

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

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Colorado Department
of Public Health
and Environment

September 9, 2010

Mr. Gilmer D. Mickey, Registered Agent
Lone Pine Gas, Inc.
6704 E. Long Ave.
Englewood, CO 80112

Certified Mail Number: 7009 1680 0000 2094 4893

RE: Service of Notice of Violation/Cease and Desist Order, Number: IO-100909-1

Dear Mr. Mickey:

Lone Pine Gas, Inc. is hereby served with the enclosed Notice of Violation / Cease and Desist Order (the "NOV/CDO"). This NOV/CDO is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §§25-8-602 and 25-8-605, C.R.S., of the *Colorado Water Quality Control Act*, (the "Act"). The Division bases this NOV/CDO upon findings that Lone Pine Gas, Inc. has violated the Act, and/or Permit regulations promulgated pursuant to the Act, as described in the enclosed NOV/CDO.

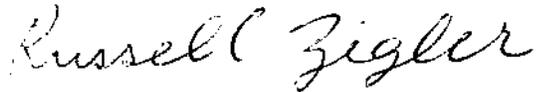
Pursuant to §25-8-603, C.R.S., Lone Pine Gas, Inc. is required, within thirty (30) calendar days of issuance of this NOV/CDO, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

This action could result in the imposition of civil penalties. The Division is authorized pursuant to §25-8-608, C.R.S., to impose a penalty of \$10,000 per day for each day during which such violation occurs.

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

Should you or representatives of Lone Pine Gas, Inc. desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO, please do not hesitate to contact Kelly Morgan of this office by phone at (303) 692-3634 or by electronic mail at kelly.morgan@state.co.us.

Sincerely,



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

Enclosure(s)

cc: Jackson County Public Health Agency

ec: Aaron Urdiales, EPA Region VIII
Andy Poirot, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Gary Beers, Permits Unit, CDPHE
Michael Beck, OPA
David Neslin, COGCC



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

NOTICE OF VIOLATION / CEASE AND DESIST ORDER

NUMBER: IO-100909-1

IN THE MATTER OF: LONE PINE GAS, INC.
CDPS PERMIT NUMBER: COG-600000
CERTIFICATION NUMBER: COG-600464
JACKSON 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 is implemented through 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, Lone Pine Gas, Inc. was a Colorado corporation in good standing.
2. Lone Pine Gas, Inc. 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. Lone Pine Gas, Inc. owns and/or operates the Lone Pine Field and associated treatment works (the "Facility"), which is located approximately ten (10) miles west of the Town of Walden, Jackson County, Colorado.
4. The Facility consists of a treatment works for an oil field. The principle products from the field include crude petroleum and natural gas. After oil-water is withdrawn from the field wells, initial oil/water separation occurs in vertical tanks. Process wastewater is removed from the vertical tanks and sent to a series of settling ponds for treatment. Treatment consists of further oil/water physical separation utilizing oil booms, followed by alternating splash aeration and solids settling.

5. The Facility is the subject of Colorado Discharge Permit System (“CDPS”), Permit Number COG-600000 for Industrial Minimal Discharge operations (the “Permit”). Lone Pine Gas, Inc. is authorized to discharge under the Permit via permit certification Number COG-600464 (the “Certification”). The Certification became effective January 1, 2002. The Permit was scheduled to expire on July 31, 2006, but the Permit and Certification has been administratively extended by the Division.
6. The Permit/Certification authorizes Lone Pine Gas, Inc. to discharge treated wastewater from the Facility through Outfall 001 and into Spring Gulch Creek.
7. Spring Gulch 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).
8. Pursuant to 5 CCR 1002-61, §61.8, Lone Pine Gas, Inc. must comply with all the terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.

