

# STATE OF COLORADO

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Executive Director and Chief Medical Officer

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

June 1, 2011

Rick G. Hermes, Registered Agent  
HFM Holdings, LLC  
P.O. Box 2633  
Edwards, CO 81632

**Certified Mail Number: 7007 0220 0001 0160 0356**

**RE: Service of Notice of Violation/Cease and Desist Order/Order for Civil Penalty,  
Number: SO-110601-2**

Dear Mr. Hermes:

HFM Holdings, LLC is hereby served with the enclosed Notice of Violation / Cease and Desist Order / Order for Civil Penalty (the "Order"). This 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 §§25-8-602, 25-8-605 and 25-8-608, C.R.S., of the *Colorado Water Quality Control Act*, (the "Act"). The Division bases this Order upon findings that HFM Holdings, LLC has violated the Act and/or a permit issued under the Act, as described in the enclosed Order.

Pursuant to §25-8-603, C.R.S., HFM Holdings, LLC is required, within thirty (30) calendar days of receipt of this Order, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

Payment of the imposed civil penalty shall be made in accordance with the methods referenced in the Order for Civil Penalty.

Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this Order or the issuance of additional enforcement actions.

Should you or representatives of HFM Holdings, LLC desire to discuss this matter informally with the Division, or if you have any questions regarding the Order, please do not hesitate to contact me at (303) 692-3598 or by electronic mail at [michael.harris@state.co.us](mailto:michael.harris@state.co.us).

Sincerely,



Michael Harris  
Enforcement Unit  
Compliance Assurance Section  
WATER QUALITY CONTROL DIVISION

*Enclosure(s)*

cc: Grand County Public Health

cc: Natasha Davis, EPA Region VIII  
Andy Poirot, Engineering Section, CDPHE  
Dick Parachini, Watershed Program, CDPHE  
Nathan Moore, Permits Unit, CDPHE  
Michael Beck, OPA  
Tania Watson, Compliance Assurance, CDPHE



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

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**NOTICE OF VIOLATION / CEASE AND DESIST ORDER / ORDER FOR CIVIL PENALTY**

**NUMBER: SO-110601-2**

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**IN THE MATTER OF:     HFM HOLDINGS, LLC**  
**CDPS PERMIT NO. COR-030000**  
**CERTIFICATION NO. COR-03C639**  
**GRAND COUNTY, COLORADO**

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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 is implemented through the Department's Water Quality Control Division (the "Division"), and pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., the Division and the Executive Director of the Department, through his designee, make the following Findings of Fact and issue the following Notice of Violation / Cease and Desist Order / Order for Civil Penalty:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. At all times relevant to the alleged violations identified herein, HFM Holdings, LLC ("HFM") was a Colorado limited liability company in good standing and registered to conduct business in the State of Colorado.
2. HFM 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. In July 2007, HFM initiated construction activities of a residential development with a planned disturbance of thirty (30) acres of land at or near 2800 Lakota Trail, in or near the Town of Winter Park, Grand County, Colorado (the "Project").
4. On August 31, 2007, the Division received an application from HFM for Project coverage under the Colorado Discharge Permit System ("CDPS") General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity (the "Permit").

5. On September 4, 2007, the Division provided HFM Certification Number COR-03C639 authorizing HFM to discharge stormwater from the construction activities associated with the Project to the Fraser River under the terms and conditions of the Permit. Certification Number COR-03C639 became effective September 4, 2007 and remains in effect until June 30, 2012, or until HFM inactivates permit coverage.
6. The Fraser 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 (102).
7. Pursuant to 5 CCR 1002-61, §61.8, HFM must comply with all the terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.
8. On September 2, 2009, representatives from the Division (the “Inspectors”) conducted an on-site inspection of the Project pursuant to the Division’s authority under §25-8-306, C.R.S., to determine HFM’s compliance with the Water Quality Control Act and the Permit. During the inspection, the Inspectors interviewed Project representatives, reviewed 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, HFM is required to prepare and maintain a Stormwater Management Plan (“SWMP”) in accordance with good engineering, hydrologic, and pollution control practices. The SWMP is required to identify all 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 Best Management Practices (“BMPs”) at the Project, which will be used to reduce the pollutants in stormwater discharges associated with construction activity.
10. Pursuant to Part I. C. of the Permit, the Project’s SWMP shall include, at a minimum, the following items:
  - a. Site Description – The SWMP shall clearly describe the construction activity, including:
    - i. The nature 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. A summary of any existing data used in the development of the construction plans or SWMP that describe the soil or existing potential for soil erosion.
    - 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 all potential pollution sources, including ground surface disturbance, vehicle fueling, storage of fertilizers or chemicals, etc.
    - vii. The location and description of any allowable sources of non-stormwater discharge, such as springs, landscape irrigation return flow, construction dewatering, and concrete washout.

