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.
Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
Located in Glendale, Colorado

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

http://www.cdphe.state.co.us

Colorado Department
of Public Health
and Environment

May 18, 2010

Ms. Nancy J. Gill
Colorado Regional Construction, Inc.
30695 Longhorn Circle
Elizabeth, Colorado 80107

Certified Mail Number: 7009 1680 0000 2094 4701

RE: Order for Civil Penalty, Number: SP-100518-1

Dear Ms. Gill:

Colorado Regional 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 Notice of Violation/Cease and Desist Order Number: SO-090414-1.

If you have any questions regarding the Penalty Order or the payment method, please do not hesitate to contact Joe Campbell of this office at (303) 692-2356 or by electronic mail at joseph.campbell@state.co.us.

Sincerely,

Russell Zigler

Russell Zigler, Legal Assistant
Compliance Assurance Section
Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Grand County Public Health

ec: Aaron Urdiales, EPA Region VIII
Andy Poirot, Engineering Section, CDPHE
Nathan Moore, Permits Section. CDPHE
Dick Parachini, Watershed Program, CDPHE
Michael Beck, FSU, CDPHE

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

DIVISION OF ADMINISTRATION

WATER QUALITY CONTROL DIVISION

ORDER FOR CIVIL PENALTY **NUMBER: SP-100518-1**

IN THE MATTER OF: **COLORADO REGIONAL CONSTRUCTION, INC.**
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-039988
GRAND COUNTY, COLORADO

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

GENERAL FINDINGS

1. Pursuant to §25-8-608(1), C.R.S., any person who violates the Colorado Water Quality Control Act (the "Act"), or any permit issued under the Act, shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs.

2. On April 14, 2009, the Division issued Colorado Regional Construction, Inc. ("CRC") a Notice of Violation/Cease and Desist Order (the "NOV/CDO") which included findings that CRC violated the Act and the Colorado Discharge Permit System General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity. A copy of the NOV/CDO is attached hereto as Exhibit A and is incorporated herein by reference.

3. Pursuant to §25-8-603, C.R.S. and 5 CCR 1002, §21.11, CRC was required to submit an answer to each alleged violation contained in the NOV/CDO and was allowed thirty (30) calendar days to file a request for a public hearing to determine the validity of the NOV/CDO. As further outlined in the NOV/CDO, absent a request for a hearing, the validity of the factual allegations and the NOV/CDO shall be deemed established in any subsequent Department proceeding.

4. The Division did not receive a request for a hearing from CRC nor the required answer to the NOV/CDO.

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

ORDER FOR CIVIL PENALTY

6. Based upon the facts described in the NOV/CDO, the Division has determined that a civil penalty is appropriate and warranted in this matter. Therefore, the Division hereby imposes a civil penalty in the amount of Sixty-three Thousand Seven Hundred and Fifty-three Dollars and Twelve Cents ($63,753.12) against CRC for the violations cited in the NOV/CDO. The civil penalty was determined in accordance with the procedures outlined in the Division's Stormwater Civil Penalty Policy (January 25, 2007). A copy of the civil penalty calculation is attached hereto as Exhibit B and is incorporated herein by reference. The civil penalty shall be paid within thirty (30) calendar days of the date of this Order for Civil Penalty. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

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

REQUEST FOR APPEAL

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

Issued at Denver, Colorado, this 18 day of May 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

NOTICE OF VIOLATION / CEASE AND DESIST ORDER **NUMBER: SO-090414-1**

IN THE MATTER OF: **COLORADO REGIONAL CONSTRUCTION, INC.**
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-039988
GRAND COUNTY, COLORADO

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the alleged violations identified herein, Colorado Regional Construction, Inc. ("CRC") was a Colorado corporation in good standing and registered to conduct business in the State of Colorado.

2. CRC 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. On or about May, 2006, CRC initiated construction of a single family residential development on 19.9 acres of property located at or near County Road 5221 and County Road 514, in on near the Town of Tabernash, Grand County, Colorado (the "Project").

4. On April 24, 2006, the Division received an application from CRC 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 April 25, 2006, the Division provided CRC Certification Number COR-039988 authorizing CRC to discharge stormwater from the construction activities associated with the Project to Pole Creek under the terms and conditions of the Permit. Certification Number COR-039988 became effective April 25, 2006 remains in effect until it is inactivated at the request of CRC.

6. Pole Creek 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, a permittee must comply with all the terms and conditions of a permit and violators of the terms and conditions specified in a permit may be subject to civil and criminal liability pursuant to §§25-8-601 through 612, C.R.S.

8. On May 23, 2007, 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 CRC'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

9. Pursuant to Part I. B. of the Permit, CRC is 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 is required to identify potential sources of pollution, which may be reasonably expected to affect the quality of stormwater discharges associated with construction activity from the Project. In addition, the plan is required to describe and ensure the implementation of BMPs, which would be used to reduce the pollutants in stormwater discharges associated with construction activity.

10. Pursuant to Part I. B. of the Permit, each project's SWMP shall include, at a minimum, the following items:

    a. Site Description - Each plan shall provide a description of the following:
        i. A description of the construction activity.
        ii. The proposed sequence for major activities.
        iii. Estimates of the total area of the site, and the area of the site that is expected to undergo clearing, excavation or grading.
        iv. An estimate of the runoff coefficient of the site before and after construction activities are completed and any existing data describing the soil, soil erosion potential or the quality of any discharge from the site.
        v. A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
        vi. The location and description of any other potential pollution sources, such as vehicle fueling, storage of fertilizers or chemicals, etc.
        vii. The location and description of any anticipated non-stormwater components of the discharge, such as springs and landscape irrigation return flow.
        viii. The name of the receiving water(s) and the size, type and location of any outfall or, if the discharge is to a municipal separate storm sewer, the name of that system, the location of the storm sewer discharge, and the ultimate receiving water(s).

    b. Site Map - Each plan shall provide a generalized site map or maps which indicate:
        i. Construction site boundaries.

ii. All areas of soil disturbance.
iii. Areas of cut and fill.
iv. Areas used for storage of building materials, soils or wastes.
v. Location of any dedicated asphalt or concrete batch plants.
vi. Location of major erosion control facilities or structures.
vii. Springs, streams, wetlands and other surface waters.
viii. Boundaries of 100-year flood plains, if determined.

c. BMPs for Stormwater Pollution Prevention - The plan shall include a narrative description of appropriate controls and measures that will be implemented before and during construction activities at the facility.

i. Erosion and Sediment Controls - A description of structural site management controls (Structural Practices) which will minimize erosion and sediment transport and a description of interim and permanent stabilization practices (Non-Structural Practices), including the site-specific scheduling of the implementation of the practices.
ii. Phased BMP Implementation-The SWMP shall clearly describe the relationship between the phases of construction and the implementation and maintenance of BMP's.
iii. Material Handling and Spill Prevention - The SWMP shall identify any procedures or significant materials handled at the site that could contribute pollutants to runoff.
iv. 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.

