



COLORADO
Department of Public
Health & Environment

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

March 20, 2015

Douglas Lovell, VP and COO Beaver Creek Resort
Beaver Creek Associates, Inc.
dba Vail Resorts, Inc.
PO Box 7
Vail, CO 81657

Certified Mail Number: 7005 1820 0000 3207 8104

RE: Order for Civil Penalty, Number: SP-150320-1

Dear Mr. Lovell:

Beaver Creek Associates, 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.

If you have any questions regarding the Penalty Order or the payment method, please do not hesitate to contact Eric Mink of this office at (303) 692-2312 or by electronic mail at eric.mink@state.co.us.

Sincerely,

Eric T. Mink, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Ray Merry, EH Director, Eagle County
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Doug Camrud, Engineering Section, CDPHE
Heather Drissel, Field Services Section, CDPHE
Lillian Gonzalez, Permits Section, CDPHE
Mike Harris, Compliance & Enforcement Unit, CDPHE
Tania Watson, Compliance Assurance, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE





COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

ORDER FOR CIVIL PENALTY

NUMBER: SP-150320-1

IN THE MATTER OF: BEAVER CREEK ASSOCIATES, INC.
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-030542
EAGLE COUNTY, COLORADO

This matter having come to my attention as the Designee of the Executive Director of the Colorado Department of Public Health and Environment, pursuant to §25-8-608 C.R.S, I hereby impose a civil penalty in the amount of Thirty-Four Thousand Eight Hundred Sixty-Six Dollars and Twenty-Five Cents (\$34,866.25) against Beaver Creek Associates, Inc. for the violations cited in the February 10, 2015 Compliance Order on Consent (Number: SC-150210-1). 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:

Eric T. Mink
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CWE-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530"

Dated this 20th day of March 2015.

Patrick J. Pfaltzgraff, Director
Water Quality Control Division
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



COLORADO
Department of Public
Health & Environment

Exhibit A



COLORADO
Department of Public
Health & Environment

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

February 11, 2015

Douglas Lovell, VP and COO Beaver Creek Resort
Beaver Creek Associates, Inc.
dba Vail Resorts, Inc.
PO Box 7
Vail, CO 81657

Certified Mail Number: 7005 1820 0000 3207 8067

RE: Compliance Order on Consent, Number: SC-150210-1

Dear Mr. Lovell,

Enclosed for Beaver Creek Associates' records, you will find Beaver Creek Associates' copy, with original signatures, of the recently executed Compliance Order on Consent. Please remember that this agreement is subject to a thirty-day public comment period (paragraph 31). Following initiation, if the Division receives any comments during this period we will contact your office to discuss. Also, please be advised that the first page of the Compliance Order on Consent was changed to place the assigned Order Number on the final document.

If you have any questions, please don't hesitate to contact Eric Mink at (303) 692-2312 or by electronic mail at eric.mink@state.co.us.

Sincerely,

A handwritten signature in cursive script that reads "Eric T. Mink".

Eric T. Mink, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File



ec: Natasha Davis, EPA Region VIII
Ray Merry, EH Director, Eagle County
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Doug Camrud, Engineering Section, CDPHE
Heather Drissel, Field Services Section, CDPHE
Lillian Gonzalez, Permits Section, CDPHE
Mike Harris, Clean Water Enforcement Unit, CDPHE
Tania Watson, Data Management, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE





COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

COMPLIANCE ORDER ON CONSENT

NUMBER: SC-150210-1

IN THE MATTER OF: **BEAVER CREEK ASSOCIATES, INC.**
 CDPS PERMIT NO. COR-030000
 CERTIFICATION NO. COR-030542
 EAGLE COUNTY, COLORADO

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 ("Act") §§25-8-101 to 803, C.R.S., and its implementing regulations, with the express consent of Beaver Creek Associates, Inc. ("Beaver Creek Associates"). The Division and Beaver Creek Associates 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, the civil penalties associated with alleged violations cited herein and in the Notice of Violation / Cease and Desist Order, Number: 50-141120-1 (the "NOV/CDO"), that the Division issued to Beaver Creek Associates on November 20, 2014.