- 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).
- b. Site Map – The SWMP shall include a legible site map(s), showing the entire site, identifying:
- i. Construction site boundaries.
  - ii. All areas of ground surface disturbance.
  - iii. Areas of cut and fill.
  - iv. Areas used for storage of building materials, equipment, soil, or waste.
  - v. Locations of dedicated asphalt or concrete batch plants.
  - vi. Locations of all structural BMPs
  - vii. Locations of all non-structural BMPs.
  - viii. Locations of springs, streams, wetlands and other surface waters.
- c. Stormwater Management Controls - The SWMP must include a description of all stormwater management controls that will be implemented as part of the construction activity to control pollutants in stormwater discharges, including:
- i. SWMP Administrator – The SWMP shall identify a specific individual(s), position or title that is responsible for developing, implementing, maintaining, and revising the SWMP.
  - ii. Identification of Potential Pollutant Sources – The SWMP shall identify and describe those sources determined to have the potential to contribute pollutants to stormwater discharges.
  - iii. Best Management Practices (BMPs) for Stormwater Pollution Prevention – The SWMP shall identify and describe appropriate BMPs that will be implemented at the facility to reduce the potential of pollution sources to contribute pollutants to stormwater discharges. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP.
    - (1) Structural Practices for Erosion and Sediment Control – The SWMP shall clearly describe and locate all structural practices implemented at the site to minimize erosion and sediment transport. Practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins.
    - (2) Non-Structural Practices for Erosion and Sediment Control – The SWMP shall clearly describe and locate all non-structural practices implemented at the site to minimize erosion and sediment transport. Description must include interim and permanent stabilization practices, and site-specific scheduling for implementation of the practices. Non-structural practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees, and preservation of mature vegetation.

- (3) **Phased BMP Implementation** – The SWMP shall clearly describe the relationship between the phases of construction and the implementation and maintenance of BMPs. The SWMP must identify the stormwater management controls to be implemented during the project phases, which can include, but are not limited to, clearing and grubbing, road construction, utility and infrastructure installation, vertical construction, final grading and final stabilization.
  - (4) **Materials Handling and Spill Prevention** – The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials that could contribute pollutants to runoff.
  - (5) **Dedicated Concrete or Asphalt Batch Plants** – The SWMP shall clearly describe and locate BMPs to control stormwater pollution from dedicated concrete batch plants or dedicated asphalt batch plants.
  - (6) **Vehicle Tracking Control** – The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking.
  - (7) **Waste Management and Disposal, Including Concrete Washout** – The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes, including concrete washout activities.
  - (8) **Groundwater and Stormwater Dewatering** – The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater from excavations, wells, etc.
- d. **Final Stabilization and Long-Term Stormwater Management** – The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site, and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.
  - e. **Inspection and Maintenance** – The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
11. During the September 2, 2009 inspection, the Inspectors reviewed the Project’s SWMP and identified the following deficiencies, as described in paragraphs 11(a-l) below:
- a. The site description did not include the current phases of construction.
  - b. The site description did not include the area and location expected to be disturbed by clearing, excavation, grading, or other construction activities.
  - c. The SWMP did not identify or include the location and description of the concrete washout and mason washout at the site, which are both potential pollution sources.
  - d. The SWMP did not include the location and description of the construction dewatering activities that were observed at the site, nor the practices that would be implemented to control stormwater pollution from the dewatering activities.

- e. The SWMP did not identify a SWMP administrator.
  - f. The SWMP stated that outlet protection would be utilized for onsite culvert outfalls. However, the SWMP did not include installation and implementation specifications for the outlet protection.
  - g. The SWMP stated that sprayed hydro-mulch would be used as a BMP onsite. However, the SWMP did not include installation and implementation specifications for the hydro-mulch.
  - h. The SWMP did not describe the relationship between the phases of construction and the implementation and maintenance of structural and non-structural stormwater management controls.
  - i. The SWMP did not identify spill prevention and response procedures.
  - j. The SWMP did not describe and locate the practices implemented to control stormwater pollution from all construction site wastes, including concrete washout activities.
  - k. The SWMP did not identify sediment control BMPs that would be implemented until such time as final stabilization is achieved.
  - l. The SWMP did not identify the location of the soil stockpiles (North Stockpile and South Stockpile) that HFM placed on properties adjacent to the Project, nor identify the BMPs to control pollutant discharges from the stockpiles during rain or snowmelt events.
12. The Division has determined that HFM failed to prepare and maintain a complete and accurate SWMP for the Project.
13. HFM's failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violation(s) of Part I. B. and Part I. C. of the Permit.

**Failure to Perform and/or Document Inspections of Stormwater Management System**

14. Pursuant to Part I. D. 6. (a) of the Permit, for active sites where construction has not been completed, HFM is required to make a thorough inspection of the Project's stormwater management system at least every 14 calendar days and within 24 hours of any precipitation or snowmelt event that causes surface erosion.
15. Pursuant to Part I. D. 6. (b) (2) of the Permit, HFM is required to keep a record of inspections.
16. During the September 2, 2009 inspection, the Division requested that all stormwater management system inspection records be submitted to the Division. On December 7, 2009, the Division received copies of the Project's inspection records from HFM.
17. The Division reviewed the Project's inspection records and identified that HFM failed to perform and document inspections of the Project's stormwater management system from July 2007 until July 30, 2009.

