



COLORADO
Department of Public
Health & Environment

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

March 4, 2015

Larry S. Buckendorf
Clearview 4 Investments, LLC
7251 W. 20th Street, L-200
Greeley, CO 80634

Certified Mail Number: 7005 1820 0000 3208 7175

RE: Withdrawal of Order for Civil Penalty, Number: SP-150204-1

Dear Mr. Buckendorf:

Please see the enclosed Withdrawal of Order for Civil Penalty issued by the Colorado Department of Public Health and Environment's Water Quality Control Division.

Sincerely,

Lindsay Ellis, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Trevor Jiricek, Weld County Department of Public Health and Environment
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Bret Icenogle, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Lillian Gonzalez, Permits Unit 1, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE
Michael Harris, Clean Water Enforcement Unit, CDPHE
Tania Watson, Compliance Assurance, CDPHE





COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

ORDER FOR CIVIL PENALTY

NUMBER: SP-150204-1

IN THE MATTER OF: CLEARVIEW 4 INVESTMENTS, LLC
d/b/a CLEARVIEW INVESTMENTS, LLC
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-031786
WELD COUNTY, COLORADO

This matter comes before the Executive Director of the Colorado Department of Public Health and Environment ("Department") on behalf of the Water Quality Control Division ("Division") concerning a civil penalty against Clearview 4 Investments, LLC ("Clearview"). The Executive Director, through his designee (hereinafter the "Executive Director"), issues the following Withdrawal of Order for Civil Penalty.

WITHDRAWAL OF ORDER FOR CIVIL PENALTY

1. On February 4, 2015, the Executive Director of the Department issued Order for Civil Penalty Number SP-150204-1 against Clearview for violations of the Colorado Water Quality Control Act and the Colorado Discharge Permit System General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity. The order made general findings and assessed a civil penalty of \$97,322.50.
2. The Executive Director hereby withdraws Order for Civil Penalty Number SP-150204-1.

Issued at Denver, Colorado this 4th day of March, 2015.

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





COLORADO
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Health & Environment

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

February 5, 2015

Larry S. Buckendorf
Clearview 4 Investments, LLC
7251 W. 20th Street, L-200
Greeley, CO 80634

Certified Mail Number: 7005 1820 0000 3208 7151

RE: Order for Civil Penalty, Number: SP-150204-1

Dear Mr. Buckendorf:

Clearview 4 Investments, LLC 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 ("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, please do not hesitate to contact me at (303) 692-2271 or lindsay.ellis@state.co.us.

Sincerely,

Lindsay Ellis, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Trevor Jiricek, Weld County Department of Public Health and Environment
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
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Tania Watson, Compliance Assurance, CDPHE





COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

ORDER FOR CIVIL PENALTY

NUMBER: SP-150204-1

IN THE MATTER OF: CLEARVIEW 4 INVESTMENTS, LLC
 d/b/a CLEARVIEW INVESTMENTS, LLC
 CDPS PERMIT NO. COR-030000
 CERTIFICATION NO. COR-031786
 WELD COUNTY, COLORADO

This matter comes before the Executive Director of the Colorado Department of Public Health and Environment ("Department") on petition by the Water Quality Control Division ("Division") for a civil penalty against Clearview 4 Investments, LLC ("Clearview"). The Executive Director, through his designee (hereinafter the "Executive Director"), having considered this petition, 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.

GENERAL FINDINGS

1. Pursuant to §25-8-608(1), C.R.S., any person who violates the Colorado Water Quality Control Act ("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 January 2, 2014, the Division issued Clearview a Notice of Violation/Cease and Desist Order ("NOV/CDO") which included findings that Clearview 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, §21.11, Clearview was required to submit an answer to each alleged violation contained in the NOV/CDO and was allowed thirty (30) calendar days to request 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. Clearview did not file a request for a hearing with the Division.
5. Clearview'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 Clearview has so waived its right to contest those findings and conclusions, the Executive 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 Executive Director has determined that a civil penalty is appropriate and warranted in this matter. Therefore, the Executive Director hereby imposes a civil penalty in the amount of Ninety-Seven Thousand Three Hundred Twenty-Two Dollars and Fifty Cents (\$97,322.50) against Clearview. 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:

Lindsay Ellis
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

REQUEST FOR APPEAL

7. Pursuant to 5 CCR 1002-21, §§21.12(B) and 21.4(A)(3)(b), an appeal of the determination of the civil penalty by the Executive Director shall be made in writing to the Division. Requests for such an appeal should be made in accordance with 5 CCR 1002-21, §21.12(B), shall be filed no later than thirty (30) calendar days after issuance of this action, and shall include the information specified in 5 CCR 1002-21, §21.4(B)(2).

Issued at Denver, Colorado, this 4th day of February, 2015.