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

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

f. Inspection and Maintenance - Description of procedures to inspect and maintain in good and effective operating condition the vegetation, erosion and sediment control measures and other protective measures identified in the SWMP.

11. The Division has determined that CRC failed to prepare and maintain a complete and accurate SWMP for the Project, as described in paragraphs 11(a-i) below:

a. During the May 23, 2007 inspection, the inspector reviewed the Project's SWMP and identified that the section in the SWMP on Site Description did not provide an estimate of the runoff coefficient of the site before and after construction activities are completed and any existing data describing the soil, soil erosion potential or the quality of any discharge from the site, as required by Part I.B.1.d of the permit.

b. During the May 23, 2007 inspection, the inspector reviewed the Project's SWMP and identified that the section in the SWMP on Site Description did not provide an adequate description of the

existing vegetation at the site and an estimate of the percent vegetative ground cover as required by Part I.B.1.e of the permit.

c. During the May 23, 2007 inspection, the inspector reviewed the Project's SWMP and identified that the section in the SWMP on Site Description did not provide the location of the other potential pollution sources identified for the perfect (i.e., vehicle fueling and washing, solvents, sealants, waste storage, etc.) as required by Part I.B.1.f of the permit.

d. During the May 23, 2007 inspection, the inspector reviewed the Project's SWMP and identified that the section in the SWMP on Site Description did not provide 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) as required by Part I.B.1.h of the permit.

e. During the May 23, 2007 inspection, the inspector reviewed the Project's SWMP and identified that the Site Map did not identify the construction boundaries as required by Part I.B.2 of the Permit. For example, silt fence was identified encompassing the construction site, but is not representative of the construction site boundary.

f. During the May 23, 2007 inspection, the inspector reviewed the Project's SWMP and determined that the Site Map did not clearly identify all areas of soil disturbance. Specifically, the Site Map did not depict the lots that were exposed at the time of inspection.

g. During the May 23, 2007 inspection, the inspector reviewed the Project's SWMP and determined that the Site Map did not identify all areas used for storage of building materials, soils or wastes as required by Part I.b.2 of the Permit. For example, the Site Map did not include the staging areas associated with construction activities or the onsite portable toilets.

h. During the May 23, 2007 inspection, the inspector reviewed the Project's SWMP and determined that the Site Map did not adequately identify the location of major erosion control facilities or structures as required by Part I.B.2 of the Permit. For example, the Site Map did not clearly identify the straw wattles in the drainage ditch in the eastern part of the construction site.

i. During the May 23, 2007 inspection, the inspector reviewed the Project's SWMP and determined that the BMP's for Stormwater Pollution Prevention section did not identify procedures or significant materials that could contribute pollutants to runoff.

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

12. Pursuant to Part I. B. 3. a. (1) of the Permit, CRC is required to minimize erosion and sediment transport from the Project. The Permit specifies that structural site management practices may include, but are not limited to: straw bales, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins.

13. Pursuant to Part I. B. 3. a. (2) of the Permit, CRC is required to implement interim and permanent

stabilization practices, including site-specific scheduling of the implementation of the practices. The Permit specifies that site plans should ensure existing vegetation is preserved where possible and that disturbed areas are stabilized. The Permit specifies that non-structural practices may include, but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees and preservation of mature vegetation.

14. The Division has determined that CRC failed to implement and/or maintain functional BMPs at the Project as described in paragraphs 15(a–f) below:

    a. During the May 23, 2007 inspection, the Inspector observed that BMPs were not adequately maintained along the southwestern perimeter of the site (Lot number 24, sites 12, 13, 14, 15, 16 and 17.) Specifically, a length of silt fence had collapsed and sediment had accumulated to half the exposed sit fence height in one area. As a result, there was a potential for the discharge of sediment to the west, down slope to Pole Creek (State waters.)

    b. During the May 23, 2007 inspection, the Inspector observed that BMPs were not implemented to prevent the discharge of sediment from the disturbed slope area along the southwestern perimeter of the site (Lot number 24, sites 4, 5, 6 and 7.) Specifically, BMP's were not implemented to prevent water run-on to the slope and the surface of the slope was not stabilized. As a result, there was a potential for the discharge of sediment from the disturbed slope area to the west and potentially Pole Creek (State waters.)

    c. During the May 23, 2007 inspection, the Inspector observed that BMPs were not implemented to prevent the discharge of sediment from the disturbed slope area along the northern perimeter of the site, north of the Paintbrush Terrace roadway. Specifically, the surface of the slope was not stabilized. As a result there was a potential for the discharge of sediment from the disturbed slope area to the north and potentially Pole Creek (State waters.)

    d. During the May 23, 2007 inspection, the Inspector observed that BMPs were not adequately maintained along the northern perimeter of the site near the construction trailer off of County Road 5221. Specifically a length of silt fence had collapsed and the silt fence was not properly attached to the stakes in the ground. As a result, there was a potential for the discharge of sediment to the north and to a branch of Pole Creek (State waters.)

    e. During the May 23, 2007 inspection, the Inspector observed that BMPs were not implemented to prevent the discharge of sediment from the disturbed slope area at the intersection of Indian Grass Drive (CR 514) and Harebelle Circle (CR 5141.) Specifically, BMPs were not implemented to prevent water run-on to the slope, the surface of the slope was not stabilized, and the straw wattle was not entrenched in the ground to retain sediment. Evidence of a gully formation was observed undercutting the straw wattle. As a result, mobilized sediment was observed beyond the silt fence with the potential to discharge to Pole Creek (State waters.)

    f. During the May 23, 2007 inspection, the Inspector observed that BMPs were not implemented to prevent the discharge of sediment from the disturbed drainage ditch in the eastern portion of the construction site. The straw wattle utilized in the drainage ditch was not installed in accordance with specifications and design criteria meeting best engineering practice requirements.

Specifically, the wattle was not properly entrenched in the ground to retain sediment and prevent failure. In addition, the surface of the disturbed slope area encompassing the drainage ditch was not stabilized to prevent the transport of sediment to the drainage ditch. As a result, the straw wattle was undercut by a previous runoff event, and there was a potential for the discharge of sediment from the disturbed slopes to the drainage ditch.

15. CRC's failure to implement and maintain functional BMPs to protect stormwater quality during construction activities at the Project constitutes violations of Part I. B. 3. a. of the Permit.

Failure to Conduct Inspections of Stormwater Management System

16. Pursuant to Part I. C. 5. a. of the Permit, for active sites where construction has not been completed, CRC is required to make thorough inspections of its stormwater management systems at least every 14 days and after any precipitation or snowmelt event that causes surface erosion.

17. Pursuant to Part I. C. 5. b. of the Permit, for sites where all construction activities are completed but final stabilization has not been achieved, CRC is required to make thorough inspections of its stormwater management systems at least once every month.

