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

April 2, 2014

CDPS Number CO0046914
Baca Grande Water and Sanitation District
Attn: AJ Beckman, District Manager
141 Union Boulevard, Suite 150
Lakewood, CO 80228-1898

Certified Mail Number: 7012 1010 0002 1774 4757

RE: Order for Civil Penalty, Number: MP-140401-1

Dear Mr. Beckman:

Baca Grande Water and Sanitation District is hereby served with the enclosed Order for Civil Penalty ("Penalty Order"). This Penalty Order is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §25-8-608(2) of the *Colorado Revised Statutes*. Payment of the imposed civil penalty should be made in accordance with the methods referenced in the Penalty Order.

If you have any questions regarding the Penalty Order or the payment method, please do not hesitate to contact Aly Moores of this office at (303) 692-3163 or by electronic mail at alysia.moores@state.co.us

Sincerely,

Alysia K. Moores, Enforcement Specialist
Clean Water Compliance & Enforcement
Water Quality Control Division

Enclosure(s)

cc: Enforcement File

ec: AJ Beckman, Baca Grande Water and Sanitation District
Jennifer Gruber Tanaka, Esq., White, Bear & Ankele Professional Corporation
Natasha Davis, EPA Region VIII
Della Vieira, Saguache County Public Health Agency
Michael Beck, Grants and Loans Unit, CDPHE
Amy Zimmerman, Engineering Section, CDPHE
Heather Drissel, Field Services Section, CDPHE
Tania Watson, Compliance & Enforcement Unit, CDPHE
Barry Cress, DOLA

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

DIVISION OF ADMINISTRATION

WATER QUALITY CONTROL DIVISION

ORDER FOR CIVIL PENALTY **NUMBER: MP-140401-1**

IN THE MATTER OF: **BACA GRANDE WATER & SANITATION DISTRICT**
ASPEN INSTITUTE WASTEWATER TREATMENT FACILITY,
CDPS PERMIT NO. CO0046914, and
MOBILE HOME ESTATES WASTEWATER TREATMENT FACILITY
CDPS PERMIT NO. CO0043109
SAGUACHE COUNTY, COLORADO

This matter having come to my attention as the Designee of the Executive Director of the Colorado Department of Public Health and Environment, upon petition for imposition of a civil penalty by the Water Quality Control Division's Clean Water Enforcement Unit, and pursuant to §25-8-608 C.R.S, I hereby impose a civil penalty in the amount of One Hundred Three Thousand Six Hundred Fifty Three Dollars and Fifty Cents ($103,653.50) against Baca Grande Water & Sanitation District for the violations cited in the February 13, 2014 Compliance Order on Consent (Number: MC-140213-1). A copy of the Compliance Order on Consent is attached hereto as Exhibit A and is incorporated herein by reference. The civil penalty shall be paid within thirty (30) calendar days of the date of this Order for Civil Penalty as set forth in the Compliance Order on Consent. Method of payment shall be by certified or cashier's check drawn to the order of the 'Colorado Department of Public Health and Environment,' and delivered to:

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

Dated this 1st day of April 2014.

Steven H. Gunderson, Director
Water Quality Control Division
Department of Public Health & Environment

EXHIBIT A

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

DIVISION OF ADMINISTRATION

WATER QUALITY CONTROL DIVISION

COMPLIANCE ORDER ON CONSENT **NUMBER: MC-140213-1**

IN THE MATTER OF: **BACA GRANDE WATER & SANITATION DISTRICT**
ASPEN INSTITUTE WASTEWATER TREATMENT FACILITY
CDPS PERMIT NO. CO0046914
MOBILE HOME ESTATES WASTEWATER TREATMENT FACILITY
CDPS PERMIT NO. CO0043109
SAGUACHE COUNTY, COLORADO

The Colorado Department of Public Health and Environment ("Department"), through the Water Quality Control Division ("Division"), issues this Compliance Order on Consent ("Consent Order"), pursuant to the Division's authority under §§25-8-602 and 605, C.R.S. of the Colorado Water Quality Control Act ("the Act") §§25-8-101 to 803, C.R.S., and its implementing regulations, with the express consent of Baca Grande Water and Sanitation District (the "District"). The Division and the District may be referred to collectively as "the Parties."