Patrick J. Pfaltzgraff, 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-140102-1

**IN THE MATTER OF: CLEARVIEW 4 INVESTMENTS, LLC
 d/b/a CLEARVIEW INVESTMENTS, LLC
 CDPS PERMIT NO. COR-030000
 CERTIFICATION NO. COR-03I786
 WELD 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, Clearview 4 Investments, LLC ("Clearview") was a Colorado corporation in good standing and registered to conduct business in the State of Colorado.
2. Clearview 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. Clearview is conducting construction activities of a residential development with a planned disturbance of 32.58 acres of land at or near Carlson Boulevard and Silverbell Drive in the Town of Johnstown, Weld County, Colorado (the "Project")
4. On January 17, 2013, the Division received an Application for Transfer of Ownership of permit certification number COR-03I786, issued under the Colorado Discharge Permit System ("CDPS") General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity (the "Permit"), from Crow Creek Construction, LLC to Clearview doing business as Clearview Investments, LLC.
5. On January 18, 2013, the Division approved the transfer of coverage under the Permit, including Certification Number COR-03I786, to Clearview authorizing Clearview to discharge stormwater from the construction activities associated with the Project to the County Borrow Ditch and the Little

EXHIBIT A

Thompson River under the terms and conditions of the Permit. Certification Number COR-03I786 became effective January 22, 2013, and has been administratively continued until a new Permit and associated certification is issued, or until Clearview inactivates Permit coverage.

6. Pursuant to 5 CCR 1002-61, §61.8, Clearview 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
7. The County Borrow Ditch and Little Thompson River are “state waters” as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (102).
8. On July 5, 2013, 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 Clearview’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, Clearview is required to prepare and maintain a Stormwater Management Plan (“SWMP”) in accordance with good engineering, hydrologic, and pollution control practices. The SWMP is required to identify all potential sources of pollution, which may be reasonably expected to affect the quality of stormwater discharges associated with construction activity from the Project. In addition, the plan is required to describe and ensure the implementation of Best Management Practices (“BMPs”) at the Project, which will be used to reduce the pollutants in stormwater discharges associated with construction activity.
10. Pursuant to Part I. C. of the Permit, the Project’s SWMP shall include, at a minimum, the following items:
 - a. Site Description – The SWMP shall clearly describe the construction activity, including:
 - i. The nature of the construction activity.
 - ii. The proposed sequence for major activities.
 - iii. Estimates of the total area of the site and the area of the site that is expected to undergo clearing, excavation or grading.
 - iv. A summary of any existing data used in the development of the construction plans or SWMP that describe the soil or existing potential for soil erosion.
 - v. A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
 - vi. The location and description of all potential pollution sources, including ground surface disturbance, vehicle fueling, storage of fertilizers or chemicals, etc.
 - vii. The location and description of any allowable sources of non-stormwater discharge, such as springs, landscape irrigation return flow, construction dewatering, and concrete washout.

EXHIBIT A

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

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- (3) **Phased BMP Implementation** – The SWMP shall clearly describe the relationship between the phases of construction and the implementation and maintenance of BMPs. The SWMP must identify the stormwater management controls to be implemented during the project phases, which can include, but are not limited to, clearing and grubbing, road construction, utility and infrastructure installation, vertical construction, final grading and final stabilization.
 - (4) **Materials Handling and Spill Prevention** – The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials that could contribute pollutants to runoff.
 - (5) **Dedicated Concrete or Asphalt Batch Plants** – The SWMP shall clearly describe and locate BMPs to control stormwater pollution from dedicated concrete batch plants or dedicated asphalt batch plants.
 - (6) **Vehicle Tracking Control** – The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking.
 - (7) **Waste Management and Disposal, Including Concrete Washout** – The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes, including concrete washout activities.
 - (8) **Groundwater and Stormwater Dewatering** – The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater from excavations, wells, etc.
 - d. **Final Stabilization and Long-Term Stormwater Management** – The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site, and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.
 - e. **Inspection and Maintenance** – The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
11. During the July 5, 2013 inspection, the Inspector reviewed the Project’s SWMP and identified the following deficiencies, as described in paragraphs 11(a-c) below:
- a. The site description section of the SWMP did not contain the name and location of the municipal separate storm sewer system where the project’s stormwater discharge was directed.
 - b. The site map included with the SWMP did not identify the construction site boundaries; all areas of ground surface disturbance; areas of cut and fill; or areas used for storage of building materials, soil and waste.
 - c. The SWMP did not adequately address the method utilized for vehicle tracking control. The SWMP states that vehicle tracking would be maintained on a daily basis at the site. However, the SWMP did not provide what method would be utilized for the vehicle tracking maintenance as required by the Permit.

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12. The Division has determined that Clearview failed to prepare and maintain a complete and accurate SWMP for the Project.
13. Clearview's failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violation(s) of Part I. B. and Part I. C. of the Permit.

