

# 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

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Colorado Department  
of Public Health  
and Environment

May 14, 2014

Cherokee Metropolitan District  
Attention: Sean Chambers, General Manager  
6250 Palmer Park Boulevard  
Colorado Springs, Colorado 80915

Certified Mail Number: 7007 0220 0001 0163 1114

**RE: Compliance Order on Consent, Number: MC-140514-1**

Dear Mr. Chambers:

Enclosed for Cherokee Metropolitan District's records, you will find Cherokee's copy, with original signatures, of the recently executed Compliance Order on Consent. Please remember that this agreement is subject to a thirty-day public comment period (paragraph 50). Upon initiation, if the Division receives any comments during this period we will contact your office to discuss. Also, please be advised that the first page of the Order and the first page of each SEP proposal/agreement form were changed to place the assigned Order Number on the final document.

If you have any questions, please don't hesitate to contact me at (303) 692-3598 or by electronic mail at [michael.harris@state.co.us](mailto:michael.harris@state.co.us).

Sincerely,

Michael Harris, Manager  
Clean Water Compliance & Enforcement Unit  
WATER QUALITY CONTROL DIVISION

*Enclosure(s)*

ec: Natasha Davis, EPA Region VIII  
El Paso County Department of Health & Environment  
Nicole Rowan, Watershed Section, CDPHE  
Michael Beck, Grants and Loans Unit, CDPHE  
Doug Camrud, Engineering Section, CDPHE  
Heather Drissel, Field Services Section, CDPHE  
Lillian Gonzalez, Permits Section, CDPHE  
Tania Watson, Data Management, CDPHE  
Barry Cress, DOLA



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
DIVISION OF ADMINISTRATION  
WATER QUALITY CONTROL DIVISION**

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**COMPLIANCE ORDER ON CONSENT**

**NUMBER: MC-140514-1**

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**IN THE MATTER OF:      CHEROKEE METROPOLITAN DISTRICT  
                                 CDPS PERMIT NO. COX-048348  
                                 EL PASO COUNTY, COLORADO**

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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 Cherokee Metropolitan District (“Cherokee”). The Division and Cherokee 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:
  - a. To establish compliance requirements and criteria for the continued operation of Cherokee’s Wastewater Reclamation Facility located at or near 19174 Drennan Road, El Paso County, Colorado Springs, Colorado (the “Facility”); and
  - b. To resolve, without litigation, the alleged violations of the Act cited herein by the Division, and the associated civil penalties.

**DIVISION’S FINDINGS OF FACT AND DETERMINATION OF ALLEGED 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 Cherokee, the Facility and Cherokee’s compliance with the Act and its Colorado Discharge Permit System (“CDPS”) permit.

3. At all times relevant to the alleged violations cited herein, Cherokee was a “Special District” formed in El Paso County, Colorado pursuant to the Colorado Special District Act, §§32-1-101 et seq and 32-4-501 et seq, C.R.S.
4. Cherokee is a “person” as defined by §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
5. The Facility receives and treats approximately 1.59 million gallons per day of domestic sewage generated from the Cimarron Hills area of Colorado Springs, El Paso County, Colorado and from two (2) contract customers: Meridian Service Metropolitan District and Schriever Air Force Base.
6. The Facility consists of a mechanical treatment plant that includes an extended aeration activated sludge biological process, utilizing four sequencing batch reactors for carbon oxidation, nitrification and denitrification, followed by effluent flow equalization, and ultraviolet disinfection. Waste activated sludge is aerobically digested and dewatered utilizing centrifuges. Treated effluent from the Facility is conveyed to a rapid infiltration basin system, approximately four (4) miles east-southeast, and consisting of ten (10) individual infiltration basins.
7. On August 21, 2009, Cherokee applied for coverage under a CDPS individual ground water discharge permit for Discharges to Ground Water from Domestic Wastewater Treatment Works (the “Permit”).
8. On May 13, 2010, the Division issued Cherokee Individual Permit Number COX-048348 authorizing Cherokee to discharge effluent wastewater from the Facility to groundwater under the terms and conditions of the Permit. The Permit became effective on June 12, 2010 and is due to expire May 31, 2015.
9. Cherokee commenced operations at the Facility in June 2010 and has continuously operated since that date.
10. The Permit specifies that Cherokee is authorized to discharge effluent wastewater from the Facility to groundwater (Upper Black Squirrel Alluvial Aquifer). No other discharges are authorized by the Permit. The discharge is subject to the specific effluent limitations and other conditions of the Permit.
11. Groundwater is “state waters” as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (101).
12. Section 61.8, 5 CCR 1002-61, states in part that “A permittee must comply with all the terms and conditions of the permit.”

**Failure to Comply with Permit Effluent Limitations**

13. Pursuant to Part 1.A.1 of the Permit, the discharge from the Facility at outfalls 001A, 050C(L), and 050D(L) should not have exceeded, among other parameters and limitations not listed herein, the effluent limitations specified below:

Point of Compliance	Effluent Parameters	Discharge Limitations			
		30-Day Average	7-Day Average	Monthly Minimum	Daily Maximum
Outfall 001A	5-Day Biochemical Oxygen Demand ("BOD <sub>5</sub> ") (mg/L)	30 mg/L	45 mg/L	-	-
Outfall 001A	BOD <sub>5</sub> Removal (%)	-	-	85%	-
Outfall 001A	Total Suspended Solids ("TSS") (mg/L)	30 mg/L	45 mg/L	-	-
Outfall 001A	TSS Removal (%)	-	-	85%	-
Outfall 001A	Total Inorganic Nitrogen ("TIN") (mg/L)	-	-	-	10 mg/L
Outfalls 050C(L) and 050D(L)	Total Dissolved Solids ("TDS") (mg/L)	400 mg/L	-	-	-

Each point of compliance shown in the above table is as directed in CDPS Permit No. COX-048348 effective June 12, 2010:

- a) Outfall 001A = The Facility's outfall following ultraviolet radiation disinfection and prior to the effluent being conveyed by pipeline to the rapid infiltration basins and mixing with the receiving water.
  - b) Outfalls 050C(L) and 050D(L) = Downgradient monitoring wells located within fifteen (15) feet of the southern (downgradient) boundary of the Facility's property where the rapid infiltration basins are located.
14. Pursuant to Part I.D.1 of the Permit, to provide an indication of the quality of the wastewater being discharged into the Upper Black Squirrel Alluvial Aquifer, Cherokee collects specific samples of the effluent at the monitoring locations specified in the Permit. The analytical results of the samples are summarized and reported to the Division via monthly Discharge Monitoring Reports ("DMRs") which include a certification by Cherokee affirming that the information provided therein is true, accurate and complete, to the knowledge and belief of Cherokee.
15. Cherokee's DMRs submitted to the Division include, among other information and data, the effluent concentration summary data for BOD<sub>5</sub>, BOD<sub>5</sub> Removal, TSS, TSS Removal, TIN, and TDS which

exceeded the effluent limitations imposed by Part I.A.1 of the Permit. These effluent violations are attached as Exhibit A.