18. HFM's failure to perform and document its inspections constitutes violations of Part I. D. 6. (a) and Part I. D. 6. (b) (2) of the Permit.

**Failure to Install, Maintain, or Properly Select Best Management Practices**

19. Pursuant to Part I. C. 3. (c) of the Permit, HFM is required to implement BMPs to reduce the potential of pollution sources from contributing pollutants to stormwater discharges, including minimizing erosion and sediment transport from the Project. The Permit specifies that structural site management practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins. The Permit specifies that non-structural site management practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees and preservation of mature vegetation.
20. Pursuant to Part I. D. 2. of the Permit, HFM is required to select, design, install, implement and maintain appropriate BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic and pollution control practices.
21. Pursuant to Part I. B. 3. of the Permit, HFM is required to implement the provisions of the Project's SWMP as written and updated, from commencement of construction activity until final stabilization is complete.
22. During the September 2, 2009 inspection, the Inspectors identified the following deficiencies related to BMP installation and maintenance at the Project, as described in Paragraphs 22(a-o) below:
  - a. The Inspectors observed concrete washouts on Road 6 at the construction trailer, on the east side of Arrowhead Trail west of Road 7, and near the North Stockpile at the Project. No BMPs were implemented to control pollutant discharges from the concrete washouts.
  - b. The Inspectors observed a disturbed area surrounding storm sewer inlets located at the intersection of Road 6 and Road 3. Silt fence inlet protection was installed around the inlets. However, the SWMP stated that straw bales would be used in this location. Additionally, the silt fence was not installed and maintained in accordance with good engineering, hydrologic and pollution control practices, as the silt fence was not entrenched, not properly staked, and had holes in it. Consequently, sediment was observed in the inlet boxes that discharge toward the Fraser River.
  - c. The Inspectors observed disturbed areas along Road 3 at the intersection of Road 6 and Road 3 and at lot #10. No BMPs were observed in place to stabilize the disturbed areas or to prevent sediment and soil from discharging to roadside drainages that eventually drain to the Fraser River.

- d. The Inspectors observed a disturbed slope along Road 5 at the intersection of Road 3 and Road 5 at the Project. Hydro-mulch tackifier was applied to the slope. However, the face of the disturbed slope had not been prepared to create a uniform surface prior to the application of the hydro-mulch, as guided by good engineering, hydrologic and pollution control practices. The slope contained erosion rills and areas of slope failure that would concentrate stormwater flow, thus increasing the erosion of the slope. No other BMPs were in place to prevent sediment and soil discharges from the area.
- e. The Inspectors observed a disturbed slope located at the intersection of Road 3 and Road 5 at the Project. The SWMP stated that silt fence would be installed at the toe of the disturbed slope at this location. However, silt fence had not been installed.
- f. The Inspectors observed two storm sewer inlets located down gradient of the disturbed slope at the intersection of Road 3 and Road 5. The SWMP stated that inlet protection would be installed for these two inlets. However, no inlet protections were in place.
- g. The Inspectors observed disturbed slopes located on Road 3 just west of Road 1 at the Project. No BMPs were implemented to stabilize the disturbed slope or to prevent sediment and soil discharges to roadside drainage ditches that eventually drain to the Fraser River.
- h. The Inspectors observed disturbed soil stockpiles located on the west side of Road 3, just west of Road 1 at the Project. No BMPs were implemented to stabilize the stockpiles or to prevent sediment and soil discharges to roadside drainage ditches that eventually drain to the Fraser River.
- i. The Inspectors observed a disturbed area located at the entrance to Road 3 from Arrowhead Trail. A Vehicle Tracking Control (“VTC”) was observed in place; however, the VTC had not been installed and maintained in accordance with the installation and implementation specifications included in the SMWP, as the VTC did not cover the entire entrance and had been compacted so that dirt and sediment were present on top of the pad. Consequently, sediment discharge was observed off the road and onto Arrowhead Trail, which discharges into roadside drainage ditches that lead to the Fraser River.
- j. The Inspectors observed a disturbed roadside ditch on Arrowhead Trail up gradient of the intersection with Road 3 at the Project. Check dams were installed in the roadside ditch; however, the check dams were not installed in accordance with the installation and implementation specifications included in the SWMP, as the profile of the check dams were too high for the channel which would cause stormwater to flow around the check dam instead of ponding behind the dams as intended. Additionally, straw wattles were being used to buttress the check dams, but the SWMP did not include this design or implementation in the installation detail.