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

14. Pursuant to Part I. D. 6. (a) of the Permit, for active sites where construction has not been completed, Clearview is required to make a thorough inspection of the Project's stormwater management system at least every 14 calendar days and within 24 hours of any precipitation or snowmelt event that causes surface erosion.
15. Pursuant to Part I. D. 6. (b) (2) of the Permit, Clearview is required to keep a record of inspections that describes any corrective actions taken, the dates the corrective actions were taken, and any measures taken to prevent future violations, including requisite changes to the SWMP. Additionally, after adequate corrective action has been taken, or where a report does not identify any incidents requiring corrective action, the report shall contain a signed statement indicating the site is in compliance with the Permit to the best of the signer's knowledge and belief.
16. During the July 5, 2013 inspection, the Inspector reviewed the available inspection records for the period from March 13, 2013 – June 26, 2013 and identified the following deficiencies, as described in Paragraphs 16(a-c) below:
 - a. Inspections were not conducted between March 25, 2013 – April 11, 2013 and April 20, 2013 – May 12, 2013. These periods exceeded the minimum 14 day interval between inspections.
 - b. The inspection records did not include the dates that corrective actions were completed.
 - c. The inspection records did not include a signed certification statement indicating the site is in compliance with the Permit to the best of the signer's knowledge and belief.
17. The Division has determined that Clearview failed to properly perform and document inspections of the stormwater management system at the Project.
18. Clearview's failure to properly perform and document its inspections constitutes violations of Part I. D. 6. (a) and Part I. D. 6. (b) (2) of the Permit.

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

19. Pursuant to Part I. C. 3. (c) of the Permit, Clearview 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

EXHIBIT A

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, Clearview is required to select, design, install, implement and maintain appropriate BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic and pollution control practices.
21. Pursuant to Part I. B. 3. of the Permit, Clearview 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 July 5, 2013 inspection, the Inspector identified the following deficiencies related to BMP installation and maintenance at the Project, as described in Paragraphs 22(a-f) below:
 - a. The Inspector observed approximately 20-acres of a disturbed area upgradient of Hickory Lane and Tupelo Street at the Project. A silt fence and sediment control logs were observed in place downgradient of the disturbed area along the perimeter boundary at this location. The installation and implementation specifications in the SWMP stated a maximum drainage area of 1/4 acre per 100 feet of silt fence and/or sediment control log. However, the silt fence and sediment control logs were only installed along the perimeter of an approximately 20-acre area, which exceeded the maximum drainage capacity as stated in the SWMP. Consequently, the silt fence and sediment control logs failed and sediment discharge was observed on offsite paved surfaces. No other BMPs were identified to stabilize the disturbed area or to prevent sediment discharges. Stormwater from this area of the Project flows to the Johnstown municipal storm sewer system and into to the Little Thompson River.
 - b. The Inspector observed a disturbed area upgradient of Honeysuckle Way at the Project. Installation and implementation specifications were included in the SWMP for perimeter control BMPs (e.g. silt fence, sediment control logs). However, the perimeter control BMPs identified for this area were not being implemented. No other BMPs were identified to stabilize the disturbed or to prevent sediment discharges. Stormwater from this area of the Project flows to the Johnstown municipal storm sewer system and into to the Little Thompson River.
 - c. The Inspector observed a disturbed area upgradient of Juniper Street at the Project. The tracking control BMPs identified in the SWMP for the ingress/egress points for this area were not implemented. Consequently, sediment was observed on the paved surfaces of the Project from vehicle tracking. No other BMPs were identified to prevent tracked sediment from discharging to state waters. Stormwater from this area of the Project flows to the Johnstown municipal storm sewer system and into to the Little Thompson River.
 - d. The Inspector observed a disturbed area adjacent to Sycamore Avenue at the Project. A Vehicle Tracking Control ("VTC") was observed within the disturbed area. Installation and implementation specifications were included in the SWMP for the VTC. However, the VTC rock pad was in need of maintenance as dirt was visible underlying the rock pad. Consequently, sediment tracking and discharge was observed on paved surfaces adjacent to the disturbed area. No other BMPs were identified to prevent tracked sediment from discharging to state waters.

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Stormwater from this area of the Project flows to the Johnstown municipal storm sewer system and into to the Little Thompson River.

- e. The Inspector observed a Concrete Wash Out (“CWO”) at the west end of the Project. Installation and implementation specifications were included in the SWMP for the CWO. However, the CWO was not installed in accordance with the specifications, as the CWO did not have compacted berms on three sides, tracking control on the approach, and was in need of maintenance as the concrete waste material had exceeded the CWOs capacity. The Inspector also observed a concrete waste pile and a soil pile mixed with concrete waste near the CWO. Separate installation and implementation specifications were included in the SWMP for the concrete waste pile BMPs. However, the concrete waste pile BMPs in this location were not being implemented. Stormwater from this area of the Project flows to the Johnstown municipal storm sewer system and into to the Little Thompson River.
 - f. The Inspector observed numerous soil stockpiles throughout the Project. Installation and implementation specifications were included in the SWMP for soil stockpile BMPs. However, the soil stockpile BMPs were not being implemented. Stormwater from this area of the Project flows to the Johnstown municipal storm sewer system and into to the Little Thompson River.
23. The Division has determined that Clearview 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. Clearview’s failure to implement and/or maintain functional BMPs to protect stormwater quality during construction activities at the Project constitutes violations of Part I. C. 3. (c), Part I. D. 2., and Part I. B. 3., of the Permit.