16. BOD<sub>5</sub>, BOD<sub>5</sub> Removal, TSS, TSS Removal, TIN, and TDS are each a “pollutant” (or indicator thereof) as defined by §25-8-103(15), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (76).
17. The Permit did not authorize the pollutant discharge levels identified above in paragraph 15 and in Exhibit A and Cherokee does not have any other permits authorizing such discharge into State Waters.
18. Cherokee’s failure to comply with the effluent limitations set forth in the Permit and identified above in paragraph 15 and Exhibit A constitutes alleged violations of Part I.A.1 of the Permit.

#### Cherokee’s Position on Alleged Violations

19. Cherokee submitted a request for preliminary effluent limitations (“PELs”) for the proposed discharge of the Facility to groundwater through rapid infiltration basins on May 2, 2006. The Division responded with a letter dated June 15, 2006 stating the PELs which would apply to that discharge to groundwater. The PELs presented by the Division in the June 15, 2006 letter did not include TDS as an effluent limit for this discharge. Cherokee accomplished the design and preparation of construction documents in accordance with the PELs set forth in the June 15, 2006 letter. The subsequent site location approval and construction documents approval by the Division for the Facility did not include any statements regarding a requirement for meeting a TDS effluent limit. TDS was presented by the Division as an effluent limit parameter in a draft discharge permit following Cherokee’s application for a discharge permit on August 14, 2009. Even though the Facility was not designed or constructed to remove or otherwise control TDS in the effluent, the Division issued a draft permit for public review on March 19, 2010, and a final permit effective June 12, 2010, containing effluent limits for TDS.
20. In response to the TIN discharge permit violations occurring in early 2011, Cherokee’s initial investigations indicated that the anoxic treatment periods may not have been long enough and the process may be carbon deficient. Cherokee implemented process changes to increase the anoxic treatment periods and experimented with feeding supplemental carbon, in the form of methanol, during the anoxic periods. These process modifications initially showed positive results, with the effluent TIN concentration steadily dropping from 34.0 mg/L in March 2011 to 11.8 mg/L in June 2011. Cherokee was in the process of installing equipment that would allow methanol to be fed on a more consistent basis to improve the performance of the denitrification process in June 2011 when the Division informed Cherokee that adding methanol would likely be a change in the treatment process and therefore require an amendment to the site location approval and design, plan and specification review and approval by the Division. Cherokee advocated the immediate implementation of a methanol feed and expressed its concern to the Division that the effluent would not be in compliance with the TIN limitation until process modifications could be implemented. Cherokee’s *Pilot/Full Scale Demonstration Project – Methanol Addition as a Carbon Source* was authorized by the Division on May 24, 2012 and Cherokee commenced operation of the demonstration project on June 15, 2012. If a mechanism was in place that allowed the Division to immediately authorize the implementation of Cherokee’s methanol feed in early July 2011, the TIN limitation exceedences that occurred from July 2011 through June 2012 might have been avoided.

21. The Division finds that Cherokee's position statement, including the additional statements documented in CMD's January 17, 2014 letter to the Division, are not entirely consistent with the information gathered in the course of the Division's inspections and investigation of the incidents described herein and the inclusion of Cherokee's position statement in this order should not be construed to constitute any admission or agreement by the Division as to the content of the position statement.

### **ORDER AND AGREEMENT**

22. 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 alleged violations cited herein, the Division orders Cherokee to comply with all provisions of this Consent Order, including all requirements set forth below.
23. Cherokee agrees to the terms and conditions of this Consent Order. Cherokee 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. Cherokee also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by Cherokee 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.
24. Notwithstanding the above, Cherokee does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by Cherokee pursuant to this Consent Order shall not constitute evidence of fault and liability by Cherokee with respect to the conditions of the Facility.

### **Compliance Actions and Requirements**

25. Cherokee shall immediately implement measures to attain compliance with the Colorado Water Quality Control Act and the terms and conditions of the Permit.

#### **Schedule to Meet Total Inorganic Nitrogen Effluent Limit**

26. Cherokee implemented a *Pilot/Full Scale Demonstration Project-Methanol Addition as a Carbon Source* ("Demonstration Project"), as initially authorized by the Division on May 24, 2012 with a subsequent authorization for an extension to December 31, 2013. The full-scale Demonstration Project was intended to provide for the addition of supplemental carbon to improve the denitrification process, modify the manner in which air delivery to the pre-react basin is accomplished to enhance anoxic conditions and provide for internal recycle in the aeration basin to the pre-react zone. Cherokee submitted a request to the Division to continue the Demonstration Project past December 31, 2013 to September 30, 2014. On November 26, 2013, the Division extended authorization to operate the Demonstration Project to May 24, 2014, which is two years after the initial authorization to operate the Demonstration Project.

