



COLORADO
Department of Public
Health & Environment

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

May 7, 2015

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

Certified Mail Number: 7005 1820 0000 3208 7199

**RE: Service of Notice of Violation/Cease and Desist Order/Order for Civil Penalty,
Number: SO-150507-1**

Dear Mr. Buckendorf:

The following entities are hereby served with the enclosed Notice of Violation / Cease and Desist Order / Order for Civil Penalty (NOV/CDO/OCP): Clearview 4 Investments, LLC; Crow Creek Construction, LLC; Park Meadows Investments, LLC; Journey Homes, LLC; J&J Construction of Northern Colorado, LLC; LB Clearview Investments, LLC; Clearview Holdings, LLC; JLD Holdings, LLC; LB Holdings, LLC; WJD Holdings, LLC; and Larry S. Buckendorf.

The NOV/CDO/OCP 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 §§25-8-602, 25-8-605, and 25-8-608 C.R.S., of the Colorado Water Quality Control Act (Act). The Division bases the NOV/CDO/OCP upon findings that the foregoing entities violated the Act, permit regulations promulgated pursuant to the Act, and/or a discharge permit.

Pursuant to §25-8-603, C.R.S., you are required, within thirty (30) calendar days of receipt of this NOV/CDO/OCP, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation. Additionally, pursuant to the authority given to the Division by §25-8-608, C.R.S., the Division has imposed a civil penalty as outlined in the attached NOV/CDO/OCP. Payment of the imposed civil penalty should be made in accordance with the methods referenced in the Order for Civil Penalty.

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

Should you or representatives of the foregoing entities desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO/OCP, please 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
Jerry Blehm, Larimer County Health Department
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





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May 7, 2015

Jeff L. Demaske
7251 W. 20th Street, L-200
Greeley, CO 80634

Certified Mail Number: 7005 1820 0000 3208 7205

**RE: Service of Notice of Violation/Cease and Desist Order/Order for Civil Penalty,
Number: SO-150507-1**

Dear Mr. Demaske:

You are hereby served with the enclosed Notice of Violation / Cease and Desist Order / Order for Civil Penalty (NOV/CDO/OCP). The NOV/CDO/OCP 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 §§25-8-602, 25-8-605, and 25-8-608 C.R.S., of the Colorado Water Quality Control Act (Act). The Division bases the NOV/CDO/OCP upon findings that you violated the Act, permit regulations promulgated pursuant to the Act, and/or a discharge permit.

Pursuant to §25-8-603, C.R.S., you are required, within thirty (30) calendar days of receipt of this NOV/CDO/OCP, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation. Additionally, pursuant to the authority given to the Division by §25-8-608, C.R.S., the Division has imposed a civil penalty as outlined in the attached NOV/CDO/OCP. Payment of the imposed civil penalty should be made in accordance with the methods referenced in the Order for Civil Penalty.

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

Should you desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO/OCP, please 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
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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

NOTICE OF VIOLATION / CEASE AND DESIST ORDER / ORDER FOR CIVIL PENALTY
NUMBER: SO-150507-1

IN THE MATTER OF: CLEARVIEW 4 INVESTMENTS, LLC
CROW CREEK CONSTRUCTION, LLC
PARK MEADOWS INVESTMENTS, LLC
JOURNEY HOMES, LLC
J & J CONSTRUCTION OF NORTHERN COLORADO, LLC
LB CLEARVIEW INVESTMENTS, LLC
CLEARVIEW HOLDINGS, LLC
JLD HOLDINGS, LLC
LB HOLDINGS, LLC
WJD HOLDINGS, LLC
LARRY S. BUCKENDORF
JEFF L. DEMASKE
CDPS PERMIT NO. COR-030000
CERTIFICATION NOS. COR-03I786 AND COR-03K355
WELD AND LARIMER COUNTIES, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (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 (Division), and pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order / Order for Civil Penalty:

FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO PARTIES

1. Clearview 4 Investments, LLC (Clearview 4) was a Colorado limited liability company. Its principal place of business was 7251 W. 20th Street, Suite L-200, Greeley, CO 80634. Records on file with the Secretary of State's office indicate that Clearview 4 organized on May 23, 2012, and dissolved on December 31, 2014, effective January 22, 2015. Its articles of organization indicate that management is vested in a single manager: JLD Holdings, LLC. However, the statement of dissolution and Consent to Action of Members indicate that there were two managers: JLD Holdings, LLC and LB Holdings, LLC. The Consent to Action of Members further indicates that member JLD Holdings, LLC held 950 of 1000 units and member LB Holdings, LLC held 50 of 1000 units of Clearview 4. Larry S. Buckendorf is the registered agent for Clearview 4. Clearview 4 is a "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).

2. Crow Creek Construction, LLC (Crow Creek) is a Colorado limited liability company in good standing. Its principal place of business is 7251 W. 20th Street, Suite L-200, Greeley, CO 80634. Records on file with the Secretary of State's office indicate that Crow Creek organized on January 28, 2002. Its articles of organization indicate that management of the company is vested in members rather than managers, and the initial members are Jeff L. Demaske and Kenneth Baty. Its registered agent is Larry S. Buckendorf. Crow Creek is a "person" subject to the requirements of 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. Park Meadows Investments, LLC (Park Meadows) is a Colorado limited liability company in good standing. Its principal place of business is 7251 W. 20th Street, Suite L-200, Greeley, CO 80634. Records on file with the Secretary of State's office indicate that Park Meadows has an effective organization date of March 28, 2013. Its articles of organization indicate that management of the company is vested in managers rather than members, and the initial manager is JLD Holdings, LLC. Its registered agent is Larry S. Buckendorf. Park Meadows is a "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
4. Journey Homes, LLC (Journey Homes) is a Colorado limited liability company in good standing. Its principal place of business is 7251 W. 20th Street, Suite L-200, Greeley, CO 80634. Records on file with the Secretary of State's office indicate that Journey Homes has an effective organization date of June 3, 1998. Its articles of organization indicate that management of the company is vested in managers rather than members. An amendment to the articles of organization indicates that it has three members: JLD Holdings, LLC, LB Holdings, LLC, and Bullet Holdings, LLC. Its registered agent is Larry S. Buckendorf. At times relevant to the violations cited herein, Journey Homes owned a facility subject to regulation. Journey Homes is a "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
5. J&J Construction of Northern Colorado, LLC (J&J Construction) is a Colorado limited liability company in good standing. Its principal place of business is 7251 W. 20th Street, Suite L-200, Greeley, CO 80634. Records on file with the Secretary of State's office indicate that J&J Construction has an effective organization date of July 1, 1998. Its articles of organization indicate that management of the company is vested in managers rather than members. An amendment to the articles of organization indicates that it has two members: JLD Holdings, LLC and LB Holdings, LLC, and a single manager: Dakota Management Company, Inc. Its registered agent is Larry S. Buckendorf. At times relevant to the violations cited herein, J&J Construction owned a facility subject to regulation. J&J Construction is a "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
6. LB Clearview Investments, LLC (LB Clearview) was a Colorado limited liability company. Its principal place of business was 7251 W. 20th Street, Suite L-200, Greeley, CO 80634. Records on file with the Secretary of State's office indicate that LB Clearview organized on May 23, 2012 and dissolved on July 10, 2014, effective July 24, 2014. Its articles of organization indicate that management is vested in a single manager: WJD Holdings, LLC. The statement of dissolution and a Consent to Action of Members further indicates that it had a single member: WJD Holdings, LLC, which held 1000 of 1000 units of LB Clearview. Larry S. Buckendorf is the registered agent for LB Clearview. At times relevant to the violations cited herein, LB Clearview owned a facility subject to regulation. LB Clearview is a "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).

7. Clearview Holdings, LLC (Clearview Holdings) is a Colorado limited liability company in good standing. Its principal place of business is 7251 W. 20th Street, Suite L-200, Greeley, CO 80634. Records on file with the Secretary of State's office indicate that Clearview Holdings has an effective organization date of June 20, 2013. Its articles of organization indicate that management of the company is vested in managers rather than members, and its initial manager is JLD Holdings, LLC. Its registered agent is Larry S. Buckendorf. At times relevant to the violations cited herein, Clearview Holdings owned a facility subject to regulation. Clearview Holdings is a "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
8. JLD Holdings, LLC (JLD Holdings) is a Colorado limited liability company in good standing. Its principal place of business is 7251 W. 20th Street, Suite L-200, Greeley, CO 80634. Records on file with the Secretary of State's office indicate that JLD Holdings has an effective organization date of July 31, 2003. Its articles of organization indicate that management of the company is vested in managers rather than members, and the initial manager is Jeff. L Demaske. Other documentation on file with the Secretary of State indicates that Jeff L. Demaske is the sole member of JLD Holdings. Its registered agent is Larry S. Buckendorf. JLD Holdings is a parent entity of Clearview 4, Park Meadows, Journey Homes, J&J Construction, LB Clearview, and Clearview Holdings. JLD Holdings is a "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
9. LB Holdings, LLC (LB Holdings) is a Colorado limited liability company in good standing. Its principal place of business is 7251 W. 20th Street, Suite L-200, Greeley, CO 80634. Records on file with the Secretary of State's office indicate that LB Holdings has an effective organization date of May 1, 2003. Its articles of organization indicate that management of the company is vested in managers rather than members, and the initial manager is Larry S. Buckendorf. Other documentation on file with the Secretary of State indicates that Larry S. Buckendorf is the sole member of LB Holdings. Its registered agent is Larry S. Buckendorf. LB Holdings is a parent entity of Clearview 4, Journey Homes, and J&J Construction. LB Holdings is a "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
10. WJD Holdings, LLC (WJD Holdings) is a Colorado limited liability company in good standing. Its principal place of business is 7251 W. 20th Street, Suite L-200, Greeley, CO 80634. Records on file with the Secretary of State's office indicate that WJD Holdings has an effective organization date of June 4, 2004. Its articles of organization indicate that management of the company is vested in managers rather than members, and the initial manager is Larry S. Buckendorf. Its registered agent is Larry S. Buckendorf. WJD Holdings is a parent entity of LB Clearview. WJD Holdings is a "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
11. Larry S. Buckendorf is an individual and "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
12. Jeff L. Demaske is an individual and "person" subject to the requirements of the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).