NOTICE OF VIOLATION

25. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined Clearview has violated the following sections of the Permit.

Part I. B. of the Permit, which states in part, “The SWMP shall be prepared in accordance with good engineering, hydrologic and pollution control practices. ... The SWMP shall: a) Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the facility; b) Describe the practices to be used to reduce the pollutants in stormwater discharges associated with construction activity at the facility; and ensure the practices are selected and described in accordance with good engineering practices, including the installation, implementation and maintenance requirements; and c) Be properly prepared and updated in accordance with Part I.D.5.c., to ensure compliance with the terms and conditions of this permit.”

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

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

Part I. D. 6. (b) (2) of the Permit, which states in part, “The permittee shall keep a record of inspections. Inspection reports must identify any incidents of non-compliance with the terms and conditions of this permit. ... At a minimum, the inspection report must include: ... vii) Description of corrective action for items iii, iv, v, and vi, above, dates corrective action(s) taken, and measures taken to prevent future violations, including requisite changes to the SWMP, as necessary;...”

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

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

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

REQUIRED CORRECTIVE ACTION

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

26. Cease and desist from all violations of the Colorado Water Quality Control Act, §§25-8-101 through 25-8-803, C.R.S., its implementing regulations promulgated thereto and the Permit.

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

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

EXHIBIT A

28. Clearview shall immediately begin conducting and documenting inspections of the Project's stormwater management system pursuant to the provisions outlined in the Permit. Within thirty (30) calendar days of receipt of this Order, Clearview shall submit a written certification to the Division stating that all such inspections are being conducted and documented in accordance with the terms and conditions of the Permit.
29. Clearview shall immediately implement necessary measures to ensure that adequate BMPs are in place to control pollutant discharges from the Project. This includes ensuring that all disturbed areas at the Project are stabilized and/or protected with a system/series of erosion and sediment control practices, and that all BMPs at the site are selected, installed, implemented, and maintained following good engineering, hydrologic, and pollution control practices. Within thirty (30) calendar days of receipt of this Order, Clearview shall evaluate and modify all existing BMPs at the Project to ensure the BMPs meet the design requirements specified in the Project's complete and up-to-date SWMP. Within forty-five (45) calendar days of receipt of this Order, Clearview shall submit photographs to the Division documenting the current conditions at the site and the associated BMPs implemented at the Project.
30. Within sixty (60) calendar days of receipt of this Order, Clearview shall submit a detailed written plan to the Division outlining the standard procedures Clearview will undertake to ensure that functional and effective stormwater management systems are fully implemented at its Colorado construction sites. The plan shall include a detailed description of how Clearview will ensure that each of its stormwater management systems at each of its Colorado construction sites are adequately staffed, trained, implemented, and supervised. The plan shall specifically discuss Clearview's commitment to the resources needed to adequately implement the provisions of the Permit at its construction sites, including a commitment to providing elevated staff and supervisor training in erosion control, BMP implementation, and overall stormwater management.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation/Cease and Desist Order, Clearview 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-CWE-B2
Attention: Joe Campbell
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-2356
Email: joseph.campbell@state.co.us
Fax: (303) 782-0390

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:

EXHIBIT A

“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 803, 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

EXHIBIT A

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.

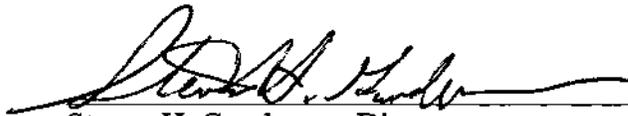
EFFECT OF ORDER

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 803, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 2nd day of January, 2014.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION

EXHIBIT B

STORMWATER PENALTY COMPUTATION WORKSHEET

System Name: Clearview 4 Investments, LLC	Permit Number: COR-03I786
Beneficial Use Classification: Big Thompson River Basin, Segment 9, <i>Aquatic Life Warm 2</i> , Recreation E, Agriculture	Date of NOV/CDO: Number: S0-140102-1
Type of Facility: Construction	Size of Operation or Activity: 32.58 Acres