27. On July 17, 2013, Cherokee submitted an Application for Amendment of an Existing Site Location Approval to incorporate modifications to the activated sludge system to enhance and improve performance of the denitrification process. The Division approved the Application for Amendment on September 27, 2013. The Amendment authorized Cherokee to proceed with implementation of permanent improvements for application of methanol as a supplemental carbon source to enhance the denitrification process at the Facility.
28. In accordance with the Division's WPC Policy DR-1, Cherokee submitted a Process Design Report ("PDR") to the Division on November 26, 2013, addressing the permanent improvements to the Facility to facilitate the addition of methanol as a supplemental carbon source. By April 30, 2014, Cherokee shall submit a certification of the design and construction documents (plans and specifications) in accordance with the "streamlined design review process" specified by Water Quality Control Commission ("WQCC") Regulation No. 22.
29. Upon receipt and acceptance of the certification of design and construction documents submitted by Cherokee for the Facility improvements to add supplemental carbon referenced in Paragraph 28, the Division will provide Cherokee authorization to continue the Demonstration Project until August 31, 2014 during which time Cherokee will implement the permanent improvements to the Facility.
30. Within sixty (60) days of the Division's approval of the PDR and the plans and specifications for the new preliminary treatment facility, Cherokee shall initiate construction of the new preliminary treatment facility. Cherokee shall submit quarterly progress reports to the Division outlining the progress of the preliminary treatment facility construction. At a minimum, each report shall outline activities undertaken in the current reporting period and planned activities for the next three (3) months to remain in compliance with this Consent Order.

#### Schedule to Meet Total Dissolved Solids Effluent Limit

31. Within thirty (30) days of the effective date of this Consent Order, Cherokee shall commence a technical assessment of the suitability and effectiveness of accomplishing Total Dissolved Solids ("TDS") removal in its source water supply as a means of controlling TDS discharge from the Facility. This will include blending with new source water supplies presently being developed and source water treatment. The assessment of alternative approaches for TDS control will also include evaluation of TDS control at the Facility's biological process discharge. Additionally, Cherokee shall prepare a summary report of the findings of the assessment of the suitability and effectiveness of accomplishing TDS removal in its source water supply and submit this report to the Division.
32. Within one hundred eighty (180) days of the effective date of this Consent Order, Cherokee shall complete the assessment of technically feasible approaches to control TDS in the Facility's effluent, as required by Paragraph 31 of this Consent Order addressing financial and cost-benefit impacts, operational impacts with particular attention to the requirements for management of residuals from the TDS control processes, legal issues and impacts from conditions of well permits, decrees and other water resource management and use agreements, water use efficiency, institutional constraints and other identified issues which will influence the selection of a TDS control strategy for implementation. Additionally, Cherokee shall prepare a summary report of the findings of the assessment described in this paragraph and submit to the Division.

33. Within two hundred ten (210) calendar days of the effective date of this Consent Order, Cherokee shall submit to the Division an implementation plan for a selected TDS control strategy, as addressed in Paragraphs 31 and 32. The submitted plan shall become a condition of this Consent Order and Cherokee shall comply with the plan as submitted unless notified by the Division, in writing within sixty (60) calendar days of the submittal, that modifications or an alternate plan or program is appropriate. If the Division imposes modifications or an alternate plan or program, it shall also become a condition of this Consent Order.
34. Within sixty (60) days of the effective date of this Consent Order, Cherokee shall submit a summary report of the review and an update of the dynamic groundwater model of the Black Squirrel Creek alluvial aquifer in the vicinity of the rapid infiltration basins to which the Facility discharges. Cherokee shall analyze the variation in the groundwater phreatic surface as a result of application of treated wastewater in the rapid infiltration basins and pumping of production wells upstream and downstream, and laterally from the rapid infiltration basins.
35. Within thirty (30) days of the effective date of this Consent Order, Cherokee shall complete development of a customer education program expressed as Best Management Practices to maximize the efficiency of home water softeners for purposes of minimizing wastewater generated from the ion exchange resin regeneration process. The primary means of education will be through Cherokee's customer newsletter. Outreach and educational tools shall also be developed for implementation of Best Management Practices for TDS control in nonresidential wastewater contributions. Cherokee shall publish the consumer education program in the customer newsletter no less than semi-annually.
36. Within forty-five (45) days of the effective date of this Consent Order, Cherokee shall develop design and construction documents for new groundwater monitoring wells at or near Cherokee's property boundary and submit to the Division for approval. Within one hundred twenty (120) days following Division approval of the new groundwater monitoring well location's design and construction documents, Cherokee shall complete construction of the modified groundwater monitoring system.
37. Within one hundred eighty (180) days of the effective date of this Consent Order, Cherokee shall complete an assessment of the local limits in its pretreatment program addressing TDS and other constituents of concern in accordance with USEPA Region 8 guidance for development of local limits. Additionally, within two hundred ten (210) days of the effective date of this Consent Order, Cherokee shall prepare a summary report of the findings of the assessment and submit to the Division.
38. All documents submitted under this Consent Order shall use the same titles as stated in this Consent Order, and shall reference both the number of this Consent Order and the number of the paragraph pursuant to which the document is required. No plan submitted for Division approval under this Consent Order may be implemented unless and until written approval is received from the Division except as otherwise specified or provided herein. Any approval by the Division of a plan submitted under this Consent Order is effective upon receipt by Cherokee. All approved plans, including all procedures and schedules contained in the plans, are hereby incorporated into this Consent Order, and shall constitute enforceable requirements under the Act.

## CIVIL PENALTY AND SUPPLEMENTAL ENVIRONMENTAL PROJECTS

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 Division has determined that a penalty of Sixty Three Thousand Seven Hundred Twenty Dollars (\$63,720.00) is appropriate for the violations cited herein.
40. Through the application of the criteria set forth in the Colorado Department of Public Health and Environment's Final Agency-Wide Policy on Settling Administrative and/or Civil Penalties Against Eligible Governmental Entities, the Division has determined the entire penalty can be mitigated through the completion of the following Supplemental Environmental Projects ("SEPs") identified by Cherokee and which are valued at Sixty Nine Thousand Seven Hundred Seventy Five Dollars (\$69,775.00).
41. Cherokee shall undertake the following SEPs, which the Parties agree are intended to secure significant environmental or public health protection and improvements.
42. Cherokee shall spend no less than Sixty Nine Thousand Seven Hundred Seventy Five Dollars (\$69,775.00) on the implementation and completion of energy efficiency/pollution prevention upgrades within the Cherokee service area in El Paso County. The combination of the first and third party SEPs are further described in Exhibit B. If Cherokee completes the energy efficiency/pollution prevention upgrades specified in Exhibit B and does not expend the full Sixty Nine Thousand Seven Hundred Seventy Five Dollars (\$69,775.00), Cherokee may propose an alternate SEP for Division review and approval that accounts for the remaining balance. The alternate SEP proposal shall be submitted to the Division by December 1, 2014.
43. Cherokee shall not deduct the expenses associated with the implementation of the above-described SEPs for any tax purpose or otherwise obtain any favorable tax treatment of such payment or project.
44. Cherokee hereby certifies that, as of the date of this Consent Order, it is not under any existing legal obligation to perform or develop the SEPs. Cherokee further certifies that it has not received, and will not receive, credit in any other enforcement action for the SEPs. In the event that Cherokee has, or will receive credit under any other legal obligation for the SEPs, Cherokee shall pay Sixty Three Thousand Seven Hundred Twenty Dollars (\$63,720.00) to the Division as a civil penalty within thirty (30) calendar days of receipt of a demand for payment by the Division. 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:

Michael Harris  
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

45. The SEPs must be completed to the satisfaction of the Division by November 30, 2014, and must be operated for the useful life of the SEPs. In the event that Cherokee fails to comply with any of the terms or provisions of this Consent Order relating to the performance of the SEPs, Cherokee shall be liable for penalties as follows:
  - a. Payment of a penalty in the amount of Sixty Three Thousand Seven Hundred Twenty Dollars (\$63,720.00). The Division, in its sole discretion, may elect to reduce this penalty for environmental benefits created by the partial performance of the SEPs.
  - b. Cherokee shall pay this penalty within thirty (30) calendar days of receipt of written demand by the Division. Method of payment shall be as specified in paragraph 44 above.
46. Cherokee shall submit SEP Completion Reports for each SEP to the Division by December 30, 2014. The SEP Completion Reports shall contain the following information:
  - a. A detailed description of the SEPs as implemented;
  - b. A description of any operating problems encountered and the solutions thereto;
  - c. Itemized costs, documented by copies of purchase orders and receipts or canceled checks or other forms of proof of payment;
  - d. Certification that the SEPs have been fully implemented pursuant to the provisions of this Consent Order; and
  - e. A description of the environmental and public health benefits resulting from implementation of the SEPs (with quantification of the benefits and pollutant reductions, if feasible).
47. Failure to submit the SEP Completion Reports with the required information, or any periodic report, shall be deemed a violation of this Consent Order.
48. Cherokee shall include the following language in any public statement, oral or written, making reference to the SEPs: "This project was undertaken in connection with the settlement of an enforcement action taken by the Colorado Department of Public Health and Environment for alleged violations of the Colorado Water Quality Control Act."

### **SCOPE AND EFFECT OF CONSENT ORDER**

49. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the alleged violations cited herein.
50. 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 Cherokee 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.
51. This Consent Order constitutes a final agency action upon a determination by the Division following the public comment period. Any violation of the provisions of this Consent Order by Cherokee, 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.

52. The Parties' obligations under this Consent Order are limited to the matters expressly stated herein or in approved submissions required hereunder. All submissions made pursuant to this Consent Order are incorporated into this Consent Order and become enforceable under the terms of this Consent Order as of the date of approval by the Division.
53. The Division's approval of any submission, standard, or action under this Consent Order shall not constitute a defense to, or an excuse for, any prior violation of the Act, or any subsequent violation of any requirement of this Consent Order or the Act.
54. Notwithstanding paragraph 24 above, the alleged violations described in this Consent Order will constitute part of Cherokee's compliance history for purposes where such history is relevant. This includes considering the alleged violations described above in assessing a penalty for any subsequent violations against Cherokee. Cherokee agrees not to challenge the use of the cited alleged violations for any such purpose.
55. This Consent Order does not relieve Cherokee from complying with all applicable Federal, State, and/or local laws in fulfillment of its obligations hereunder and shall obtain all necessary approvals and/or permits to conduct the activities required by this Consent Order. The Division makes no representation with respect to approvals and/or permits required by Federal, State, or local laws other than those specifically referred to herein.

#### **LIMITATIONS, RELEASES AND RESERVATION OF RIGHTS AND LIABILITY**

56. 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 the specific instances of alleged violations cited herein. 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.
57. This Consent Order does not grant any release of liability for any violations not specifically cited herein.
58. 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.
59. Upon the effective date of this Consent Order, Cherokee 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 alleged violations of the Act specifically addressed herein.
60. Cherokee shall not seek to hold the State of Colorado or its employees, agents or representatives liable for any injuries or damages to persons or property resulting from acts or omissions of Cherokee, or those acting for or on behalf of Cherokee, including its officers, employees, agents, successors, representatives, contractors, consultants or attorneys in carrying out activities pursuant to

this Consent Order. Cherokee shall not hold out the State of Colorado or its employees, agents or representatives as a party to any contract entered into by Cherokee in carrying out activities pursuant to this Consent Order. Nothing in this Consent Order shall constitute an express or implied waiver of immunity otherwise applicable to the State of Colorado, its employees, agents or representatives.

### **OFFSITE ACCESS**

61. To the extent any plan submitted by Cherokee requires access to property not owned or controlled by Cherokee, Cherokee shall use its best efforts to obtain site access from the present owners of such property to conduct required activities and to allow Division access to such property to oversee such activities. In the event that site access is not obtained when necessary, Cherokee shall notify the Division in writing regarding its best efforts and its failure to obtain such access.

### **SITE ACCESS AND SAMPLING**

62. The Division shall be authorized to oversee any and all work being performed under this Consent Order. The Division shall be authorized access to the Facility property at any time work is being conducted pursuant to this Consent Order, and during reasonable business hours during any period work is not being conducted, for the purposes of determining Cherokee's compliance with the Act, the Regulations, and this Consent Order. The Division shall be authorized to inspect work sites, operating and field logs, contracts, purchasing/shipping records, and other relevant records and documents relating to this Consent Order or any requirement under this Consent Order and to interview Cherokee personnel and contractors performing work required by this Consent Order. Nothing in this paragraph limits or impairs the Division's statutory authorities to enter and inspect the Facility.
63. The Division may conduct any tests necessary to ensure compliance with this Consent Order and to verify the data submitted by Cherokee. Cherokee shall notify the Division in writing of any sampling activities undertaken pursuant to any plan or requirement of this Consent Order a minimum of seventy-two (72) hours prior to the sampling being conducted, and shall provide split samples to the Division upon request.
64. Cherokee shall notify the Division in writing of any excavation, construction (including the construction of monitoring wells) or other investigatory or remedial activities undertaken pursuant to any plan or requirement of this Consent Order a minimum of seventy-two (72) hours prior to beginning the excavation, construction, or required activity. Cherokee shall provide the Division any blue print, diagram, construction or other permits for any construction activity undertaken pursuant to this Consent Order upon request.