13. Clearview 4 is the alter ego of Journey Homes, J&J Construction, LB Clearview, Clearview Holdings, JLD Holdings, LB Holdings and WJD Holdings. These limited liability companies share common members and managers and a common office space. They also share the same organizer and agent for service of process: Larry S. Buckendorf. During the time period of the violations at issue, portions of a facility subject to regulation were owned by Clearview 4, Journey Homes, J&J Construction, LB Clearview, or Clearview Holdings. Clearview 4 exclusively transferred ownership of the property comprising a facility subject to regulation to Journey Homes, J&J Construction, LB Clearview, and Clearview Holdings. The members and agents of Clearview 4 hold themselves out as acting on behalf of Journey Homes and J&J Construction. Clearview 4 is an instrumentality that exists solely to benefit Journey Homes, J&J Construction, LB Clearview, Clearview Holdings, JLD Holdings, LB Holdings, WJD Holdings, and, ultimately, Larry S. Buckendorf and Jeff L. Demaske.
14. Park Meadows is the alter ego of Journey Homes, J&J Construction and JLD Holdings. It shares the same common members and managers as Journey Homes, J&J Construction and JLD Holdings and all of the other business entities at issue. The members and agents of Park Meadows hold themselves out as acting on behalf of Journey Homes and J&J Construction. Park Meadows is an entity that exists solely to benefit Journey Homes, J&J Construction, JLD Holdings, and, ultimately, Larry S. Buckendorf and Jeff L. Demaske.
15. Larry S. Buckendorf is a responsible corporate officer for Clearview 4, Crow Creek, and Park Meadows. He applied for permit coverage of a facility subject to regulation. Mr. Buckendorf was the point-of-contact for issues concerning stormwater compliance. He influenced the day-to-day decisionmaking regarding stormwater compliance at a facility subject to regulation.
16. Jeff L. Demaske is a responsible corporate officer for Clearview 4, Crow Creek, and Park Meadows. He is the majority member and unitholder of the shares of Clearview 4, and is a member and unitholder of Crow Creek. Mr. Demaske is in a position of responsibility and had ultimate decisionmaking authority for Clearview 4. He has the ability to create policies and activities concerning stormwater compliance. He has been directly involved in organizing and forming the various management LLCs that serve as the alter ego of Clearview 4 and Park Meadows. He is a direct beneficiary of the business activities of Clearview 4, Crow Creek, Park Meadows, Journey Homes, J&J Construction, LB Clearview, Clearview Holdings, and JLD Holdings.
17. The foregoing parties identified in paragraphs 1-16 are hereinafter referred to as "respondent(s)". At all times relevant to the violations cited herein, one or more of respondent(s) violated the Colorado Water Quality Control Act, §§25-8-101 through 25-8-803, C.R.S., regulations promulgated thereunder, 5 CCR 1002, and/or the Colorado Discharge Permit System (CDPS) General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity (Permit).

FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO COR-031786

18. Respondent(s) were conducting construction activities of the Clearview residential development at or near Carlson Boulevard and Silverbell Drive in the Town of Johnstown, Weld County, Colorado (Clearview Project).
19. On or about December 21, 2011, respondent(s) began land-disturbing activities associated with the Clearview Project.
20. Pursuant to §25-8-501(1), C.R.S., no person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge.

21. Pursuant to 5 CCR 1002-61, §61.3(2)(e)(iii)(J), stormwater discharges associated with construction activity (including clearing, grading and excavation) that results in the disturbance of five or more acres of total land area or the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale disturbing five acres or more, must obtain a permit.
22. Pursuant to 5 CCR 1002-61, §61.3(2)(f)(ii)(A), stormwater discharges associated with small construction activity (including clearing, grading and excavation) that results in the disturbance of equal to or greater than one acre and less than five acres or the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale disturbing equal to or greater than one and less than five acres, must obtain a permit.
23. On March 9, 2012, a representative of the Division (Inspector) contacted respondent(s). It was revealed during the telephone conversation that respondent(s) were performing construction activities associated with the Clearview Project without a permit.
24. On March 9, 2012, the Division received an application from respondent(s) for Permit coverage of a planned disturbance of 32.58 acres of land within the Clearview Project.
25. On March 13, 2012 the Division provided respondent(s) with Certification Number COR-031786 authorizing respondent(s) to discharge stormwater from construction activities associated with the Clearview Project to County Borrow Ditch and the Little Thompson River under the terms and conditions of the Permit. Certification Number COR-031786 took effect March 13, 2012.
26. 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).
27. Pursuant to 5 CCR 1002-61, §61.8, respondent(s) must comply with all terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may make respondent(s) subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.
28. On March 19, 2012, the Inspector conducted an on-site inspection of the Clearview Project pursuant to the Division's authority under §25-8-306, C.R.S. During the inspection, the Inspector interviewed Clearview Project representatives and performed a physical inspection of the Project.
29. On April 24, 2012 the Division issued respondent(s) a compliance advisory for violations discovered during the Division's March 19, 2012 inspection.
30. On January 17, 2013, the Division received an Application for Transfer of Ownership of Permit certification number COR-031786 from Crow Creek to Clearview 4 doing business as Clearview Investments, LLC, signed by Larry S. Buckendorf.
31. On January 18, 2013, the Division approved the transfer of permit coverage. The Division reissued Permit certification number COR-031786 effective January 22, 2013.
32. On July 2, 2013, private photographs and video footage captured a discharge of sediment-laden stormwater runoff from the Clearview Project at Willow and Hickory Lanes. The photographs and video footage depict stormwater entering curb flow lines and discharging to the Town of Johnstown municipal storm sewer system, which discharges stormwater into the Little Thompson River.

33. On July 5, 2013, the Division conducted an on-site inspection of the Clearview Project pursuant to the Division's authority under §25-8-306, C.R.S., to determine respondent(s)' compliance with the Water Quality Control Act and the Permit. During the inspection, the Inspector interviewed Clearview Project representatives, reviewed the Project's stormwater management system records, and performed a physical inspection of the Project.
34. On July 12, 2013, the Division issued respondent(s) a compliance advisory for violations discovered during the Division's July 5, 2013 inspection.
35. On July 24, 2013, respondent(s) submitted photographs and documentation of respondent(s)' alleged efforts to correct the violations discovered during the Division's July 5, 2013 inspection, as required by the Division's July 12, 2013 compliance advisory. The photographs and documentation revealed a continued failure to properly install, implement, and/or maintain BMPs.
36. On January 2, 2014, the Division issued respondent(s) Notice of Violation / Cease and Desist Order, SO-140102-1, for violations discovered during the Division's July 5, 2013 inspection. A copy of the Notice of Violation / Cease and Desist Order is attached hereto as Exhibit A and is incorporated herein by reference.
37. On February 18, 2014, respondent(s) submitted photographs of the Clearview Project site conditions as of February 16, 2014, as required by the January 2, 2014 Notice of Violation / Cease and Desist Order. The photographs revealed a continued failure to properly install, implement, and/or maintain BMPs.
38. Pursuant to §25-8-603, C.R.S. and 5 CCR 1002-21, §21.11, respondent(s) were required to submit an answer to each alleged violation contained in SO-140102-1 and were allowed thirty (30) calendar days to request a public hearing to determine the validity of the order. As further outlined in SO-140102-1, absent a request for a hearing, the validity of the factual allegations and the order are deemed established in any subsequent Department proceeding.
39. Respondent(s) did not file a request for a hearing with the Division.
40. Respondent(s)' forfeiture of a hearing request constitutes a waiver of the right to a hearing, including a waiver of the right to contest the findings and conclusions set forth in SO-140102-1. Respondent(s) have so waived the right to contest those findings and conclusions.
41. On February 4, 2015, the Division issued respondent(s) an Order for Civil Penalty, SP-150204-1, in order to resolve violations contained in the Notice of Violation / Cease and Desist Order, SO-140102-1.
42. On March 4, 2015, the Division withdrew the Order for Civil Penalty, SP-150204-1, upon discovery of additional facts alleged herein.
43. On March 13, 2015, the Division received a Termination Application from respondent(s) seeking to terminate coverage under COR-031786. The Division terminated Permit certification number COR-031786 effective March 19, 2015.

FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO COR-03K355

44. Respondent(s) were conducting construction activities of the Park Meadows residential development at or near Ronald Reagan Avenue and McClellan Road in the Town of Wellington, Larimer County, Colorado (Park Meadows Project).
45. On March 29, 2013, the Division received an application from respondent(s) for Permit coverage of a planned disturbance of 35.21 acres of land within the Park Meadows Project.
46. On April 2, 2013 the Division provided respondent(s) with Certification Number COR-03K355 authorizing respondent(s) to discharge stormwater from construction activities associated with the Park Meadows Project to Boxelder Creek and the Cache la Poudre River under the terms and conditions of the Permit. Certification Number COR-03K355 took effect April 2, 2013.
47. Boxelder Creek and the Cache la Poudre 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).
48. Pursuant to 5 CCR 1002-61, §61.8, respondent(s) must comply with all terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may make respondent(s) subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.
49. On July 12, 2013, the Division received an Application for Transfer of Ownership of Permit certification number COR-03K355 from Crow Creek to Park Meadows, signed by Larry S. Buckendorf.
50. On July 18, 2013, the Division approved the transfer of permit coverage. The Division reissued Permit certification number COR-03K355 effective July 18, 2013.
51. On or about July 31, 2013, respondent(s) began land-disturbing activities associated with the Park Meadows Project.
52. On May 8, 2014, the Division conducted an on-site inspection of the Park Meadows Project pursuant to the Division's authority under §25-8-306, C.R.S., to determine respondent(s)' compliance with the Water Quality Control Act and the Permit. During the inspection, the Inspector interviewed Park Meadows Project representatives, reviewed the Project's stormwater management system records, and performed a physical inspection of the Project.
53. On June 5, 2014, the Division issued respondent(s) a compliance advisory for violations discovered during the Division's May 8, 2014 inspection.
54. On August 20, 2014, the Division received a Construction Stormwater Inactivation Notice from respondent(s) seeking to terminate coverage under COR-03K355. The Division terminated Permit certification number COR-03K355 effective August 31, 2014.

Deficient and/or Incomplete Stormwater Management Plan

55. Pursuant to Part I. B. of the Permit, respondent(s) are required to prepare and maintain a Stormwater Management Plan (SWMP) in accordance with good engineering, hydrologic, and pollution control practices. The SWMP shall describe the Best Management Practices (BMPs) that will be used to reduce pollutants in stormwater discharges associated with construction activity at the project.