- k. The Inspectors observed a disturbed soil stockpile (the South Stockpile) located southwest of Arrowhead Trail, up gradient of the intersection with Road 3. A silt fence was in place down gradient of the toe of the stockpile. However, the silt fence was not installed in accordance with the installation and implementation specification included in the SWMP, as the silt fence was installed directly at the toe of the stockpile, was not installed on the drainage contour, and the drainage area exceeded the one-quarter acre per 100 linear feet drainage capacity. Consequently, sediment discharge beyond the silt fence was observed.
  - l. The Inspectors observed a large disturbed area located along the east side of Arrowhead Trail, west of Road 7 and adjacent to the South Detention Pond. Silt fence was in place down gradient of the area; however, the silt fence had not been installed and maintained in good and effective operating condition, as the silt fence was not installed on the drainage contour, had broken stakes, holes and tears, and the fence was down in several areas. Consequently, sediment discharge beyond the silt fence was observed.
  - m. The Inspectors observed a large disturbed area located on Lakota Trail, down gradient of the North Detention Pond. Silt Fence was in place down gradient of the area; however, the silt fence was not being maintained in good and effective operating condition, as the silt fence had broken stakes, holes and tears, and the fence was down in several areas.
  - n. The Inspectors observed a disturbed area located within the North Detention Pond. Up gradient stormwater runoff flows into the pond, picks up sediment from the disturbed area within the pond, and discharges through the pond outlet and into a culvert that flows into a drainage ditch along Lakota Trail. No BMPs were implemented to stabilize the disturbed area within the pond or to prevent sediment and soil discharges from the disturbed pond. Consequently, sediment discharge was observed within the culvert and in the roadside drainage ditch, which eventually leads to the Fraser River.
  - o. The Inspectors observed disturbed soil associated with the North Stockpile at the Project. Two rows of silt fence were in place directly down gradient of the stockpile; however, the silt fences were not installed in accordance with the installation and implementation specifications included in the SWMP, as the first row of silt fence was installed directly at the toe of the stockpile, neither row was installed on the drainage contour, and the area exceeded the one-quarter acre per 100 linear feet drainage capacity. Additionally, the first row of silt fence had been knocked down by fallen trees and holes were observed in the second row. Consequently, sediment discharge beyond the silt fence was observed.
23. The Division has determined that HFM failed to implement and/or maintain functional BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic, and pollution control practices.
24. HFM's failure to implement and/or maintain functional BMPs to protect stormwater quality during construction activities at the Project constitutes violations of Part I. C. 3. (c), Part I. D. 2., and Part I. B. 3., of the Permit.

## NOTICE OF VIOLATION

25. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined HFM 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 SWMP shall: a) Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the facility; b) Describe the practices to be used to reduce the pollutants in stormwater discharges associated with construction activity at the facility; and ensure the practices are selected and described in accordance with good engineering practices, including the installation, implementation and maintenance requirements; and c) Be properly prepared and updated in accordance with Part I.D.5.c., to ensure compliance with the terms and conditions of this permit.”

**Part I. C. of the Permit**, which states in part, “The SWMP shall include the following items, at a minimum.”

**Part I. D. 6. (a) of the Permit**, which states in part, “The permittee shall, at a minimum, make a thorough inspection, in accordance with the requirements in I.D.6.b below, at least once every 14 calendar days. Also, post-storm event inspections must be conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion.”

**Part I. D. 6. (b) (2) of the Permit**, which states in part, “The permittee shall keep a record of inspections.”

**Part I. C. 3. (c) of the Permit**, which outlines in part that BMPs for Stormwater Pollution Prevention shall address erosion and sediment control, including “structural practices implemented at the site to minimize erosion and sediment transport” and “non-structural practices implemented at the site to minimize erosion and sediment transport,” as well as phased BMP implementation, materials handling and spill prevention, dedicated concrete or asphalt batch plants, vehicle tracking control, waste management and disposal, including concrete washout, and groundwater and stormwater dewatering.

**Part I. D. 2. of the Permit**, which states, “Facilities must select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of State waters.”

**Part I. B. 3. of the Permit**, which states in part, “Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit.”

## REQUIRED CORRECTIVE ACTION

Based upon the foregoing factual and legal determinations and pursuant to §25-8-602 and §25-8-605, C.R.S., HFM is hereby ordered to:

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

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

27. HFM shall immediately evaluate the Project's SWMP and implement necessary measures to ensure the SWMP contains all of the elements required by the Permit and is effective in managing pollutant discharges from the Project. Within thirty (30) calendar days of receipt of this Order, HFM shall submit a written certification to the Division stating that a complete, effective, and up-to-date SWMP has been fully developed and implemented at the Project.
28. HFM shall immediately begin conducting and documenting inspections of the Project's stormwater management system pursuant to the provisions outlined in the Permit. Within thirty (30) calendar days of receipt of this Order, HFM shall submit a written certification to the Division stating that all such inspections are being conducted and documented in accordance with the terms and conditions of the Permit.
29. HFM shall immediately implement necessary measures to ensure that adequate BMPs are in place to control pollutant discharges from the Project. This includes ensuring that all disturbed areas at the Project are stabilized and/or protected with a system/series of erosion and sediment control practices, and that all BMPs at the site are selected, installed, implemented, and maintained following good engineering, hydrologic, and pollution control practices. Within thirty (30) calendar days of receipt of this Order, HFM 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, HFM shall submit photographs to the Division documenting the current conditions at the site and the associated BMPs implemented at the Project.
30. Within sixty (60) calendar days of receipt of this Order, HFM shall submit a detailed written plan to the Division outlining the standard procedures HFM will undertake to ensure that functional and effective stormwater management systems are fully implemented at its Colorado construction sites. The plan shall include a detailed description of how HFM will ensure that each of its stormwater management systems at each of its Colorado construction sites are adequately staffed, trained, implemented, and supervised. The plan shall specifically discuss HFM's commitment to the resources needed to adequately implement the provisions of the Permit at its construction sites, including a commitment to providing elevated staff and supervisor training in erosion control, BMP implementation, and overall stormwater management.

### **ORDER FOR CIVIL PENALTY**

31. 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.

32. Based upon the Findings of Fact and Notice of Violation above, the Executive Director, through his designee, has determined that a civil penalty is appropriate and warranted in this matter. Therefore, the Executive Director, through his designee, hereby imposes a civil penalty in the amount of One Hundred Thirty Three Thousand Two Hundred Twenty Five Dollars (\$133,225.00) against HFM for the violations cited above. 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 A and is incorporated herein by reference. The civil penalty shall be paid within thirty (30) calendar days of the date of this Notice of Violation / Cease and Desist Order / 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:

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

### **NOTICES AND SUBMITTALS**

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

Colorado Department of Public Health and Environment  
Water Quality Control Division / WQCD-B2-CAS  
Compliance Assurance Section  
Attention: Michael Harris  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Email: michael.harris@state.co.us

For any person submitting documents, plans, records and reports pursuant to this Notice of Violation / Cease and Desist Order / Order for Civil Penalty, 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/APPEAL**

Pursuant to §25-8-603, C.R.S. and 5 CCR 1002, §21.11 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. The answer shall be filed no later than thirty (30) calendar days after receipt of this action.

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. 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.

The Order for Civil Penalty may be appealed pursuant to 5 CCR 1002, §21.12.

### **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 CRIMINAL PENALTIES**

You are also advised that 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 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 / Order for Civil Penalty, the State has not waived its right to bring an action for penalties under §25-8-609, 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 such entities or the State.

For further clarification of your rights and obligations under this Notice of Violation / Cease and Desist Order / Order for Civil Penalty, 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 1<sup>st</sup> day of June, 2011.

**FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

  
Steven H. Gunderson, Director  
WATER QUALITY CONTROL DIVISION



## Exhibit A

### STORMWATER PENALTY COMPUTATION WORKSHEET

<b>System Name:</b> HFM Holdings, LLC	<b>Permit Number:</b> COR-03C639
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<b>Beneficial Use Classification:</b> Upper Colorado River Segment 10a – <i>Ag Life Cold 1</i> , Recreation E, Water Supply, Agriculture	<b>Date of NOV/CDO:</b> TBD <b>Number:</b> TBD
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<b>Type of Facility:</b> Construction	<b>Disturbed Acres:</b> 30 <b>Number of Employees:</b> N/A
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### Part I – Base Penalty Calculation

#### A. Potential Damage Component

	Violation Type	Adjustment	Amount in Dollars
Line 1	<b>Conducting Covered Activity Without A Stormwater Permit</b> <i>Adjustment Justification:</i>		\$0.00
Line 2	<b>Failure to Prepare Stormwater Management Plan (SWMP)</b> <i>Adjustment Justification:</i>		\$0.00
Line 3	<b>Deficient Stormwater Management Plan (SWMP)</b> <i>Adjustment Justification:</i> The Division reviewed the SWMP and identified deficiencies in the development of the plan, including a failure to identify all potential pollutants, to prescribe BMPs for all potential pollutants onsite, to include implementation specifications for all BMPs onsite, and to include spill response procedures. The number of counts of violation was relatively many. The project is located approximately a ¼ mile from the Fraser River. The main pollutant of concern on the site (sediment) is one of the leading causes of water quality impairment in the U.S. (according to EPA's 2002 Water Quality Inventory Report) and is a primary carrier of adsorbed chemicals, heavy metals, phosphorus and nitrogen. The Division believes the SWMP violations directly contributed to the BMP violations observed onsite. However, the Division conservatively assigns a minor/moderate potential harm to health/environment.	Minor/Moderate = +50% of \$300	\$450.00
Line 4	<b>Failure to Install, Maintain or Properly Select Best Management Practices</b> <i>Adjustment Justification:</i> The Division conducted an inspection of the project and identified a failure to implement and maintain BMPs at the site. The project is located approximately ¼ mile from the Fraser River and includes roadside ditches that convey stormwater offsite and directly towards state waters. The main pollutant of concern on the site (sediment) is one of the leading causes of water quality impairment in the U.S. (according to EPA's 2002 Water Quality Inventory Report) and is a primary carrier of adsorbed chemicals, heavy metals, phosphorus and nitrogen. The number of counts of violation was relatively many. However, the Division conservatively assigns a moderate potential harm to health/environment.	Moderate = +75% of \$1000	\$1,750.00

## Exhibit A

	Violation Type	Adjustment	Amount in Dollars
Line 5	<b>Failure to Perform Inspections of Stormwater Management System</b>	Minor/Moderate = +50% of \$600	\$900.00
	<i>Adjustment Justification:</i> The Division reviewed the project's stormwater management system records and determined that HFM failed to perform inspections. The project is located approximately ¼ mile from the Fraser River and includes roadside ditches that convey stormwater offsite and directly towards state waters. The main pollutant of concern on the site (sediment) is one of the leading causes of water quality impairment in the U.S. (according to EPA's 2002 Water Quality Inventory Report) and is a primary carrier of adsorbed chemicals, heavy metals, phosphorus and nitrogen. The Division believes the inspection violations directly contributed to the BMP violations observed onsite. However, the Division conservatively assigns a minor/moderate potential harm to health/environment.		
Line 6	<b>Failure to Submit Required/ Requested Reports (Annual Reports, Permit Compliance Schedule Items, Etc.)</b>		\$0.00
	<i>Adjustment Justification:</i>		
Line 7	<b>Failure to Maintain Required Records</b>		\$0.00
	<i>Adjustment Justification:</i>		
Line 8	<b>Pollution, Contamination or Degradation of State Waters</b>		\$0.00
	<i>Adjustment Justification:</i>		
Line 9	<b>Other Administrative Violations</b>		\$0.00
	<i>Adjustment Justification:</i>		
<b>Line 10</b>	<b>Potential Damage Total (Sum of Lines 1 through 9)</b>	<i>(Not to exceed \$6000/day)</i>	<b>\$3,100.00</b>

### B. Fault Component

		Amount in Dollars
Line 11	<b>Fault: Category 2</b>	<i>(Not to exceed \$3000/day)</i>
	<i>Justification:</i> HFM is headed by professional construction/development companies and individuals who applied for and obtained a stormwater permit and, at the very least, should have been aware of its obligations under the permit and the circumstances that lead to the violations. Therefore, the Division conservatively assigns 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.	
		<b>\$1,000.00</b>

### C. History Component

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

## Exhibit A

### Part II – Determination of Days of Violation

		Days of Violation
Line 13	Total Days of Violation	365
<p><i>Justification:</i></p> <p><b>Deficient Stormwater Management Plan (SWMP):</b> HFM obtained permit coverage on September 4, 2007, at which time it had certified that a complete SWMP had been developed. The Division reviewed the SWMP on September 2, 2009 and identified that it was deficient. The Division believes the SWMP was deficient from September 4, 2007 through at least September 2, 2009 – a period of 730 days. However, the Division is conservatively utilizing 365 days of violation for this base penalty calculation. <i>(For the purpose of this base penalty calculation, the violation date range spans from September 3, 2008 through September 2, 2009.)</i></p> <p><b>Failure to Install, Maintain or Properly Select Best Management Practices:</b> The Division inspected the project on September 2, 2009 and identified a failure to implement and maintain BMPs. Due to the state of the project and scope of the deficiencies, the Division believes the BMP violations had persisted for quite some time, likely the life of the project. However, the Division is conservatively utilizing 1 day of violation for this base penalty calculation.</p> <p><b>Failure to Perform Inspections of Stormwater Management System:</b> The Division identified that HFM failed to perform and document inspections of its project from September 4, 2007 until July 30, 2009. The permit requires that HFM inspect the project every 14 days and after precipitation or snowmelt events. Therefore, at a minimum, HFM failed to perform 49 permit-required 14 day inspections from September 4, 2007 until July 30, 2009. However, the Division is conservatively utilizing 23 days of violation for this base penalty calculation. <i>(For the purpose of this base penalty calculation, the violation date range spans from September 3, 2008 until July 30, 2009.)</i></p> <p><i>(Note: The BMP violations and inspection violations coincided with the time frame of the SWMP violations. Therefore, a total of 365 days of violation were utilized for this base penalty calculation.)</i></p>		

### Part III – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 14	Multi-Day Penalty Amount	\$147,500.00
<p><i>Calculations:</i></p> <p><b>See Attachment A</b></p> <p><i>Note: For the days of SWMP violation, the penalty amounts for Potential Damage and Fault were adjusted in accordance with the Multi-Day Violation Matrix outlined on Page 6 of the Stormwater Civil Penalty Policy. On any day in which more than one category of violation occurred (e.g., a SWMP violation and an inspection violation), the full fault amount (\$1000) was applied for the combined violations.</i></p>		

Exhibit A

**Part IV – Base Penalty Total**

		Amount in Dollars
<b>Line 15</b>	<b>Base Penalty = Potential Damage + Fault + History (Sum of Line 10 + Line 11 + Line 12, OR Line 14)</b>	<b>\$147,500.00</b>

**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 the regulatory inspection process. HFM 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> HFM responded to the Division's inspection report in a timely fashion and indicated that it had corrected all of the deficiencies identified in the Division's inspection report. The Division has no information to suggest that HFM did not comply. Therefore, the Division applies the full 25% reduction for HFM's full and prompt cooperation.	- 25%	- \$36,875.00
Line 18	Factor C: Environmental Compliance Program <i>Justification:</i> The Division did not receive or identify any information suggesting that HFM implemented 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> HFM is headed by professional construction/development companies and individuals that obtained a permit and should have been aware of its requirements. At the very least, the Division believes HFM's violations involved negligence. However, the Division has conservatively chosen not to apply a penalty aggravation in this case.	0%	\$0.00
Line 20	Factor E: Other Aggravating or Mitigating Circumstances <i>Justification:</i> No other aggravating or mitigating circumstances were identified.	0%	\$0.00
Line 21	Sum of Line 16 through Line 20	- 25%	- \$36,875.00
<b>Line 22</b>	<b>Adjusted Base Penalty (Sum of Line 15 + Line 21)</b>		<b>\$110,625.00</b>