### **FORCE MAJEURE**

65. Cherokee shall perform the requirements of this Consent Order within the schedules and time limits set forth herein and in any approved plan unless the performance is prevented or delayed by events that constitute a force majeure. A force majeure is defined as any event arising from causes which are not reasonably foreseeable, which are beyond the control of Cherokee, and which cannot be overcome by due diligence.

66. Within seventy-two (72) hours of the time that Cherokee knows or has reason to know of the occurrence of any event which Cherokee has reason to believe may prevent Cherokee from timely compliance with any requirement under this Consent Order; Cherokee shall provide verbal notification to the Division. Within seven (7) calendar days of the time that Cherokee knows or has reason to know of the occurrence of such event, Cherokee shall submit to the Division a written description of the event causing the delay, the reasons for and the expected duration of the delay, and actions which will be taken to mitigate the duration of the delay.
67. The burden of proving that any delay was caused by a force majeure shall at all times rest with Cherokee. If the Division agrees that a force majeure has occurred, the Division will so notify Cherokee. The Division will also approve or disapprove of Cherokee's proposed actions for mitigating the delay. If the Division does not agree that a force majeure has occurred, or if the Division disapproves of Cherokee's proposed actions for mitigating the delay, it shall provide a written explanation of its determination to Cherokee. Pursuant to the Dispute Resolution section, within fifteen (15) calendar days of receipt of the explanation, Cherokee may file an objection.
68. Delay in the achievement of one requirement shall not necessarily justify or excuse delay in the achievement of subsequent requirements. In the event any performance under this Consent Order is found to have been delayed by a force majeure, Cherokee shall perform the requirements of this Consent Order that were delayed by the force majeure with all due diligence.

### **DISPUTE RESOLUTION**

69. If the Division determines that that a violation of this Consent Order has occurred, that a force majeure has not occurred; that the actions taken by Cherokee to mitigate the delay caused by a force majeure are inadequate; that Cherokee's Notice of Completion should be rejected pursuant to paragraph 75, or that the Cherokee's SEP Completion Report submitted pursuant to paragraph 46 is deficient, the Division shall provide a written explanation of its determination to Cherokee. Within fifteen (15) calendar days of receipt of the Division's determination, Cherokee shall:
  - a. Submit a notice of acceptance of the determination; or
  - b. Submit a notice of dispute of the determination.

If Cherokee fails to submit either of the above notices within the specified time, it will be deemed to have accepted the Division's determination.

70. If the Division disapproves or approves with modifications any original or revised plan submitted by Cherokee pursuant to this Consent Order, the Division shall provide a written explanation of the disapproval or approval with modifications. Within fifteen (15) calendar days of receipt of the Division's approval with modifications or disapproval of the plan, Cherokee shall:
  - a. In the case of an approval with modifications only, submit a notice of acceptance of the plan as modified and begin to implement the modified plan;

- b. In the case of disapproval only, submit a revised plan for Division review and approval. Cherokee may not select this option if the Division has included in its disapproval an alternate plan that shall be implemented by Cherokee; or
- c. Submit a notice of dispute of the disapproval or approval with modifications.

If Cherokee fails to do any of the above within the specified time, Cherokee shall be deemed to have failed to comply with the Consent Order, and the Division may bring an enforcement action, including an assessment of penalties.

71. If Cherokee submits a revised plan, the plan shall respond adequately to each of the issues raised in the Division's written explanation of the disapproval or approval with modifications. The Division may determine that failure to respond adequately to each of the issues raised in the Division's written explanation constitutes a violation of this Consent Order. The Division shall notify Cherokee in writing of its approval, approval with modifications, or disapproval of the revised plan. If the Division disapproves the revised plan, it may include in its disapproval a plan for implementation by Cherokee. Such disapproval and plan shall be deemed effective and subject to appeal in accordance with the Act and the Colorado State Administrative Procedures Act, §§ 24-4-101 through 108, C.R.S. (the "APA"), unless Cherokee submits a notice of dispute, pursuant to paragraph 70 above, of the Division's disapproval and plan for implementation. All requirements and schedules of the Division's plan shall not become effective pending resolution of the dispute.

### NOTICES

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

For the Division:

Colorado Department of Public Health and Environment  
Water Quality Control Division / WQCD-CWE-B2  
Attention: Michael Harris  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Telephone: 303.692.3598  
E-mail: michael.harris@state.co.us

For Cherokee Metropolitan District:

Cherokee Metropolitan District  
Attention: Sean Chambers, General Manager  
6250 Palmer Park Boulevard  
Colorado Springs, Colorado 80915  
Telephone: 719.597.5080  
E-mail: schambers@cherokeemetro.org

### **OBLIGATIONS UNAFFECTED BY BANKRUPTCY**

73. The obligations set forth herein are based on the Division's police and regulatory authority. These obligations require specific performance by Cherokee of corrective actions carefully designed to prevent on-going or future harm to public health or the environment, or both. Enforcement of these obligations is not stayed by a petition in bankruptcy. Cherokee agrees that the penalties set forth in this Consent Order are not in compensation of actual pecuniary loss. Further, the obligations imposed by this Consent Order are necessary for Cherokee and the Facility to achieve and maintain compliance with State law.

### **MODIFICATIONS**

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

### **COMPLETION OF REQUIRED ACTIONS**

75. Cherokee shall submit a Notice of Completion to the Division upon satisfactory completion of all requirements of this Consent Order. The Division shall either accept or reject Cherokee's Notice of Completion in writing within thirty (30) calendar days of receipt. If the Division rejects Cherokee's Notice of Completion, it shall include in its notice a statement identifying the requirements that the Division considers incomplete or not satisfactorily performed and a schedule for completion. Cherokee shall, within fifteen (15) calendar days of receipt of the Division's rejection, either:
- a. Submit a notice of acceptance of the determination; or
  - b. Submit a notice of dispute.

If Cherokee fails to submit either of the above notices within the specified time, it will be deemed to have accepted the Division's determination.