Part I – Base Penalty Calculation

A. Potential Damage Component

	Violation Type	Adjustment	Amount in Dollars
Line 1	Conducting Covered Activity Without A Stormwater Permit		N/A
	<i>Adjustment Justification:</i>		
Line 2	Failure to Prepare Stormwater Management Plan (SWMP)		N/A
	<i>Adjustment Justification:</i>		
Line 3	Deficient Stormwater Management Plan (SWMP)	Moderate = \$300 +25%	\$375.00
	<p><i>Adjustment Justification:</i> Clearview 4 Investments, LLC (“Clearview”) is performing construction activities at the Clearview residential development located at or near Carlson Boulevard and Silverbell Drive in the Town of Johnstown in Weld County, Colorado (“project”). The Water Quality Control Division (“Division”) inspected the project and identified several deficiencies in the project’s Stormwater Management Plan (“SWMP”). Primarily, the SWMP failed to include numerous components required by Clearview’s discharge permit, including: (1) the location of construction site boundaries; (2) the name and location of the municipal storm sewer system to which stormwater runoff from the project was directed; and (3) the locations of all areas of ground disturbance, construction activity, and materials and waste storage at the project. The Division believes these omissions contributed to Clearview’s failure to install and maintain control measures at the site (see Line 4, immediately below) and, ultimately, discharges of sediment-laden stormwater from the project.</p> <p>The project is located in close proximity to sensitive waters. Storm sewer inlets at the project boundaries carry stormwater runoff directly to the Little Thompson River, which is impaired for copper, selenium, E. coli and aquatic life use. However, the Division conservatively assigns a <i>moderate</i> degree of potential and actual harm to the public health or environment.</p>		

EXHIBIT B

	Violation Type	Adjustment	Amount in Dollars
Line 4	Failure to Install, Maintain or Properly Select Best Management Practices	Moderate = \$1,000 +25%	\$1,250.00
	<p><i>Adjustment Justification:</i> During its inspection of the project, the Division identified numerous failures to implement stormwater management controls, or Best Management Practices (“BMPs”), as required by Clearview’s discharge permit. First, multiple areas of land disturbance (some as large as 20 disturbed acres) and areas of construction activity were observed without any BMPs. Second, BMPs that were in place elsewhere on the project were not installed or maintained according to best engineering practices and, therefore, did not act as functional controls.</p> <p>As a result, highly turbid, sediment-laden water was discharged into storm sewer inlets located at the project boundaries. The inlets carry stormwater runoff directly to the Little Thompson River, which is impaired for copper, selenium, E. coli and aquatic life use. However, the Division conservatively assigns a <i>moderate</i> degree of potential and actual harm to the public health or environment.</p>		
Line 5	Failure to Perform Inspections of Stormwater Management System	Moderate = \$600 +25%	\$750.00
	<p><i>Adjustment Justification:</i> The Division reviewed the project’s stormwater management records and determined that Clearview failed to perform inspections in accordance with the permit terms. Clearview’s records reflected periods of time between inspections that exceeded the minimum 14-day interval required in the permit. The Division believes the missed inspections contributed to Clearview’s failure to implement and maintain control measures at the site. However, the Division conservatively assigns a <i>moderate</i> degree of potential and actual harm to the public health or environment.</p>		
Line 6	Failure to Submit Required/Requested Reports (Annual Reports, Permit Compliance Schedule Items, Etc.)		N/A
	<p><i>Adjustment Justification:</i></p>		
Line 7	Failure to Maintain Required Records	Minor / Moderate = \$1,000 +10%	\$1,100.00
	<p><i>Adjustment Justification:</i> During its review of the project’s stormwater management records, the Division determined that Clearview failed to maintain its self-inspection records in accordance with the permit terms. First, Clearview failed to document the dates that actions were taken to repair or replace BMPs. Second, Clearview failed to include a signed statement in its self-inspection records indicating that the site was in compliance. The Division believes the records omissions contributed to Clearview’s failure to implement and maintain control measures at the site. However, the Division conservatively assigns a <i>minor/moderate</i> degree of potential and actual harm to the public health or environment.</p>		
Line 8	Pollution, Contamination or Degradation of State Waters		N/A
	<p><i>Adjustment Justification:</i></p>		
Line 9	Other Administrative Violations		N/A
	<p><i>Adjustment Justification:</i></p>		
Line 10	Potential Damage Total (Sum of Lines 1 through 9)	<i>(Not to exceed \$6000/day)</i>	\$3,475.00

EXHIBIT B

B. Fault Component

			Amount in Dollars
Line 11	Fault: Category 2	<i>(Not to exceed \$3000/day)</i>	\$1,200.00
	<p><i>Justification:</i> Clearview is a professional construction/development company that applied for and obtained a discharge permit. Clearview should have been aware of its permit obligations. Therefore, the Division assigns a category-2 level of fault. The Division chooses the high end of category 2, because the legal contact, facility contact and authorized agent identified on Clearview's permit application served in the same role for an entity that was the subject of a 2012 enforcement action for similar stormwater violations. Furthermore, Clearview's permit contact has applied for and obtained at least 34 construction stormwater permits. As such, Clearview should have been aware of the circumstances that led to the stormwater permit violations. (Permit contact: Larry Buckendorf, Manager, Clearview 4 Investments, LLC and General Counsel / Partner, Journey Homes LLC).</p>		

