



COLORADO
Department of Public
Health & Environment

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

February 4, 2015

Mike Thibault, President
T-Bone Construction, Inc.
1330 Valley Street
Colorado Springs, CO 80915

Certified Mail Number: 7002 2410 0001 0130 3592

RE: Service of Notice of Violation/Cease and Desist Order, Number: SO-150204-1

Dear Mr. Thibault:

T-Bone Construction, Inc. is hereby served with the enclosed Notice of Violation / Cease and Desist Order (the "NOV/CDO"). This NOV/CDO is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §§25-8-602 and 25-8-605, C.R.S., of the *Colorado Water Quality Control Act*, (the "Act"). The Division bases this NOV/CDO upon findings that T-Bone Construction, Inc. has violated the Act and/or regulations promulgated pursuant to a discharge permit, as described in the enclosed NOV/CDO.

Pursuant to §25-8-603, C.R.S., T-Bone Construction, Inc. 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.

Should T-Bone Construction, Inc. desire to discuss the NOV/CDO with the Division, or if you have any questions regarding NOV/CDO, please don't hesitate to contact Eric Mink at (303) 692-2312 or by electronic mail at eric.mink@state.co.us.

Sincerely,

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

Enclosure(s)



cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Richard Thompson, EH Director, Montrose County
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Amy Zimmerman, Engineering Section, CDPHE
Heather Drissel, Field Services Section, CDPHE
Erin Scott, Permits Section, CDPHE
Mike Harris, Enforcement Unit, CDPHE
Tania Watson, Compliance Assurance, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE





COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

NOTICE OF VIOLATION / CEASE AND DESIST ORDER

NUMBER: SO-150204-1

IN THE MATTER OF: T-BONE CONSTRUCTION, INC.
 CDPS PERMIT NO. COR-030000
 CERTIFICATION NO. COR-03M248
 MONTROSE 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, T-Bone Construction, Inc. ("T-Bone Construction") was a Colorado corporation in good standing and registered to conduct business in the State of Colorado.
2. T-Bone Construction is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
3. On approximately July 21, 2014, T-Bone Construction initiated construction activities on the FedEx Ground Montrose Project with a planned disturbance area of approximately 5.57 acres of land at 38° 29' 56" N and 107° 54' 13" W in Montrose County, Colorado (the "Project").
4. Construction activities at the Project include ground disturbing activities associated with the construction of a new commercial building.
5. T-Bone Construction's construction activities at the Project are covered under the Colorado Discharge Permit System General Permit Number COR-030000, for Stormwater Discharges Associated with Construction Activity (the "Permit").
6. On May 28, 2014, the Division provided T-Bone Construction with Certification Number COR-03M248 (the "Certification") authorizing T-Bone Construction to discharge stormwater from the construction activities associated with the Project to state waters, including the City of Montrose Ponds and the Uncompahgre River, under the terms and conditions of the Permit. The Certification



became effective May 28, 2014 and remains in effect until Permit reissuance or until T-Bone Construction inactivates permit coverage.

7. The Uncompahgre River and City of Montrose Ponds 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. Pursuant to 5 CCR 1002-61, §61.8, T-Bone Construction 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.
9. On October 1, 2014, a representative from the Division (the “Inspector”) conducted an on-site inspection of the Project pursuant to the Division’s authority under §25-8-306, C.R.S., to determine T-Bone Construction’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

10. Pursuant to Part I.B. of the Permit, T-Bone Construction 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.
11. Pursuant to Part I.C. of the Permit, the Project’s SWMP shall include, at a minimum, the following items:
 - a. Site Description - The SWMP shall clearly describe the construction activity, including:
 - i. The nature of the construction activity.
 - ii. The proposed sequence for major activities.
 - iii. Estimates of the total area of the site and the area of the site that is expected to undergo clearing, excavation or grading.
 - iv. A summary of any existing data used in the development of the construction plans or SWMP that describe the soil or existing potential for soil erosion.
 - v. A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
 - vi. The location and description of all potential pollution sources, including ground surface disturbance, vehicle fueling, storage of fertilizers or chemicals, etc.
 - vii. The location and description of any allowable sources of non-stormwater discharge, such as springs, landscape irrigation return flow, construction dewatering, and concrete washout.
 - viii. The name of the receiving water(s) and the size, type, and location of any outfall or, if the discharge is to a municipal separate storm sewer, the name of that system, the location of the storm sewer discharge, and the ultimate receiving water(s).
 - b. Site Map - The SWMP shall include a legible site map(s), showing the entire site, identifying:
 - i. Construction site boundaries.
 - ii. All areas of ground surface disturbance.