Failure to Comply with Permit Effluent Limitations

9. Pursuant to Part I.B.2 of the Permit and page one (1) of the Certification, Lone Pine Gas, Inc.’s permitted discharge shall not exceed the effluent limitations specified below:

<u>Effluent Parameter</u>	<u>Discharge Limitation</u>		
	30-Day Average	7-Day Average	Daily Maximum
Flow, gpm	0.42	N/A	Report
Oil & Grease, mg/L	N/A	N/A	10
pH, s.u. (minimum-maximum)	N/A	N/A	6.5-9.0
Total Suspended Solids, mg/L	30	45	N/A
Potentially Dissolved Copper, µg/L	27	N/A	38
Total Recoverable Iron, µg/L	1,000	N/A	Report
Total Recoverable Manganese, µg/L	2,230	N/A	Report
Potentially Dissolved Zinc, µg/L	230	N/A	250
Total Dissolved Solids, mg/L	Report	N/A	3,500
Whole Effluent Toxicity, Chronic*	N/A	N/A	Report

*See pages 1b-1c of the certification for conditions

10. Pursuant to Part I.B.2 of the Permit, Lone Pine Gas, Inc. is required to monitor defined effluent parameters at specified frequencies to provide an indication of compliance or non-compliance with the effluent limitations identified in the Permit/Certification.
11. Pursuant to Part I.D.1 of the Permit, Lone Pine Gas, Inc. is required to summarize and report the analytical results of its effluent monitoring to the Division via quarterly discharge monitoring reports (“DMRs”).

12. Pursuant to Part I.D.5 of the Permit, each DMR is to include a certification by Lone Pine Gas, Inc. that the information provided therein is true, accurate and complete to the knowledge and belief of Lone Pine Gas, Inc.
13. DMRs submitted to the Division by Lone Pine Gas, Inc. include, among other information and data, the following effluent concentration summary data for total recoverable iron and pH, which exceeded the effluent limitations imposed by Part I.B.2 of the Permit and page one (1) of the Certification:

Lone Pine Gas, Inc.		
EFFLUENT SELF-MONITORING DATA		
DISCHARGE MONITORING REPORTING PERIOD	OUTFALL NUMBER	SAMPLE MEASUREMENT
TOTAL RECOVERABLE IRON		30-DAY AVG. LIMIT = 1,000 µg/L
March 31, 2006	001A	1,970 µg/L
June 30, 2006	001A	1,020 µg/L
December 31, 2007	001A	1,630 µg/L
March 31, 2008	001A	1,350 µg/L
September 30, 2008	001A	1,240 µg/L
December 31, 2008	001A	1,760 µg/L
March 31, 2009	001A	1,970 µg/L
June 30, 2009	001A	1,050 µg/L
December 31, 2009	001A	1,230 µg/L
March 31, 2010	001A	1,390 µg/L
June 30, 2010	001A	1,425 µg/L
PH		MINIMUM LIMIT = 6.5 SU
March 31, 2010	001A	6.30 SU

14. Total recoverable iron and pH are “pollutants” (or indicators thereof) as defined by §25-8-103(15), C.R.S.
15. Division records establish that the Permit and the Certification do not authorize the pollutant discharge levels identified above in paragraph 13 and Lone Pine Gas, Inc. does not have any other permits authorizing such discharge into State Waters.
16. Lone Pine Gas, Inc.’s failure to comply with the effluent limitations set forth in the Permit and Certification constitutes violations of Part I.B.2 of the Permit and page one (1) of the Certification.

Failure to Comply with Whole Effluent Toxicity Requirements

17. In accordance with Part I.B.2 of the Permit and the Whole Effluent Toxicity (“WET”) testing requirements of the Certification (Part a), Lone Pine Gas, Inc. is required to perform routine WET testing on a semi-annual basis. The WET testing shall consist, in part, of a chronic WET test using fathead minnows. The results of the WET test are to be reported by Lone Pine Gas, Inc. on its semi-annual WET test reporting DMR (Outfall 001X).
18. In accordance with Part I.B.2(b) of the Permit and the WET testing requirements (Part c) of the Certification, when a routine WET test is failed a automatic compliance schedule is imposed requiring Lone Pine Gas, Inc. to either conduct a Preliminary Toxicity Incident (“PTI”)/Toxicity Identification Evaluation (“TIE”) investigation or conduct accelerated WET testing using the single species found to be more sensitive.
19. In accordance with Part I.B.2(b) of the Permit and the WET testing requirements (Part b) of the Certification, upon receiving results of a routine WET test failure, Lone Pine Gas, Inc. must notify the Division within twenty-one (21) calendar days of the routine WET test failure and provide a statement as to whether the PTI/TIE investigation or accelerated WET testing is being performed.
20. Pursuant to Part I.B.2(b) of the Permit and the WET testing requirements (Part c) of the Certification, accelerated WET testing shall be performed at least once every two weeks for up to five tests until two consecutive tests fail or three of five tests fail, in which case a pattern of toxicity has been demonstrated. If a pattern of toxicity is found, a PTI/TIE investigation is to be performed.
21. Division records establish that Lone Pine Gas, Inc. failed its routine chronic WET test using fathead minnows during the following monitoring period and Lone Pine Gas, Inc. failed to perform either a PTI/TIE investigation or conduct proper accelerated WET testing.