56. Pursuant to Part I. B. 4 of the Permit, the SWMP may incorporate by reference any part of a Spill Prevention Control and Countermeasure plan or BMP Program otherwise required by a separate CDPS permit, provided that the relevant sections of such plans are available as part of the SWMP.
57. Pursuant to Part I. C. of the Permit, the 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 at the site.
 - ii. The proposed sequence for major activities.
 - iii. Estimates of the total area of the site, and the area and location expected to be disturbed by clearing, excavation, grading, or other construction activities.
 - iv. A summary of any existing data used in the development of the site 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 disturbing activities, vehicle fueling, storage of fertilizers or chemicals, etc.
 - vii. The location and description of any anticipated allowable sources of non-stormwater discharge at the site, such as uncontaminated 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(s). If the stormwater discharge is to a municipal separate storm sewer system, 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 non-structural BMPs as applicable.
 - 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 responsible for developing, implementing, maintaining, and revising the SWMP.
 - ii. Identification of Potential Pollutant Sources - The SWMP shall identify and describe sources with 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 project 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, as applicable, 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 both structural and non-structural stormwater management controls. 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. Such procedures or significant materials could include: exposed storage of building materials; paints and solvents; fertilizers or chemicals; waste material; and equipment maintenance or fueling procedures.
- (5) Dedicated Concrete or Asphalt Batch Plants - The SWMP shall clearly describe and locate all practices implemented at the site to control stormwater pollution from dedicated concrete or 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 all areas of vehicle tracking. Practices can include: minimizing site access; street sweeping or scraping; tracking pads; graveled parking areas; requiring that vehicles stay on paved areas on-site; wash racks; contractor education; and/or sediment control BMPs, etc.
- (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 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 identified in the SWMP, in good and effective operating condition.
58. Pursuant to Part I. D. 5. (b) of the Permit, a copy of the SWMP must be retained on site unless another location, specified by the permittee, is approved by the Division.
 59. During the May 8, 2014 inspection, the Inspector reviewed the Park Meadows Project SWMP and identified the following deficiencies, as described in paragraphs 59(a-e) below:
 - a. The SWMP did not include a complete description of the Park Meadow Project. Specifically, there was no summary of the existing potential for soil erosion at the site.
 - b. The site map included with the SWMP did not completely identify all areas and elements of stormwater control. Specifically, the site map did not locate: (1) disturbed lots that were cleared, under development or awaiting final landscaping along Atlantis and Dunes Streets, along River Run and Woodlake Lanes, on the east side of Andover Street, and/or on the south side of Emerald Bay Lane; (2) non-structural BMPs including surface roughening and seeding and mulching observed at the southeast corner of the site, near Atlantis Street; and (3) storage areas used throughout the site for soil, building materials, equipment, and waste, including areas along Atlantis and Dunes Streets, along River Run and Woodlake Lanes, and on the east side of Andover Street.
 - c. The SWMP did not describe BMPs identified in the SWMP. The SWMP included a general list of structural practices for erosion and sediment control (straw wattle, berms, v-ditch, silt fence, inlet protection, secondary containments, sediment basin, dewatering, concrete washout, temporary seeding, and vehicle tracking pad) and a general list of non-structural operational and managerial techniques (use of existing vegetation, soil roughening, seeding and mulching, cleaning of sediment on roadways, and construction traffic and fueling areas). However, the SWMP did not describe installation and implementation specifications and maintenance procedures for any of the BMPs listed.
 - d. The SWMP did not include spill prevention and response procedures. While the SWMP incorporated a separate document of chemical spill guidelines by reference, a copy of the guidelines was not available as part of the SWMP and was not retained on-site.
 - e. The SWMP did not describe practices to control sediment discharges from vehicle tracking. While the SWMP identified the locations of potential vehicle tracking, it did not describe vehicle-tracking controls to be used at those areas.
 60. The Division has determined that respondent(s) failed to prepare and maintain a complete and accurate SWMP for the Park Meadows Project.
 61. Respondent(s)' failure to prepare and maintain a complete and accurate SWMP for the Park Meadows Project constitutes violations of Part I. B. 1, Part I. B. 2 (b), Part I. B. 4, Part I. C. 1 (d), Part I. C. 2, Part I. C. 3 (c), Part I. C. 5, and Part I. D. 5 (b) of the Permit.

Failure to Maintain Required Records and/or Documents

62. Pursuant to Part I. D. 6. (b) (2) of the Permit, respondent(s) are required to keep a record of self-inspections. The record must identify any incidents of non-compliance with the terms and conditions of the Permit and must include a description and dates of corrective actions taken. The record must also include a signed statement indicating the site is in compliance to the best of the signer's knowledge and belief.
63. Pursuant to Part I. D. 6. (c) of the Permit, where site inspections note the need for BMP maintenance, BMPs must be maintained in effective operating condition. Repair, replacement or installation of new BMPs must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants.
64. During the May 8, 2014 inspection, the Inspector reviewed the available self-inspection records for the period from March 5, 2014 through May 7, 2014 and determined that the records did not identify when corrective actions were performed. Specifically, the records did not identify when surface roughening maintenance, concrete washout cleaning, and refreshing or installation of vehicle tracking pads occurred, despite the self-inspection reports identifying the need for such maintenance activities. Further, the records did not contain a signed compliance statement.
65. Respondent(s)' failure to properly maintain required inspection records for the Park Meadows Project constitutes a violation of Part I. D. 6. (b) (2) and Part I. D. 6 (c) of the Permit.

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

66. Pursuant to Part I. B. 3. of the Permit, respondent(s) must implement the provisions of the project's SWMP as written and updated, from commencement of construction activity until final stabilization is complete.
67. Pursuant to Part I. D. 2. of the Permit, respondent(s) 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.
68. Pursuant to Part I. D. 1. of the Permit, concrete washout water shall not be discharged to state surface waters or to storm sewer systems, and all site wastes must be properly managed to prevent potential pollution of state waters.
69. Pursuant to Part I. D. 3. (c) of the Permit, discharges to the ground of concrete washout water from washing of tools and concrete mixer chutes may be authorized provided that the discharges do not leave the site as surface runoff or to surface waters.
70. During the May 8, 2014 inspection, the Inspector identified the following deficiencies related to BMP selection, installation, and implementation at the Park Meadows Project, as described in Paragraphs 70(a-f) below:

- a. No control measures were implemented at soil stockpiles located along River Run Lane, Woodlake Lane, Atlantis Street, Ocean Ridge Street, and Dunes Street. Specifically, no control measures were implemented to minimize erosion and sediment transport from stockpiles, despite the Park Meadows Project SWMP limiting stockpiles to ten feet, directing the use of surface roughening or straw wattle, silt fence, or earthen berm perimeters, and requiring seeding and mulching of stockpiles idle for more than thirty days. As a result, stockpiles were not stabilized and were exposed to stormwater runoff. Stormwater runoff from this portion of the Park Meadows Project discharges to the curb flow line and flows through inadequate inlet protection measures. The storm sewer inlets lead to a detention basin that discharges stormwater runoff to the Town of Wellington storm sewer system, which subsequently discharges stormwater runoff to Boxelder Creek.
- b. Control measures observed downgradient of disturbed areas along River Run Lane, Woodlake Lane, Atlantis Street, Ocean Ridge Street, and Dunes Street were not selected, installed and implemented according to good pollution control practices. First, no control measures to minimize erosion on the disturbed areas were observed. Stormwater runoff from the disturbed areas flowed downgradient to rock sock inlet protection measures. However, neither rock sock control measures nor inlet protection measures are recognized in the industry for use as primary sediment trapping devices. Furthermore, the 32.58-acre contributing area exceeded the receiving capacity of the less than five inlet protection measures. Finally, the rock sock control measures were not overlapping, and, therefore, could not prevent sediment-laden stormwater from bypassing the inlet protections and entering the storm sewers without treatment. Stormwater runoff from this portion of the Park Meadows Project flows through the inadequate inlet protection measures to a detention basin discharging stormwater runoff to the Town of Wellington storm sewer system, which subsequently discharges stormwater runoff to Boxelder Creek.
- c. No vehicle tracking control measures were implemented at disturbed areas on Woodlake Lane, Atlantis Street, Dunes Street, and Emerald Bay Lane. No control measures were observed despite the Park Meadows Project SWMP requiring daily maintenance of vehicle tracking controls. As a result, sediment from vehicle tracking had the potential to leave the site in surface runoff, discharging to the curb flow line and through inadequate inlet protection measures. The storm sewer inlets lead to a detention basin that discharges stormwater runoff to the Town of Wellington storm sewer system, which subsequently discharges stormwater runoff to Boxelder Creek.
- d. A concrete washout control measure observed at the intersection of Woodlake Lane and Andover Street was not installed according to good pollution control practices. Specifically, the control measure did not have a hardened entrance or compacted side berms. As a result, concrete washout materials had the potential to leave the site in surface runoff, discharging to the curb flow line and through inadequate inlet protection measures. The storm sewer inlets lead to a detention basin that discharges stormwater runoff to the Town of Wellington storm sewer system, which subsequently discharges stormwater runoff to Boxelder Creek.

- e. No control measures were implemented to manage concrete and masonry waste discharged to the ground at 4437 River Run Lane. Concrete waste was discharged directly to the ground, despite the Park Meadows Project SWMP requiring the use of a concrete washout control measure. As a result, concrete waste had the potential to leave the site in surface runoff, discharging to the curb flow line and through inadequate inlet protection measures. The storm sewer inlets lead to a detention basin that discharges stormwater runoff to the Town of Wellington storm sewer system, which subsequently discharges stormwater runoff to Boxelder Creek.
 - f. No control measures were implemented to prevent materials and waste debris from contributing pollutants to stormwater runoff. Specifically, construction materials and waste debris was observed discharged to the ground, north of Dunes Street and Woodlake Lane and south of 7347 Ocean Ridge Street, despite the Park Meadows Project SWMP requiring all construction materials and waste debris to be cleaned up and disposed of in roll-off dumpsters. As a result, site wastes were not properly managed to prevent potential pollution of state waters. Stormwater runoff from this portion of the Park Meadows Project discharges to the curb flow line and flows through inadequate inlet protection measures. The storm sewer inlets lead to a detention basin that discharges stormwater runoff to the Town of Wellington storm sewer system, which subsequently discharges stormwater runoff to Boxelder Creek.
71. On July 22, 2014, the Division received correspondence from respondent(s) documenting alleged corrective actions taken by respondent(s) as required by the Division's June 5, 2014 compliance advisory. The correspondence included photographs of current Park Meadows Project site conditions and revealed ongoing failures to install and/or properly implement BMPs. Specifically, the photos show a discharge of concrete washout water extending from a disturbed lot into the curb flow line and downgradient toward storm sewer inlets.
72. The Division has determined that respondent(s) failed to select, install, and/or implement BMPs for all potential pollutant sources at the Park Meadows Project, following good engineering, hydrologic, and pollution control practices.
73. Respondent(s)' failure to select, install, and/or implement BMPs at the Park Meadows Project constitutes violations of Part I. B. 3, Part I. D. 1 (b), Part I. D. 1 (f), Part I. D. 2, and Part I. D. 3 (c) of the Permit.

NOTICE OF VIOLATION

74. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that respondent(s) violated the following sections of the Colorado Water Quality Control Act and its implementing Permit regulations.

Section 25-8-501(1), C.R.S., which states "No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit under this article..."

Section 61.3(2)(e)(iii)(J) of 5 CCR 1002-61, which states in part, “The following discharges composed entirely of stormwater are required to obtain a permit ... a stormwater discharge associated with industrial activity. The following categories of facilities are considered to be engaging in ‘industrial activity’ for the purposes of this subsection: construction activity, including clearing, grading and excavation, that results in the disturbance of five or more acres of total land area ... or the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale, if the larger common plan will ultimately disturb five acres or more.”

75. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that respondent(s) violated the following sections of the Permit.

Part I. B. 1. of the Permit, which states in part, “A SWMP shall be developed for each facility covered by this permit. The SWMP shall be prepared in accordance with good engineering, hydrologic and pollution control practices.”

Part I. B. 2. of the Permit, which states, “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. 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.”

Part I. B. 4. of the Permit, which states, “The SWMP may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the CWA, or Best Management Practices (BMPs) Programs otherwise required by a separate CDPS permit, and may incorporate any part of such plans into the SWMP by reference, provided that the relevant sections of such plans are available as part of the SWMP consistent with Part I.D.5.b.”

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

Part I. C. 1. (d) of the Permit, which states in part, “The SWMP shall clearly describe the construction activity, to include: a summary of any existing data used in the development of the site construction plans or SWMP that describe the soil or existing potential for soil erosion.”