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 Beaver Creek Associates and Beaver Creek Associates' compliance with the Act and its permit issued pursuant to the Act.
3. At all times relevant to the violations cited herein, Beaver Creek Associates was a Colorado corporation in good standing and registered to conduct business in the State of Colorado.
4. Beaver Creek Associates is a "person" as defined by §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
5. On approximately April 3, 2013, Beaver Creek Associates initiated construction activities on the Red Tail Camp Project at the Beaver Creek Ski Area with a planned disturbance area of approximately 2 acres of land in Eagle County, Colorado (the "Project").



6. Beaver Creek Associates' construction activities at the Project are covered under the Colorado Discharge Permit System ("CDPS") General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity (the "Permit").
7. On July 1, 2007, the Division provided Beaver Creek Associates with Certification Number COR-030542 authorizing Beaver Creek Associates to discharge stormwater from the construction activities associated with Beaver Creek Ski Area, which includes the Project, to Beaver Creek under the terms and conditions of the Permit. Certification Number COR-030542 became effective July 1, 2007 and was set to expire on June 30, 2012, but has been administratively continued pending Permit reissuance.
8. Beaver Creek is a "state water" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(102).
9. Pursuant to 5 CCR 1002-61, §61.8, Beaver Creek Associates must comply with all the terms and conditions of the Permit, and violations of such terms and conditions may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.
10. On May 20, 2014, a representative from the Division (the "Inspector") conducted an on-site inspection of the Project pursuant to the Division's authority under §25-8-306, C.R.S., to determine Beaver Creek Associates' 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

11. Pursuant to Part I.B. of the Permit, Beaver Creek Associates is required to prepare and maintain a Stormwater Management Plan ("SWMP") in accordance with good engineering, hydrologic, and pollution control practices. The SWMP is required to identify all potential sources of pollution, which may be reasonably expected to affect the quality of stormwater discharges associated with construction activity from the Project. In addition, the plan is required to describe and ensure the implementation of Best Management Practices ("BMPs") at the Project, which will be used to reduce the pollutants in stormwater discharges associated with construction activity.
12. Pursuant to Part I.C. of the Permit, the Project's SWMP shall include, at a minimum, the following items:
 - a. Site Description - The SWMP shall clearly describe the construction activity, including:
 - i. The nature of the construction activity.
 - ii. The proposed sequence for major activities.
 - iii. Estimates of the total area of the site and the area of the site that is expected to undergo clearing, excavation or grading.
 - iv. A summary of any existing data used in the development of the construction plans or SWMP that describe the soil or existing potential for soil erosion.
 - v. A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
 - vi. The location and description of all potential pollution sources, including ground surface disturbance, vehicle fueling, storage of fertilizers or chemicals, etc.

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

- (3) Phased BMP Implementation - The SWMP shall clearly describe the relationship between the phases of construction and the implementation and maintenance of BMPs. The SWMP must identify the stormwater management controls to be implemented during the project phases, which can include, but are not limited to, clearing and grubbing, road construction, utility and infrastructure installation, vertical construction, final grading and final stabilization.
 - (4) Materials Handling and Spill Prevention - The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials that could contribute pollutants to runoff.
 - (5) Dedicated Concrete or Asphalt Batch Plants - The SWMP shall clearly describe and locate BMPs to control stormwater pollution from dedicated concrete batch plants or dedicated asphalt batch plants.
 - (6) Vehicle Tracking Control - The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking.
 - (7) Waste Management and Disposal, Including Concrete Washout - The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes, including concrete washout activities.
 - (8) Groundwater and Stormwater Dewatering - The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater from excavations, wells, etc.
- d. Final Stabilization and Long-Term Stormwater Management - The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site, and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.
- e. Inspection and Maintenance - The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
13. During the May 20, 2014 inspection, the Inspector reviewed the Project's SWMP and identified that the SWMP did not clearly identify all items required by Part I.C. of the Permit, as described in Paragraphs 13(a-f) below:
- a. The site description section of the SWMP failed to identify all potential pollutant sources, including but not limited to concrete washouts.
 - b. The SWMP failed to include a site map of the Project.
 - c. The stormwater management controls section of the SWMP failed to identify a SWMP administrator for the Project.
 - d. The stormwater management controls section of the SWMP failed to indicate where all the structural and non-structural control measures would be used at the Project.
 - e. Vehicle tracking was mentioned as a potential pollutant source but the implementation and location of practices used to control vehicle tracking was not discussed in the stormwater management controls section of the SWMP.
 - f. The SWMP failed to identify final stabilization details to be implemented at the Project.

