

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
Martha E. Rudolph, Executive Director

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

4300 Cherry Creek Dr. S.      Laboratory Services Division  
Denver, Colorado 80246-1530      8100 Lowry Blvd.  
Phone (303) 692-2000      Denver, Colorado 80230-6928  
TDD Line (303) 691-7700      (303) 692-3090  
Located in Glendale, Colorado  
<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

January 7, 2010

Thomas C. Clark, Sr. Vice President  
SEMA Construction, Inc.  
7353 South Eagle Street  
Centennial, CO 80112

Certified Mail Number: 7005 1820 0000 3208 0985

**RE: Order for Civil Penalty, Number: SP-100107-1**

Dear Mr. Clark:

SEMA Construction, Inc. 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 and Compliance Order on Consent, Number: SC-091116-2.

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](mailto:michael.harris@state.co.us).

Sincerely,

Michael Harris  
Enforcement Unit  
WATER QUALITY CONTROL DIVISION

cc: Mesa County Health Department

ec: 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**

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**ORDER FOR CIVIL PENALTY**

**NUMBER: SP-100107-1**

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**IN THE MATTER OF: SEMA CONSTRUCTION, INC.**  
**CDPS PERMIT NO. COR-030000**  
**CERTIFICATION NO. COR-03A102**  
**MESA COUNTY, COLORADO**

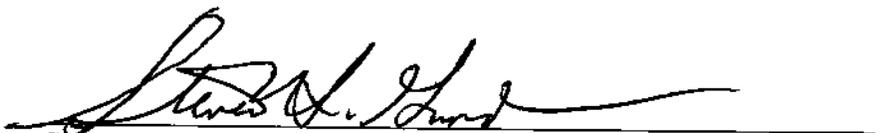
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This matter having come to my attention as the Designee of the Executive Director of the Colorado Department of Public Health and Environment upon petition for imposition of a civil penalty by the Water Quality Control Division's Compliance Assurance Section, and pursuant to §25-8-608 C.R.S, I hereby impose a civil penalty in the amount of Seventeen Thousand Three Hundred Thirty Five Dollars (\$17,335.00) against SEMA Construction, Inc. for the violations cited in the November 16, 2009 Compliance Order on Consent (Number: SC-091116-2). A copy of the Compliance Order on Consent 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 Order for Civil Penalty as set forth in the Compliance Order on Consent.

*"Method of payment shall be by certified or cashier's check drawn to the order of the 'Colorado Department of Public Health and Environment,' and delivered to:*

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

Dated this 7<sup>th</sup> day of January, 2010.

  
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**

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**COMPLIANCE ORDER ON CONSENT**

**NUMBER: SC-091116-2**

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**IN THE MATTER OF: SEMA CONSTRUCTION, INC.**  
**CDPS PERMIT NO. COR-030000**  
**CERTIFICATION NO. COR-03A102**  
**MESA COUNTY, COLORADO**

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The Colorado Department of Public Health and Environment ("Department"), through the Water Quality Control Division ("Division"), issues this Compliance Order on Consent ("Consent Order"), pursuant to the Division's authority under §25-8-602 and 605, C.R.S. of the Colorado Water Quality Control Act ("the Act"), §§25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of SEMA Construction, Inc. ("SEMA"). The Division and SEMA may be referred to collectively as "the Parties."

### STATEMENT OF PURPOSE

1. The mutual objectives of the Parties in entering into this Consent Order are to resolve, without litigation, civil penalties for the alleged violations cited herein and in the Notice of Violation/Cease and Desist Order (Number: SO-080513-2) that was issued to SEMA on May 13, 2008.

### DIVISION'S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS

2. Based upon the Division's investigation into and review of the compliance issues identified herein, and in accordance with §§25-8-602 and 605, C.R.S., the Division has made the following determinations regarding SEMA and SEMA's compliance with the Act and its stormwater permit certification for construction activity.
3. At all times relevant to the alleged violations identified herein, SEMA was a Colorado corporation in good standing and registered to conduct business in the State of Colorado.
4. SEMA 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).