Part I. C. 1. (h) of the Permit, which states in part, “The SWMP shall clearly describe the construction activity, to include: the name of the receiving water(s) and the size, type and location of any outfall(s). If the stormwater discharge is to a municipal separate storm sewer system, the name of that system, the location of the storm sewer discharge, and the ultimate receiving water(s).

Part I. C. 2 of the Permit, which states, "The SWMP shall include a legible site map(s), showing the entire site, identifying: a) construction site boundaries; b) all areas of ground surface disturbance; c) areas of cut and fill; d) areas used for storage of building materials, equipment, soil, or waste; e) locations of dedicated asphalt or concrete batch plants; f) locations of all structural BMPs; g) locations of non-structural BMPs as applicable; and h) locations of springs, streams, wetlands and other surface waters."

Part I. C. 3. (c) of the Permit, which states in part, "The SWMP shall identify and describe appropriate BMPs, including, but not limited to, those required by paragraphs 1 through 8 below, that will be implemented at the facility to reduce the potential of the sources identified in Part I.C.3.b to contribute pollutants to stormwater discharges. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP to ensure proper implementation, operation and maintenance of the BMP."

Part I. C. 3. (c) (4) of the Permit, which states in part, "The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials (see definitions at Part I.E.) that could contribute pollutants to runoff... Areas or procedures where potential spills can occur must have spill prevention and response procedures identified in the SWMP."

Part I. C. 3. (c) (6) of the Permit, which states in part, "The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking."

Part I. C. 5 of the Permit, which states in part, "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 identified in the SWMP, in good and effective operating condition."

Part I. D. 5. (b) of the Permit, which states, "A copy of the SWMP must be retained on site unless another location, specified by the permittee, is approved by the Division."

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; and viii) After adequate corrective action(s) 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."

Part I. D. 6. (c) of the Permit, which states in part, “Where site inspections note the need for BMP maintenance activities, BMPs must be maintained in accordance with the SWMP and Part I.D.7 of the permit. Repair, replacement, or installation of new BMPs determined necessary during site inspections to address ineffective or inadequate BMPs must be conducted in accordance with Part. I.D.8 of the permit.”

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. D. 1. of the Permit, which states in part, “(b) Concrete washout water shall not be discharged to state surface waters or to storm sewer systems. ... (f) All site wastes must be properly managed to prevent potential pollution of State waters. This permit does not authorize on-site waste disposal.”

Part I. D. 3. (c) of the Permit, which states, “Discharges to the ground of concrete washout water from washing of tools and concrete mixer chutes may be authorized by this permit, provided that: 1) the source is identified in the SWMP; 2) BMPs are included in the SWMP in accordance with Part I.C.3(c)(7) and to prevent pollution of groundwater in violation of Part I.D.1.a; and 3) these discharges do not leave the site as surface runoff or to surface waters.”

Part I. D. 7 of the Permit, which states in part, “All erosion and sediment control practices and other protective measures identified in the SWMP must be maintained in effective operating condition.”

Part I. D. 8 of the Permit, which states in part, “Adequate site assessment must be performed as part of comprehensive Inspection and Maintenance procedures, to assess the adequacy of BMPs at the site, and the necessity of changes to those BMPs to ensure continued effective performance. Where site assessment results in the determination that new or replacement BMPs are necessary, the BMPs must be installed to ensure on-going implementation of BMPs as per Part I.D.2. Where BMPs have failed, resulting in noncompliance with Part I.D.2, they must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants.”

REQUIRED CORRECTIVE ACTION

Based upon the foregoing factual and legal determinations and pursuant to §25-8-602 and §25-8-605, C.R.S., respondent(s) are hereby ordered to:

76. 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 respondent(s) to comply with the following specific terms and conditions of this Order:

77. Respondent(s) shall immediately implement measures to maintain compliance with the Colorado Water Quality Control Act and the terms and conditions of the Permit, and all associated certifications issued to respondent(s).

78. The compliance requirements prescribed in paragraphs 79-88 shall be in effect for a period of three (3) years after the effective date of this Order and apply to all Colorado construction projects for which respondent(s) are an owner, operator, and/or permit holder.
79. Within ninety (90) calendar days of the effective date of this Order, respondent(s) shall develop and implement a construction stormwater training program. The program shall include:
- a. A stormwater training course prepared and presented by a qualified third party. The stormwater training shall be attended by all of respondent(s)' project managers, superintendents, and construction foreman involved in the design and/or construction of projects. The stormwater training shall include, at a minimum, the following topics: 1) the importance of and principles of erosion and sediment control; 2) stormwater regulations and permit; 3) the proper development and utilization of SWMPs; 4) the proper selection and implementation of erosion and sediment controls; and 5) the proper use of permanent water quality features and/or stormwater BMPs;
 - b. A requirement and schedule for an annual refresher course for all of respondent(s)' project managers, superintendents, and construction foreman involved in the design and/or construction of projects; and
 - c. A method for recording and/or tracking the training status of respondent(s)' project managers, superintendents, and construction foreman involved in the design and/or construction of projects.
80. Within ninety (90) calendar days of the effective date of this Order, respondent(s) shall submit to the Division, a detailed description of the procedures and guidelines respondent(s) will follow to sanction employees and/or subcontractors for continued and/or significant permit noncompliance. The procedures and guidelines shall identify who will be responsible for imposing the sanctions and how that process will be accomplished. Upon approval by the Division, the submitted procedures and guidelines shall become a condition of this Order.
81. Within ninety (90) calendar days of the effective date of this Order, respondent(s) shall submit a written notice to the Division designating a high level employee of respondent(s) as the Director of Stormwater Compliance. The Director will oversee construction stormwater activities by respondent(s)' employees and subcontractors. The Director shall have the authority to: 1) manage all levels of respondent(s)' employees; 2) impose necessary sanctions on any employee or subcontractor for continued and/or significant permit noncompliance (as described in paragraph 80); and 3) develop and implement functional stormwater management systems at respondent(s)' construction projects. If, at any time, respondent(s) wish to re-designate the Director of Stormwater Compliance, respondent(s) shall notify the Division in writing, providing an explanation of the change and the identity and contact information for the new Director.
82. Prior to the initiation of all construction activities, respondent(s) shall designate a Compliance Officer who will conduct planning and pre-construction meetings (as described in paragraph 83) and weekly meetings (as described in paragraph 85), conduct audits and/or inspections (as described in paragraphs 84, 86 and 87), and otherwise oversee compliance with the terms and conditions of the Permit.

83. Prior to the initiation of construction activities at any project, respondent(s) shall require each Compliance Officer to conduct a pre-construction meeting with employees at each site. During each meeting, respondent(s) shall explain the requirements of any and all permits, the site-specific SWMP, and any other environmental site requirements. At the conclusion of each meeting, respondent(s) shall collect a signed certification from each attendee stating that they understand the terms and conditions of the permit(s) and SWMP. If a subcontractor begins work at the site following the pre-construction meeting, respondent(s) shall brief that subcontractor on the terms and conditions of the permit(s) and SWMP before the subcontractor begins work.
84. Prior to the initiation of construction activities at any project, the Compliance Officer shall inspect the project to determine whether BMPs described in the site-specific SWMP are properly selected, designed, and installed.
85. In addition to the pre-construction meeting, the Compliance Officer shall conduct weekly meetings with employees and subcontractors involved in construction activities at each project to review the terms and conditions of the permit(s) and SWMP and to address any problems arising from implementation of the SWMP and/or maintenance of BMPs.
86. In addition to the pre-construction inspections, the Compliance Officer, or a project superintendent, shall inspect active construction projects on each business day. The daily inspections shall include areas of the project disturbed by construction activities and not finally stabilized, and shall take place in accordance with the terms and conditions of the Permit.
 - a. The Compliance Officer, or a project superintendent, shall maintain a record of each daily inspection on an approved inspection form retained at the job site. The Compliance Officer, or a project superintendent, shall create a bi-weekly report of daily inspections that identifies all deficiencies and corrective actions taken to remedy those deficiencies.
 - b. Respondent(s)' employees and/or subcontractors shall complete all necessary BMP repairs and/or replacements as soon as possible, but no later than 48 hours after each inspection.
87. At least once per month, the Compliance Officer shall audit each project to ensure that the requirements of the site-specific SWMP are implemented, that the SWMP and associated BMPs are effective in controlling pollutants in stormwater discharges, and that the project is compliant with the terms and conditions of the Permit. During the audit, the Compliance Officer shall review the daily inspection reports and ensure that corrective actions are taken in a timely manner. If a project is found to be in violation of a permit or SWMP, the Compliance Officer shall direct changes to bring the site into compliance and shall initiate a review of any findings for possible sanctions against employees and/or subcontractors. Monthly audits are not required at projects when snow covers the entire site and melting conditions do not pose a risk of surface erosion.
88. The Compliance Officer shall submit a report on the findings of each monthly audit to the Director of Stormwater Compliance within five (5) days of completing each monthly audit. The Director of Stormwater Compliance shall review the submitted report and shall prepare and submit to the Division a quarterly report. The quarterly report shall:
 - a. Summarize the findings of the monthly audits;
 - b. Describe the strengths and/or weaknesses of respondent(s)' stormwater management program identified during the routine inspections and explain how weaknesses will be addressed;

- c. Describe any planned activities for the following ninety (90) days that respondent(s) will undertake to remain in compliance with this Order;
 - d. List any sanctions imposed on employees and/or subcontractors for permit noncompliance (as described in paragraph 80); and
 - e. Be submitted to the Division on or before six (6) months from the effective date of this Order and until the issuance of written notice from the Division indicating that the reports are no longer necessary, or until a period of three (3) years after the effective date of this Order has passed, whichever occurs sooner.
89. Prior to submitting an inactivation notice for any permit certification, the Compliance Officer shall inspect the project to ensure that the site meets the conditions of final stabilization, as defined by the Permit.
90. All documents submitted under this Order shall be under the signature of respondent(s) and shall reference both the number of this Order and the number of the paragraph pursuant to which the document is required.

ORDER FOR CIVIL PENALTY

91. Pursuant to §25-8-608(1), C.R.S., any person who violates any provision of the Colorado Water Quality Control Act, 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 shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs.
92. Based upon the Findings of Fact and Notice of Violation above, the Executive Director, through his designee (hereinafter 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 **Four Hundred Thirty-Eight Thousand Nine Hundred Twenty-Three Dollars (\$438,923.00)** against respondent(s) for the violations cited above. The civil penalty was determined in accordance with the procedures outlined in the Division's Stormwater Civil Penalty Policy (January 25, 2007). Copies of the civil penalty calculations are attached hereto as Exhibits B and C and are incorporated herein by reference.
93. If respondent(s) do not contest the findings and penalty assessment set out above, the civil penalty shall be paid within sixty (60) calendar days of the date of this Notice of Violation / Cease and Desist Order / 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

NOTICES AND SUBMITTALS

94. For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation / Cease and Desist Order / Order for Civil Penalty, respondent(s) shall submit an original and an electronic copy to the Division at the following address:

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
Telephone: (303) 692-2271
Email: lindsay.ellis@state.co.us

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

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

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

96. 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 Order.
97. 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 Order. The filing of an answer does not constitute a request for hearing.