14. The Division has determined that Beaver Creek Associates failed to prepare and maintain a complete and accurate SWMP for the Project.
15. Beaver Creek Associates' failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violation(s) of Part I.B. and Part I.C. of the Permit.

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

16. Pursuant to Part I.D.6.b.2. of the Permit, inspection reports must identify any incidents of noncompliance, a description of the corrective action, dates the corrective action(s) were taken, measures taken to prevent future violations, and a signed statement indicating the site is in compliance with the permit to the best of the signer's knowledge and belief.
17. During the May 20, 2014 inspection, the Inspector reviewed the available inspection records for the Project for the period from July 18, 2013 - November 4, 2013, and those records identified instances where BMPs needed to be either cleaned out or repaired. Available inspection records did not provide the dates these corrective actions were completed; what measures were taken to prevent future violations; or a signed statement indicating the site is in compliance with the Permit to the best of the signer's knowledge and belief.
18. Beaver Creek Associates' failure to properly perform and/or document inspections of the Project's stormwater management system constitutes violation(s) of Part I.D.6.b.2. of the Permit.

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

19. Pursuant to Part I.C.3.c. of the Permit, Beaver Creek Associates is required to implement BMPs to reduce the potential of pollution sources from contributing pollutants to stormwater discharges, including minimizing erosion and sediment transport from the Project. The Permit specifies that structural site management practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins. The Permit specifies that non-structural site management practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees, and preservation of mature vegetation.
20. Pursuant to Part I.D.2. of the Permit, Beaver Creek Associates is required to select, design, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. The BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity at the Project.
21. Pursuant to Part I.B.3. of the Permit, Beaver Creek Associates is required to implement the provisions of the Project's SWMP as written and updated, from commencement of construction activity until final stabilization is complete.
22. During the May 20, 2014 inspection, the Inspector identified the following deficiencies related to BMP installation and maintenance at the Project, as described in Paragraphs 22(a-e) below:
 - a. The Inspector observed a straw wattle inlet protection control measure near the bottom of Golden Eagle run. The straw wattle was not implemented and maintained according to good

pollution control practices. The capacity of the identified straw wattle inlet protection control measure was exceeded and did not provide an effective mechanism for pollutant removal from the disturbed area. Consequently, the straw wattle was observed allowing sediment discharge to reach the inlet. Stormwater from this area of the Project flows to Beaver Creek.

- b. The Inspector observed straw wattle control measures near Grouse Mountain Lift at the bottom of Golden Eagle run. The straw wattles were not implemented and maintained according to good pollution control practices. The straw wattle control measures were not properly secured and overtopped with sediment and debris, requiring maintenance and/or replacement. These deficiencies impaired the ability of the straw wattles to provide an effective mechanism for pollutant removal from the disturbed area. No additional control measures were implemented up gradient of the straw wattle control measures and stormwater from this area of the Project flows to Beaver Creek.
 - c. The Inspector observed that control measures were not implemented to manage stormwater runoff from (1) the disturbed area located below the Red Tail Camp Restaurant (2) the disturbed area located above Red Tail Camp Restaurant. As a result, stormwater flow velocity was not reduced to non-erosive rates and erosion occurred in the indicated disturbed areas. Stormwater from these areas of the Project flows to Beaver Creek.
 - d. The Inspector observed that control measures were not implemented to manage stormwater runoff from the disturbed area below the bottom of the Larkspur Lift. Consequently, sediment was observed discharging from this area of the Project directly to Beaver Creek.
 - e. The Inspector observed that control measures were not implemented to manage stormwater runoff from the drainage channel located adjacent to the road running below the Red Tail Camp Restaurant. As a result, stormwater flow velocity was not reduced to non-erosive rates and erosion occurred in the drainage channel. Stormwater from this area of the Project flows to Beaver Creek.
23. The Division has determined that Beaver Creek Associates failed to implement and/or maintain functional BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic, and pollution control practices.
24. Beaver Creek Associates' failure to implement and/or maintain functional BMPs to protect stormwater quality during construction activities at the Project constitutes violations of Part I.C.3.c., Part I.D.2., and Part I.B.3. of the Permit.
25. The Division acknowledges that Beaver Creek Associates timely and satisfactorily performed all of the obligations and actions required under the November 20, 2014, Notice of Violation / Cease and Desist Order.