- iii. Areas of cut and fill.
 - iv. Areas used for storage of building materials, equipment, soil, or waste.
 - v. Locations of dedicated asphalt or concrete batch plants.
 - vi. Locations of all structural BMPs.
 - vii. Locations of all non-structural BMPs.
 - viii. Locations of springs, streams, wetlands, and other surface waters.
- c. Stormwater Management Controls - The SWMP must include a description of all stormwater management controls that will be implemented as part of the construction activity to control pollutants in stormwater discharges, including:
- i. SWMP Administrator - The SWMP shall identify a specific individual(s), position or title that is responsible for developing, implementing, maintaining, and revising the SWMP.
 - ii. Identification of Potential Pollutant Sources - The SWMP shall identify and describe those sources determined to have the potential to contribute pollutants to stormwater discharges.
 - iii. BMPs for Stormwater Pollution Prevention - The SWMP shall identify and describe appropriate BMPs that will be implemented at the facility to reduce the potential of pollution sources to contribute pollutants to stormwater discharges. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP.
 - (1) Structural Practices for Erosion and Sediment Control - The SWMP shall clearly describe and locate all structural practices implemented at the site to minimize erosion and sediment transport. Practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins.
 - (2) Non-Structural Practices for Erosion and Sediment Control - The SWMP shall clearly describe and locate all non-structural practices implemented at the site to minimize erosion and sediment transport. Description must include interim and permanent stabilization practices, and site-specific scheduling for implementation of the practices. Non-structural practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees, and preservation of mature vegetation.
 - (3) Phased BMP Implementation - The SWMP shall clearly describe the relationship between the phases of construction and the implementation and maintenance of BMPs. The SWMP must identify the stormwater management controls to be implemented during the project phases, which can include, but are not limited to, clearing and grubbing, road construction, utility and infrastructure installation, vertical construction, final grading, and final stabilization.
 - (4) Materials Handling and Spill Prevention - The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials that could contribute pollutants to runoff.
 - (5) Dedicated Concrete or Asphalt Batch Plants - The SWMP shall clearly describe and locate BMPs to control stormwater pollution from dedicated concrete batch plants or dedicated asphalt batch plants.

- (6) Vehicle Tracking Control - The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking.
 - (7) Waste Management and Disposal, Including Concrete Washout - The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes, including concrete washout activities.
 - (8) Groundwater and Stormwater Dewatering - The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater from excavations, wells, etc.
- d. Final Stabilization and Long-Term Stormwater Management - The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site, and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.
 - e. Inspection and Maintenance - The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
12. During the October 1, 2014 inspection, the Inspector reviewed the Project's SWMP and identified that the SWMP did not clearly identify all items required by Part I.C. of the Permit, as described in Paragraphs 12(a-b) below:
- a. The SWMP site map failed to identify all the areas used for the storage of construction waste.
 - b. The stormwater management controls section of the SWMP failed to identify the SWMP administrator.
13. The Division has determined that T-Bone Construction failed to prepare and maintain a complete and accurate SWMP for the Project.
14. T-Bone Construction'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 Install, Maintain, or Properly Select Best Management Practices

15. Pursuant to Part I.C.3.c. of the Permit, T-Bone Construction is required to implement BMPs to reduce the potential of pollution sources from contributing pollutants to stormwater discharges, including minimizing erosion and sediment transport from the Project. The Permit specifies that structural site management practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins. The Permit specifies that non-structural site management practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees, and preservation of mature vegetation.

16. Pursuant to Part I.D.2. of the Permit, T-Bone Construction is required to select, design, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic, and pollution control practices. The BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity at the Project.
17. Pursuant to Part I.B.3. of the Permit, T-Bone Construction 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.
18. During the October 1, 2014 inspection, the Inspector identified the following deficiencies related to BMP installation and maintenance at the Project, as described in Paragraphs 18(a-h) below:
 - a. The Inspector observed a sediment trap control measure inadequately implemented on the southeast corner of the site. Installation and implementation requirements for sediment trap BMPs were included in the SWMP and the requirements specified that sediment traps be constructed with compacted earthen berms and a rip rap outlet structure. However, the sediment trap was constructed with straw bales and a loose straw outlet structure. No additional control measures were implemented down gradient of the sediment trap and stormwater from the disturbed areas located up gradient of and within the sediment trap flows directly to the City of Montrose Ponds.
 - b. The Inspector observed a temporary berm control measure inadequately implemented on the southern boundary of the site. Installation and implementation requirements for temporary berm BMPs were included in the SWMP and the requirements specified that a temporary berm be uniformly at least eighteen (18) inches in height and compacted. However, the temporary berm was not compacted, not uniform, and not a minimum of 18 inches in height. No additional control measures were implemented down gradient of the temporary berm and stormwater from the disturbed areas located along the southern boundary of the site flows directly to the City of Montrose Ponds.
 - c. The Inspector observed that perimeter control measures were not implemented to manage stormwater runoff along the southwestern boundary of the site. The SWMP site map identified surface roughening and temporary berm control measures to manage stormwater runoff from this area of the site. However, the identified control measures were not installed. No additional control measures were implemented down gradient of where the surface roughening and temporary berm control measures were indicated on the SWMP site map. Stormwater from the disturbed areas located on the southwestern portion of the site flows directly to the City of Montrose Ponds.
 - d. The Inspector observed that a control measure was not implemented to manage stormwater runoff from the disturbed areas located on the northern portion of the site. The SWMP site map identified a surface roughening control measure to manage stormwater runoff from this disturbed area of the site. However, the identified control measure was not installed. An additional inadequate control measure was implemented down gradient of the northern portion of the site (see paragraph 18(f)). Stormwater from the disturbed areas located on the northern portion of the site flows north to the curb line along Air Parkway and then southwest in to the City of Montrose's storm sewer system, which discharges to the Uncompahgre River.