APPEAL OF CIVIL PENALTY

98. 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 Order, and shall include the information specified in 5 CCR 1002-21, §21.4(B)(2).

FALSIFICATION AND TAMPERING

99. Be advised, in accordance 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 CRIMINAL PENALTIES

100. You are also advised that any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order / Order for Civil Penalty, the State has not waived its right to bring an action for penalties under §25-8-609, C.R.S., and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

101. 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.

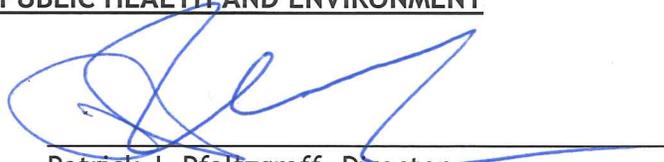
EFFECT OF ORDER

102. 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.

103. For further clarification of your rights and obligations under this Notice of Violation / Cease and Desist Order / Order for Civil Penalty 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 7th day of May, 2015.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Patrick J. Pfaltzgraff, Director
WATER QUALITY CONTROL DIVISION

EXHIBIT A STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

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

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado

www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

January 3, 2014

Larry Buckendorf, Registered Agent
Clearview 4 Investments, LLC
7251 West 20th Street, L-200
Greely, Colorado 80634

Certified Mail Number: 7007 0220 0001 0163 0704

RE: Service of Notice of Violation/Cease and Desist Order, Number: SO-140102-1

Dear Mr. Buckendorf:

Clearview 4 Investments, LLC ("Clearview") is hereby served with the enclosed Notice of Violation / Cease and Desist Order (the "NOV/CDO"). The NOV/CDO is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §§25-8-602 and 25-8-605, C.R.S., of the *Colorado Water Quality Control Act*, (the "Act"). The Division bases the NOV/CDO upon findings that Clearview has violated the Act and permit regulations promulgated pursuant to the Act and a permit, as described in the enclosed NOV/CDO.

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

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

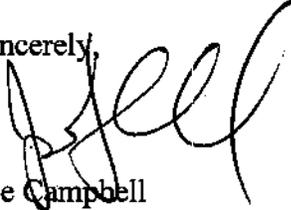
Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this NOV/CDO or the issuance of additional enforcement actions.

EXHIBIT A

Clearview 4 Investments, LLC
Notice of Violation / Cease and Desist Order
Page 2 of 2

Should you or representatives of Clearview desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO, please do not hesitate to contact me at by phone at (303) 692-2356 or by electronic mail at joseph.campbell@state.co.us.

Sincerely,



Joe Campbell
Clean Water Compliance & Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Weld County Department of Public Health and Environment
Michael Beck, Grants and Loans Unit, CDPHE
Bret Icenogle, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Nathan Moore, Compliance Assistance Unit 2, CDPHE
Joe Campbell, Compliance & Enforcement Unit, CDPHE
Tania Watson, CDPHE

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.

EXHIBIT A

- (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.

EXHIBIT A

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.”

EXHIBIT A

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.

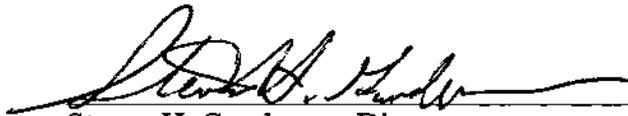
EFFECT OF ORDER

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

Project Name: Clearview PUD Fil 4 Ph 1	Permit Number: COR-031786
Beneficial Use Classification: Big Thompson River Basin, Segment 9, <u>Aquatic Life Warm</u> 2, Recreation E, Agriculture	Date of NOV/CDO: January 2, 2014 Number: S0-140102-1
Type of Facility: Construction	Size of 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	Moderate = \$500 +25%	\$625.00
	<p><i>Justification:</i> Respondent(s), as identified in paragraph 17 of the Notice of Violation, owned and/or operated the Clearview residential subdivision construction project located at Carlson Boulevard and Silverbell Drive in the Town of Johnstown. According to statements made by project representatives, land-disturbing activities associated with the project began on, or about, December 21, 2011. On March 9, 2012, the Water Quality Control Division contacted respondent(s), who informed the division that they had not obtained a stormwater discharge permit for the project. The division inspected the project on March 19, 2012 and observed over 30 acres of construction activity, including surface grading, utility installation and vertical construction. The division believes the failure to obtain a stormwater discharge permit directly contributed to discharges of sediment-laden stormwater from the project observed during the March 19, 2012 inspection.</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>		
Line 2	Failure to Prepare Stormwater Management Plan (SWMP)	N/A	N/A

EXHIBIT B

	Violation Type	Adjustment	Amount in Dollars
Line 3	Deficient Stormwater Management Plan (SWMP)	Moderate = \$300 +25%	\$375.00
	<p><i>Justification:</i> The division performed a second inspection of the project on July 5, 2013 and identified several deficiencies in the project's Stormwater Management Plan (SWMP). Primarily, the SWMP failed to include numerous components required by the 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 control measure failures 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>		
Line 4	Failure to Install, Maintain or Properly Select BMPs	Moderate = \$1,000 +25%	\$1,250.00
	<p><i>Justification:</i> During the July 5, 2013 inspection, the division identified numerous failures to implement stormwater management controls, or Best Management Practices (BMPs), as required by the discharge permit. First, multiple areas of land disturbance (some as large as 20 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 good 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 Inspect Stormwater Management System	Moderate = \$600 +25%	\$750.00
	<p><i>Justification:</i> During the July 5, 2013 inspection, the division reviewed project stormwater management records and identified a failure to perform self-inspections in accordance with the permit terms. The records reflected periods of time between inspections exceeding the required minimum 14-day interval. The division believes the missed inspections contributed to control measure failures 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	N/A	N/A

EXHIBIT B

	Violation Type	Adjustment	Amount in Dollars
Line 7	Failure to Maintain Required Records	Minor / Moderate = \$1,000 +10%	\$1,100.00
	<p><i>Justification:</i> During its July 5, 2013 review of the project's stormwater management records, the division determined that self-inspection records were not maintained in accordance with the permit terms. First, dates on which actions were taken to repair or replace BMPs were not documented. Second, there were no signed statements indicating that the site was in compliance. The division believes the records omissions contributed to control measure failures 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	N/A
Line 9	Other Administrative Violations	N/A	N/A
Line 10	Potential Damage Total (Sum of Lines 1 through 9)	<i>(Not to exceed \$6,000/day)</i>	\$4,100.00

B. Fault Component

		Amount in Dollars
Line 11	Fault: Categories 2 and 3	<i>(Not to exceed \$3,000/day)</i>
	<p><i>Justification for "conducting covered activity without a stormwater permit":</i> Respondent(s) comprise professional construction and development companies that should have known their obligation to obtain permit coverage for discharges associated with construction activity. Therefore, the division assigns a category 2 level of fault. Respondent(s) have previously applied for and obtained at least 34 construction stormwater permits; therefore, the division chooses the high end of category 2, or \$1,200.00.</p> <p><i>Justification for all other violations:</i> The division first inspected the project on March 19, 2012 and provided respondent(s) with specific information that violations were occurring and would persist without corrective action. Respondent(s) were aware of the circumstances that led to the violations and failed to take the necessary steps to prevent them. Therefore, the division assigns a category 3 level of fault for violations associated with the July 5, 2013 inspection. Respondent(s) applied for and obtained at least 34 prior construction stormwater permits. As such, they should have been aware of the circumstances that led to the permit violations. Therefore, the division chooses the high end of category 3, or \$1,800.00.</p>	
		\$1,200.00 \$1,800.00

EXHIBIT B

C. History Component

			Amount in Dollars
Line 12	History: Category 4	<i>(Not to exceed \$1,000/day)</i>	\$240.00
<p><i>Justification:</i> Respondent(s) were the subject of an Expedited Settlement Agreement issued on January 12, 2012 for similar stormwater violations at a different project. Therefore, the division assigns a category 4 history component.</p>			

Part II - Determination of Days of Violation

			Days of Violation
Line 13	Total Days of Violation		532
<p><i>Justification:</i></p> <p>Conducting Covered Activity Without a Stormwater Permit: According to statements made by project representatives, land-disturbing activities associated with the project began on, or about, <u>December 21, 2011</u>. On March 9, 2012, respondent(s) informed the division that they had not obtained a stormwater discharge permit for the project. The division inspected the project on March 19, 2012 and observed over 30 acres of construction activity, including surface grading, utility installation and vertical construction. On March 9, 2012, the division received respondent(s)' application for a stormwater discharge permit. The division issued respondent(s) permit certification number COR-031786, which took effect <u>March 13, 2012</u>. Therefore, respondent(s) conducted covered activity without a stormwater permit for at least <i>83 days</i> (from December 21, 2011 until March 13, 2012).</p> <p>Deficient Stormwater Management Plan (SWMP): Respondent(s)' permit coverage took effect March 13, 2012. Upon applying for the permit, respondent(s) certified that a complete and accurate SWMP was 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. The deficient SWMP was dated <u>April 26, 2012</u>. Respondent(s) later submitted documentation to the division indicating that the SWMP was revised and corrected as of <u>July 16, 2013</u>. Accordingly, the SWMP was deficient for at least <i>447 days</i> (from at least April 26, 2012 until at least July 16, 2013).</p> <p>Failure to Install, Maintain or Properly Select Best Management Practices (BMPs): The division identified at least 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 photographs and video footage, which revealed that BMPs to control stormwater runoff were not implemented at the project. (2) On <u>July 5, 2013</u>, the division inspected the project and identified numerous failures to implement BMPs. (3) On <u>July 24, 2013</u>, in response to a division Compliance Advisory, respondent(s) submitted photographs of current site conditions and documentation of efforts to correct inspection findings. The photographs and documentation revealed a continued failure to</p>			

EXHIBIT B

	<p>properly implement BMPs. (4) On February 18, 2014, in response to the division's Notice of Violation/Cease and Desist Order, respondent(s) submitted photographs of site conditions as of <u>February 16, 2014</u>. The photographs revealed additional failures to properly implement BMPs. The division believes 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 Inspect Stormwater Management System: As part of its July 5, 2013 inspection, the division reviewed the project's stormwater management records, and identified a failure to inspect the project from March 25, 2013 until April 11, 2013 and from April 20, 2013 until May 12, 2013. The permit requires self-inspections of the project every 14 days. Therefore, at a minimum, there was a failure to perform <i>two 14-day inspections</i>.</p> <p>Failure to Maintain Required Records: As part of its review of the stormwater management records, the division identified a failure to document the dates on which corrective actions were performed and to include signed certifications. Respondent(s) failed to maintain multiple inspection event records; however, under the division's Stormwater Civil Penalty Policy, the period of records violation is limited to <i>1 day</i>.</p> <p><i>Note: the first two dates of BMP violations and all self-inspection report violations coincided with the dates of the deficient SWMP violations. Therefore, 532 total days of violation were utilized in this penalty calculation [83 days of conducting covered activity without a stormwater permit + 447 deficient SWMP days + 2 additional BMP failure days = 532 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	\$274,743.00
	<p>See Attachment A.</p> <p><i>Note: For the days of conducting covered activity without a permit and the days of SWMP violations, the penalty amounts for Potential Damage, Fault and History were adjusted in accordance with the Multi-Day Violation Matrix outlined on Page 6 of the Stormwater Civil Penalty Policy. However, any day with more than one violation (e.g., SWMP violation <u>and</u> inspection violation), was assigned the full fault amount (\$1,200 or \$1,800).</i></p>	