C. History Component

			Amount in Dollars
Line 12	History: N/A	<i>(Not to exceed \$1000/day)</i>	\$0.00
	<p><i>Justification:</i> Two entities closely related to Clearview have a violation history with the Division. (1) Crow Creek Construction LLC (the original permit holder for the present project and an entity related to Clearview) was cited in 2012 for the failure to obtain a permit for stormwater discharges associated with construction activity for the present project. (2) Journey Homes LLC (a managing member of Clearview) was the subject of an Expedited Settlement Agreement in 2012 for similar stormwater violations at a different project. However, the Division conservatively chooses not to apply a history component to Clearview.</p>		

Part II – Determination of Days of Violation

			Days of Violation
Line 13	Total Days of Violation		178
	<p><i>Justification:</i></p> <p>Deficient Stormwater Management Plan (SWMP): Division records indicate that project construction began by January 2013. Clearview's permit coverage took effect on <u>January 22, 2013</u>, following the transfer of permit coverage from Crow Creek Construction LLC to Clearview. Upon applying for the transfer on January 17, 2013, Clearview certified that a complete and accurate SWMP had been prepared for the project's construction activities. On July 5, 2013, the Division reviewed the project's SWMP and determined that it did not contain all of the requirements outlined in the permit. Clearview later submitted documentation indicating that the SWMP was revised and corrected on <u>July 16, 2013</u>. Accordingly, the Division determines that the SWMP was deficient from at least January 22, 2013 until at least July 16, 2013. Therefore, at least <i>176 days</i> of SWMP violations occurred.</p> <p>Failure to Install, Maintain or Properly Select Best Management Practices: The Division identified four dates of BMP violations. (1) On <u>July 2, 2013</u>, a precipitation event resulted in a discharge of highly turbid, sediment-laden stormwater from the project. The discharge was documented in private</p>		

EXHIBIT B

	<p>video footage, which revealed that BMPs to control stormwater runoff discharges were not implemented at the project. (2) On <u>July 5, 2013</u>, the Division performed an on-site inspection of the project and identified numerous failures to implement BMPs. (3) On <u>July 24, 2013</u>, in response to a Division Compliance Advisory, Clearview submitted photographs of current site conditions and documentation of the company's efforts to correct inspection findings. The photographs and documentation revealed a continued failure to properly implement BMPs. (4) On February 18, 2014, in response to the Division's Notice of Violation / Cease and Desist Order, Clearview submitted photographs of site conditions as of <u>February 16, 2014</u>. The photographs revealed additional failures to properly implement BMPs. The Division believes the BMP failures persisted for some time period surrounding the foregoing events. However, the Division conservatively limits the period of BMP violations to <i>4 days</i>.</p> <p>Failure to Perform Inspections of Stormwater Management System: As part of its July 5, 2013 inspection, the Division reviewed Clearview's stormwater management records. The Division identified that Clearview failed to inspect its project from March 25, 2013 until April 11, 2013 and from April 20, 2013 until May 12, 2013. The permit requires that Clearview inspect the project every 14 days. Therefore, at a minimum, Clearview failed to perform <i>two</i> 14-day inspections.</p> <p>Failure to Maintain Required Records: As part of its review of Clearview's stormwater management records, the Division determined that Clearview failed to document the dates that corrective actions were performed and failed to include a signed certification in its self-inspection records. The Division believes the administrative failures persisted for some time period surrounding the date they were observed. However, the Division's Stormwater Civil Penalty Policy limits the period of records violation to <i>1 day</i>.</p> <p><i>(Note: the first two dates of the BMP violations and both categories of inspection report violations coincided with the dates of the deficient SWMP violations. Therefore, 178 total days of violation were utilized in this penalty calculation [176 SWMP days + 2 BMP days = 178 total days]).</i></p>
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Part III – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 14	Multi-Day Penalty Amount	\$90,422.50
	<p><i>Calculations:</i></p> <p>See Attachment A.</p> <p><i>- Note: For the days of SWMP violation, the penalty amounts for Potential Damage and Fault were adjusted in accordance with the Multi-Day Violation Matrix outlined on Page 6 of the Stormwater Civil Penalty Policy. On any day in which more than one category of violation occurred (e.g., a SWMP violation and an inspection violation), the full fault amount (\$1,200) was applied.</i></p>	

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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)	\$90,422.50