Lone Pine Gas, Inc.		
WHOLE EFFLUENT TOXICITY MONITORING		
Monitoring Period	Outfall	Fathead Minnow Results
2 nd half (July 1 st through December 31 st) of 2008	001X	Fail

22. Division records establish that Lone Pine Gas, Inc. did not provide Division notification of the routine WET test failure listed above in paragraph 21 within twenty-one (21) calendar days nor did Lone Pine Gas, Inc. provide a statement as to whether the PTI/TIE investigation or accelerated testing was to be performed.
23. Lone Pine Gas, Inc.’s failure to notify the Division within twenty-one (21) calendar days of receiving routine WET test failure results and provide a statement as to whether the PTI/TIE investigation or accelerated testing was to be performed constitutes violations of Part I.B.2(b) of the Permit and the WET testing requirements (Part b) of the Certification.

24. Lone Pine Gas, Inc.'s failure to conduct a PTI/TIE investigation or conduct proper accelerated WET testing following the routine WET test failure indentified in paragraph 21 above constitutes violations of Part I.B.2(b) of the Permit and the WET testing requirements (Part c) of the Certification.

Failure to Report or Perform Routine Whole Effluent Toxicity Monitoring

25. Pursuant to page one (1) of the Certification, Lone Pine Gas, Inc. is required to perform routine WET testing on a semi-annual basis. The WET testing shall consist, in part, of a chronic WET test using fathead minnows.
26. Pursuant to Part I.B.2(b) of the Permit and the WET testing requirements (Part a) of the Certification, the results of the semi-annual WET tests are to be reported by Lone Pine Gas, Inc. on its semi-annual WET test reporting DMR (Outfall 001X). In addition, the permittee shall submit its WET test results on the Division's Chronic Toxicity WET Test Report Form.
27. Division records establish that Lone Pine Gas, Inc. failed to report routine WET test results during the following monitoring period:

LONE PINE GAS, INC.		
WHOLE EFFLUENT TOXICITY MONITORING		
Monitoring Period	Outfall	Fathead Minnow Results
1 st half (January 1 st through June 30 th) 2009	001X	Not Reported

28. Lone Pine Gas, Inc.'s failure to report the routine WET testing results for the monitoring period identified above in paragraph 27 constitutes a violation of Part I.B.2(b) of the Permit and the WET testing requirements (Part a) of the Certification. If Lone Pine Gas, Inc. failed to conduct WET testing for the monitoring period identified above in paragraph 27, such failure constitutes a violation of the monitoring requirements specified on page one (1) of the Certification.

NOTICE OF VIOLATION

29. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that Lone Pine Gas, Inc. has violated the following sections of the Permit and Certification:

Part I.B.2 of CDPS permit number COG-600000, which states in part: "In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4. (5 CCR 1002-62), and the Colorado Discharge Permit System Regulations, Section 61.8.(2) (5 C.C.R. 1002-61), the permitted discharge shall not contain effluent parameter concentrations which exceed the following limitations.... See the facility certification for a complete list of parameters and limitations."