STATEMENT OF PURPOSE

1. The mutual objectives of the Parties in entering into this Consent Order are to resolve, without litigation, the civil penalties associated with alleged violations cited herein and in the Notices of Violation / Cease and Desist Orders, Numbers: MO-090209-4 and MO-090303-1, which the Division issued to Baca Grande Water and Sanitation District (the "District") on February 9, 2009 and March 3, 2009 (hereinafter, the "NOV/CDOs").

DIVISION'S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS

2. Based upon the Division's investigation into and review of the compliance issues identified herein, and in accordance with §§25-8-602 and 605, C.R.S., the Division has made the following determinations regarding the District and the District's compliance with the Act and the District's Colorado Discharge Permit System permits.

3. At all times relevant to the violations cited herein, the District was a "Special District" formed in Saguache County pursuant to the Colorado Special District Act, §§32-1-101 *et seq* and 32-4-501 *et seq*, C.R.S.

4. The District is a "person" as defined by §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).

Aspen Institute Wastewater Treatment Facility – CO0046914

5. The District owns and/or operates a wastewater treatment facility located South of the of the Town of Crestone in the Luis Maria Baca Grant No. 4, approximately 0.5 miles South of Section 12, T43N, R11E, NMPM (there is no official Township and Range Designation associated with the WWTF site); in Saguache County Colorado. Latitude: 37.980º N, Longitude: 105.712º W. (the "Aspen Institute Facility").

6. The Aspen Institute Facility is the subject of Colorado Discharge Permit System Permit No. CO0046914. The version of Permit No. CO0046914 that was in place at the time of the violations cited herein became effective on March 1, 2005 (the "2005 Permit"). The current version of Permit No. CO0046914 was renewed effective February 1, 2014.

7. Permit No. CO0046914 authorizes the District to discharge treated wastewater from the Aspen Institute Facility through Outfall 001A into an unnamed dry wash, which is tributary to South Crestone Creek. The discharge is subject to the specific effluent limitations and other conditions of Permit No. CO0046914.

8. The unnamed dry wash and South Crestone Creek 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).

Failure to Comply with Permit Effluent Limitations

9. Pursuant to Part I.A.5 and Part I.A.6 of the 2005 Permit, the District's discharge at outfall 001A shall not exceed the effluent limitations specified below.

EFFLUENT PARAMETER	**DISCHARGE LIMITATION**		
	30-Day Average	**7-Day Average**	**Daily Maximum**
5-Day Biochemical Oxygen Demand ("BOD_5") (mg/l)	30	45	-
BOD_5 Removal (%)	85	-	-
Fecal Coliform (#/100ml)	200	400	-
Total Suspended Solids ("TSS") (mg/l)	30	45	-
TSS Removal (%)	85	-	-

pH (s.u.)	-	-	6.5 - 9
Total Ammonia (mg/l)	**30-Day Average**	**7-Day Average**	**Daily Maximum**
January	5.0	-	Report
February	4.1	-	Report
March	4.4	-	Report
April	3.9	-	Report
May	3.3	-	Report
June	3.4	-	Report
July	3.0	-	Report
August	2.2	-	Report
September	2.6	-	Report
October	2.5	-	Report
November	3.8	-	Report
December	4.0	-	Report

10. Pursuant to the requirements of Part I.B.2 of the 2005 Permit, to provide an indication of the quality of the wastewater discharged into the unnamed dry wash, tributary to South Crestone Creek, the District was required to collect specific samples of the effluent.

11. The analytical results of the samples collected at Outfall 001A are summarized and reported to the Division via monthly Discharge Monitoring Reports ("DMRs") which include a certification by the District that the information provided therein is true, accurate and complete, to the knowledge and belief of the District.

12. The DMRs for the months of February 2007 through September 2010 include, in addition to other data not subject of this action, the following effluent concentration data for BOD_5, TSS and fecal coliform, total ammonia and pH. BOD_5 and TSS removal data are also included.