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
	<i>Justification:</i> The Division identified the violations through private video footage and the regulatory inspection process. Clearview did not voluntarily disclose the violations. Therefore, no penalty mitigation applies.		
Line 17	Factor B: Full and Prompt Cooperation	0%	\$0
	<i>Justification:</i> Although Clearview responded to the Division’s Compliance Advisory and Notice of Violation/Cease and Desist Order (“NOV/CDO”), the company’s responses were incomplete. (1) Clearview did not answer each alleged violation contained in the NOV/CDO as required by section 25-8-603 of the Water Quality Control Act and as ordered by the NOV/CDO. (2) The NOV/CDO also required Clearview to take certain corrective actions, including the submission to the Division of a detailed written plan outlining procedures Clearview would undertake to ensure functional and effective stormwater management systems were in place. Clearview did not submit a detailed written plan. (3) Clearview responded to both the Compliance Advisory and to the NOV/CDO with photographs of site conditions that revealed further BMP deficiencies and a failure to correct inspection findings. Therefore, no penalty mitigation applies.		
Line 18	Factor C: Environmental Compliance Program	0%	\$0.00
	<i>Justification:</i> The Division did not receive or identify any information suggesting that Clearview implemented a regularized and comprehensive environmental compliance/audit program. Therefore, no penalty mitigation applies.		
Line 19	Factor D: Intentional, Reckless or Negligent Violations	0%	\$0.00
	<i>Justification:</i> Clearview is a professional development/construction entity that obtained a permit and should have been aware of its requirements. At the very least, the Division believes Clearview’s violations involved negligence. The legal contact, facility contact and authorized agent identified on Clearview’s permit application served in the same role for an entity that was the subject of a 2012 enforcement action for similar stormwater violations. Furthermore, Clearview’s permit contact has applied for and obtained at least 34 construction stormwater permits. As such, Clearview should have been aware of the circumstances that led to the stormwater permit violations and the Division believes Clearview’s conduct could amount to recklessness. However, the Division conservatively chooses not to apply a penalty aggravation.		

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	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 20	Factor E: Other Aggravating or Mitigating Circumstances	0%	\$0.00
	<i>Justification:</i> No other aggravating or mitigating circumstances were indentified.		
Line 21	Sum of Lines 16 through Line 20		\$0.00
Line 22	Adjusted Base Penalty (Sum of Line 15 + Line 21)		\$90,422.50

Part VI– Economic Benefit Consideration

		Amount in Dollars
Line 23	Economic Benefit	\$6,900.00
	<p><i>Justification:</i></p> <p>Deficient Stormwater Management Plan (SWMP): Clearview delayed the cost of developing a complete and accurate SWMP and avoided the cost of revising and updating its SWMP over a period of at least 176 days. The Division conservatively estimates the cost of periodically evaluating, revising and updating a SWMP for a project of this size, including consulting and reprinting fees, to be \$1,000. Due to the changing conditions at construction sites, frequent evaluation of a project’s SWMP is necessary. As a result, the Division conservatively estimates that a SWMP for construction will need significant revisions and updates at least every 6 months. Therefore, the Division conservatively determines that Clearview realized an economic benefit of \$1,000 from the avoided costs of not revising and updating the project’s SWMP for nearly 6 months.</p> <p>Failure to Install, Maintain or Properly Select Best Management Practices: Clearview avoided the cost of implementing and maintaining BMPs at the project. The Division conservatively estimates the cost of implementing a typical BMP to be \$1,000 and the cost of maintaining a BMP throughout its use to be \$500. As documented in the NOV/CDO, Clearview failed to implement at least 5 BMPs at the project and failed to maintain at least 1 other. Therefore, the Division has conservatively determined that Clearview realized an economic benefit of \$5,500 from the avoided costs of not implementing and maintaining BMPs at the site.</p> <p>Failure to Perform Inspections of Stormwater Management System: Clearview avoided the cost of inspecting its stormwater management system at least every 14 days. Clearview should have performed at least 2 additional routine inspections of the project. The Division conservatively estimates that it would take 3 man-hours to thoroughly inspect a project of this size. (3 man-hours X \$25/hour X 2 inspections = \$150). Additionally, the Division estimates the cost of management review and implementation of corrective actions to be \$125 for each inspection event. (\$125 X 2 inspections = \$250). Therefore, the Division conservatively determines that Clearview realized an economic benefit of \$400 from the avoided costs of not inspecting the project’s stormwater management system.</p> <p><i>Note: Time value of money for time periods in question was predicted to be insignificant and thus BEN runs were not performed</i></p>	

EXHIBIT B

Part VII – Violation Penalty Total

			Amount in Dollars
Line 24	Civil Penalty: (Sum Line 22 + Line 23)		\$97,322.50

Part VIII – Ability to Pay Adjustment

			Amount in Dollars
Line 25	Ability to Pay Reduction		\$0.00
	<i>Justification:</i> Clearview has not made any claims or provided the Division with any information demonstrating an inability to pay. Therefore, an ability-to-pay assessment could not be performed and was not included in this penalty calculation.		