Page 1 of Certification Number COG-600464, which summarizes the specific parameters, limits, and frequencies below:

Effluent Parameter	Discharge Limitation		
	30-Day Average	7-Day Average	Daily Maximum
Flow, gpm	0.42	N/A	Report
Oil & Grease, mg/L	N/A	N/A	10
pH, s.u. (minimum-maximum)	N/A	N/A	6.5-9.0
Total Suspended Solids, mg/L	30	45	N/A
Potentially Dissolved Copper, µg/L	27	N/A	38
Total Recoverable Iron, µg/L	1,000	N/A	Report
Total Recoverable Manganese, µg/L	2,230	N/A	Report
Potentially Dissolved Zinc, µg/L	230	N/A	250
Total Dissolved Solids, mg/L	Report	N/A	3,500
Whole Effluent Toxicity, Chronic*	N/A	N/A	Report

*See pages 1b-1c of the certification for conditions

Part I.B.2(b) of CDPS permit number COG-600000, which states in part: “The monitoring frequency for acute WET tests shall be quarterly, commencing with the first full calendar quarter following the permit effective date. Quarterly test results shall be reported on a Quarterly DMR along with the Discharge Monitoring Reports (DMRs) submitted for the end of the reporting calendar quarter (i.e., WET testing results for the calendar quarter ending March 31 shall be reported with the DMR due April 28, with the remaining WET testing reports submitted with DMRs due each July 28, October 28 and January 28). ...” *

** Note, in accordance with the Permit (Part I.B.2(b)), the Division has the ability to increase or decrease the WET testing frequency or (change) test methodology based upon the toxicological history of the discharge. Pursuant to page one (1) of Certification Number COG-600464, Lone Pine Gas, Inc. is required to perform chronic WET testing using fathead minnows on a semi-annual basis.*

Part I.B.2(b) of CDPS permit number COG-600000, which states in part: “...the permittee must provide written notification of the failure of a WET test to the Division, along with a statement as to whether the Preliminary Toxicity Incident (“PTI”)/Toxicity Identification Evaluation (“TIE”) investigation or accelerated testing is being performed. Notification must be received by the Division within 14 calendar days of the demonstration of acute WET in the routine required test.” **

***Note, in accordance with the Permit (Part I.B.2(b)) the Division has the ability to (change) the WET test methodology. Pursuant to the WET testing requirements (Part b) of Certification Number COG-600464, notification must be received by the Division within 21 calendar days of the demonstration of chronic WET.*

REQUIRED CORRECTIVE ACTION

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

30. 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/Certification (or a subsequently issued permit).

Furthermore, the Division hereby orders Lone Pine Gas, Inc. to comply with the following specific terms and conditions of this Order:

31. Within thirty (30) calendar days of receipt of this Order, Lone Pine Gas, Inc. shall retain the services of a qualified individual or entity, specifically experienced in mine-related wastewater treatment, to evaluate and recommend system improvements to ensure compliance with the terms and conditions of the Permit/Certification (or a subsequently issued permit). The evaluation, at a minimum, must consider in detail the following:
 - a. An evaluation of the personnel requirements and qualifications for the operation and management of the Facility, including an evaluation of each individual's role, duties, and responsibilities in ensuring the proper operation and maintenance of the Facility;
 - b. An evaluation of influent pollutant concentrations for all parameters/pollutants that could influence the treatment process (specifically to include iron), and what techniques, operational practices or technologies may be utilized to produce effluent that is reliably and consistently in compliance with the Permit/Certification effluent limits or any subsequently issued permit;
 - c. An evaluation of whether the Facility's treatment system as a whole is adequate to properly treat the influent pollutants to a level that consistently complies with the effluent limitations of the Permit.
32. Within forty five (45) calendar days of receipt of this Order, Lone Pine Gas, Inc. shall provide documentation to the Division that it has retained the services of the qualified individual or entity required in paragraph 31. This documentation shall include at, a minimum, a copy of the individual or entity's qualifications and a copy of the written contract or agreement for such services, including a copy of the scope of services to be provided.
33. Within ninety (90) calendar days of receipt of this Order, Lone Pine Gas, Inc. shall submit in writing to the Division a final report on the findings of the evaluation required and outlined in paragraph 31 above. Along with the findings of the evaluation, the report must identify, for each criterion, specific short-term and long-term measures that will be taken by Lone Pine Gas, Inc. to rectify deficiencies identified by the evaluation so that the Facility reliably and consistently produces effluent in compliance with the limitations identified in the Permit/Certification or any subsequently issued permit. For each short-term and long-term measure identified, Lone Pine Gas, Inc. shall also submit a time schedule for completion of each measure. The implementation time schedule submitted must identify completion of all measures with due diligence and by no later than April 30, 2011. The measures and time schedule submitted shall