REPORTED EFFLUENT SELF-MONITORING DATA (OUTFALL 001A)			
DMR Reporting Period and Parameter	**30-Day Average**	**7-Day Average**	**Daily Maximum**
BOD_5 (in mg/l)	**Limit= 30 mg/l**	**Limit= 45 mg/l**	**N/A**
July 1-July 31, 2007	77	77	-
June 1-June 30, 2008	52	52	-
October 1-October 31, 2008	31	-	-

EXHIBIT A

BOD_5 Removal (in %)	**Limit = 85 % (minimum)**	**N/A**	**N/A**
July 1-July 31, 2007	63	-	-
June 1-June 30, 2008	74	-	-
October 1-October 31, 2008	75.2	-	-
December 1-December 31, 2008	77.5	-	-
April 1-April 30, 2009	83.5	-	-
TSS (in mg/l)	**Limit = 30 mg/l**	**Limit = 45 mg/l**	**N/A**
July 1-July 31, 2007	61	61	-
August 1-August 31, 2007	33	-	-
June 1-June 30, 2008	37	-	-
TSS Removal (in %)	**Limit = 85 % (minimum)**	**N/A**	**N/A**
February 1-Febrauary 28, 2007	70.8	-	
July 1-July 31, 2007	66	-	-
June 1-June 30, 2008	83	-	-
Fecal Coliform (in #/100ml)	**Limit = 200/100ml**	**Limit = 400/100ml**	**N/A**
April 1-April 30, 2008	>200	>400	-
May 1-May 31, 2008	330	-	-
June 1-June 30, 2008	520	520	-
August 1-August 31, 2008	360	-	-
September 1-September 30, 2008	1,060	1,060	-
November 1-November 30, 2008	TNTC*	TNTC*	-
December 1-December 31, 2008	3400	3400	-
March 1-March 31, 2009	-	430	-
April 1-April 30, 2010	-	1188	-
August 1-August 31, 2010	-	648	-
September 1-September 30, 2010	-	648	-
Total Ammonia (in mg/l)	30-Day Avg. **Limit (mg/L)**	**N/A**	**N/A**
June 1-June 30, 2008	6.5 **3.4**	-	-
July 1-July 31, 2008	11.4 **3.0**	-	-

EXHIBIT A

Total Ammonia (in mg/l)	30-Day Avg. **Limit (mg/L)**	**N/A**	**N/A**
August 1-August 31, 2008	5.0 **2.2**	-	-
October 1-October 31, 2008	20.2 **2.5**	-	-
November 1-November 30, 2008	7.4 **3.8**	-	-
December 1-December 31, 2008	9.2 **4.0**	-	-
January 1-January 31, 2009	5.3 **5.0**	-	-
February 1-February 28, 2009	7.9 **4.1**	-	-
March 1-March 31, 2009	8.3 **4.4**	-	-
April 1-April 30, 2009	5.7 **3.9**	-	-
May 1-May 31, 2009	10.4 **3.3**	-	-
June 1-June30, 2009	4.3 **3.4**	-	-
July 1-July 31, 2009	5.4 **3.0**	-	-
August 1-August 31, 2009	4.0 **2.2**	-	-
January 1-January 31, 2010	12.0 **5.0**	-	-
pH (in s.u.)	**N/A**	**N/A**	**Limit = 6.5**
January 1-January 31, 2007	-	-	6.4
February 1-February 28, 2007	-	-	6.02
October 1-October 31, 2007	-	-	6.0
November 1-November 30, 2007	-	-	5.7
December 1-December 31, 2007	-	-	5.2
January 1-January 31, 2008	-	-	6.2
February 1-February 29, 2008	-	-	6.2
September 1-September 30, 2008	-		6.26
October 1-October 31, 2008	-	-	6.37

*Too numerous to count

13. BOD_5, fecal coliform, total suspended solids, total ammonia, pH, TSS Removal and BOD_5 Removal are "pollutants" as defined by §25-8-103(15), C.R.S, or indicators thereof.

14. The District's failure to comply with the effluent limitations set forth above constitutes violations of Part I.A.5 and Part I.A.6 of the 2005 Permit.

Mobile Home Estates Wastewater Treatment Facility – CO0043109

15. The District owns and/or operates a wastewater treatment facility located near the Town of Crestone in Saguache County, Colorado in the Luis Maria Baca Grant No. 4, Township 43 North, Range 11 East, approximately four miles West of the Town of Crestone; at Latitude: 37.987º N. and Longitude: 105.774º W. (the "Mobile Home Estates Facility"). The Division was notified by the District that the Mobile Home Estates Facility had been decommissioned as of May 20, 2011 and that all wastewater flows were being pumped to the Aspen Wastewater Treatment Facility (CO0046914).