Part IX – Final Adjusted Penalty

			Amount in Dollars
Line 26	Total Civil Penalty: (Sum Line 24 + Line 25)		\$97,322.50

Multi-Day Calculators

Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Potential Damage - Failure to Perform Inspections of SW Management System	Failure to Maintain Required Records	Potential Damage Sum - (Not to Exceed \$600)	Fault - (Not to Exceed \$300)	HISTORY - (Not to Exceed \$100)	Potential Damage, Fault, & History Sum	Economic Benefit
1/22/2013	1	\$375.00				\$375.00	\$1,200.00	\$0.00	\$1,575.00	\$0.00
	2	\$187.50				\$187.50	\$600.00	\$0.00	\$787.50	\$0.00
	3	\$187.50				\$187.50	\$600.00	\$0.00	\$787.50	\$0.00
	4	\$187.50				\$187.50	\$600.00	\$0.00	\$787.50	\$0.00
	5	\$187.50				\$187.50	\$600.00	\$0.00	\$787.50	\$0.00
	6	\$187.50				\$187.50	\$600.00	\$0.00	\$787.50	\$0.00
	7	\$187.50				\$187.50	\$600.00	\$0.00	\$787.50	\$0.00
	8	\$187.50				\$187.50	\$600.00	\$0.00	\$787.50	\$0.00
	9	\$187.50				\$187.50	\$600.00	\$0.00	\$787.50	\$0.00
	10	\$187.50				\$187.50	\$600.00	\$0.00	\$787.50	\$0.00
	11	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00
	12	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00
	13	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00
	14	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00
	15	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00
	16	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00
	17	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00
	18	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00
	19	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00
	20	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00
21	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
22	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
23	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
24	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
25	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
26	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
27	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
28	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
29	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
30	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
31	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
32	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
33	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
34	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
35	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
36	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
37	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
38	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
39	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
40	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
41	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
42	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
43	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
44	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
45	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
46	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
47	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
48	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
49	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
50	\$150.00				\$150.00	\$480.00	\$0.00	\$630.00	\$0.00	
51	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
52	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
53	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
54	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
55	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
56	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
57	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
58	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
59	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
60	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
61	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
62	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
63	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
64	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
65	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
66	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
67	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
68	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
69	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
70	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	

EXHIBIT B

** Draft Document - Privileged and Confidential / Not for Public Distribution**

Multi-Day Calculators

Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Potential Damage Inspections of SW Management System	Failure to Maintain Required Records	Potential Damage Sum - (Not to Exceed \$600)	Fault - (Not to Exceed \$300)	HISTORY - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
4/7/2013	71	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	72	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	73	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	74	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	75	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	76	\$112.50			\$750.00	\$862.50	\$1,200.00	\$2,062.50	\$200.00	\$200.00
	77	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	78	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	79	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	80	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	81	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	82	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	83	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
	84	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
85	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
86	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
87	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
88	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
89	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
90	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
91	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
92	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
93	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
94	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
95	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
96	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
97	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
98	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
99	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00	
5/1/2013	100	\$112.50				\$112.50	\$360.00	\$0.00	\$472.50	\$0.00
101	\$75.00			\$750.00		\$825.00	\$1,200.00	\$200.00	\$200.00	
5/3/2013	102	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
103	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
104	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
105	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
106	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
107	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
108	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
109	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
110	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
111	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
112	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
113	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
114	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
115	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
116	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
117	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
118	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
119	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
120	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
121	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
122	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
123	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
124	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
125	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
126	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
127	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
128	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
129	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
130	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
131	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
132	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
133	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
134	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
135	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
136	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
137	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
138	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
139	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
140	\$75.00					\$75.00	\$240.00	\$0.00	\$315.00	\$0.00

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EXHIBIT B

Multi-Day Calculators

EXHIBIT B

Date	Day of Violation	Potential Damage						Economic Benefit		
		Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Perform Inspections of SW Management System	Failure to Maintain Required Records	Potential Damage Sum - (Not to Exceed \$600)	Fault - (Not to Exceed \$300)		HISTORY - (Not to Exceed \$100)	Potential Damage, Fault, & History Sum
	141	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	142	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	143	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	144	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	145	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	146	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	147	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	148	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	149	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	150	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	151	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	152	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	153	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	154	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	155	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	156	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	157	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	158	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	159	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	160	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
7/1/2013	161	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
7/2/2013	162	\$75.00		\$1,250.00		\$1,325.00	\$1,200.00	\$0.00	\$2,525.00	\$0.00
	163	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
7/5/2013	164	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	165	\$75.00		\$1,250.00		\$2,425.00	\$1,200.00	\$0.00	\$3,625.00	\$5,500.00
	166	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	167	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	168	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	169	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	170	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	171	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	172	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	173	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
	174	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
7/16/2013	175	\$75.00				\$75.00	\$240.00	\$0.00	\$315.00	\$0.00
7/24/2013	176	\$75.00		\$1,250.00		\$1,250.00	\$1,200.00	\$0.00	\$2,450.00	\$1,000.00
2/16/2014	177			\$1,250.00		\$1,250.00	\$1,200.00	\$0.00	\$2,450.00	\$0.00
	178			\$1,250.00		\$1,250.00	\$1,200.00	\$0.00	\$2,450.00	\$0.00
Column Sums:			\$18,262.50	\$5,000.00	\$1,500.00	\$1,100.00	\$25,862.50	\$6,450.00	\$97,322.50	\$6,900.00
		Total Penalty Amount:							\$97,322.50	

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