## Exhibit A

5. On or about July 25, 2006, SEMA began construction activities on a highway/road development project located at or near Riverside Parkway and 24 Road in or near the Town of Grand Junction, Mesa County, Colorado (the "Project").
6. On June 19, 2006, the Division received a received a Notice of Transfer and Acceptance of Terms of a Stormwater Discharge General Permit Certification ("Notice of Transfer") from SEMA. The Notice of Transfer requested that coverage under the Colorado Discharge Permit System ("CDPS") General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity (the "Permit") be transferred from the original permittee, The City of Grand Junction, to SEMA.
7. During the times relevant to the alleged violations identified herein, a version of the Permit was in place that was effective from July 1, 2002 through June 30, 2007 (the "2002 Permit"). The current version of the Permit, which was signed on May 31, 2007, became effective on July 1, 2007 and remains in effect until June 30, 2012 (the "2007 Permit").
8. On June 21, 2006, the Division transferred coverage under the Permit, including Certification Number COR-03A102, to SEMA, authorizing SEMA to discharge stormwater from the construction activities associated with the Project to Leach Creek and the Colorado River under the terms and conditions of the Permit. Certification Number COR-03A102 remained in effect until it was inactivated on September 16, 2008, upon receiving certification from SEMA that the site had reached final stabilization.
9. Leach Creek and the Colorado River are "state waters" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (101).
10. 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.
11. On December 18, 2006, a representative from PG Environmental, LLC (the "Inspector") conducted an on-site inspection of the Project on behalf of the Division, pursuant to the Division's authority under §25-8-306, C.R.S., to determine SEMA's compliance with the Water Quality Control Act and the Permit. During the inspection, the Inspector 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**

12. Pursuant to Part I. B. of the 2002 Permit, SEMA was required to prepare and maintain a Stormwater Management Plan ("SWMP") that identified Best Management Practices ("BMPs") that, when implemented, would meet the terms and conditions of the Permit. The SWMP was 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 was required to describe and ensure the implementation of BMPs, which would be used to reduce the pollutants in stormwater discharges associated with construction activity.

## Exhibit A

13. The Division has determined that SEMA failed to prepare and maintain a complete and accurate SWMP for the Project as described in paragraphs 13(a-g) below:
  - a. During the December 18, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the site map did not identify the southern boundary of the construction site along the backwaters of the Colorado River.
  - b. During the December 18, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the site map did not include all areas of soil disturbance at the Project, including the areas along Riverside Parkway.
  - c. During the December 18, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the site map did not include all areas of cut and fill at the Project, including the terraced area near the 25 Road Bridge.
  - d. During the December 18, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the site map did not include all areas used for the storage of building materials, soils or wastes, including the area of miscellaneous building materials and supplies located near the intersection of Riverside parkway and 25 Road or the stockpiles located on the east end of Riverside Parkway near the intersection of U.S. Highway 50.
  - e. During the December 18, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the site map did not include the location of the concrete washout located on the south side of Riverside Parkway.
  - f. During the December 18, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the site map did not include the locations of Leach Creek, the Colorado River, or the wetland located near the intersection of Riverside Parkway and 25 Road.
  - g. During the December 18, 2006 inspection, the Inspector reviewed the Project's SWMP and identified that the SWMP did not contain a section on materials handling and spill prevention, as required in the Permit.
14. SEMA's failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violations of Part I. B. of the 2002 Permit.

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

15. Pursuant to Part I. B. 3. a. (1) of the 2002 Permit, SEMA was required to minimize erosion and sediment transport from the Project. The Permit specified 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.