### **NOTICE OF EFFECTIVE DATE**

76. This Consent Order shall be fully effective, enforceable and constitute a final agency action upon notice from the Division following closure of the public comment period referenced in paragraph 50.

### **BINDING EFFECT AND AUTHORIZATION TO SIGN**

77. This Consent Order is binding upon Cherokee and its 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. Cherokee agrees to provide a copy of this Consent Order to any contractors and other agents performing work pursuant to this Consent Order and require such agents to comply with the requirements of 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 CHEROKEE METROPOLITAN DISTRICT:**

  
Date: May 9, 2014  
Sean Chambers, General Manager

**FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:**

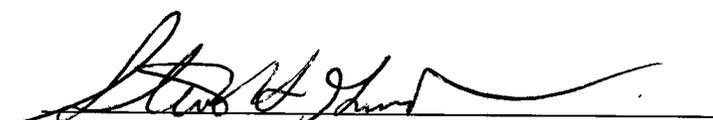
  
Date: 5/14/14  
Steven H. Gunderson, Director  
WATER QUALITY CONTROL DIVISION

EXHIBIT A

Colorado Department of Public Health and Environment

Water Quality Control Division

Effluent Violation Report

Date of Report: 4/21/14

\*\*\* Query Name:Effluent Data \*\*\*

Monitoring Period End Date From: 5/1/2010 12:00:00 AM  
 Monitoring Period End Date To: 4/21/2014 12:00:00 AM  
 Outfalls: (Optional)  
 Enter NPDES ID: (Optional)  
 Primary Permit SIC Code: (Optional)  
 Major/Minor (Enter "Major" or "Minor") (Enter \* to select all) \*  
 Matching NPDES ID: (Optional)COX048348  
 Parameter Desc: (Optional)  
 Enter Primary Permit SIC Code Not Equal to: (Optional)

Report #: CAEVRBX004  
 Created Date: March 2, 2012  
 Approved By:

<b>Permit #</b>	COX048348			
<b>Facility Name</b>	CHEROKEE METRO DISTRICT WATER RECLAMATION FACILITY			
<b>Permit Name</b>	Cherokee Metro District			
<b>Permit Status</b>	<b>Major/Minor Ind.</b>	<b>County</b>	<b>Primary SIC Code</b>	<b>Water Body:</b>
Effective	Major	El Paso	4952	Groundwater

NPDES ID	Outfall	Mon Pd Start Date	Mon Pd End Date	Parameter	Rpted Value	Unit Desc	Limit Value	Stat Base Desc	% Exceed	Viol Code	NODI Code	RNC Detect Code	RNC Resolve Code
COX048348	001A	7/1/10	7/31/10	00310 - BOD, 5-day, 20 deg. C	=47	mg/L	30	30DA AVG	57	E90			
COX048348	001A	7/1/10	7/31/10	00310 - BOD, 5-day, 20 deg. C	=47	mg/L	45	MX 7D AV	4	E90			
COX048348	001A	7/1/10	7/31/10	00640 - Nitrogen, inorganic total	=28.1	mg/L	10	DAILY MX	181	E90		R	2
COX048348	001A	7/1/10	7/31/10	81010 - BOD, 5-day, percent removal	=65.4	%	85	MO AV MN	131	E90			
COX048348	001A	7/1/10	7/31/10	81011 - Solids, suspended percent removal	=68.8	%	85	MO AV MN	108	E90			
COX048348	001A	8/1/10	8/31/10	00640 - Nitrogen, inorganic total	=33.8	mg/L	10	DAILY MX	238	E90		R	2
COX048348	001A	8/1/10	8/31/10	81010 - BOD, 5-day, percent removal	=76	%	85	MO AV MN	60	E90			
COX048348	001A	9/1/10	9/30/10	00640 - Nitrogen, inorganic total	=17.41	mg/L	10	DAILY MX	74	E90		R	2
COX048348	001A	9/1/10	9/30/10	81010 - BOD, 5-day, percent removal	=80	%	85	MO AV MN	33	E90			
COX048348	001A	10/1/10	10/31/10	00640 - Nitrogen, inorganic total	=12.64	mg/L	10	DAILY MX	26	E90		U	2
COX048348	001A	10/1/10	10/31/10	81010 - BOD, 5-day, percent removal	=80	%	85	MO AV MN	33	E90			
COX048348	001A	10/1/10	10/31/10	81011 - Solids, suspended percent removal	=83	%	85	MO AV MN	13	E90			
COX048348	001A	11/1/10	11/30/10	00310 - BOD, 5-day, 20 deg. C	=36.5	mg/L	30	30DA AVG	22	E90			

Report #: CAEVRBX004

Created Date: March 2, 2012

Approved By:

**EXHIBIT A**  
**Colorado Department of Public Health and Environment**  
**Water Quality Control Division**  
**Effluent Violation Report**

Date of Report: 4/21/14

\*\*\* Query Name: Effluent Data \*\*\*

Monitoring Period End Date From: 5/1/2010 12:00:00 AM  
 Monitoring Period End Date To: 4/21/2014 12:00:00 AM  
 Outfalls: (Optional)  
 Enter NPDES ID: (Optional)  
 Primary Permit SIC Code: (Optional)  
 Major/Minor (Enter "Major" or "Minor") (Enter \* to select all) \*  
 Matching NPDES ID: (Optional) COX048348  
 Parameter Desc: (Optional)  
 Enter Primary Permit SIC Code Not Equal to: (Optional)