16. The Mobile Home Estates Facility was the subject of Colorado Discharge Permit System Permit No. CO0043109. Permit No. CO0043109 became effective on August 1, 2002 and was renewed effective June 1, 2009 (the "2002 Permit" and "2009 Permit" respectively). Permit No. CO0043109 was terminated effective January 1, 2012 following the decommissioning of the Mobile Home Estates Facility.

17. Permit No. CO0043109 authorized the District to discharge treated wastewater from the Mobile Home Estates Facility through Outfall 001A into Crestone Creek. The discharge was subject to the specific effluent limitations and other conditions of Permit No. CO0043109.

18. Crestone Creek is "state waters" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (102).

Failure to Comply with Permit Effluent Limitations

19. Pursuant to Part I.A.5 and Part I.A.6 of the 2002 Permit and Part I.A.1 of the 2009 Permit, the District's discharge at Outfall 001A shall not exceed the effluent limitations specified below.

EFFLUENT PARAMETER	DISCHARGE LIMITATION	
	30-Day Average	7-Day Average
5-Day Biochemical Oxygen Demand ("BOD_5") (mg/l)	30	45
BOD_5 Removal (%)	85	-
Fecal Coliform (#/100ml)	2,000	4,000
Total Suspended Solids ("TSS") (mg/l)	75	110

20. Pursuant to the requirements of Part I.B.2 of the 2002 Permit and Part I.A.1 of the 2009 Permit, to provide an indication of the quality of the wastewater discharged into Crestone Creek, the District was required to collect samples of the effluent at a point designated by the 2002 and 2009 Permit as Outfall 001A.

21. The analytical results of the samples collected at Outfall 001A were summarized and reported to the Division via monthly DMRs which included a certification by the District that the information provided therein was true, accurate and complete, to the knowledge and belief of the District.

22. The DMRs for the months of April 2007 through October 2010 include, in addition to other data not subject of this action, the following effluent concentration data for BOD_5, TSS and fecal coliform. BOD_5 removal data are also included.

DMR Reporting Period and Parameter	30-Day Average	7-Day Average
BOD_5 (in mg/l)	**Limit= 30 mg/l**	**Limit= 45 mg/l**
April 1-April 30, 2007	48	48
May 1-May 31, 2007	36	48
September 1-September 30, 2007	32	-
December 1-December 31, 2007	41	-
January 1-January 31, 2008	53	53
February 1-February 29, 2008	36	-
April 1-April 30, 2008	62	62
May 1-May 31, 2008	58	58
June 1-June 30, 2008	42	-
July 1-July 31, 2008	31	-
August 1-August 31, 2008	72	72
December 1-December 31, 2008	41	-
January 1-January 31, 2009	47	47
March 1-March 31, 2009	34	-
April 1-April 30, 2009	32	-
BOD_5 Removal (in %)	**Limit = 85 % (minimum)**	**N/A**
January 1-January 31, 2007	71.4	-
April 1-April 30, 2007	59	-

EXHIBIT A

DMR Reporting Period and Parameter	30-Day Average	7-Day Average
May 1-May 31, 2007	74	-
June 1-June 30, 2007	81.1	-
September 1-September 30, 2007	83	-
December 1-December 31, 2007	71	-
February 1-February 29, 2008	76	-
March 1-March 31, 2008	84	-
April 1-April 30, 2008	83	-
May 1-May 31, 2008	70	-
June 1-June 30, 2008	78	-
December 1-December 31, 2008	76.2	-
January 1-January 31, 2009	64.7	-
March 1-March 31, 2009	64.9	-
April 1-April 30, 2009	72.2	-
June 1-June 30, 2009	81.5	-
April 1-April 30, 2010	72.8	-
May 1-May 31, 2010	76.0	-
October 1-October 31, 2010	87.3	-
May 1-May 31, 2011	0.0	-
TSS (in mg/l)	**Limit = 75 mg/l**	**Limit = 110 mg/l**
June 1-June 30, 2008	88	-
Fecal Coliform (in #/100ml)	**Limit = 2,000/100ml**	**Limit = 4,000/100ml**
August 1-August 31, 2008	TNTC	TNTC
January 1-January 31, 2009	TNTC	TNTC

*Too numerous to count

23. BOD_5, BOD_5 removal, fecal coliform and TSS are "pollutants" as defined by §25-8-103(15), C.R.S, or indicators thereof.