EXHIBIT B

Part IV - Base Penalty Total

		Amount in Dollars
Line 15	Base Penalty = Potential Damage + Fault + History (Sum of Line 10 + Line 11 + Line 12; or Line 14)	\$274,743.00

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 photographs and video footage and the regulatory inspection process. Respondent(s) did not voluntarily disclose the violations. Therefore, no penalty mitigation applies.		
Line 17	Factor B: Full and Prompt Cooperation	0%	\$0.00
	<i>Justification:</i> Although respondent(s) replied to the division's Compliance Advisory and Notice of Violation/Cease and Desist Order (NOV/CDO), the responses were incomplete. (1) Respondent(s) 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 respondent(s) to take certain corrective actions, including the submission to the division of a detailed written plan outlining procedures respondent(s) would undertake to ensure functional and effective stormwater management. Respondent(s) did not submit a detailed written plan. (3) Respondent(s) replied to both the Compliance Advisory and the NOV/CDO with photographs of site conditions that revealed further BMP deficiencies and a failure to correct the division's inspection findings. However, the division conservatively chooses not to apply a penalty aggravation.		
Line 18	Factor C: Environmental Compliance Program	0%	\$0.00
	<i>Justification:</i> The division did not receive or identify any information suggesting that respondent(s) implemented a regularized and comprehensive environmental compliance/audit program. Therefore, no penalty mitigation applies.		

EXHIBIT B

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 19	Factor D: Intentional, Reckless or Negligent Violations	0%	\$0.00
	<p><i>Justification:</i> In January 2012, respondent(s) were the subject of an enforcement action for similar stormwater violations at a different project. Moreover, the division conducted multiple inspections of the Clearview subdivision project and provided respondent(s) both with information regarding compliance requirements and with opportunities to return to compliance. However, the division's investigation revealed recurrent violations. Finally, a complaint form containing statements from a private citizen who photographed and filmed discharges of sediment-laden stormwater from the project stated, "[t]he permittee had removed BMPs and during a storm event a significant amount of sediment discharged to the street and stormdrain. Observed contractors looking at the discharge but no attempt was made to clean it up or reinstall BMPs. Another storm event caused the same issues which prompted the complaint." Respondent(s)' knowledge of, and failure to correct, the circumstances that lead to the violations amounts to negligence and/or recklessness. However, the division conservatively chooses not to apply a penalty aggravation.</p>		
Line 20	Factor E: Other Aggravating or Mitigating Circumstances	0%	\$0.00
	<p><i>Justification:</i> The division identified no other aggravating or mitigating circumstances.</p>		
Line 21	Sum of Lines 16 through Line 20		\$0.00
Line 22	Adjusted Base Penalty (Sum of Line 15 + Line 21)		\$274,743.00

Part VI- Economic Benefit Consideration

		Amount in Dollars
Line 23	Economic Benefit	\$8,400.00
	<p><i>Justification:</i> Deficient Stormwater Management Plan (SWMP): Respondent(s) avoided the cost of revising and updating a SWMP over a period of at least 447 days. The division conservatively estimates the cost of periodically evaluating and revising 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 updates at least every 6 months. Therefore, the division conservatively determines that an economic benefit of \$2,500 was realized from the avoided costs of not revising and updating the project's SWMP for nearly 15 months.</p>	

EXHIBIT B

	<p>Failure to Install, Maintain or Properly Select Best Management Practices (BMPs): Respondent(s) 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. The NOV/CDO documented at least 5 BMPs not implemented at the project and at least 1 other BMP not maintained. Therefore, the division conservatively determines that an economic benefit of \$5,500 was realized from the avoided costs of not implementing and maintaining BMPs at the site.</p> <p>Failure to Inspect Stormwater Management System: Respondent(s) avoided the cost of self-inspecting the project's stormwater management system every 14 days. At least 2 additional routine inspections should have been performed. 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 an economic benefit of \$400 was realized from the avoided costs of not inspecting the project's stormwater management system.</p> <p><i>Note: BEN runs were not performed, because time value of money for time periods in question was predicted to be insignificant.</i></p>
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Part VII - Violation Penalty Total

			Amount in Dollars
Line 24	Civil Penalty: (Sum Line 22 + Line 23)		\$283,143.00

Part VIII - Ability to Pay Adjustment

			Amount in Dollars
Line 25	Ability to Pay Reduction		\$0.00
<p><i>Justification:</i> Respondent(s) have 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.</p>			

Part IX - Final Adjusted Penalty

			Amount in Dollars
Line 26	Total Civil Penalty: (Sum Line 24 + Line 25)		\$283,143.00

Attachment A

Multi-Day Calculations

Potential Damage											
Date	Day of Violation	Conducting Covered Activity Without a Stormwater Permit	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 \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
12/21/2011	1	\$625.00					\$625.00	\$1,200.00	\$240.00	\$2,065.00	
	2	\$312.50					\$312.50	\$600.00	\$120.00	\$1,032.50	
	3	\$312.50					\$312.50	\$600.00	\$120.00	\$1,032.50	
	4	\$312.50					\$312.50	\$600.00	\$120.00	\$1,032.50	
	5	\$312.50					\$312.50	\$600.00	\$120.00	\$1,032.50	
	6	\$312.50					\$312.50	\$600.00	\$120.00	\$1,032.50	
	7	\$312.50					\$312.50	\$600.00	\$120.00	\$1,032.50	
	8	\$312.50					\$312.50	\$600.00	\$120.00	\$1,032.50	
	9	\$312.50					\$312.50	\$600.00	\$120.00	\$1,032.50	
	10	\$312.50					\$312.50	\$600.00	\$120.00	\$1,032.50	
1/1/2012	11	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	12	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	13	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	14	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	15	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	16	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	17	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	18	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	19	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	20	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	21	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	22	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	23	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	24	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	25	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	26	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	27	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	28	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	29	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	30	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	31	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	32	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	33	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	34	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	35	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	36	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	37	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	38	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	39	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	40	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
2/1/2012	41	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	42	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	43	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	44	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	45	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	46	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	47	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	48	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	49	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	50	\$250.00					\$250.00	\$480.00	\$96.00	\$826.00	
	51	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	52	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	53	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	54	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	55	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	56	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	57	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	58	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	59	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	60	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	61	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	62	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	63	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	64	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	65	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	66	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	67	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	68	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	

Attachment A

Multi-Day Calculations

Potential Damage											
Date	Day of Violation	Conducting Covered Activity Without a Stormwater Permit	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 \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
3/1/2012	69	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	70	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	71	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	72	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	73	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	74	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	75	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	76	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	77	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	78	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
3/12/2013	79	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	80	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	81	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	82	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	83	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	84	\$187.50					\$187.50	\$360.00	\$72.00	\$619.50	
	85	\$187.50	\$375.00				\$375.00	\$1,800.00	\$72.00	\$2,247.00	
	86	\$187.50	\$187.50				\$187.50	\$900.00	\$72.00	\$1,159.50	
	87	\$187.50	\$187.50				\$187.50	\$900.00	\$72.00	\$1,159.50	
	88	\$187.50	\$187.50				\$187.50	\$900.00	\$72.00	\$1,159.50	
4/26/2012	89	\$187.50					\$187.50	\$900.00	\$72.00	\$1,159.50	
	90	\$187.50					\$187.50	\$900.00	\$72.00	\$1,159.50	
	91	\$187.50					\$187.50	\$900.00	\$72.00	\$1,159.50	
	92	\$187.50					\$187.50	\$900.00	\$72.00	\$1,159.50	
	93	\$187.50					\$187.50	\$900.00	\$72.00	\$1,159.50	
	94	\$150.00					\$150.00	\$720.00	\$72.00	\$942.00	
	95	\$150.00					\$150.00	\$720.00	\$72.00	\$942.00	
	96	\$150.00					\$150.00	\$720.00	\$72.00	\$942.00	
	97	\$150.00					\$150.00	\$720.00	\$72.00	\$942.00	
	98	\$150.00					\$150.00	\$720.00	\$72.00	\$942.00	
5/1/2012	99	\$150.00					\$150.00	\$720.00	\$72.00	\$942.00	
	100	\$150.00					\$150.00	\$720.00	\$72.00	\$942.00	
	101	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	102	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	103	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	104	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	105	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	106	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	107	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	108	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
6/1/2012	109	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	110	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	111	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	112	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	113	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	114	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	115	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	116	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	117	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	118	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
6/1/2012	119	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	120	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	121	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	122	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	123	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	124	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	125	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	126	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	127	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	128	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
6/1/2012	129	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	130	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	131	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	132	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	133	\$150.00					\$150.00	\$720.00	\$48.00	\$918.00	
	134	\$112.50					\$112.50	\$540.00	\$48.00	\$700.50	
	135	\$112.50					\$112.50	\$540.00	\$48.00	\$700.50	
	136	\$112.50					\$112.50	\$540.00	\$48.00	\$700.50	

Attachment A

Multi-Day Calculations

Date	Day of Violation	Conducting Covered Activity Without a Stormwater Permit	Potential Damage				Potential Damage Sum - (Not to Exceed \$600)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	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					
7/1/2012	137		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	138		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	139		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	140		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	141		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	142		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	143		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	144		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	145		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	146		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	147		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	148		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	149		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	150		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	151		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	152		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	153		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	154		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	155		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	156		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	157		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	158		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	159		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	160		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	161		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	162		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	163		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	164		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	165		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	166		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	167		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	168		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
169		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
170		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
171		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
172		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
173		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
174		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
175		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
176		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
177		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
178		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
179		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
180		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50		
8/1/2012	181		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	182		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	183		\$112.50				\$112.50	\$540.00	\$48.00	\$700.50	
	184		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	185		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	186		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	187		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	188		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	189		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	190		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	191		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	192		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	193		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	194		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	195		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	196		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	197		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	198		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	199		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	200		\$75.00				\$75.00	\$360.00	\$48.00	\$483.00	
	201		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	202		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	203		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	204		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	

Attachment A

Multi-Day Calculations

Potential Damage											
Date	Day of Violation	Conducting Covered Activity Without a Stormwater Permit	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 \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
9/1/2012	205		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	206		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	207		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	208		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	209		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	210		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	211		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	212		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	213		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	214		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	215		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	216		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	217		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	218		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	219		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	220		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	221		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	222		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	223		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	224		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	225		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
226		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
227		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
228		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
229		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
230		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
231		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
232		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
233		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
234		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
235		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
236		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
237		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
238		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
239		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
240		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
10/1/2012	241		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	242		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	243		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	244		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	245		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	246		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	247		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	248		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	249		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	250		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	251		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	252		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	253		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	254		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	255		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	256		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	257		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	258		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	259		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	260		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	261		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	262		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	263		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	264		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	265		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	266		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	267		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	\$1,000.00
268		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
269		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
270		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
271		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		
272		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00		