18. The Division has determined that CRC failed to properly conduct inspections of its stormwater management systems at the projects described in paragraphs 18(a) below:

    a. During the May 23, 2007 inspection, inspection records were available, but were inadequate, as they were not conducted at the required frequency specified in Part I.C.5 of the Permit. Inspections were conducted more than 14 days apart four times from June 7, 2006 to September 22, 2006. The largest gap was 35 days, between July 15, 2006 and August 19, 2006.

19. CRC's failure to conduct inspections of the Project's stormwater management system in accordance with the provisions of the Permit constitutes violations of Part I. C. 5. a. of the Permit.

NOTICE OF VIOLATION

20. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that CRC has violated the following sections of the Colorado Water Quality Control Act's implementing permit regulations.

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

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

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

REQUIRED CORRECTIVE ACTION

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

21. 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 V to comply with the following specific terms and conditions of this Order:

22. CRC shall immediately evaluate the Project's SWMP and implement necessary measures to ensure that the SWMP contains all of the elements required by the current version of the Permit and is effective in managing stormwater and pollutant discharges from the Project. Within thirty (30) calendar days of receipt of this Order, CRC shall submit to the Division a written certification stating that a complete, effective and up-to-date SWMP has been fully developed and implemented at the Project.

23. CRC shall immediately implement necessary measures to ensure that adequate BMPs are in place to control stormwater and pollutant discharges from the Project. Within thirty (30) calendar days of receipt of this Order, CRC 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 thirty (30) calendar days of receipt of this Order, CRC shall submit photographs to the Division documenting the current conditions and the associated BMPs implemented at the Project.

24. CRC shall immediately begin conducting inspections of the Project's stormwater management system in accordance with the provisions outlined in the current Permit. Within thirty (30) calendar days of receipt of this Order, CRC shall submit to the Division a written certification stating that all such inspections are being conducted and recorded in compliance with the terms and conditions of the current Permit.

25. Within thirty (30) calendar days of receipt of this Order, CRC shall submit to the Division a detailed written statement outlining the standard procedures CRC will undertake to ensure that functional stormwater management systems are fully implemented at its Colorado construction sites.

Exhibit A

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation/Cease and Desist Order, CRC 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
Compliance Assurance and Data Management Section
Attention: Danelle Morgan
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
danelle.morgan@state.co.us

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

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

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

Pursuant to §25-8-603, C.R.S. and 5 CCR 1002, §21.11 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.

FALSIFICATION AND TAMPERING

Be advised, in accord with §25-8-610, C.R.S., that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Colorado Water Quality Control Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article is guilty of a

misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

POTENTIAL CIVIL AND CRIMINAL PENALTIES

You are also advised that any person who violates any provision of the Colorado Water Quality Control Act (the "Act"), §§25-8-101 to 703, C.R.S., or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order issued by the Division shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs. Further, any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S, and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

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

EFFECT OF ORDER

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

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

Issued at Denver, Colorado, this 14th day of April, 2009.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Lori M. Gerzina

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

Exhibit B

STORMWATER SETTLEMENT COMPUTATION WORKSHEET

System Name: Colorado Regional Construction, Inc.	**Permit Number:** COR-039988

Beneficial Use Classification: Upper Colorado River Basin, Segment 9, *Aq Life Cold 1*, Recreation E, Water Supply, Agricultural	**Date of NOV/CDO:** April 14, 2009 **Number:** SO-090414-1

Type of Facility: Construction	**Disturbed Acres:** 19.9 acres **Number of Employees:** N/A

Part I – Base Penalty Calculation

A. Potential Damage Component

	Violation Type	Adjustment	Amount in Dollars
Line 1	**Conducting Covered Activity Without A Stormwater Permit**		$0.00
	Adjustment Justification:		
Line 2	**Failure to Prepare Stormwater Management Plan (SWMP)**		$0.00
	Adjustment Justification:		
Line 3	**Deficient Stormwater Management Plan (SWMP)**	Minor/Moderate = $200.00 + 50%	$300.00
	Adjustment Justification: PG Environmental, LLC, an authorized representative for the Colorado Department of Public Health and Environment, Water Quality Control Division (the "Division"), conducted an inspection of the project and identified several deficiencies in the development of the SWMP. The Division believes the SWMP is an integral component of the permit to ensure a compliant site and prevent pollutants from discharging into state waters. Considering the beneficial use classification of the receiving waters, the Division conservatively assigns a minor/moderate potential harm to health/environment for the purpose of this settlement calculation.		
Line 4	**Failure to Install, Maintain or Properly Select Best Management Practices**	Moderate = $750.00 + 75%	$1,312.50
	Adjustment Justification: An authorized representative for the Colorado Department of Public Health and Environment, Water Quality Control Division (the "Division"), conducted an inspection of the project and identified failures to implement and maintain BMPs at the site. Considering the number of violations noted, as well as the beneficial use classification of the receiving waters and the project's proximity to surface waters, the Division conservatively assigns a moderate potential harm to health/environment for the purpose of this settlement calculation.		

Exhibit B

	Violation Type	Adjustment	Amount in Dollars
Line 5	**Failure to Perform Inspections of Stormwater Management System**	Minor/Moderate = $300.00 + 50%	$450.00
	Adjustment Justification: PG Environmental, LLC, an authorized representative of the Division reviewed the project's stormwater management system inspection records and identified that Colorado Regional Construction, Inc. failed to conduct and maintain the required number of inspections of the construction site. The Division believes that the lack of the regular inspections directly correlates to the BMP deficiencies and, therefore, conservatively assigns a minor/moderate potential harm to health/environment for the purpose of this settlement calculation.		
Line 6	**Failure to Submit Required/ Requested Reports (Annual Reports, Permit Compliance Schedule Items, Etc.)**		$0.00
	Adjustment Justification:		
Line 7	**Failure to Maintain Required Records**		$0.00
	Adjustment Justification:		
Line 8	**Pollution, Contamination or Degradation of State Waters**		$0.00
	Adjustment Justification:		
Line 9	**Other Administrative Violations**		$0.00
	Adjustment Justification:		
Line 10	**Potential Damage Total (Sum of Lines 1 through 9)**	***(Not to exceed $6000/day)***	**$2,062.50**

B. Fault Component

			Amount in Dollars
Line 11	**Fault: Category 2**	***(Not to exceed $3000/day)***	**$600.00**
	Justification: Colorado Regional Construction, Inc. applied for and obtained a stormwater permit. Colorado Regional Construction, Inc. should have been aware its obligations under the permit and of the circumstances that led to the violations. Therefore, the Division has assigned a category-2 fault. Colorado Regional Construction, Inc. has been involved in many commercial and residential projects and should have been aware of its obligations under the permit. Therefore, the Division has chosen the mid-point of the category two range.		

C. History Component

			Amount in Dollars
Line 12	**History: None**	***(Not to exceed $1000/day)***	**$0.00**
	Justification: Colorado Regional Construction, Inc. has no prior violation history with the Division.		