## Exhibit A

16. Pursuant to Part I. B. 3. a. (2) of the 2002 Permit, SEMA was required to implement interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. The Permit specified that site plans should ensure existing vegetation was preserved where possible and that disturbed areas were stabilized. The Permit specified 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.
17. The Division has determined that SEMA failed to implement and/or maintain functional BMPs at the Project as described in paragraphs 17(a-f) below:
  - a. During the December 18, 2006 inspection, the Inspector observed a disturbed slope leading down to Leach Creek, located just north of where Leach Creek intersects Riverside Parkway at the Project. A silt fence was observed in place, however, the silt fence was being maintained to act as a functional BMP as the silt fence was not entrenched in the ground. No other BMPs were observed in place to stabilize the disturbed slope or to prevent sediment from discharging to Leach Creek during storm events.
  - b. During the December 18, 2006 inspection, the Inspector observed a silt fence in place on the south side of Riverside Parkway, located adjacent to the backwaters of the Colorado River. The silt fence was not being maintained to act as a functional BMP, however, as the silt fence had collapsed and gaps were observed underneath the silt fence fabric. No other BMPs were observed in place to prevent sediment from discharging to the backwaters of the Colorado River.
  - c. During the December 18, 2006 inspection, the Inspector observed disturbed slopes on the southeast end of Riverside Parkway near U.S. Highway 50. A silt fence was in place across the slope, however, the silt fence was not being maintained to act as a functional BMP as the silt fence was not entrenched in the ground. Consequently, a previous storm event had undercut the silt fence and significant erosion of the slope was observed. No other BMPs were observed in place to stabilize the disturbed slope or to prevent sediment from discharging to the storm drain system located to the south.
  - d. During the December 18, 2006 inspection, the Inspector observed disturbed slopes leading to a detention pond located on the south side of Riverside Parkway near the 25 Road bridge. The outfall of the detention pond was directly connected to a wetland located to the south. No BMPs were observed in place to stabilize the disturbed slopes or to prevent sediment from discharging from the slopes to the detention pond during storm events. Additionally, no BMPs were observed in place to maintain the optimal holding capacity of the detention pond or to prevent the pond from discharging to the wetland during storm events.
  - e. During the December 18, 2006 inspection, the Inspector observed disturbed areas along the north and south sides of Riverside Parkway at the Project, including a soil stockpile located just west of Leach Creek. No BMPs were observed in place to stabilize the disturbed areas or to prevent sediment and soil from discharging from these areas during storm events. Consequently, sediment was observed in the roadway.

## Exhibit A

- f. During the December 18, 2006 inspection, the Inspector observed a silt fence in place along the south side of Riverside Parkway at the Project, just north of the ice arena. The silt fence was not being maintained to act as a functional BMP however, as the silt fence was subjected to soil and sediment accumulation of at least half the exposed fabric height.
18. SEMA'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 2002 Permit.

### **ORDER AND AGREEMENT**

19. Based on the foregoing factual and legal determinations, pursuant to its authority under §§25-8-602 and 605 C.R.S., and in satisfaction of the civil penalties associated with the alleged violations cited herein and in the Notice of Violation/Cease and Desist Order (Number: SO-080513-2), the Division orders SEMA to comply with all provisions of this Consent Order, including all requirements set forth below.
20. SEMA agrees to the terms and conditions of this Consent Order. SEMA agrees that this Consent Order constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602 and 605, C.R.S., and is an enforceable requirement of the Act. SEMA also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by SEMA against the Division:
  - a. The issuance of this Consent Order;
  - b. The factual and legal determinations made by the Division herein; and
  - c. The Division's authority to bring, or the court's jurisdiction to hear, any action to enforce the terms of this Consent Order under the Act.
21. Notwithstanding the above, SEMA does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by SEMA pursuant to this Consent Order shall not constitute evidence of fault by SEMA with respect to the conditions of the Project.

### **CIVIL PENALTY AND SUPPLEMENTAL ENVIRONMENTAL PROJECTS**

22. In addition to all other funds necessary to comply with the requirements of this Consent Order, SEMA shall pay Ninety One Thousand Five Hundred Twenty Three Dollars (\$91,523.00) in the form of civil penalties and an expenditure on a Supplemental Environmental Project ("SEP") in order to achieve settlement of this matter.
23. Based upon the application of the Division's Stormwater Civil Penalty Policy (January 25, 2007), and consistent with Departmental policies for violations of the Act, SEMA shall pay Seventeen Thousand Three Hundred Thirty Five Dollars (\$17,335.00) in civil penalties. The Division intends to petition the Executive Director, or his designee, to impose the Seventeen Thousand Three Hundred Thirty Five Dollar (\$17,335.00) civil penalty for the above violation(s) and SEMA agrees to make the payment within thirty (30) calendar days of the issuance of a Penalty Order by the Executive Director or his designee. 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:

## Exhibit A

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

24. SEMA shall also perform the SEP identified below. SEMA's total expenditure for the SEP shall be not less than Seventy Four Thousand One Hundred Eighty Eight Dollars (\$74,188.00).
25. SEMA shall undertake the following SEP, which the Parties agree is intended to secure significant environmental or public health protection and improvements:
26. SEMA shall donate Seventy Four Thousand One Hundred Eighty Eight Dollars (\$74,188.00) to the City of Grand Junction. The funds will be used for the Clymer Dairy Site Reclamation Project benefiting the City of Grand Junction and Mesa County, as further described in Attachment A. SEMA shall make the payment of Seventy Four Thousand One Hundred Eighty Eight Dollars (\$74,188.00), and shall include with the donation a cover letter identifying the monies for the above-described project within thirty (30) days of the effective date of this Consent Order. SEMA shall provide the Division with a copy of the cover letter and check within thirty (30) calendar days of the effective date of this Consent Order.
27. SEMA shall not deduct the expenses associated with the implementation of the above-described SEP for any tax purpose or otherwise obtain any favorable tax treatment of such payment or project.
28. SEMA hereby certifies that, as of the date of this Consent Order, it is not under any existing legal obligation to perform or develop the SEP. SEMA further certifies that it has not received, and will not receive, credit in any other enforcement action for the SEP. In the event that SEMA has, or will receive credit under any other legal obligation for the SEP, SEMA shall pay Seventy Four Thousand One Hundred Eighty Eight Dollars (\$74,188.00) to the Division as a civil penalty within thirty (30) calendar days of receipt of a demand for payment by the Division. Method of payment shall be as specified in paragraph 23 above.
29. The SEP must be completed to the satisfaction of the Division by August 15, 2010, and must be operated for the useful life of the SEP. In the event that SEMA fails to comply with any of the terms or provisions of this Consent Order relating to the performance of the SEP, SEMA shall be liable for penalties as follows:
  - a. Payment of a penalty in the amount of Seventy Four Thousand One Hundred Eighty Eight Dollars (\$74,188.00). The Division, in its sole discretion, may elect to reduce this penalty for environmental benefits created by the partial performance of the SEP.
  - b. SEMA shall pay this penalty within thirty (30) calendar days of receipt of written demand by the Division. Method of payment shall be as specified in paragraph 23 above.

## Exhibit A

30. SEMA shall submit a SEP Completion Report to the Division by August 15, 2010. The SEP Completion Report shall contain the following information:
  - a. A detailed description of the SEP as implemented;
  - b. A description of any operating problems encountered and the solutions thereto;
  - c. Itemized costs, documented by copies of purchase orders and receipts or canceled checks;
  - d. Certification that the SEP has been fully implemented pursuant to the provisions of this Consent Order; and
  - e. A description of the environmental and public health benefits resulting from implementation of the SEP (with quantification of the benefits and pollutant reductions, if feasible).
31. Failure to submit the SEP Completion Report with the required information, or any periodic report, shall be deemed a violation of this Consent Order.
32. SEMA shall include the following language in any public statement, oral or written, making reference to the SEP: "This project was undertaken in connection with the settlement of an enforcement action taken by the Colorado Department of Public Health and Environment for violations of the Colorado Water Quality Control Act."