NPDES ID	Outfall	Mon Pd Start Date	Mon Pd End Date	Parameter	Rpted Value	Unit Desc	Limit Value	Stat Base Desc	% Exceed	Viol Code	NODI Code	RNC Detect Code	RNC Resolve Code
COX048348	001A	11/1/10	11/30/10	00640 - Nitrogen, inorganic total	=10.5	mg/L	10	DAILY MX	5	E90		U	2
COX048348	001A	2/1/11	2/28/11	00310 - BOD, 5-day, 20 deg. C	=34	mg/L	30	30DA AVG	13	E90			
COX048348	001A	2/1/11	2/28/11	00640 - Nitrogen, inorganic total	=21.53	mg/L	10	DAILY MX	115	E90		R	2
COX048348	001A	2/1/11	2/28/11	81010 - BOD, 5-day, percent removal	=84	%	85	MO AV MN	7	E90			
COX048348	001A	3/1/11	3/31/11	00310 - BOD, 5-day, 20 deg. C	=69	mg/L	30	30DA AVG	130	E90			
COX048348	001A	3/1/11	3/31/11	00310 - BOD, 5-day, 20 deg. C	=69	mg/L	45	MX 7D AV	53	E90			
COX048348	001A	3/1/11	3/31/11	00530 - Solids, total suspended	=32	mg/L	30	30DA AVG	7	E90			
COX048348	001A	3/1/11	3/31/11	00640 - Nitrogen, inorganic total	=34.02	mg/L	10	DAILY MX	240	E90		R	2
COX048348	001A	3/1/11	3/31/11	81010 - BOD, 5-day, percent removal	=84	%	85	MO AV MN	7	E90			
COX048348	001A	4/1/11	4/30/11	00640 - Nitrogen, inorganic total	=21.3	mg/L	10	DAILY MX	113	E90		R	2
COX048348	001A	5/1/11	5/31/11	00640 - Nitrogen, inorganic total	=12.2	mg/L	10	DAILY MX	22	E90		U	2
COX048348	001A	6/1/11	6/30/11	00640 - Nitrogen, inorganic total	=11.8	mg/L	10	DAILY MX	18	E90		U	2
COX048348	001A	7/1/11	7/31/11	00640 - Nitrogen, inorganic total	=18.8	mg/L	10	DAILY MX	88	E90		R	2
COX048348	001A	8/1/11	8/31/11	00640 - Nitrogen, inorganic total	=20.9	mg/L	10	DAILY MX	109	E90		R	2
COX048348	001A	9/1/11	9/30/11	00640 - Nitrogen, inorganic total	=20	mg/L	10	DAILY MX	100	E90		R	2
COX048348	001A	10/1/11	10/31/11	00640 - Nitrogen, inorganic total	=20.9	mg/L	10	DAILY MX	109	E90		R	2
COX048348	001A	1/1/12	1/31/12	00640 - Nitrogen, inorganic total	=19	mg/L	10	DAILY MX	90	E90		R	2
COX048348	001A	2/1/12	2/29/12	00640 - Nitrogen, inorganic total	=12.99	mg/L	10	DAILY MX	30	E90		H	2

Report #: CAEVRBX004

Created Date: March 2, 2012

Approved By:

**EXHIBIT A**  
**Colorado Department of Public Health and Environment**  
**Water Quality Control Division**  
**Effluent Violation Report**

Date of Report: 4/21/14

\*\*\* Query Name: Effluent Data \*\*\*

Monitoring Period End Date From: 5/1/2010 12:00:00 AM  
 Monitoring Period End Date To: 4/21/2014 12:00:00 AM  
 Outfalls: (Optional)  
 Enter NPDES ID: (Optional)  
 Primary Permit SIC Code: (Optional)  
 Major/Minor (Enter "Major" or "Minor") (Enter \* to select all) \*  
 Matching NPDES ID: (Optional) COX048348  
 Parameter Desc: (Optional)  
 Enter Primary Permit SIC Code Not Equal to: (Optional)

NPDES ID	Outfall	Mon Pd Start Date	Mon Pd End Date	Parameter	Rpted Value	Unit Desc	Limit Value	Stat Base Desc	% Exceed	Viol Code	NODI Code	RNC Detect Code	RNC Resolve Code
COX048348	001A	3/1/12	3/31/12	00640 - Nitrogen, inorganic total	=11.42	mg/L	10	DAILY MX	14	E90		H	2
COX048348	001A	4/1/12	4/30/12	00640 - Nitrogen, inorganic total	=16.48	mg/L	10	DAILY MX	65	E90		R	2
COX048348	001A	5/1/12	5/31/12	00640 - Nitrogen, inorganic total	=11.8	mg/L	10	DAILY MX	18	E90		H	2
COX048348	001A	7/1/12	7/31/12	00640 - Nitrogen, inorganic total	=13.4	mg/L	10	DAILY MX	34	E90		U	2
COX048348	001A	8/1/12	8/31/12	00640 - Nitrogen, inorganic total	=12.5	mg/L	10	DAILY MX	25	E90		U	2
COX048348	001A	10/1/12	10/31/12	00640 - Nitrogen, inorganic total	=20	mg/L	10	DAILY MX	100	E90		R	2
COX048348	001A	11/1/12	11/30/12	00640 - Nitrogen, inorganic total	=18	mg/L	10	DAILY MX	80	E90		R	2
COX048348	001A	12/1/12	12/31/12	00640 - Nitrogen, inorganic total	=13	mg/L	10	DAILY MX	30	E90		U	2
COX048348	001A	1/1/13	1/31/13	00640 - Nitrogen, inorganic total	=22	mg/L	10	DAILY MX	120	E90		R	2
COX048348	001A	2/1/13	2/28/13	00640 - Nitrogen, inorganic total	=23	mg/L	10	DAILY MX	130	E90		R	2
COX048348	001A	3/1/13	3/31/13	00640 - Nitrogen, inorganic total	=17	mg/L	10	DAILY MX	70	E90		R	2
COX048348	050CC	7/1/10	7/31/10	70295 - Solids, total dissolved	=2000	mg/L	400	30DA AVG	400	E90		T	1
COX048348	050CC	10/1/10	10/31/10	70295 - Solids, total dissolved	=762	mg/L	400	30DA AVG	91	E90		T	1
COX048348	050CC	11/1/10	11/30/10	70295 - Solids, total dissolved	=752	mg/L	400	30DA AVG	88	E90		T	1
COX048348	050CC	12/1/10	12/31/10	70295 - Solids, total dissolved	=680	mg/L	400	30DA AVG	70	E90		T	1
COX048348	050CC	1/1/11	1/31/11	70295 - Solids, total dissolved	=624	mg/L	400	30DA AVG	56	E90		T	1
COX048348	050CC	2/1/11	2/28/11	70295 - Solids, total dissolved	=642	mg/L	400	30DA AVG	61	E90		T	1
COX048348	050CC	3/1/11	3/31/11	70295 - Solids, total dissolved	=694	mg/L	400	30DA AVG	74	E90		T	1