Part II – Determination of Days of Violation

			Days of Violation
Line 13	**Total Days of Violation**		**364**
	Justification: **Failure to Install, Maintain or Properly Select Best Management Practices:** The site began construction on or about May 1, 2006 and an inspection was conducted by PG Environmental, LLC on April 23, 2007. During the inspection, PG Environmental, Inc. identified failures to install and/or maintain BMPs at the site. The Division believes the deficiencies persisted for some time period surrounding the inspection. However, for the purpose of settlement, the Division has conservatively chosen to limit the period of violation to 1 day. **Deficient Stormwater Management Plan:** Colorado Regional Construction, Inc.'s permit became effective on April 25, 2006. Upon applying for the permit on April 24, 2006, Colorado Regional Construction, Inc. certified that a complete and accurate SWMP had been prepared for the project. PG Environmental, LLC reviewed the project's SWMP on April 23, 2007 and identified that Colorado Regional Construction, Inc.'s SWMP did not contain all of the requirements outlined in the permit. The Division has determined the SWMP was deficient from at least April 25, 2006 until at least April 23, 2007. Therefore, at least 364-Days of violation occurred. **Failure to Perform Inspections of Stormwater Management System:** Colorado Regional Construction, Inc. failed to perform inspections of the construction site at the frequency required by the permit. From 06/07/2006 to 09/22/2006, there were four instances in which the inspections were not conducted at the frequency required by the permit. The largest gap was 35 days, between 07/15/06 and 8/19/2006. The Division has determined that at least four days of violation occurred. *{Note: The BMP violations and Inspection violations coincided with the SWMP violations. Therefore, 364-Days of violation will be utilized for this penalty calculation.}*		

Part III – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 14	Multi-Day Penalty Amount		$71,062.50
	Calculations: See Attachment A		

Exhibit B

Part IV – Base Penalty Total

			Amount in Dollars
Line 15	**Base Penalty = Potential Damage + Fault + History (Sum of Line 10 + Line 11 + Line 12, OR Line 14)**		**$71,062.50**

Part V – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 16	Factor A: Voluntary and Complete Disclosure of Violations	0%	$0.00
	Justification:		
Line 17	Factor B: Full and Prompt Cooperation	– 15%	– $10,659.38
	Justification: Colorado Regional Construction, Inc. undertook considerable efforts to address the deficiencies outlined in the inspection report, however, Colorado Regional Construction, Inc. failed to meet all of the Division's NOV/CDO requirements within the designated time periods and was extremely reluctant to cooperate.		
Line 18	Factor C: Environmental Compliance Program	0%	$0.00
	Justification:		
Line 19	Factor D: Intentional, Reckless or Negligent Violations	0%	$0.00
	Justification:		
Line 20	Factor E: Other Aggravating or Mitigating Circumstances	0%	$0.00
	Justification:		
Line 21	Sum of Line 16 through Line 20	– 15%	– $10,659.38
Line 22	**Adjusted Base Penalty (Sum of Line 15 + Line 21)**		**$60,403.12**

Part VI– Economic Benefit Consideration

			Amount in Dollars
Line 23	**Economic Benefit**		**$5,350.00**

Justification:

Deficient Stormwater Management Plan (SWMP): Colorado Regional Construction, Inc. avoided the cost of revising and updating its SWMP over a period of at least 364 days. The Division estimates the cost of periodically evaluating and updating a SWMP, including consulting and reprinting fees, to be $750. The Division estimates that a SWMP for construction will need to be updated at least every 6 months. Therefore, the Division has conservatively determined that Colorado Regional Construction, Inc. realized an economic benefit of **$750.00** from the avoided costs of not revising and updating the project's SWMP for one day short of one year.

Failure to Install, Maintain or Properly Select Best Management Practices: Colorado Regional Construction, Inc. avoided the cost of implementing and/or 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 inspection report, Colorado Regional Construction failed to implement at least 2 BMPs and failed to properly install/maintain at least 4 others. Therefore, the Division has conservatively determined that Colorado Regional Construction Company realized an economic benefit of **$4,000.00** from the avoided costs of not implementing BMPs and not properly implementing and/or maintaining BMPs at the site.

Failure to Perform Inspections of Stormwater Management System: Colorado Regional Construction avoided the cost of inspecting its stormwater management system at least every 14 days and after every precipitation event that caused surface erosion. Colorado Regional Construction did not perform at least 4 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 4 inspections = $200.00). Additionally, the Division estimates the cost of management review and implementation of corrective actions to be $100 for each inspection event. ($100 X 4 inspections = $400). Therefore, the Division has conservatively determined that Colorado Regional Construction realized an economic benefit of **$600.00** from the avoided costs of not inspecting the project's stormwater management system.

(Note: Time value of money for time periods in question was predicted to be insignificant and thus BEN runs were not performed)

Part VII – Violation Penalty Total

			Amount in Dollars
Line 24	**Civil Penalty:** **(Sum Line 22 + Line 23)**		**$63,753.12**

Part VIII – Ability to Pay Adjustment

			Amount in Dollars
Line 25	Ability to Pay Reduction:		*$0.00*
	Justification:		

Part IX – Final Adjusted Penalty

			Amount in Dollars
Line 26	**Total Civil Penalty:** **(Sum Line 24 + Line 25)**		**$63,753.12**