Attachment A

Multi-Day Calculations

Date	Day of Violation	Conducting Covered Activity Without a Stormwater Permit	Potential Damage				Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
			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					
11/1/2012	273		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	274		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	275		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	276		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	277		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	278		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	279		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	280		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	281		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	282		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	283		\$75.00				\$75.00	\$360.00	\$24.00	\$459.00	
	284		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	285		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	286		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	287		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	288		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	289		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	290		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	291		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	292		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	293		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	294		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	295		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	296		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	297		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	298		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	299		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	300		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	301		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	302		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
12/1/2012	303		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	304		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	305		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	306		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	307		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	308		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	309		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	310		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	311		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	312		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	313		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	314		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	315		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	316		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	317		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	318		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	319		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	320		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	321		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	322		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	323		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	324		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	325		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	326		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	327		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	328		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	329		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	330		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	331		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	332		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
333		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
1/1/2013	334		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	335		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	336		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	337		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	338		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	339		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	340		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	

Multi-Day Calculations

Potential Damage												
Date	Day of Violation	Conducting Covered Activity Without a Stormwater Permit	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 \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit	
1/22/2013	341		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	342		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	343		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	344		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	345		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	346		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	347		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	348		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	349		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	350		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	351		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	352		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	353		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	354		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	355		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	356		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	357		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	358		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	359		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	360		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	361		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	362		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	363		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	364		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
	2/1/2013	365		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
		366		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
		367		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
		368		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
		369		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
		370		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
		371		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
		372		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
373			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
374			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
375			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
376			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
377			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
378			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
379			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
380			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
381			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
382			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
383			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
384			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
385			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
386			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
387			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
388			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
389			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
390			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
391			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
392			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
393			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
394			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
395			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
396			\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
397		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
398		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
399		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
400		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
401		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
402		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
403		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
404		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
405		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
406		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
407		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			
408		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50			

Attachment A

Multi-Day Calculations

Date	Day of Violation	Conducting Covered Activity Without a Stormwater Permit	Potential Damage				Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
			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					
3/25/2013	409		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	410		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	411		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	412		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	413		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	414		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	415		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	416		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	417		\$37.50			\$1,100.00	\$1,137.50	\$1,800.00	\$24.00	\$2,961.50	
	418		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	419		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	420		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	421		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	422		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
4/1/2013	423		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	424		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	425		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	426		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	427		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
4/7/2013	428		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	429		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	430		\$37.50		\$750.00		\$787.50	\$1,800.00	\$24.00	\$2,611.50	\$200.00
	431		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	432		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	433		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	434		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	435		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	436		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	437		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	438		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	439		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	440		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	441		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
442		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
443		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
444		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
445		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
446		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
447		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
448		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
449		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	\$1,000.00	
450		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
451		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
452		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
453		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
454		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
455		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
456		\$37.50			\$750.00	\$787.50	\$1,800.00	\$24.00	\$2,611.50	\$200.00	
457		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
458		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
459		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
460		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
461		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
462		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
463		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
464		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
465		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
466		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
467		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
468		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
469		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
470		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
471		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
472		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
473		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
474		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
475		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
476		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		

Attachment A

Multi-Day Calculations

Potential Damage											
Date	Day of Violation	Conducting Covered Activity Without a Stormwater Permit	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 \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
6/1/2013	477		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	478		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	479		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	480		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	481		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	482		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	483		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	484		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	485		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	486		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	487		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	488		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	489		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	490		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	491		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	492		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	493		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	494		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	495		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	496		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	497		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	498		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	499		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	500		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	501		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	502		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	503		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	504		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	505		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	506		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
507		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
508		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
509		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
510		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
511		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
512		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
513		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
514		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50		
7/1/2013	515		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
7/2/2013	516		\$37.50	\$1,250.00			\$1,287.50	\$1,800.00	\$24.00	\$3,111.50	
	517		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
7/5/2013	518		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	519		\$37.50	\$1,250.00			\$1,287.50	\$1,800.00	\$24.00	\$3,111.50	\$5,500.00
	520		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	521		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	522		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	523		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	524		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	525		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	526		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	527		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	528		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
	529		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	
7/16/2013	530		\$37.50				\$37.50	\$180.00	\$24.00	\$241.50	\$500.00
7/24/2013	531			\$1,250.00			\$1,250.00	\$1,800.00	\$24.00	\$3,074.00	
2/16/2014	532			\$1,250.00			\$1,250.00	\$1,800.00	\$24.00	\$3,074.00	
Column Sums:		\$19,625.00	\$30,450.00	\$5,000.00	\$1,500.00	\$1,100.00	\$57,675.00	\$195,540.00	\$21,528.00	\$274,743.00	\$8,400.00
Total Penalty Amount:										\$283,143.00	

EXHIBIT C

STORMWATER PENALTY COMPUTATION WORKSHEET

Project Name: Park Meadows Phase 2	Permit Number: COR-03K355
Beneficial Use Classification: Cache la Poudre River Basin, Segment 13b, <i>Aquatic Life Warm 2</i> , Recreation N, Agriculture	Date of NOV/CDO: N/A Number: N/A
Type of Facility: Construction	Size of Activity: 32.21 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	N/A
Line 2	Failure to Prepare Stormwater Management Plan (SWMP)	N/A	N/A
Line 3	Deficient Stormwater Management Plan (SWMP)	Minor = \$300 +0%	\$300.00
	<p><i>Justification:</i> Respondent(s), as identified in paragraph 17 of the Notice of Violation, owned and/or operated the Park Meadows residential subdivision construction project located at Ronald Reagan Avenue and McClellan Road in the Town of Wellington. The division inspected the project on May 8, 2014 and identified several deficiencies in the project's Stormwater Management Plan (SWMP). Primarily, the SWMP failed to include numerous components required by the discharge permit, including: (1) a site map identifying all areas of disturbance and elements of stormwater control; (2) BMP installation and implementation specifications; (3) spill prevention and response procedures; and (4) a description of vehicle tracking controls. The division believes these omissions contributed to control measure failures at the site (see Line 4, immediately below).</p> <p>The project discharges stormwater runoff to sensitive waters. Storm sewer systems at the project carry stormwater runoff to Boxelder Creek, which is impaired for selenium. However, the storm sewer system includes a permanent water quality detention basin downgradient of the project. Considering the high number and severity of SWMP omissions and the sensitive nature of the receiving water - but the indirect pathway to the receiving water - the division conservatively assigns a <i>minor</i> degree of potential harm to the public health or environment.</p>		

EXHIBIT C

	Violation Type	Adjustment	Amount in Dollars
Line 4	Failure to Install, Maintain or Properly Select BMPs	Minor = \$1,000 +0%	\$1,000.00
	<p><i>Justification:</i> During the May 8, 2014 inspection, the division identified numerous failures to implement stormwater management controls, or Best Management Practices (BMPs), as required by the discharge permit. First, multiple areas of surface disturbance and construction activity were observed without any BMPs. Second, BMPs that were in place elsewhere on the project were not installed or implemented according to good engineering practices, and, therefore, did not act as functional controls.</p> <p>As a result, pollutants, including sediment from disturbed areas and concrete washout waste, were discharged to curb flow lines and toward storm sewer inlets that carry stormwater runoff to Boxelder Creek, which is impaired for selenium. However, the storm sewer system includes a permanent water quality detention basin downgradient of the project. Considering the high number and severity of BMP deficiencies and the sensitive nature of the receiving water - but the indirect pathway to the receiving water - the division conservatively assigns a <i>minor</i> degree of potential harm to the public health or environment.</p>		
Line 5	Failure to Inspect Stormwater Management System	N/A	N/A
Line 6	Failure to Submit Required/Requested Reports	N/A	N/A
Line 7	Failure to Maintain Required Records	Minor = \$1,000 +0%	\$1,000.00
	<p><i>Justification:</i> During its May 8, 2014 review of the project's stormwater management records, the division determined that self-inspection records were not maintained in accordance with the permit terms. First, dates on which actions were taken to repair or replace BMPs were not documented. Second, there were no signed statements indicating that the site was in compliance. The division believes the records omissions contributed to control measure failures at the site. However, the division conservatively assigns a <i>minor</i> degree of potential harm to the public health or environment.</p>		
Line 8	Pollution, Contamination or Degradation of State Waters	N/A	N/A
Line 9	Other Administrative Violations	N/A	N/A
Line 10	Potential Damage Total (Sum of Lines 1 through 9)	<i>(Not to exceed \$6,000/day)</i>	\$2,300.00

EXHIBIT C

B. Fault Component

			Amount in Dollars
Line 11	Fault: Category 2	<i>(Not to exceed \$3,000/day)</i>	\$1,200.00
<p><i>Justification:</i> Respondent(s) comprise professional construction and development companies, and should have been aware of their obligations under the permit and of the circumstances that led to the violations. Therefore, the division assigns a category 2 level of fault. Respondent(s) have previously applied for and obtained at least 34 construction stormwater permits; therefore, the division chooses the high end of category 2.</p>			

C. History Component

			Amount in Dollars
Line 12	History: Category 4	<i>(Not to exceed \$1,000/day)</i>	\$240.00
<p><i>Justification:</i> Respondent(s) were the subject of an Expedited Settlement Agreement issued on January 12, 2012 and a Notice of Violation issued on January 2, 2014 for similar stormwater violations at two other projects. Therefore, the division assigns a category 4 history component.</p>			

Part II - Determination of Days of Violation

			Days of Violation
Line 13	Total Days of Violation		440
<p><i>Justification:</i> Deficient Stormwater Management Plan (SWMP): Respondent(s)' permit coverage took effect April 2, 2013. Upon applying for the permit, respondent(s) certified that a complete and accurate SWMP was prepared for the project's construction activities. On May 8, 2014, the division reviewed the project's SWMP and determined that it did not contain all of the requirements outlined in the permit. The deficient SWMP was dated <u>April 8, 2013</u>. Respondent(s) later submitted documentation to the division on <u>June 20, 2014</u> indicating that the SWMP was revised. Accordingly, the SWMP was deficient for at least <u>439 days</u> (from at least April 8, 2013 until at least June 20, 2014).</p> <p>Failure to Install, Maintain or Properly Select Best Management Practices (BMPs): The division identified at least three dates of BMP violations. (1) On <u>May 8, 2014</u>, the division inspected the project and identified numerous failures to implement BMPs. (2) On <u>June 20, 2014</u>, in response to a division Compliance Advisory, respondent(s) submitted photographs</p>			