### **SCOPE AND EFFECT OF CONSENT ORDER**

33. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the civil penalties associated with the violations alleged herein and the Notice of Violation/Cease and Desist Order (Number: SO-080513-2) that was issued to SEMA on May 13, 2008.
34. This Consent Order is subject to the Division's "Public Notification of Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and SEMA each reserve the right to withdraw consent to this Consent Order if comments received during the thirty-day period result in any proposed modification to the Consent Order.
35. This Consent Order constitutes a final agency order or action upon the date when the Executive Director or his designee imposes the civil penalty following the public comment period. Any violation of the provisions of this Consent Order by SEMA, including any false certifications, shall be a violation of a final order or action of the Division for the purpose of §25-8-608, C.R.S., and may result in the assessment of civil penalties of up to ten thousand dollars per day for each day during which such violation occurs.
36. Notwithstanding paragraph 21 above, the violations described in this Consent Order will constitute part of SEMA's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against SEMA. SEMA agrees not to challenge the use of the cited violations for any such purpose.
37. This Consent Order does not relieve SEMA from complying with all applicable Federal, State, and/or local laws in fulfillment of its obligations hereunder and shall obtain all necessary approvals and/or permits to conduct the activities required by this Consent Order. The Division makes no representation with respect to approvals and/or permits required by Federal, State, or local laws other than those specifically referred to herein.

## Exhibit A

### **LIMITATIONS, RELEASES AND RESERVATION OF RIGHTS AND LIABILITY**

38. Upon the effective date of this Consent Order, and during its term, this Consent Order shall stand in lieu of any other enforcement action by the Division with respect to civil penalties for the specific instances of violations cited herein. The Division reserves the right to bring any action to enforce this Consent Order, including actions for penalties or the collection thereof, and/or injunctive relief.
39. This Consent Order does not grant any release of liability for any violations not specifically cited herein.
40. Nothing in this Consent Order shall preclude the Division from imposing additional requirements in the event that new information is discovered that indicates such requirements are necessary to protect human health or the environment.
41. Upon the effective date of this Consent Order, SEMA releases and covenants not to sue the State of Colorado or its employees, agents or representatives as to all common law or statutory claims or counterclaims arising from, or relating to, the violations of the Act specifically addressed herein.
42. SEMA shall not seek to hold the State of Colorado or its employees, agents or representatives liable for any injuries or damages to persons or property resulting from acts or omissions of SEMA, or those acting for or on behalf of SEMA, including its officers, employees, agents, successors, representatives, contractors, consultants or attorneys in carrying out activities pursuant to this Consent Order. SEMA shall not hold out the State of Colorado or its employees, agents or representatives as a party to any contract entered into by SEMA in carrying out activities pursuant to this Consent Order. Nothing in this Consent Order shall constitute an express or implied waiver of immunity otherwise applicable to the State of Colorado, its employees, agents or representatives.

### **NOTICES**

43. Unless otherwise specified, any report, notice or other communication required under the Consent Order shall be sent to:

For the Division:

Colorado Department of Public Health and Environment  
Water Quality Control Division / WQCD-CADM-B2  
Attention: Michael Harris  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Telephone: 303.692.3598  
E-mail: michael.harris@state.co.us

## Exhibit A

For SEMA:

Thomas C. Clark, Sr. Vice President  
SEMA Construction, Inc.  
7353 South Eagle Street  
Centennial, CO 80112  
Telephone: 303.627.2600  
Fax: 303.627.2626  
E-mail: tclark@semaconstruction.com

### MODIFICATIONS

44. This Consent Order may be modified only upon mutual written agreement of the Parties.

### NOTICE OF EFFECTIVE DATE

45. This Consent Order shall be fully effective, enforceable and constitute a final agency action upon the date when the Executive Director or his designee imposes the civil penalty. If the penalty as described in this Consent Order is not imposed, or an alternate penalty is imposed, this Consent Order becomes null and void.

### BINDING EFFECT AND AUTHORIZATION TO SIGN

46. This Consent Order is binding upon SEMA and its corporate subsidiaries or parents, their officers, directors, employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this Consent Order. In the event that a party does not sign this Consent Order within thirty (30) calendar days of the other party's signature, this Consent Order becomes null and void. This Consent Order may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Consent Order.

**FOR SEMA CONSTRUCTION, INC.:**



Thomas C. Clark, Sr. Vice President

Date: October 26, 2009

Exhibit A

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

*Lori M. Gerzina* Date: 11/16/09  
Lori M. Gerzina, Manager  
Compliance Assurance Section  
WATER QUALITY CONTROL DIVISION

Exhibit A  
Attachment A

**SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP) PROPOSAL**

|  |  |
|--|--|
| <b>Enforcement Action Information</b>                          | Entity: SEMA Construction, Inc.<br>Case No: SO-080513-2/COR3A102   |
| <b>Project Manager</b>   | D. Paul Jagim, P.E.<br>City of Grand Junction<br>Public Works and Planning Department<br>250 North 5 <sup>th</sup> Street<br>Grand Junction, CO 81501<br>(970) 244-1542<br>paulj@ci.grandjct.co.us   |
| <b>CDPHE Contact Person</b>                                    | Michael Harris, Water Quality Control Division, (303)692-3598  |
| <b>Geographical Area to Benefit Most Directly From Project</b> | City of Grand Junction, Mesa County, Gunnison River Watershed, Colorado River Watershed  |
| <b>Project Name</b>  | Clymer Dairy Site Reclamation Project  |
| <b>Project Type</b>  | First Party to benefit a Third Party   |
| <b>SEP Category</b><br>If "other" is selected, please explain: | Environmental Restoration and Protection   |
| <b>Project Summary</b>   | <p>The City of Grand Junction has long owned a large area of property, located near the Gunnison River and Highway 50, in an area known as Orchard Mesa. The majority of the City-owned property is home to the historic Municipal Cemetary, but a portion of the property on the north side of the cemetery remained undeveloped. This undeveloped area is bisected by the Orchard Mesa Drain, which is a tributary to the Gunnison River. The undeveloped property on the south side of the Drain has long been used by the City as a solid waste transfer station during the annual "Spring Clean-Up" program, as well as a holding area for wood chips and wood generated by tree trimming in the City's parks. The area on the north side of the Drain was used for decades by an adjacent property owner who operated the Clymer dairy farm. The dairy farm's operations clearly extended well into the City owned property, but presumably because of limited access and lack of need, the City permitted this use to continue. The Clymer dairy farm ceased operations in the 1990's but nothing was done to restore the area and the corrals, silage pits, and grain storage silos were simply abandoned in place. A narrow strip of vegetation and wetlands thrives in the low area immediately adjacent to the Orchard Mesa Drain. However, outside this strip the property was virtually bare of all vegetation. This can be seen on the aerial photos of the area taken early in 2006. In 2006 the City decided to begin reclamation of the area and to utilize the land as a borrow source for its Capital Improvements Streets projects, including the Riverside Parkway Project. The</p> |