Attachment A

Multi-Day Calculations

		Potential Damage							
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Perform Inspections of SW Management System	Potential Damage Sum - (Not to Exceed $6000)	Fault - (Not to Exceed $3000)	History - (Not to Exceed $1000)	Potential Damage, Fault, & History Sum	*Economic Benefit*
4/25/2006	1	$300.00			$300.00	$600.00	$0.00	$900.00	$1,250.00
	2	$150.00			$150.00	$300.00	$0.00	$450.00	
	3	$150.00			$150.00	$300.00	$0.00	$450.00	
	4	$150.00			$150.00	$300.00	$0.00	$450.00	
	5	$150.00			$150.00	$300.00	$0.00	$450.00	
	6	$150.00			$150.00	$300.00	$0.00	$450.00	
	7	$150.00			$150.00	$300.00	$0.00	$450.00	
	8	$150.00			$150.00	$300.00	$0.00	$450.00	
	9	$150.00			$150.00	$300.00	$0.00	$450.00	
	10	$150.00			$150.00	$300.00	$0.00	$450.00	
	11	$120.00			$120.00	$240.00	$0.00	$360.00	
	12	$120.00			$120.00	$240.00	$0.00	$360.00	
	13	$120.00			$120.00	$240.00	$0.00	$360.00	
	14	$120.00			$120.00	$240.00	$0.00	$360.00	
	15	$120.00			$120.00	$240.00	$0.00	$360.00	
	16	$120.00			$120.00	$240.00	$0.00	$360.00	
	17	$120.00			$120.00	$240.00	$0.00	$360.00	
	18	$120.00			$120.00	$240.00	$0.00	$360.00	
	19	$120.00			$120.00	$240.00	$0.00	$360.00	
	20	$120.00			$120.00	$240.00	$0.00	$360.00	
5/15/2006	21	$120.00			$120.00	$240.00	$0.00	$360.00	
	22	$120.00			$120.00	$240.00	$0.00	$360.00	
	23	$120.00			$120.00	$240.00	$0.00	$360.00	
	24	$120.00			$120.00	$240.00	$0.00	$360.00	
	25	$120.00			$120.00	$240.00	$0.00	$360.00	
	26	$120.00			$120.00	$240.00	$0.00	$360.00	
	27	$120.00			$120.00	$240.00	$0.00	$360.00	
	28	$120.00			$120.00	$240.00	$0.00	$360.00	
	29	$120.00			$120.00	$240.00	$0.00	$360.00	
	30	$120.00			$120.00	$240.00	$0.00	$360.00	
	31	$120.00			$120.00	$240.00	$0.00	$360.00	
	32	$120.00			$120.00	$240.00	$0.00	$360.00	
	33	$120.00			$120.00	$240.00	$0.00	$360.00	
	34	$120.00			$120.00	$240.00	$0.00	$360.00	
	35	$120.00			$120.00	$240.00	$0.00	$360.00	
	36	$120.00			$120.00	$240.00	$0.00	$360.00	
	37	$120.00			$120.00	$240.00	$0.00	$360.00	
	38	$120.00			$120.00	$240.00	$0.00	$360.00	
	39	$120.00			$120.00	$240.00	$0.00	$360.00	
	40	$120.00			$120.00	$240.00	$0.00	$360.00	
	41	$120.00			$120.00	$240.00	$0.00	$360.00	
	42	$120.00			$120.00	$240.00	$0.00	$360.00	
	43	$120.00			$120.00	$240.00	$0.00	$360.00	
6/7/2006	44	$120.00			$120.00	$240.00	$0.00	$360.00	
	45	$120.00			$120.00	$240.00	$0.00	$360.00	
	46	$120.00			$120.00	$240.00	$0.00	$360.00	
	47	$120.00			$120.00	$240.00	$0.00	$360.00	
	48	$120.00			$120.00	$240.00	$0.00	$360.00	
	49	$120.00			$120.00	$240.00	$0.00	$360.00	
	50	$120.00			$120.00	$240.00	$0.00	$360.00	
	51	$90.00			$90.00	$180.00	$0.00	$270.00	
	52	$90.00			$90.00	$180.00	$0.00	$270.00	
	53	$90.00			$90.00	$180.00	$0.00	$270.00	
	54	$90.00			$90.00	$180.00	$0.00	$270.00	
	55	$90.00			$90.00	$180.00	$0.00	$270.00	
	56	$90.00			$90.00	$180.00	$0.00	$270.00	
	57	$90.00			$90.00	$180.00	$0.00	$270.00	
	58	$90.00			$90.00	$180.00	$0.00	$270.00	
	59	$90.00			$90.00	$180.00	$0.00	$270.00	
	60	$90.00			$90.00	$180.00	$0.00	$270.00	
	61	$90.00			$90.00	$180.00	$0.00	$270.00	
	62	$90.00			$90.00	$180.00	$0.00	$270.00	
	63	$90.00			$90.00	$180.00	$0.00	$270.00	
	64	$90.00			$90.00	$180.00	$0.00	$270.00	
	65	$90.00			$90.00	$180.00	$0.00	$270.00	
*6/29/2006	66	$90.00		$450.00	$540.00	$800.00	$0.00	$1,140.00	$200.00
	67	$90.00			$90.00	$180.00	$0.00	$270.00	
	68	$90.00			$90.00	$180.00	$0.00	$270.00	
	69	$90.00			$90.00	$180.00	$0.00	$270.00	
	70	$90.00			$90.00	$180.00	$0.00	$270.00	

Attachment A

Multi-Day Calculations

Date	Day of Violation	Potential Damage: Deficient Stormwater Management Plan (SWMP)	Potential Damage: Failure to Install, Maintain or Properly Select Best Management Practices	Potential Damage: Failure to Perform Inspections of SW Management System	Potential Damage Sum - (Not to Exceed $8000)	Fault - (Not to Exceed $3000)	History - (Not to Exceed $1000)	Potential Damage, Fault, & History Sum	Economic Benefit
	71	$90.00			$90.00	$180.00	$0.00	$270.00	
	72	$90.00			$90.00	$180.00	$0.00	$270.00	
	73	$90.00			$90.00	$180.00	$0.00	$270.00	
	74	$90.00			$90.00	$180.00	$0.00	$270.00	
	75	$90.00			$90.00	$180.00	$0.00	$270.00	
	76	$90.00			$90.00	$180.00	$0.00	$270.00	
	77	$90.00			$90.00	$180.00	$0.00	$270.00	
	78	$90.00			$90.00	$180.00	$0.00	$270.00	
	79	$90.00			$90.00	$180.00	$0.00	$270.00	
	80	$90.00			$90.00	$180.00	$0.00	$270.00	
	81	$90.00			$90.00	$180.00	$0.00	$270.00	
7/15/2006	82	$90.00		$450.00	$540.00	$600.00	$0.00	$1,140.00	$200.00
	83	$90.00			$90.00	$180.00	$0.00	$270.00	
	84	$90.00			$90.00	$180.00	$0.00	$270.00	
	85	$90.00			$90.00	$180.00	$0.00	$270.00	
	86	$90.00			$90.00	$180.00	$0.00	$270.00	
	87	$90.00			$90.00	$180.00	$0.00	$270.00	
	88	$90.00			$90.00	$180.00	$0.00	$270.00	
	89	$90.00			$90.00	$180.00	$0.00	$270.00	
	90	$90.00			$90.00	$180.00	$0.00	$270.00	
	91	$90.00			$90.00	$180.00	$0.00	$270.00	
	92	$90.00			$90.00	$180.00	$0.00	$270.00	
	93	$90.00			$90.00	$180.00	$0.00	$270.00	
	94	$90.00			$90.00	$180.00	$0.00	$270.00	
	95	$90.00			$90.00	$180.00	$0.00	$270.00	
	96	$90.00			$90.00	$180.00	$0.00	$270.00	
	97	$90.00			$90.00	$180.00	$0.00	$270.00	
	98	$90.00			$90.00	$180.00	$0.00	$270.00	
	99	$90.00			$90.00	$180.00	$0.00	$270.00	
	100	$90.00			$90.00	$180.00	$0.00	$270.00	
	101	$60.00			$60.00	$120.00	$0.00	$180.00	
	102	$60.00			$60.00	$120.00	$0.00	$180.00	
	103	$60.00			$60.00	$120.00	$0.00	$180.00	
	104	$60.00			$60.00	$120.00	$0.00	$180.00	
	105	$60.00			$60.00	$120.00	$0.00	$180.00	
	106	$60.00			$60.00	$120.00	$0.00	$180.00	
	107	$60.00			$60.00	$120.00	$0.00	$180.00	
	108	$60.00			$60.00	$120.00	$0.00	$180.00	
	109	$60.00			$60.00	$120.00	$0.00	$180.00	
	110	$60.00			$60.00	$120.00	$0.00	$180.00	
	111	$60.00			$60.00	$120.00	$0.00	$180.00	
	112	$60.00			$60.00	$120.00	$0.00	$180.00	
	113	$60.00			$60.00	$120.00	$0.00	$180.00	
	114	$60.00			$60.00	$120.00	$0.00	$180.00	
	115	$60.00			$60.00	$120.00	$0.00	$180.00	
	116	$60.00			$60.00	$120.00	$0.00	$180.00	
8/18/2006	117	$60.00		$450.00	$510.00	$600.00	$0.00	$1,110.00	$200.00
	118	$60.00			$60.00	$120.00	$0.00	$180.00	
	119	$60.00			$60.00	$120.00	$0.00	$180.00	
	120	$60.00			$60.00	$120.00	$0.00	$180.00	
	121	$60.00			$60.00	$120.00	$0.00	$180.00	
	122	$60.00			$60.00	$120.00	$0.00	$180.00	
	123	$60.00			$60.00	$120.00	$0.00	$180.00	
	124	$60.00			$60.00	$120.00	$0.00	$180.00	
	125	$60.00			$60.00	$120.00	$0.00	$180.00	
	126	$60.00			$60.00	$120.00	$0.00	$180.00	
	127	$60.00			$60.00	$120.00	$0.00	$180.00	
	128	$60.00			$60.00	$120.00	$0.00	$180.00	
	129	$60.00			$60.00	$120.00	$0.00	$180.00	
	130	$60.00			$60.00	$120.00	$0.00	$180.00	
	131	$60.00			$60.00	$120.00	$0.00	$180.00	
	132	$60.00			$60.00	$120.00	$0.00	$180.00	
	133	$60.00			$60.00	$120.00	$0.00	$180.00	
	134	$60.00			$60.00	$120.00	$0.00	$180.00	
	135	$60.00			$60.00	$120.00	$0.00	$180.00	
	136	$60.00			$60.00	$120.00	$0.00	$180.00	
	137	$60.00			$60.00	$120.00	$0.00	$180.00	
	138	$60.00			$60.00	$120.00	$0.00	$180.00	
	139	$60.00			$60.00	$120.00	$0.00	$180.00	
	140	$60.00			$60.00	$120.00	$0.00	$180.00	