ORDER AND AGREEMENT

26. 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 NOV/CDO, the Division orders Beaver Creek Associates to comply with all provisions of this Consent Order, including all requirements set forth below.
27. Beaver Creek Associates agrees to the terms and conditions of this Consent Order. Beaver Creek Associates 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. Beaver Creek Associates also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by Beaver Creek Associates 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.
28. Notwithstanding the above, Beaver Creek Associates does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by Beaver Creek Associates pursuant to this Consent Order shall not constitute evidence of fault and liability by Beaver Creek Associates with respect to the conditions of the Project. Beaver Creek Associates expressly reserves its rights to deny any of the Division's factual or legal determinations or defend itself in any other third party proceeding relating to the information identified in this Consent Order.

CIVIL PENALTY

29. Based upon the factors set forth in §25-8-608(1), C.R.S., and consistent with Departmental policies for violations of the Act, Beaver Creek Associates shall pay Thirty-Four Thousand Eight Hundred Sixty-Six Dollars and Twenty-Five Cents (\$34,866.25) in civil penalties. The Division intends to petition the Executive Director, or his designee, to impose the Thirty-Four Thousand Eight Hundred Sixty-Six Dollars and Twenty-Five Cents (\$34,866.25) civil penalty for the above violation(s) and Beaver Creek Associates agrees to make the payment within thirty (30) calendar days of the issuance of an Order for Civil Penalty 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:

Eric T. Mink
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CWE-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

SCOPE AND EFFECT OF CONSENT ORDER

30. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the civil penalties associated with the violations cited herein and in the NOV/CDO.
31. This Consent Order is subject to the Division's "Public Notification on Administrative Enforcement Actions Policy," which includes a thirty (30) day public comment period. The Division and Beaver Creek Associates each reserve the right to withdraw consent to this Consent Order if comments received during the 30 day period result in any proposed modification to the Consent Order.
32. 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 Beaver Creek Associates, 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.

33. Notwithstanding paragraph 28 above, the violations described in this Consent Order will constitute part of Beaver Creek Associates' compliance history.

LIMITATIONS, RELEASES AND RESERVATION OF RIGHTS AND LIABILITY

34. 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 and in the NOV/CDO. 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.
35. This Consent Order does not grant any release of liability for any violations not specifically cited herein.
36. Beaver Creek Associates reserves its rights and defenses regarding the Project other than proceedings to enforce this Consent Order.
37. Nothing in this Consent Order shall preclude the Division from imposing additional requirements necessary to protect human health or the environment and to effectuate the purposes of the Consent Order. Nor shall anything in this Consent Order preclude the Division from imposing additional requirements in the event that additional information is discovered that indicates such requirements are necessary to protect human health or the environment.
38. Beaver Creek Associates 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 or for any injuries or damages to persons or property resulting from acts or omissions of Beaver Creek Associates, or those acting for or on behalf of Beaver Creek Associates, including its officers, employees, agents, successors, representatives, contractors, consultants, or attorneys 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

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

For the Division:

Eric T. Mink
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CWE-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: 303-692-2312
E-mail: eric.mink@state.co.us

For Beaver Creek Associates, Inc.:

Douglas Lovell, VP and COO Beaver Creek Resort
Beaver Creek Associates, Inc.
dba Vail Resorts, Inc.
PO Box 7
Vail, CO 81657

MODIFICATIONS

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

NOTICE OF EFFECTIVE DATE

41. 41. 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 following closure of the public comment period referenced in paragraph 31. 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

42. This Consent Order is binding upon Beaver Creek Associates 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.

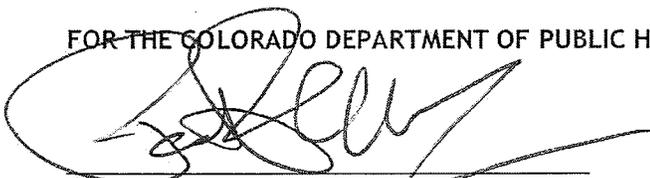
FOR BEAVER CREEK ASSOCIATES:



Douglas Lovell, VP and COO
Beaver Creek Resort

Date: 2.9.15

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:



Patrick J. Pfaltzgraff, Director
WATER QUALITY CONTROL DIVISION

Date: 10 Feb 15