Exhibit A  
Attachment A

|  | <p>City's uses of the site as a solid waste transfer station and holding area for wood chips were transferred elsewhere. The abandoned dairy farm infrastructure was removed from City property. The vegetated areas along the drainage were delineated and protected from disturbance by installation of a silt fence along its perimeter. The Clymer Dairy Site reclamation project will complete the process of reclaiming this area by permanently stabilizing the area with dryland, native grasses. Once complete, the project will vastly improve the area from its previous condition.</p>  |          |             |      |                  |                           |          |                  |                          |          |                            |                              |          |
|--|---|----------|-------------|------|------------------|---------------------------|----------|------------------|--------------------------|----------|----------------------------|------------------------------|----------|
| <p><b>Project Description</b></p>                                  | <p>In general, the project proposes to establish dryland, native grasses in the area previously bare of vegetation. It must be acknowledged that, as is typical of dryland seeding, the degree of establishment will depend to a large extent on natural conditions, including Fall precipitation, which are beyond the control of SEMA and the City. Because of this there can be no guarantees of any certain level of plant establishment by this process. However, a sound plan has been developed to maximize the chances of success.</p> <p>First, the City has stockpiled enough organic compost material at the site to cover the entire area to a depth of 2.25 inches. SEMA is proposing an SEP to work the compost into the soil to develop a planting growth median, then seed the area and cover with weed free straw and mulch tackifier. The seeding will be for dryland, native grasses. Additionally, the seedbed preparation and seeding is being scheduled for the Fall, when dryland seed is most likely to succeed. The final result in any event should leave the land in a far better state than its original condition.</p> |          |             |      |                  |                           |          |                  |                          |          |                            |                              |          |
| <p><b>Expected Environmental and/or Public Health Benefits</b></p> | <p>This environmental restoration project will stabilize approximately 18 ½ acres of previously barren, un-vegetated ground. This will create an expanded upland habitat immediately adjacent to an already established wetland area that connects to the Gunnison River less than a ½ mile away. Reductions in fugitive dust and erosion of sediment will also be achieved.</p>  |          |             |      |                  |                           |          |                  |                          |          |                            |                              |          |
| <p><b>Project Budget</b></p>                                       | <table border="1"> <thead> <tr> <th data-bbox="511 1696 803 1732">Category</th> <th data-bbox="803 1696 1291 1732">Description</th> <th data-bbox="1291 1696 1479 1732">Cost</th> </tr> </thead> <tbody> <tr> <td data-bbox="511 1732 803 1795">Soil Preparation</td> <td data-bbox="803 1732 1291 1795">18.63 acres @ \$1900/acre</td> <td data-bbox="1291 1732 1479 1795">\$35,397</td> </tr> <tr> <td data-bbox="511 1795 803 1837">Seeding (Native)</td> <td data-bbox="803 1795 1291 1837">18.63 acres @ \$540/acre</td> <td data-bbox="1291 1795 1479 1837">\$10,060</td> </tr> <tr> <td data-bbox="511 1837 803 1898">Mulching (Weed Free straw)</td> <td data-bbox="803 1837 1291 1898">18.63 acres @ \$ 687.56/acre</td> <td data-bbox="1291 1837 1479 1898">\$12,809</td> </tr> </tbody> </table>   | Category | Description | Cost | Soil Preparation | 18.63 acres @ \$1900/acre | \$35,397 | Seeding (Native) | 18.63 acres @ \$540/acre | \$10,060 | Mulching (Weed Free straw) | 18.63 acres @ \$ 687.56/acre | \$12,809 |
| Category   | Description   | Cost     |             |      |                  |                           |          |                  |                          |          |                            |                              |          |
| Soil Preparation   | 18.63 acres @ \$1900/acre   | \$35,397 |             |      |                  |                           |          |                  |                          |          |                            |                              |          |
| Seeding (Native)   | 18.63 acres @ \$540/acre  | \$10,060 |             |      |                  |                           |          |                  |                          |          |                            |                              |          |
| Mulching (Weed Free straw)   | 18.63 acres @ \$ 687.56/acre  | \$12,809 |             |      |                  |                           |          |                  |                          |          |                            |                              |          |

Exhibit A  
Attachment A

|   |   |                     |                 |
|---|---|---------------------|-----------------|
|   | Mulch Tackifier   | 3726 lbs. @ \$2/lb. | \$7,452         |
|   | Silt Fence  | 2725 LF @ \$2/LF    | \$5,450         |
|   | Mobilization  | Lump Sum            | \$3,000         |
|   |   |                     |                 |
|   |   |                     |                 |
|   |   | <b>Total:</b>       | <b>\$74,188</b> |
| <b>Budget Discussion</b>  | SEMA will not be receiving any financial benefit from the project. The above amounts are based on 2008 CDOT average unit bid prices.  |                     |                 |
| <b>Project Schedule</b>   | [Please specify at least one project milestone below, as well as dates associated with project milestones and reports. Add rows as necessary.]  |                     |                 |
|   | Proposed Implementation Start Date:   | October 15, 2009    |                 |
|   | Milestone (Seeding) Date:   | October 21, 2009    |                 |
|   | Status Report Due Date:   | June 15, 2010       |                 |
|   | Projected Completion Date:  | June 15, 2010       |                 |
|   | SEP Completion Report Due:  | August 15, 2010     |                 |
| <b>Reporting</b>  | Project reports will provide sufficient information for the department to monitor the project implementation status, to verify and document the proper expenditure of SEP funds, and to evaluate the effectiveness and benefits of the SEP. |                     |                 |
| <b>Other Relevant Information</b>   |   |                     |                 |
| <b>Has the applicant entered into any prior commitments to fund this project, voluntary or otherwise? If yes, please explain.</b> | No  |                     |                 |