Attachment A

Multi-Day Calculations

Date	Day of Violation	Potential Damage: Deficient Stormwater Management Plan (SWMP)	Potential Damage: Failure to Install, Maintain or Properly Select Best Management Practices	Potential Damage: Failure to Perform Inspections of SW Management System	Potential Damage: Potential Damage Sum - (Not to Exceed $6000)	Fault - (Not to Exceed $3000)	History - (Not to Exceed $1000)	Potential Damage, Fault, & History Sum	*Economic Benefit*
	141	$60.00			$60.00	$120.00	$0.00	$180.00	
	142	$60.00			$60.00	$120.00	$0.00	$180.00	
	143	$60.00			$60.00	$120.00	$0.00	$180.00	
	144	$60.00			$60.00	$120.00	$0.00	$180.00	
	145	$60.00			$60.00	$120.00	$0.00	$180.00	
	146	$60.00			$60.00	$120.00	$0.00	$180.00	
	147	$60.00			$60.00	$120.00	$0.00	$180.00	
	148	$60.00			$60.00	$120.00	$0.00	$180.00	
	149	$60.00			$60.00	$120.00	$0.00	$180.00	
	150	$60.00			$60.00	$120.00	$0.00	$180.00	
9/22/2006	151	$60.00		$450.00	$510.00	$600.00	$0.00	$1,110.00	$200.00
	152	$60.00			$60.00	$120.00	$0.00	$180.00	
	153	$60.00			$60.00	$120.00	$0.00	$180.00	
	154	$60.00			$60.00	$120.00	$0.00	$180.00	
	155	$60.00			$60.00	$120.00	$0.00	$180.00	
	156	$60.00			$60.00	$120.00	$0.00	$180.00	
	157	$60.00			$60.00	$120.00	$0.00	$180.00	
	158	$60.00			$60.00	$120.00	$0.00	$180.00	
	159	$60.00			$60.00	$120.00	$0.00	$180.00	
10/1/2006	160	$60.00			$60.00	$120.00	$0.00	$180.00	
	161	$60.00			$60.00	$120.00	$0.00	$180.00	
	162	$60.00			$60.00	$120.00	$0.00	$180.00	
	163	$60.00			$60.00	$120.00	$0.00	$180.00	
	164	$60.00			$60.00	$120.00	$0.00	$180.00	
	165	$60.00			$60.00	$120.00	$0.00	$180.00	
	166	$60.00			$60.00	$120.00	$0.00	$180.00	
	167	$60.00			$60.00	$120.00	$0.00	$180.00	
	168	$60.00			$60.00	$120.00	$0.00	$180.00	
	169	$60.00			$60.00	$120.00	$0.00	$180.00	
	170	$60.00			$60.00	$120.00	$0.00	$180.00	
	171	$60.00			$60.00	$120.00	$0.00	$180.00	
	172	$60.00			$60.00	$120.00	$0.00	$180.00	
	173	$60.00			$60.00	$120.00	$0.00	$180.00	
	174	$60.00			$60.00	$120.00	$0.00	$180.00	
	175	$60.00			$60.00	$120.00	$0.00	$180.00	
	176	$60.00			$60.00	$120.00	$0.00	$180.00	
	177	$60.00			$60.00	$120.00	$0.00	$180.00	
	178	$60.00			$60.00	$120.00	$0.00	$180.00	
	179	$60.00			$60.00	$120.00	$0.00	$180.00	
	180	$60.00			$60.00	$120.00	$0.00	$180.00	
	181	$60.00			$60.00	$120.00	$0.00	$180.00	
	182	$60.00			$60.00	$120.00	$0.00	$180.00	
	183	$60.00			$60.00	$120.00	$0.00	$180.00	
	184	$60.00			$60.00	$120.00	$0.00	$180.00	
	185	$60.00			$60.00	$120.00	$0.00	$180.00	
	186	$60.00			$60.00	$120.00	$0.00	$180.00	
	187	$60.00			$60.00	$120.00	$0.00	$180.00	
	188	$60.00			$60.00	$120.00	$0.00	$180.00	
	189	$60.00			$60.00	$120.00	$0.00	$180.00	
10/31/2006	190	$60.00			$60.00	$120.00	$0.00	$180.00	
	191	$60.00			$60.00	$120.00	$0.00	$180.00	
	192	$60.00			$60.00	$120.00	$0.00	$180.00	
	193	$60.00			$60.00	$120.00	$0.00	$180.00	
	194	$60.00			$60.00	$120.00	$0.00	$180.00	
	195	$60.00			$60.00	$120.00	$0.00	$180.00	
	196	$60.00			$60.00	$120.00	$0.00	$180.00	
	197	$60.00			$60.00	$120.00	$0.00	$180.00	
	198	$60.00			$60.00	$120.00	$0.00	$180.00	
	199	$60.00			$60.00	$120.00	$0.00	$180.00	
	200	$60.00			$60.00	$120.00	$0.00	$180.00	
	201	$30.00			$30.00	$60.00	$0.00	$90.00	
	202	$30.00			$30.00	$60.00	$0.00	$90.00	
	203	$30.00			$30.00	$60.00	$0.00	$90.00	
	204	$30.00			$30.00	$60.00	$0.00	$90.00	
	205	$30.00			$30.00	$60.00	$0.00	$90.00	
	206	$30.00			$30.00	$60.00	$0.00	$90.00	
	207	$30.00			$30.00	$60.00	$0.00	$90.00	
	208	$30.00			$30.00	$60.00	$0.00	$90.00	
	209	$30.00			$30.00	$60.00	$0.00	$90.00	
	210	$30.00			$30.00	$60.00	$0.00	$90.00	