become a condition of this Order, and Lone Pine Gas, Inc. shall implement the measures and time schedule as submitted unless notified by the Division, in writing, that alternate measures and/or time schedules are appropriate. If the Division imposes alternate measures and/or time schedules, they shall also become a condition of this Order.

34. Immediately take steps to comply with the WET test monitoring/reporting obligations as required by Part I.B.2(b) of the Permit. Lone Pine Gas, Inc. must immediately initiate the second semi-annual WET test for the 2010 reporting period. The WET test must be performed in accordance with Part I.B.2(b) of the Permit and the Whole Effluent Toxicity ("WET") testing requirements of the Certification (Part a). The results of the WET test must be reported on the July 1st through December 31st 2010 WET test reporting DMR (Outfall 001X) and the Division's Chronic Toxicity WET Test Report Form by no later than October 28th, 2010. If the WET test fails, Lone Pine Gas, Inc. must initiate the follow-up requirements outlined in Part I.B.2(b) of the Permit and the WET testing requirements of (Part b and Part c) of the Certification. If Lone Pine Gas, Inc. has already performed the second semi-annual WET test for the 2010 reporting period, Lone Pine Gas, Inc. must submit the results of the WET test on the July 1st through December 31st 2010 WET test reporting DMR (Outfall 001X) and the Division's Chronic Toxicity WET Test Report Form by no later than October 28th, 2010.
35. Beginning thirty (30) calendar days from receipt of this Order, and every thirty (30) calendar days thereafter, until such time as this Order is closed or the Division decrees so in writing, Lone Pine Gas, Inc. shall submit written progress reports to the Division. At a minimum, each report shall describe the activities undertaken in the previous thirty (30) calendar days and shall specify what activities will be undertaken within the next thirty (30) calendar days to comply with this Order.
36. If Lone Pine Gas, Inc. becomes aware of any situation or circumstances that cause Lone Pine Gas, Inc. to become unable to comply with any condition or time schedules set forth by this Order, Lone Pine Gas, Inc. shall provide written notice to the Division within five (5) calendar days of Lone Pine Gas, Inc. becoming aware of such circumstances. Lone Pine Gas, Inc.'s notice shall describe what, if any, impacts will occur on Lone Pine Gas, Inc.'s ability to comply with the Colorado Water Quality Control Act, its permit (and/or certification) and any impacts on the remaining conditions and/or time schedules specified by this Order and what steps Lone Pine Gas, Inc. is taking to mitigate such impacts.
37. All documents submitted under this Order shall use the same titles as stated in this Order, and shall reference both the number of this Order and the number of the paragraph pursuant to which the document is required. Within thirty (30) calendar days of receiving Division comments on submitted documents (unless specifically specified otherwise), Lone Pine Gas, Inc. shall revise the submitted document(s) to properly address the Division's comments and resubmit the document(s) for Division review.

NOTICES AND SUBMITTALS

38. For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation/Cease and Desist Order, Lone Pine Gas, Inc. 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 Section
Attention: Kelly Morgan
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
kelly.morgan@state.co.us

39. 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

40. Pursuant to §25-8-603, C.R.S., and 5 CCR 1002, §21.11 Lone Pine Gas, Inc. is 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.
41. 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

42. 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

43. 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

44. 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.

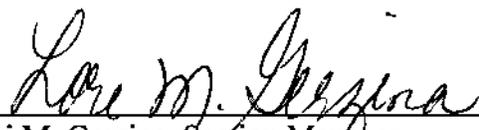
EFFECT OF ORDER

45. 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.

46. 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 9th day of September 2010.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



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