24. The District's failure to comply with the effluent limitations set forth above constitutes violations of Part I.A.5 and Part I.A.6 of the 2002 Permit and Part I.A.1 of the 2009 Permit.

EXHIBIT A

Failure to Commence Construction of Facility Expansion

25. Pursuant to Part I.A.2 of the 2002 Permit and Part I.B.2 of the 2009 Permit specified a 30-day average organic design capacity of 18 lbs. BOD_5/day for the Mobile Home Estates Facility.

26. Pursuant to Part I.A.3 of the 2002 Permit and Part I.B.3 of the 2009 Permit, whenever ninety-five (95) percent of the 30-day average design capacity is met, the permittee shall commence construction of the necessary treatment expansion. If construction is not commenced, the permittee shall cease the issuance of building permits within the service area until construction is commenced. If the permittee's domestic wastewater treatment works serves other municipalities or connector districts, the permittee shall have made provisions by contract or otherwise, for the municipalities within the service area to cease issuance of building permits within the service area until construction has commenced.

27. Pursuant to the requirements of Part I.B.1 of the 2002 Permit, the District was required to collect samples of the influent to the Mobile Home Estates Facility, which is designated by the 2002 Permit as Outfall 300I. The analytical results of the influent samples were summarized and reported to the Division via the monthly DMRs for Outfall 300I. By utilizing the reported influent flow and BOD_5 concentration data, the Division determined that the 30-day average organic loading to the Mobile Home Estates Facility for certain months to be as follows:

REPORTING PERIOD	30-DAY AVERAGE ORGANIC LOADING (in lbs./day)
December 1-December 31, 2007	21
April 1-April 30, 2008	19
July 1-July 31, 2008	21
August 1-August 31, 2008	49

28. The results listed in paragraph 27 above demonstrate that the District exceeded ninety-five (95) percent of the 30-day average organic design capacity of the Mobile Home Estates Facility.

29. The District later informed the Division that it had not ceased the issuance of building permits or sewer connection permits within its service area and that it had not taken any other action to cease acceptance of additional organic loading at the Mobile Home Estates Facility.

30. The District's failure to commence construction of treatment expansion when ninety-five (95) percent of the organic design capacity of the Mobile Home Estates Facility was reached constitutes violation of Part I.A.3 of the 2002 Permit.

31. The District's failure to cease the issuance of building permits when ninety-five (95) percent of the respective organic design capacity of the Mobile Home Estates Facility was reached constitutes violation of Part I.A.3 of the 2002 Permit.

EXHIBIT A

Failure to Properly Monitor and Report

32. Pursuant to Part I.B.2 of the 2002 Permit, the District was required to monitor effluent pH on a weekly basis at Outfall 001A. The analytical results of the effluent samples were to be summarized and reported to the Division via monthly DMRs.

33. The DMRs for Outfall 001A for the months of September 2008 through December 2008 do not reflect effluent pH data.

34. A representative of the District later advised the Division that pH was not monitored during the months of September 2008 through December 2008.

35. The District's failure to monitor pH during these months constitutes a violation of Part I.B.2 of the 2002 Permit.

ORDER AND AGREEMENT

36. Based on the foregoing factual and legal determinations, pursuant to its authority under §§25-8-602 and 605, C.R.S., and in satisfaction of the civil penalties associated with the alleged violations cited herein and in the NOV/CDOs, the Division orders the District to comply with all provisions of this Consent Order, including all requirements set forth below.

37. The District agrees to the terms and conditions of this Consent Order. The District agrees that this Consent Order constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602 and 605, C.R.S., and is an enforceable requirement of the Act. The District also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by the District against the Division:

    a. The issuance of this Consent Order;
    b. The factual and legal determinations made by the Division herein; and
    c. The Division's authority to bring, or the court's jurisdiction to hear, any action to enforce the terms of this Consent Order under the Act.