EXHIBIT C

	<p>of current site conditions and documentation of efforts to correct inspection findings. The photographs and documentation revealed a continued failure to properly implement BMPs. (3) On <u>July 21, 2014</u>, in a follow-up response to the division's Compliance Advisory, respondent(s) submitted additional photographs of site conditions. The photographs revealed a discharge of pollutants to the storm sewer system, caused by additional failures to properly implement BMPs. The division believes BMP failures persisted for some time period surrounding the foregoing events. However, the division conservatively limits the period of BMP violations to <i>3 days</i>.</p> <p>Failure to Maintain Required Records: As part of its review of the stormwater management records, the division identified a failure to document the dates on which corrective actions were performed and to include signed certifications. Respondent(s) failed to maintain multiple inspection event records; however, under the division's Stormwater Civil Penalty Policy, the period of records violation is limited to <i>1 day</i>.</p> <p><i>Note: the first two dates of BMP violations and the inspection report violation coincided with the dates of the deficient SWMP violations. Therefore, 440 total days of violation were utilized in the penalty calculation [439 deficient SWMP days + 1 additional BMP failure day = 440 days].</i></p>
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Part III - Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 14	Multi-Day Penalty Amount	\$147,280.00
	<p>See Attachment A.</p> <p><i>Note: For the days of SWMP violations, the penalty amounts for Potential Damage, Fault and History were adjusted in accordance with the Multi-Day Violation Matrix outlined on Page 6 of the Stormwater Civil Penalty Policy. However, any day with more than one violation (e.g., SWMP violation <u>and</u> inspection violation), was assigned the full fault amount (\$1,200).</i></p>	

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)	\$147,280.00

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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 the regulatory inspection process. Respondent(s) did not voluntarily disclose the violations. Therefore, no penalty mitigation applies.		
Line 17	Factor B: Full and Prompt Cooperation	0%	\$0.00
	<i>Justification:</i> Although respondent(s) replied to the division's Compliance Advisory, the responses were not timely submitted and included photographs of site conditions that revealed further BMP deficiencies and a failure to correct the division's inspection findings. However, the division conservatively chooses not to apply a penalty aggravation.		
Line 18	Factor C: Environmental Compliance Program	0%	\$0.00
	<i>Justification:</i> The division did not receive or identify any information suggesting that respondent(s) 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> Respondent(s) comprise professional construction and development companies that obtained a permit and should have been aware of its requirements. More important, respondent(s) were engaged in compliance and enforcement discussions with the Division regarding violations at a separate project when the present violations occurred. At the very least, the division believes respondent(s)' violations involved negligence. However, the division conservatively chooses not to apply a penalty aggravation.		
Line 20	Factor E: Other Aggravating or Mitigating Circumstances	0%	\$0.00
	<i>Justification:</i> The division identified no other aggravating or mitigating circumstances.		
Line 21	Sum of Lines 16 through Line 20		\$0.00
Line 22	Adjusted Base Penalty (Sum of Line 15 + Line 21)		\$147,280.00

EXHIBIT C

Part VI - Economic Benefit Consideration

			Amount in Dollars
Line 23	Economic Benefit		\$8,500.00
	<p><i>Justification:</i> Deficient Stormwater Management Plan (SWMP): Respondent(s) avoided the cost of revising and updating a SWMP over a period of at least 439 days. The division conservatively estimates the cost of periodically evaluating and revising 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 updates at least every 6 months. Therefore, the division conservatively determines that an economic benefit of \$2,500 was realized from the avoided costs of not revising and updating the project's SWMP for nearly 15 months.</p> <p>Failure to Install, Maintain or Properly Select Best Management Practices (BMPs): Respondent(s) 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. The Notice of Violation documented at least 6 BMPs not implemented at the project. Therefore, the division conservatively determines that an economic benefit of \$6,000 was realized from the avoided costs of not implementing BMPs at the site.</p> <p><i>Note: BEN runs were not performed, because time value of money for time periods in question was predicted to be insignificant.</i></p>		

Part VII - Violation Penalty Total

			Amount in Dollars
Line 24	Civil Penalty: (Sum Line 22 + Line 23)		\$155,780.00

Part VIII - Ability to Pay Adjustment

			Amount in Dollars
Line 25	Ability to Pay Reduction		\$0.00
	<p><i>Justification:</i> Respondent(s) have 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.</p>		

EXHIBIT C

Part IX - Final Adjusted Penalty

			Amount in Dollars
Line 26	Total Civil Penalty: (Sum Line 24 + Line 25)		\$155,780.00

Multi-Day Calculations

Potential Damage									
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Maintain Required Records	Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
4/8/2013	1	\$300.00			\$300.00	\$1,200.00	\$240.00	\$1,740.00	
	2	\$150.00			\$150.00	\$600.00	\$120.00	\$870.00	
	3	\$150.00			\$150.00	\$600.00	\$120.00	\$870.00	
	4	\$150.00			\$150.00	\$600.00	\$120.00	\$870.00	
	5	\$150.00			\$150.00	\$600.00	\$120.00	\$870.00	
	6	\$150.00			\$150.00	\$600.00	\$120.00	\$870.00	
	7	\$150.00			\$150.00	\$600.00	\$120.00	\$870.00	
	8	\$150.00			\$150.00	\$600.00	\$120.00	\$870.00	
	9	\$150.00			\$150.00	\$600.00	\$120.00	\$870.00	
	10	\$150.00			\$150.00	\$600.00	\$120.00	\$870.00	
	11	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
	12	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
	13	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
	14	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
	15	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
	16	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
	17	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
	18	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
	19	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
	20	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
	5/1/2013	21	\$120.00			\$120.00	\$480.00	\$96.00	\$696.00
22		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
23		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
24		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
25		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
26		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
27		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
28		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
29		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
30		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
31		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
32		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
33		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
34		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
35		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
36		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
37		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
38		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
39		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
40		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
41		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
42		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
43		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
44		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
45		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
46		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
47		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
48		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
49		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
50		\$120.00			\$120.00	\$480.00	\$96.00	\$696.00	
6/1/2013	51	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	52	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	53	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	54	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	55	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	56	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	57	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	58	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	59	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	60	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	61	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	62	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	63	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	64	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	65	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	66	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	67	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	68	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	69	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	70	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	

Multi-Day Calculations

Potential Damage									
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Maintain Required Records	Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
7/1/2013	71	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	72	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	73	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	74	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	75	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	76	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	77	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	78	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	79	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	80	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	81	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	82	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	83	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	84	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	85	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	86	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	87	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	88	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	89	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	90	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	91	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	92	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	93	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	94	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	95	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	96	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	97	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	98	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	99	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	100	\$90.00			\$90.00	\$360.00	\$72.00	\$522.00	
	101	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	102	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	103	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	104	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
105	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
106	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
107	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
108	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
109	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
110	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
111	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
112	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
113	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
114	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
115	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
8/1/2013	116	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	117	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	118	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	119	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	120	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	121	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	122	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	123	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	124	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	125	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	126	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	127	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	128	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	129	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	130	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	131	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	132	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	133	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	134	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	135	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	136	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	137	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	138	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	139	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	140	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	

Multi-Day Calculations

Potential Damage									
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Maintain Required Records	Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
9/1/2013	141	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	142	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	143	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	144	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	145	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	146	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	147	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	148	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	149	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	150	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	151	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	152	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	153	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	154	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	155	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	156	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	157	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	158	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	159	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	160	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
10/1/2013	161	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	162	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	163	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	164	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	165	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	166	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	167	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	168	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	169	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	170	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	171	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	172	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	173	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	174	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	175	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	176	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	177	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	178	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	179	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
	180	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00	
181	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
182	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
183	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
184	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
185	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
186	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
187	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
188	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
189	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
190	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
191	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
192	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
193	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
194	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
195	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
196	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
197	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
198	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
199	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
200	\$60.00			\$60.00	\$240.00	\$48.00	\$348.00		
201	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
202	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
203	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
204	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
205	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
206	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
207	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
208	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
209	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
210	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		

\$1,000.00

Multi-Day Calculations

Potential Damage									
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Maintain Required Records	Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
12/1/2013	211	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	212	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	213	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	214	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	215	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	216	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	217	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	218	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	219	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	220	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	221	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	222	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	223	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	224	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	225	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	226	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	227	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	228	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	229	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	230	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	231	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	232	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	233	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	234	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	235	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	236	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	237	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	238	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	239	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	240	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
241	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
242	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
243	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
244	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
245	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
246	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
247	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
248	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
249	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
250	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
251	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
252	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
253	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
254	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
255	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
256	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
257	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
258	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
259	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
260	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
261	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
262	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
263	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
264	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
265	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
266	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
267	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
268	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
269	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
270	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
271	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
272	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
273	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
274	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
275	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
276	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
277	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
278	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
279	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		
280	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00		

Multi-Day Calculations

Potential Damage									
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Maintain Required Records	Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
	281	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	282	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	283	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	284	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	285	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	286	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	287	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	288	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	289	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	290	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	291	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	292	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	293	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	294	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	295	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	296	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	297	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	298	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	299	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
2/1/2014	300	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	301	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	302	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	303	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	304	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	305	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	306	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	307	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	308	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	309	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	310	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	311	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	312	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	313	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	314	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	315	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	316	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	317	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	318	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	319	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	320	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	321	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	322	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	323	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	324	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	325	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	326	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	327	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
3/1/2014	328	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	329	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	330	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	331	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
3/5/2014	332	\$30.00		\$1,000.00	\$1,030.00	\$1,200.00	\$24.00	\$2,254.00	
	333	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	334	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	335	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
3/9/2014	336	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	337	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	338	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	339	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	340	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	341	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	342	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	343	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	344	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	345	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	346	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	347	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	348	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	349	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	350	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	

Multi-Day Calculations

Potential Damage									
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Maintain Required Records	Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
	351	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	352	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	353	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	354	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	355	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	356	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	357	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	358	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
4/1/2014	359	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	360	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	361	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	362	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	363	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	364	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	365	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	366	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	367	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	\$1,000.00
	368	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	369	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	370	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	371	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	372	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	373	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	374	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	375	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	376	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	377	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	378	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	379	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	380	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	381	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	382	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	383	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	384	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	385	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	386	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	387	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
5/1/2014	388	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	389	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	390	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	391	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	392	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	393	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	394	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	395	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
5/8/2014	396	\$30.00	\$1,000.00		\$1,030.00	\$1,200.00	\$24.00	\$2,254.00	\$6,000.00
	397	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	398	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	399	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	400	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	401	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	402	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	403	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	404	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	405	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	406	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	407	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	408	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	409	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	410	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	411	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	412	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	413	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	414	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	415	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	416	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	417	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	418	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
6/1/2014	419	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	420	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	

Multi-Day Calculations

Potential Damage									
Date	Day of Violation	Deficient Stormwater Management Plan (SWMP)	Failure to Install, Maintain or Properly Select Best Management Practices	Failure to Maintain Required Records	Potential Damage Sum - (Not to Exceed \$6000)	Fault - (Not to Exceed \$3000)	History - (Not to Exceed \$1000)	Potential Damage, Fault, & History Sum	Economic Benefit
	421	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	422	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	423	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	424	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	425	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	426	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	427	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	428	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	429	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	430	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	431	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	432	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	433	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	434	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	435	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	436	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	437	\$30.00			\$30.00	\$120.00	\$24.00	\$174.00	
	438	\$30.00	\$1,000.00		\$30.00	\$120.00	\$24.00	\$174.00	
6/20/2014	439	\$30.00	\$1,000.00		\$1,030.00	\$1,200.00	\$24.00	\$2,254.00	
7/21/2014	440				\$1,000.00	\$120.00	\$24.00	\$1,144.00	\$500.00
Column Sums:		\$24,120.00	\$3,000.00	\$1,000.00	\$28,120.00	\$99,840.00	\$19,320.00	\$147,280.00	\$8,500.00
Total Penalty Amount:								\$155,780.00	