Attachment A

Multi-Day Calculations

		Potential Damage							
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Perform Inspections of SW Management System	Potential Damage Sum - (Not to Exceed $6000)	Fault - (Not to Exceed $3000)	History - (Not to Exceed $1000)	Potential Damage, Fault, & History Sum	*Economic Benefit*
	211	$30.00			$30.00	$60.00	$0.00	$90.00	
	212	$30.00			$30.00	$60.00	$0.00	$90.00	
	213	$30.00			$30.00	$60.00	$0.00	$90.00	
	214	$30.00			$30.00	$60.00	$0.00	$90.00	
	215	$30.00			$30.00	$60.00	$0.00	$90.00	
	216	$30.00			$30.00	$60.00	$0.00	$90.00	
	217	$30.00			$30.00	$60.00	$0.00	$90.00	
	218	$30.00			$30.00	$60.00	$0.00	$90.00	
	219	$30.00			$30.00	$60.00	$0.00	$90.00	
11/30/2006	220	$30.00			$30.00	$60.00	$0.00	$90.00	
	221	$30.00			$30.00	$60.00	$0.00	$90.00	
	222	$30.00			$30.00	$60.00	$0.00	$90.00	
	223	$30.00			$30.00	$60.00	$0.00	$90.00	
	224	$30.00			$30.00	$60.00	$0.00	$90.00	
	225	$30.00			$30.00	$60.00	$0.00	$90.00	
	226	$30.00			$30.00	$60.00	$0.00	$90.00	
	227	$30.00			$30.00	$60.00	$0.00	$90.00	
	228	$30.00			$30.00	$60.00	$0.00	$90.00	
	229	$30.00			$30.00	$60.00	$0.00	$90.00	
	230	$30.00			$30.00	$60.00	$0.00	$90.00	
	231	$30.00			$30.00	$60.00	$0.00	$90.00	
	232	$30.00			$30.00	$60.00	$0.00	$90.00	
	233	$30.00			$30.00	$60.00	$0.00	$90.00	
	234	$30.00			$30.00	$60.00	$0.00	$90.00	
	235	$30.00			$30.00	$60.00	$0.00	$90.00	
	236	$30.00			$30.00	$60.00	$0.00	$90.00	
	237	$30.00			$30.00	$60.00	$0.00	$90.00	
	238	$30.00			$30.00	$60.00	$0.00	$90.00	
	239	$30.00			$30.00	$60.00	$0.00	$90.00	
	240	$30.00			$30.00	$60.00	$0.00	$90.00	
	241	$30.00			$30.00	$60.00	$0.00	$90.00	
	242	$30.00			$30.00	$60.00	$0.00	$90.00	
	243	$30.00			$30.00	$60.00	$0.00	$90.00	
	244	$30.00			$30.00	$60.00	$0.00	$90.00	
	245	$30.00			$30.00	$60.00	$0.00	$90.00	
	246	$30.00			$30.00	$60.00	$0.00	$90.00	
	247	$30.00			$30.00	$60.00	$0.00	$90.00	
	248	$30.00			$30.00	$60.00	$0.00	$90.00	
	249	$30.00			$30.00	$60.00	$0.00	$90.00	
	250	$30.00			$30.00	$60.00	$0.00	$90.00	
12/31/2006	251	$30.00			$30.00	$60.00	$0.00	$90.00	
	252	$30.00			$30.00	$60.00	$0.00	$90.00	
	253	$30.00			$30.00	$60.00	$0.00	$90.00	
	254	$30.00			$30.00	$60.00	$0.00	$90.00	
	255	$30.00			$30.00	$60.00	$0.00	$90.00	
	256	$30.00			$30.00	$60.00	$0.00	$90.00	
	257	$30.00			$30.00	$60.00	$0.00	$90.00	
	258	$30.00			$30.00	$60.00	$0.00	$90.00	
	259	$30.00			$30.00	$60.00	$0.00	$90.00	
	260	$30.00			$30.00	$60.00	$0.00	$90.00	
	261	$30.00			$30.00	$60.00	$0.00	$90.00	
	262	$30.00			$30.00	$60.00	$0.00	$90.00	
	263	$30.00			$30.00	$60.00	$0.00	$90.00	
	264	$30.00			$30.00	$60.00	$0.00	$90.00	
	265	$30.00			$30.00	$60.00	$0.00	$90.00	
	266	$30.00			$30.00	$60.00	$0.00	$90.00	
	267	$30.00			$30.00	$60.00	$0.00	$90.00	
	268	$30.00			$30.00	$60.00	$0.00	$90.00	
1/16/2007	269	$30.00			$30.00	$60.00	$0.00	$90.00	
	270	$30.00			$30.00	$60.00	$0.00	$90.00	
	271	$30.00			$30.00	$60.00	$0.00	$90.00	
	272	$30.00			$30.00	$60.00	$0.00	$90.00	
	273	$30.00			$30.00	$60.00	$0.00	$90.00	
	274	$30.00			$30.00	$60.00	$0.00	$90.00	
	275	$30.00			$30.00	$60.00	$0.00	$90.00	
	276	$30.00			$30.00	$60.00	$0.00	$90.00	
	277	$30.00			$30.00	$60.00	$0.00	$90.00	
	278	$30.00			$30.00	$60.00	$0.00	$90.00	
	279	$30.00			$30.00	$60.00	$0.00	$90.00	
	280	$30.00			$30.00	$60.00	$0.00	$90.00	