38. Notwithstanding the above, the District does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by the District pursuant to this Consent Order shall not constitute evidence of fault and liability by the District with respect to the conditions of the Aspen Institute Facility or Mobile Home Estates Facility.

CIVIL PENALTY

39. Based upon the application of the Division's Civil Penalty Policy (May 1, 1993), and consistent with Departmental policies for violations of the Act, the District shall pay One Hundred Three Thousand Six Hundred Fifty Three Dollars and Fifty Cents ($103,653.50) in civil penalties. The Division intends to petition the Executive Director, or his designee, to impose the One Hundred Three Thousand Six Hundred Fifty Three Dollars and Fifty Cents ($103,653.50) civil penalty for the above

violation(s) and the District agrees to make the payment within thirty (30) calendar days of the issuance of a Penalty Order by the Executive Director or his designee. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

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

SCOPE AND EFFECT OF CONSENT ORDER

40. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the civil penalties associated with the violations alleged herein and in the NOV/CDOs.

41. This Consent Order is subject to the Division's "Public Notification of Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and the District each reserve the right to withdraw consent to this Consent Order if comments received during the thirty-day period result in any proposed modification to the Consent Order.

42. This Consent Order constitutes a final agency order or action upon the date when the Executive Director or his designee imposes the civil penalty following the public comment period. Any violation of the provisions of this Consent Order by the District, including any false certifications, shall be a violation of a final order or action of the Division for the purpose of §25-8-608, C.R.S., and may result in the assessment of civil penalties of up to ten thousand dollars per day for each day during which such violation occurs.

43. Notwithstanding paragraph 38 above, the violations described in this Consent Order will constitute part of the District's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against the District. The District agrees not to challenge the use of the cited violations for any such purpose.

LIMITATIONS, RELEASES AND RESERVATION OF RIGHTS AND LIABILITY

44. Upon the effective date of this Consent Order, and during its term, this Consent Order shall stand in lieu of any other enforcement action by the Division with respect to civil penalties for the specific instances of violations cited herein and in the NOV/CDOs. The Division reserves the right to bring any action to enforce this Consent Order, including actions for penalties or the collection thereof, and/or injunctive relief.

45. This Consent Order does not grant any release of liability for any violations not specifically cited herein.

46. Nothing in this Consent Order shall preclude the Division from imposing additional requirements in the event that new information is discovered that indicates such requirements are necessary to protect human health or the environment.

47. Upon the effective date of this Consent Order, the District releases and covenants not to sue the State of Colorado or its employees, agents or representatives as to all common law or statutory claims or counterclaims arising from, or relating to, the violations of the Act specifically addressed herein.

48. Nothing in this Consent Order shall constitute an express or implied waiver of immunity otherwise applicable to the State of Colorado, its employees, agents or representatives.

NOTICES

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

For the Division:

Aly Moores
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: 303-692-3163
E-mail: alysia.moores@state.co.us

For Baca Grande Water and Sanitation District:

Baca Grande Water and Sanitation District
Attn: AJ Beckman, District Manager
141 Union Boulevard, Suite 150
Lakewood, CO 80228-1898
Telephone: 303-987-0835
Email: abeckman@sdmsi.com

With a copy to:

White, Bear & Ankele Professional Corporation
Attention: Jennifer Gruber Tanaka, Esq.
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122
Telephone: 303-858-1800
Email: jtanaka@wbapc.com

EXHIBIT A

MODIFICATIONS

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

NOTICE OF EFFECTIVE DATE

51. This Consent Order shall be fully effective, enforceable and constitute a final agency action upon the date when the Executive Director or his designee imposes the civil penalty following closure of the public comment period referenced in paragraph 41. If the penalty as described in this Consent Order is not imposed, or an alternate penalty is imposed, this Consent Order becomes null and void.

BINDING EFFECT AND AUTHORIZATION TO SIGN

52. This Consent Order is binding upon the District and its elected officials, employees, agents, representatives, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this Consent Order. In the event that a party does not sign this Consent Order within thirty (30) calendar days of the other party's signature, this Consent Order becomes null and void. This Consent Order may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Consent Order.

FOR BACA GRANDE WATER AND SANITATION DISTRICT:

Vicki Matthews _____ Date: 2/10/14
Vicki Matthews, Board President

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:

_____ Date: 2/13/14
Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION