather, in cooperation with an up gradient system of controls. Additionally, the project is located in close proximity to state waters and the main pollutant on the site (sediment), as determined by EPA in their 2000 National Water Quality Inventory Report, is one of the leading causes of water quality impairment. However, the Division conservatively assigns a moderate potential harm to health/environment.	Moderate = +35% of \$750	\$1,012.50

EXHIBIT B

	Violation Type	Adjustment	Amount in Dollars
Line 5	Failure to Perform Inspections of Stormwater Management System	Minor = +5% of \$300	\$315.00
	<i>Adjustment Justification:</i> The Division reviewed the project's stormwater management system records and identified that the time period between inspections at the project exceeded the 14-day maximum described in the permit on several occasions. Additionally, the project is located in close proximity to state waters and the main pollutant on the site (sediment), as determined by EPA in their 2000 National Water Quality Inventory Report, is one of the leading causes of water quality impairment. However, although delinquent and not in compliance with the permit, Cornerstone was performing some stormwater inspections at the site. Therefore, the Division conservatively assigns a minor potential harm to health/environment.		
Line 6	Failure to Submit Required/ Requested Reports (Annual Reports, Permit Compliance Schedule Items, Etc.)		\$0.00
	<i>Adjustment Justification:</i>		
Line 7	Failure to Maintain Required Records		\$0.00
	<i>Adjustment Justification:</i>		
Line 8	Pollution, Contamination or Degradation of State Waters		\$0.00
	<i>Adjustment Justification:</i>		
Line 9	Other Administrative Violations		\$0.00
	<i>Adjustment Justification:</i>		
Line 10	Potential Damage Total (Sum of Lines 1 through 9)	<i>(Not to exceed \$6000/day)</i>	\$1,567.50

B. Fault Component

		Amount in Dollars
Line 11	Fault: Category 2	<i>(Not to exceed \$3000/day)</i>
	<i>Justification:</i> Cornerstone applied for and obtained a stormwater permit and should have been aware of its obligations under the permit and of the circumstances that led to the violations. Therefore, the Division has assigned a category-2 fault. The Division has chosen the midpoint of the category two range, as the Division has no additional information to support adjustments from this value.	
		\$600.00

C. History Component

		Amount in Dollars
Line 12	History: None	<i>(Not to exceed \$1000/day)</i>
	<i>Justification:</i> Cornerstone has no prior violation history with the Division.	
		\$0.00

EXHIBIT B

Part II – Determination of Days of Violation

		Days of Violation
Line 13	Total Days of Violation	291
<p><i>Justification:</i></p> <p>Deficient Stormwater Management Plan (SWMP): Cornerstone accepted transfer of the permit on November 15, 2005. On September 1, 2006, the Division reviewed the SWMP and identified that it was deficient. The Division believes the SWMP was deficient from November 15, 2005 until at least September 1, 2006. Therefore, the Division is conservatively utilizing 291 days of violation for this penalty calculation.</p> <p>Failure to Install, Maintain or Properly Select Best Management Practices: The Division conducted an inspection of the project on September 1, 2006 and identified BMP deficiencies. Due to the state of the project and scope of the deficiencies, the Division believes the BMP violations had been ongoing for quite some time, likely the life of the project. However, the Division has chosen to conservatively utilize 1 day of violation for this penalty calculation.</p> <p>Failure to Perform Inspections of Stormwater Management System: The Division reviewed the inspection records and identified that Cornerstone failed to perform inspections within the 14-day threshold on 12 occasions between November 16, 2005 and August 25, 2006. Therefore, 12-days of violation occurred.</p> <p><i>(Note: The BMP violations and inspection violations coincided with the time period of the SWMP violations. Therefore, a total of 291 days of violation were utilized for this penalty calculation.</i></p>		

Part III – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 14	Multi-Day Penalty Amount	\$65,956.50
<p><i>Calculations:</i></p> <p>See Attachment A</p>		

EXHIBIT B

Part IV – Base Penalty Total

		Amount in Dollars
Line 15	Base Penalty = Potential Damage + Fault + History (Sum of Line 10 + Line 11 + Line 12, OR Line 14)	\$65,956.50

Part V – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 16	Factor A: Voluntary and Complete Disclosure of Violations <i>Justification:</i> The Division identified the violations through a regulatory inspection. Cornerstone did not disclose the violations. Therefore, no penalty mitigation was applied.	0%	\$0.00
Line 17	Factor B: Full and Prompt Cooperation <i>Justification:</i> Cornerstone undertook considerable efforts to address the deficiencies outlined in the NOV/CDO. Cornerstone has met all of the Division's compliance requirements within an acceptable time period and demonstrated a substantial commitment of time and resources to achieving compliance with its permit. Therefore, the Division reduced the base penalty by 25% for Cornerstone's full and prompt cooperation.	– 25%	– \$16,489.50
Line 18	Factor C: Environmental Compliance Program <i>Justification:</i> Cornerstone did not implement a regularized and comprehensive environmental compliance/audit program. Therefore, no penalty mitigation was applied.	0%	\$0.00
Line 19	Factor D: Intentional, Reckless or Negligent Violations <i>Justification:</i> Cornerstone is a professional development/construction entity who obtained a stormwater permit and should have been well aware of the requirements of the permit and of the stormwater regulations, which went into effect in 1992 for construction operations larger than 5 acres. At the very least, the Division believes Cornerstone's violations involved negligence. However, the Division conservatively chose not to apply any penalty aggravation.	0%	\$0.00
Line 20	Factor E: Other Aggravating or Mitigating Circumstances <i>Justification:</i> None identified.	0%	\$0.00
Line 21	Sum of Line 16 through Line 20	– 25%	– \$16,489.50
Line 22	Adjusted Base Penalty (Sum of Line 15 + Line 21)		\$49,467.00

EXHIBIT B

Part VI – Economic Benefit Consideration

		Amount in Dollars
Line 23	Economic Benefit	\$10,750.00
	<p><i>Justification:</i></p> <p>Cornerstone delayed the cost of developing a complete SWMP and avoided the cost of revising its stormwater management plan over a period of at least 291 days. The Division conservatively estimates the cost of periodically revising and updating a SWMP for a project of this size (52 acres as originally planned), including consulting and reprinting fees, to be \$1250. Due to the often changing conditions at construction sites, frequent evaluation of a project's SWMP is necessary. As a result, the Division estimates that a SWMP for construction will need significant revisions and updates at least every 6 months. Due to the nature of the deficiencies identified in Cornerstone's SWMP, the Division believes Cornerstone's evaluations, if conducted, should have resulted in at least one significant update/revision. Therefore, the Division has conservatively determined that Cornerstone realized an economic benefit of \$1,250.00 from the avoided costs of not revising and updating the project's SWMP.</p> <p>Cornerstone avoided the cost of implementing and/or maintaining BMPs at the Project. The Division estimates the cost of implementing a typical BMP to be \$1000 and the cost of maintaining a typical BMP, throughout its use, to be \$500. As documented in the NOV/CDO, Cornerstone failed to implement at least 7 BMPs and failed to maintain at least 3 others. Therefore, the Division has conservatively determined that Cornerstone realized an economic benefit of \$8,500.00 from the avoided costs of not implementing and/or maintaining BMPs at the Project.</p> <p>Cornerstone avoided the cost of conducting inspections at the project. The inspector identified 12 occasions when Cornerstone failed to perform an inspection within the 14-day threshold. However, 9 of the 12 instances were delays of 4 days or less, which cumulatively resulted in a delay of 24 total days, or 1 missed inspection. Therefore, Cornerstone avoided the cost of conducting the equivalent of 4 inspections at the project. The Division estimates it would take 4 hours to thoroughly inspect a project of this size (4 hours x \$25/hour x 4 inspections = \$400). Additionally, the Division estimates the cost of record keeping, management review of the reports, and the implantation of corrective actions to be \$150 for each inspection (\$150 x 4 inspections = 600). Therefore, the Division has conservatively determined that Cornerstone realized an economic benefit of \$1,000.00 from the avoided cost of not performing 4 inspections at the project.</p> <p><i>(Note: Time value of money for time periods in question was predicted to be insignificant and thus BEN runs were not performed)</i></p>	

Part VII – Violation Penalty Total

		Amount in Dollars
Line 24	Civil Penalty: (Sum Line 22 + Line 23)	\$60,217.00

EXHIBIT B

Part VIII – Ability to Pay Adjustment

		Amount in Dollars
Line 25	Ability to Pay Reduction:	\$0.00
	<i>Justification:</i> Cornerstone submitted financial information in response to the Division's offer to consider Cornerstone's ability to pay a penalty. While the financial information and existing market conditions suggest a challenging situation as it relates to potential profits, the financial information also reveals the existence of significant assets in the form of real estate holdings that could be sold, if even at a discount, to fund Cornerstone's penalty obligations. Therefore, no ability to pay adjustment was applied.	

Part IX – Final Adjusted Penalty

		Amount in Dollars
Line 26	Total Civil Penalty: (Sum Line 24 + Line 25)	\$60,217.00

Draft Multi-Day Calculations
(8/27/2009)

Date	Day of Violation	Potential Damage			Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum
		Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Perform Inspections of Stormwater Management System				
11/15/2005	1	\$240.00			\$240.00	\$600.00	\$0.00	\$840.00
	2	\$120.00			\$120.00	\$300.00	\$0.00	\$420.00
	3	\$120.00			\$120.00	\$300.00	\$0.00	\$420.00
	4	\$120.00			\$120.00	\$300.00	\$0.00	\$420.00
	5	\$120.00			\$120.00	\$300.00	\$0.00	\$420.00
	6	\$120.00			\$120.00	\$300.00	\$0.00	\$420.00
	7	\$120.00			\$120.00	\$300.00	\$0.00	\$420.00
	8	\$120.00			\$120.00	\$300.00	\$0.00	\$420.00
	9	\$120.00			\$120.00	\$300.00	\$0.00	\$420.00
	10	\$120.00			\$120.00	\$300.00	\$0.00	\$420.00
	11	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	12	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	13	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	14	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	15	\$96.00		\$315.00	\$411.00	\$600.00	\$0.00	\$1,011.00
	16	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
12/1/2005	17	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	18	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	19	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	20	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	21	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	22	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	23	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	24	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	25	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	26	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	27	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	28	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	29	\$96.00		\$315.00	\$411.00	\$600.00	\$0.00	\$1,011.00
	30	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	31	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	32	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	33	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	34	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	35	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	36	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	37	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	38	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	39	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	40	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	41	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	42	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	43	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	44	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	45	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	46	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	47	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	48	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
1/1/2006	49	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	50	\$96.00			\$96.00	\$240.00	\$0.00	\$336.00
	51	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	52	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	53	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	54	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	55	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	56	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	57	\$72.00		\$315.00	\$387.00	\$600.00	\$0.00	\$987.00
	58	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	59	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	60	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	61	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	62	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	63	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	64	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	65	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	66	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	67	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	68	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	69	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	70	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	71	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	72	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	73	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	74	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	75	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	76	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	77	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	78	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
2/1/2006	79	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	80	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	81	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	82	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	83	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	84	\$72.00		\$315.00	\$387.00	\$600.00	\$0.00	\$987.00
	85	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	86	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	87	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	88	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	89	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	90	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	91	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	92	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	93	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	94	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	95	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	96	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	97	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	98	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	99	\$72.00		\$315.00	\$387.00	\$600.00	\$0.00	\$987.00
	100	\$72.00			\$72.00	\$180.00	\$0.00	\$252.00
	101	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00
	102	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00
	103	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00
	104	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00
	105	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00

Draft Multi-Day Calculations
(8/27/2008)

Potential Damage									
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Perform Inspections of Stormwater Management System	Potential Damage Sum - (Not to Exceed \$5000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	
3/1/2008	106	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	107	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	108	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	109	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	110	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	111	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	112	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	113	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	114	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	115	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	116	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	117	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	118	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	119	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	120	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	121	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	122	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	123	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	124	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	125	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	126	\$48.00			\$315.00	\$363.00	\$600.00	\$983.00	
	127	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	128	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	129	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	130	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	131	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	132	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
133	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
134	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
135	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
136	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
137	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
4/1/2008	138	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	139	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	140	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	141	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	142	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	143	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	144	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	145	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	146	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	147	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	148	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	149	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	150	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	151	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	152	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	153	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	154	\$48.00			\$315.00	\$363.00	\$600.00	\$983.00	
	155	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	156	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	157	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	158	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	159	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	160	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	161	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	162	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	163	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
	164	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00
165	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
166	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
167	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
168	\$48.00			\$315.00	\$363.00	\$600.00	\$983.00		
169	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
170	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
171	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
172	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
173	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
174	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
175	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
176	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
177	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
178	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
179	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
180	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
181	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
182	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
183	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
184	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
185	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
186	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
187	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
188	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
189	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
190	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
191	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
192	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
193	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
194	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
195	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
196	\$48.00			\$315.00	\$363.00	\$600.00	\$983.00		
197	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
198	\$48.00			\$48.00	\$48.00	\$120.00	\$0.00	\$168.00	
6/1/2008	199	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	200	\$48.00			\$48.00	\$120.00	\$0.00	\$168.00	
	201	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	
	202	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	
	203	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	
	204	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	
	205	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	
	206	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	
	207	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	
	208	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	
	209	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	
	210	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	
	211	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00	

Draft Multi-Day Calculations
(8/27/2009)

Date	Day of Violation	Potential Damage			Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum
		Deficient Stormwater Management Plan (SWMP)	Failure to install, Maintain or Properly Select Best Management Practices	Failure to Perform Inspections of Stormwater Management System				
	211	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	212	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	213	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	214	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	215	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	216	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	217	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	218	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	219	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	220	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	221	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	222	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	223	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	224	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	225	\$24.00		\$315.00	\$339.00	\$600.00	\$0.00	\$939.00
	226	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	227	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	228	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	229	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
7/1/2006	230	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	231	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	232	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	233	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	234	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	235	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	236	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	237	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	238	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	239	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	240	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	241	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	242	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	243	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	244	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	245	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	246	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	247	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	248	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	249	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	250	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	251	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	252	\$24.00		\$315.00	\$339.00	\$600.00	\$0.00	\$939.00
	253	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	254	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	255	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	256	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	257	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	258	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	259	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
8/1/2006	260	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	261	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	262	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	263	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	264	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	265	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	266	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	267	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	268	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	269	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	270	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	271	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	272	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	273	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	274	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	275	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	276	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	277	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	278	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	279	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	280	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	281	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	282	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	283	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	284	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	285	\$24.00		\$315.00	\$339.00	\$600.00	\$0.00	\$939.00
	286	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	287	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	288	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	289	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	290	\$24.00			\$24.00	\$60.00	\$0.00	\$84.00
	291	\$24.00	\$1,012.50		\$1,036.50	\$600.00	\$0.00	\$1,636.50
Column Sums:		\$15,744.00	\$1,012.50	\$3,780.00	\$20,536.50	\$45,420.00	\$0.00	\$65,956.50

Total Penalty Amount: \$65,956.50