Exhibit A

**Part VI– Economic Benefit Consideration**

		<b>Amount in Dollars</b>
<b>Line 23</b>	<b>Economic Benefit</b>	<b>\$22,600.00</b>
	<p><i>Justification:</i></p> <p>HFM delayed the cost of developing a complete and accurate SWMP and avoided the cost of revising and updating its SWMP over a period of at least 730 days. The Division conservatively estimates the cost of periodically evaluating, revising and updating a SWMP for a project of this size, including consulting and reprinting fees, to be \$750. Due to the often changing conditions at construction sites, frequent evaluation of a project’s SWMP is necessary. As a result, the Division conservatively estimates that a SWMP for construction will need significant revisions and updates at least every 6 months. Therefore, the Division has conservatively determined that HFM realized an economic benefit of <b>\$2,250.00</b> from the avoided costs of not revising and updating the project’s SWMP for nearly two years.</p> <p>HFM avoided the cost of implementing and maintaining BMPs at the project. The Division conservatively estimates the cost of implementing a typical BMP to be \$1000 and the cost of maintaining a BMP throughout its use to be \$500. As documented in the NOV/CDO, HFM failed to implement at least 9 BMPs at the project and failed to maintain at least 8 others. Therefore, the Division has conservatively determined that HFM realized an economic benefit of <b>\$13,000.00</b> from the avoided costs of not implementing and maintaining BMPs at the site.</p> <p>HFM avoided the cost of inspecting its stormwater management system at least every 14 days and after every precipitation event that caused surface erosion. HFM should have performed at least 49 routine inspections of the project. The Division conservatively estimates that it would take 2 man-hours to thoroughly inspect a project of this size. (2 man-hours X \$25/hour X 49 inspections = \$2,450). Additionally, the Division estimates the cost of management review and implementation of corrective actions to be \$100 for each inspection event. (\$100 X 49 inspections = \$4,900). Therefore, the Division has conservatively determined that HFM realized an economic benefit of <b>\$7,350.00</b> from the avoided costs of not inspecting the project’s stormwater management system.</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**

		<b>Amount in Dollars</b>
<b>Line 24</b>	<b>Civil Penalty: (Sum Line 22 + Line 23)</b>	<b>\$133,225.00</b>

Exhibit A

**Part VIII – Ability to Pay Adjustment**

		<b>Amount in Dollars</b>
Line 25	Ability to Pay Reduction:	\$0.00
	<i>Justification:</i> HFM was unwilling to provide all financial information necessary for the Division to conduct a comprehensive ability to pay assessment. Therefore, an ability to pay assessment could not be performed and was not included in this penalty calculation.	

**Part IX – Final Adjusted Penalty**

		<b>Amount in Dollars</b>
Line 26	Total Civil Penalty: (Sum Line 24 + Line 25)	\$133,225.00

# Exhibit A

## Attachment A

Multi-Day Calculation Worksheet

HFM Holdings, LLC

Time	Days	Potential Damages	Days	Potential Damages	Days	Potential Damages	Days	Potential Damages	Days	Potential Damages
9/7/2008	1	\$450.00								
	2	\$225.00								
	3	\$225.00								
	4	\$225.00								
	5	\$225.00								
	6	\$225.00								
	7	\$225.00								
	8	\$225.00								
	9	\$225.00								
	10	\$225.00								
	11	\$180.00								
	12	\$180.00								
9/15/2008	13	\$180.00	\$900.00							
	14	\$180.00								
	15	\$180.00								
	16	\$180.00								
	17	\$180.00								
	18	\$180.00								
	19	\$180.00								
	20	\$180.00								
	21	\$180.00								
	22	\$180.00								
	23	\$180.00								
	24	\$180.00								
	25	\$180.00								
	26	\$180.00								
9/29/2008	27	\$180.00	\$900.00							
	28	\$180.00								
	29	\$180.00								
	30	\$180.00								
	31	\$180.00								
	32	\$180.00								
	33	\$180.00								
	34	\$180.00								
	35	\$180.00								
	36	\$180.00								
	37	\$180.00								
	38	\$180.00								
	39	\$180.00								
	40	\$180.00								
10/13/2008	41	\$180.00	\$900.00							
	42	\$180.00								
	43	\$180.00								
	44	\$180.00								
	45	\$180.00								
	46	\$180.00								
	47	\$180.00								
	48	\$180.00								
	49	\$180.00								
	50	\$180.00								
	51	\$135.00								
	52	\$135.00								
	53	\$135.00								
	54	\$135.00								
10/27/2008	55	\$135.00	\$900.00							
	56	\$135.00								
	57	\$135.00								
	58	\$135.00								
	59	\$135.00								
	60	\$135.00								
	61	\$135.00								
	62	\$135.00								
	63	\$135.00								
	64	\$135.00								
	65	\$135.00								
	66	\$135.00								
	67	\$135.00								
	68	\$135.00								
11/10/2008	69	\$135.00	\$900.00							
	70	\$135.00								