- e. The Inspector observed that perimeter control measures were not implemented to manage stormwater runoff along the northern boundary of the site. Perimeter control measures were not identified in the SWMP for the northern boundary of the site. An additional inadequate control measure was implemented down gradient of the northern boundary of the site (see paragraph 18(f)). Stormwater from the disturbed areas located on the northern portion of the site flows north to the curb line along Air Parkway and then southwest in to the City of Montrose's storm sewer system, which discharges to the Uncompahgre River.
 - f. The Inspector observed a curb sock control measure inadequately implemented on the northern boundary of the site. Installation and implementation requirements for curb sock BMPs were included in the SWMP and the requirements specified that curb socks be flush with the curb and that sediment debris be removed from the curb sock when sediment debris reaches 50% of the curb sock's capacity. However, the curb sock was not flush to the curb and sediment debris had reached approximately 90% of the curb sock's capacity. No additional control measures were implemented down gradient of the curb sock. Stormwater from the disturbed areas located along the northern boundary site flows southwest to the curb line along Air Parkway and in to the City of Montrose's storm sewer system, which discharges to the Uncompahgre River.
 - g. The Inspector observed a vehicle tracking pad control measure inadequately implemented at the northeastern site entrance. Installation and implementation requirements for vehicle tracking pad BMPs were included in the SWMP and the requirements specified that vehicle tracking pads be at least fifty (50) feet long and that when the pad becomes clogged, excess sediment be disposed of or a fresh layer of aggregate be added. However, the vehicle tracking pad was approximately thirty (30) feet long and was clogged with sediment. An additional inadequate control measure was implemented down gradient of the northeastern site entrance (see paragraph 18(a)). Stormwater from the disturbed area located at the northeastern site entrance flows to the curb line on Industrial Drive, which flows south to the sediment control trap and then in to the City of Montrose Ponds.
 - h. The Inspector observed that perimeter control measures were not implemented to manage stormwater runoff along the eastern boundary of the site, near the work trailer. Perimeter control measures were not identified in the SWMP for the eastern boundary of the site and sediment was observed being removed from the curb line on Industrial Drive during the inspection. An additional inadequate control measure was implemented down gradient of the northeastern site entrance (see paragraph 18(a)). Stormwater from the disturbed areas located along the eastern boundary of the site flows to the curb line on Industrial Drive, which flows south to the sediment control trap and then in to the City of Montrose Ponds.
19. The Division has determined that T-Bone Construction failed to implement and/or maintain functional BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic, and pollution control practices.
20. T-Bone Construction'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

21. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined T-Bone Construction 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."

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., T-Bone Construction is hereby ordered to:

22. 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 T-Bone Construction to comply with the following specific terms and conditions of this Order:

23. T-Bone Construction 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, T-Bone Construction 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.

24. T-Bone Construction 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, T-Bone Construction 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, T-Bone Construction shall submit photographs to the Division documenting the current conditions at the site and the associated BMPs implemented at the Project.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports, and replies required to be submitted by this Notice of Violation / Cease and Desist Order, T-Bone Construction shall submit an original and an electronic copy to the Division at the following address:

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

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

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

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

Pursuant to §25-8-603, C.R.S. and 5 CCR 1002, §21.11 you are required to submit to the Division an answer affirming or denying each paragraph of the Findings of Fact and responding to the Notice of Violation. The answer shall be filed no later than thirty (30) calendar days after receipt of this action.

Section 25-8-603, C.R.S. and 5 CCR 1002, §21.11 also provide that the recipient of a Notice of Violation may request the Division to conduct a public hearing to determine the validity of the Notice, including the Findings of Fact. Such request shall be filed in writing with the Division and include the information specified in 5 CCR 1002, §21.4(B)(2). Absent a request for hearing, the validity of the factual allegations and the Notice of Violation shall be deemed established in any subsequent Department proceeding. The request for hearing, if any, shall be filed no later than thirty (30) calendar days after issuance of this action. The filing of an answer does not constitute a request for hearing.

FALSIFICATION AND TAMPERING

Be advised, in accord with §25-8-610, C.R.S., that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Colorado Water Quality Control Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

POTENTIAL CIVIL AND CRIMINAL PENALTIES

You are also advised that any person who violates any provision of the Colorado Water Quality Control Act (the "Act"), §§25-8-101 to 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 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 4th day of February, 2015.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Patrick J. Pfaltzgraff, Director
WATER QUALITY CONTROL DIVISION