Attachment A

Multi-Day Calculations

		Potential Damage							
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Perform Inspections of SW Management System	Potential Damage Sum - (Not to Exceed $8000)	Fault - (Not to Exceed $3000)	History - (Not to Exceed $1000)	Potential Damage, Fault, & History Sum	*Economic Benefit*
	281	$30.00			$30.00	$60.00	$0.00	$90.00	
1/31/2007	282	$30.00			$30.00	$60.00	$0.00	$90.00	
	283	$30.00			$30.00	$60.00	$0.00	$90.00	
	284	$30.00			$30.00	$60.00	$0.00	$90.00	
	285	$30.00			$30.00	$60.00	$0.00	$90.00	
	286	$30.00			$30.00	$60.00	$0.00	$90.00	
	287	$30.00			$30.00	$60.00	$0.00	$90.00	
	288	$30.00			$30.00	$60.00	$0.00	$90.00	
	289	$30.00			$30.00	$60.00	$0.00	$90.00	
	290	$30.00			$30.00	$60.00	$0.00	$90.00	
	291	$30.00			$30.00	$60.00	$0.00	$90.00	
	292	$30.00			$30.00	$60.00	$0.00	$90.00	
	293	$30.00			$30.00	$60.00	$0.00	$90.00	
	294	$30.00			$30.00	$60.00	$0.00	$90.00	
	295	$30.00			$30.00	$60.00	$0.00	$90.00	
	296	$30.00			$30.00	$60.00	$0.00	$90.00	
2/15/2007	297	$30.00			$30.00	$60.00	$0.00	$90.00	
	298	$30.00			$30.00	$60.00	$0.00	$90.00	
	299	$30.00			$30.00	$60.00	$0.00	$90.00	
	300	$30.00			$30.00	$60.00	$0.00	$90.00	
	301	$30.00			$30.00	$60.00	$0.00	$90.00	
	302	$30.00			$30.00	$60.00	$0.00	$90.00	
	303	$30.00			$30.00	$60.00	$0.00	$90.00	
	304	$30.00			$30.00	$60.00	$0.00	$90.00	
	305	$30.00			$30.00	$60.00	$0.00	$90.00	
	306	$30.00			$30.00	$60.00	$0.00	$90.00	
	307	$30.00			$30.00	$60.00	$0.00	$90.00	
	308	$30.00			$30.00	$60.00	$0.00	$90.00	
	309	$30.00			$30.00	$60.00	$0.00	$90.00	
2/25/2007	310	$30.00			$30.00	$60.00	$0.00	$90.00	
	311	$30.00			$30.00	$60.00	$0.00	$90.00	
	312	$30.00			$30.00	$60.00	$0.00	$90.00	
	313	$30.00			$30.00	$60.00	$0.00	$90.00	
	314	$30.00			$30.00	$60.00	$0.00	$90.00	
	315	$30.00			$30.00	$60.00	$0.00	$90.00	
	316	$30.00			$30.00	$60.00	$0.00	$90.00	
	317	$30.00			$30.00	$60.00	$0.00	$90.00	
	318	$30.00			$30.00	$60.00	$0.00	$90.00	
	319	$30.00			$30.00	$60.00	$0.00	$90.00	
3/10/2007	320	$30.00			$30.00	$60.00	$0.00	$90.00	
	321	$30.00			$30.00	$60.00	$0.00	$90.00	
	322	$30.00			$30.00	$60.00	$0.00	$90.00	
	323	$30.00			$30.00	$60.00	$0.00	$90.00	
	324	$30.00			$30.00	$60.00	$0.00	$90.00	
	325	$30.00			$30.00	$60.00	$0.00	$90.00	
	326	$30.00			$30.00	$60.00	$0.00	$90.00	
	327	$30.00			$30.00	$60.00	$0.00	$90.00	
3/16/2007	328	$30.00			$30.00	$60.00	$0.00	$90.00	
	329	$30.00			$30.00	$60.00	$0.00	$90.00	
	330	$30.00			$30.00	$60.00	$0.00	$90.00	
	331	$30.00			$30.00	$60.00	$0.00	$90.00	
	332	$30.00			$30.00	$60.00	$0.00	$90.00	
	333	$30.00			$30.00	$60.00	$0.00	$90.00	
	334	$30.00			$30.00	$60.00	$0.00	$90.00	
	335	$30.00			$30.00	$60.00	$0.00	$90.00	
	336	$30.00			$30.00	$60.00	$0.00	$90.00	
	337	$30.00			$30.00	$60.00	$0.00	$90.00	
	338	$30.00			$30.00	$60.00	$0.00	$90.00	
	339	$30.00			$30.00	$60.00	$0.00	$90.00	
	340	$30.00			$30.00	$60.00	$0.00	$90.00	
3/31/2007	341	$30.00			$30.00	$60.00	$0.00	$90.00	
	342	$30.00			$30.00	$60.00	$0.00	$90.00	
	343	$30.00			$30.00	$60.00	$0.00	$90.00	
	344	$30.00			$30.00	$60.00	$0.00	$90.00	
	345	$30.00			$30.00	$60.00	$0.00	$90.00	
	346	$30.00			$30.00	$60.00	$0.00	$90.00	
	347	$30.00			$30.00	$60.00	$0.00	$90.00	
	348	$30.00			$30.00	$60.00	$0.00	$90.00	
	349	$30.00			$30.00	$60.00	$0.00	$90.00	
	350	$30.00			$30.00	$60.00	$0.00	$90.00	

Attachment A

Multi-Day Calculations

Date	Day of Violation	Potential Damage: Deficient Stormwater Management Plan (SWMP)	Potential Damage: Failure to Install, Maintain or Properly Select Best Management Practices	Potential Damage: Failure to Perform Inspections of SW Management System	Potential Damage Sum - (Not to Exceed $8000)	Fault - (Not to Exceed $3000)	History - (Not to Exceed $1000)	Potential Damage, Fault, & History Sum	*Economic Benefit*
	351	$30.00			$30.00	$60.00	$0.00	$90.00	
	352	$30.00			$30.00	$60.00	$0.00	$90.00	
	353	$30.00			$30.00	$60.00	$0.00	$90.00	
	354	$30.00			$30.00	$60.00	$0.00	$90.00	
	355	$30.00			$30.00	$60.00	$0.00	$90.00	
4/15/2007	356	$30.00			$30.00	$60.00	$0.00	$90.00	
	357	$30.00			$30.00	$60.00	$0.00	$90.00	
	358	$30.00			$30.00	$60.00	$0.00	$90.00	
	359	$30.00			$30.00	$60.00	$0.00	$90.00	
	360	$30.00			$30.00	$60.00	$0.00	$90.00	
	361	$30.00			$30.00	$60.00	$0.00	$90.00	
	362	$30.00			$30.00	$60.00	$0.00	$90.00	
	363	$30.00			$30.00	$60.00	$0.00	$90.00	
4/23/2007	364	$30.00	$1,312.50		$1,342.50	$600.00	$0.00	$1,942.50	$4,000.00
Column Sums:		$21,870.00	$1,312.50	$1,800.00	$24,982.50	$46,050.00	$0.00	$71,082.50	$8,050.00

Total Penalty Amount:	$77,112.50