# Exhibit A Attachment A

Multi-Day Calculation Worksheet

HFM Holdings, LLC

Line	Date	Debit	Credit	Balance	Rate	Days	Interest	Balance
71		\$135.00		\$135.00				\$135.00
72		\$135.00		\$270.00				\$270.00
73		\$135.00		\$405.00				\$405.00
74		\$135.00		\$540.00				\$540.00
75		\$135.00		\$675.00				\$675.00
76		\$135.00		\$810.00				\$810.00
77		\$135.00		\$945.00				\$945.00
78		\$135.00		\$1,080.00				\$1,080.00
79		\$135.00		\$1,215.00				\$1,215.00
80		\$135.00		\$1,350.00				\$1,350.00
81		\$135.00		\$1,485.00				\$1,485.00
82		\$135.00		\$1,620.00				\$1,620.00
83		\$135.00		\$1,755.00				\$1,755.00
84		\$135.00		\$1,890.00				\$1,890.00
85		\$135.00		\$2,025.00				\$2,025.00
86		\$135.00		\$2,160.00				\$2,160.00
87		\$135.00		\$2,295.00				\$2,295.00
88		\$135.00		\$2,430.00				\$2,430.00
89		\$135.00		\$2,565.00				\$2,565.00
90		\$135.00		\$2,700.00				\$2,700.00
91		\$135.00		\$2,835.00				\$2,835.00
92		\$135.00		\$2,970.00				\$2,970.00
93		\$135.00		\$3,105.00				\$3,105.00
94		\$135.00		\$3,240.00				\$3,240.00
95		\$135.00		\$3,375.00				\$3,375.00
96		\$135.00		\$3,510.00				\$3,510.00
97		\$135.00		\$3,645.00				\$3,645.00
98		\$135.00		\$3,780.00				\$3,780.00
99		\$135.00		\$3,915.00				\$3,915.00
100		\$135.00		\$4,050.00				\$4,050.00
101		\$90.00		\$4,140.00				\$4,140.00
102		\$90.00		\$4,230.00				\$4,230.00
103		\$90.00		\$4,320.00				\$4,320.00
104		\$90.00		\$4,410.00				\$4,410.00
105		\$90.00		\$4,500.00				\$4,500.00
106		\$90.00		\$4,590.00				\$4,590.00
107		\$90.00		\$4,680.00				\$4,680.00
108		\$90.00		\$4,770.00				\$4,770.00
109		\$90.00		\$4,860.00				\$4,860.00
110		\$90.00		\$4,950.00				\$4,950.00
111		\$90.00		\$5,040.00				\$5,040.00
112		\$90.00		\$5,130.00				\$5,130.00
113		\$90.00		\$5,220.00				\$5,220.00
114		\$90.00		\$5,310.00				\$5,310.00
115		\$90.00		\$5,400.00				\$5,400.00
116		\$90.00		\$5,490.00				\$5,490.00
117		\$90.00		\$5,580.00				\$5,580.00
118		\$90.00		\$5,670.00				\$5,670.00
119		\$90.00		\$5,760.00				\$5,760.00
120		\$90.00		\$5,850.00				\$5,850.00
121		\$90.00		\$5,940.00				\$5,940.00
122		\$90.00		\$6,030.00				\$6,030.00
123		\$90.00		\$6,120.00				\$6,120.00
124		\$90.00		\$6,210.00				\$6,210.00
125		\$90.00		\$6,300.00				\$6,300.00
126		\$90.00		\$6,390.00				\$6,390.00
127		\$90.00		\$6,480.00				\$6,480.00
128		\$90.00		\$6,570.00				\$6,570.00
129		\$90.00		\$6,660.00				\$6,660.00
130		\$90.00		\$6,750.00				\$6,750.00
131		\$90.00		\$6,840.00				\$6,840.00
132		\$90.00		\$6,930.00				\$6,930.00
133		\$90.00		\$7,020.00				\$7,020.00
134		\$90.00		\$7,110.00				\$7,110.00
135		\$90.00		\$7,200.00				\$7,200.00
136		\$90.00		\$7,290.00				\$7,290.00
137		\$90.00		\$7,380.00				\$7,380.00
138		\$90.00		\$7,470.00				\$7,470.00
139		\$90.00		\$7,560.00				\$7,560.00
140		\$90.00		\$7,650.00				\$7,650.00
11/24/2008			\$9,000.00	\$7,650.00				\$7,650.00
12/8/2008			\$9,000.00	\$7,650.00				\$7,650.00
12/22/2008			\$9,000.00	\$7,650.00				\$7,650.00
1/5/2009			\$9,000.00	\$7,650.00				\$7,650.00
1/19/2009			\$9,000.00	\$7,650.00				\$7,650.00