Report #: CAEVRBX004

Created Date: March 2, 2012

Approved By:

**EXHIBIT A**  
**Colorado Department of Public Health and Environment**  
**Water Quality Control Division**  
**Effluent Violation Report**

Date of Report: 4/21/14

\*\*\* Query Name: Effluent Data \*\*\*

Monitoring Period End Date From: 5/1/2010 12:00:00 AM  
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 Outfalls: (Optional)  
 Enter NPDES ID: (Optional)  
 Primary Permit SIC Code: (Optional)  
 Major/Minor (Enter "Major" or "Minor") (Enter \* to select all) \*  
 Matching NPDES ID: (Optional) COX048348  
 Parameter Desc: (Optional)  
 Enter Primary Permit SIC Code Not Equal to: (Optional)

NPDES ID	Outfall	Mon Pd Start Date	Mon Pd End Date	Parameter	Rpted Value	Unit Desc	Limit Value	Stat Base Desc	% Exceed	Viol Code	NODI Code	RNC Detect Code	RNC Resolve Code
COX048348	050CC	4/1/11	4/30/11	70295 - Solids, total dissolved	=664	mg/L	400	30DA AVG	66	E90		T	1
COX048348	050CC	5/1/11	5/31/11	70295 - Solids, total dissolved	=653	mg/L	400	30DA AVG	63	E90		T	1
COX048348	050CC	6/1/11	6/30/11	70295 - Solids, total dissolved	=666	mg/L	400	30DA AVG	67	E90		T	1
COX048348	050CC	7/1/11	7/31/11	70295 - Solids, total dissolved	=704	mg/L	400	30DA AVG	76	E90		T	1
COX048348	050CC	8/1/11	8/31/11	70295 - Solids, total dissolved	=637	mg/L	400	30DA AVG	59	E90		T	1
COX048348	050CC	9/1/11	9/30/11	70295 - Solids, total dissolved	=658	mg/L	400	30DA AVG	65	E90		T	1
COX048348	050CC	10/1/11	10/31/11	70295 - Solids, total dissolved	=600	mg/L	400	30DA AVG	50	E90		T	1
COX048348	050CC	11/1/11	11/30/11	70295 - Solids, total dissolved	=645	mg/L	400	30DA AVG	61	E90		T	1
COX048348	050CC	12/1/11	12/31/11	70295 - Solids, total dissolved	=678	mg/L	400	30DA AVG	70	E90		T	1
COX048348	050CC	1/1/12	1/31/12	70295 - Solids, total dissolved	=654	mg/L	400	30DA AVG	64	E90		T	1
COX048348	050CC	2/1/12	2/29/12	70295 - Solids, total dissolved	=671	mg/L	400	30DA AVG	68	E90		T	1
COX048348	050CC	3/1/12	3/31/12	70295 - Solids, total dissolved	=682	mg/L	400	30DA AVG	71	E90		T	1
COX048348	050CC	4/1/12	4/30/12	70295 - Solids, total dissolved	=669	mg/L	400	30DA AVG	67	E90		T	1
COX048348	050CC	5/1/12	5/31/12	70295 - Solids, total dissolved	=732	mg/L	400	30DA AVG	83	E90		T	1
COX048348	050CC	6/1/12	6/30/12	70295 - Solids, total dissolved	=656	mg/L	400	30DA AVG	64	E90		T	1
COX048348	050CC	7/1/12	7/31/12	70295 - Solids, total dissolved	=667	mg/L	400	30DA AVG	67	E90		T	1
COX048348	050CC	8/1/12	8/31/12	70295 - Solids, total dissolved	=672	mg/L	400	30DA AVG	68	E90		T	1
COX048348	050CC	9/1/12	9/30/12	70295 - Solids, total dissolved	=654	mg/L	400	30DA AVG	64	E90		T	1

Report #: CAEVRBX004

Created Date: March 2, 2012

Approved By:

**EXHIBIT A**  
**Colorado Department of Public Health and Environment**  
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 Major/Minor (Enter "Major" or "Minor") (Enter \* to select all) \*  
 Matching NPDES ID: (Optional) COX048348  
 Parameter Desc: (Optional)  
 Enter Primary Permit SIC Code Not Equal to: (Optional)

NPDES ID	Outfall	Mon Pd Start Date	Mon Pd End Date	Parameter	Rpted Value	Unit Desc	Limit Value	Stat Base Desc	% Exceed	Viol Code	NODI Code	RNC Detect Code	RNC Resolve Code
COX048348	050CC	10/1/12	10/31/12	70295 - Solids, total dissolved	=617	mg/L	400	30DA AVG	54	E90		T	1
COX048348	050CC	11/1/12	11/30/12	70295 - Solids, total dissolved	=605	mg/L	400	30DA AVG	51	E90		T	1
COX048348	050CC	12/1/12	12/31/12	70295 - Solids, total dissolved	=610	mg/L	400	30DA AVG	53	E90		T	1
COX048348	050CC	1/1/13	1/31/13	70295 - Solids, total dissolved	=610	mg/L	400	30DA AVG	53	E90		T	1
COX048348	050CC	2/1/13	2/28/13	70295 - Solids, total dissolved	=606	mg/L	400	30DA AVG	52	E90		T	1
COX048348	050CC	3/1/13	3/31/13	70295 - Solids, total dissolved	=638	mg/L	400	30DA AVG	60	E90		T	1
COX048348	050CC	4/1/13	4/30/13	70295 - Solids, total dissolved	=573	mg/L	400	30DA AVG	43	E90		T	1
COX048348	050CC	5/1/13	5/31/13	70295 - Solids, total dissolved	=643	mg/L	400	30DA AVG	61	E90		T	1
COX048348	050CC	6/1/13	6/30/13	70295 - Solids, total dissolved	=567	mg/L	400	30DA AVG	42	E90		T	1
COX048348	050CC	7/1/13	7/31/13	70295 - Solids, total dissolved	=605	mg/L	400	30DA AVG	51	E90		T	1
COX048348	050CC	8/1/13	8/31/13	70295 - Solids, total dissolved	=510	mg/L	400	30DA AVG	28	E90		C	1
COX048348	050CC	9/1/13	9/30/13	70295 - Solids, total dissolved	=422	mg/L	400	30DA AVG	6	E90		C	1
COX048348	050CC	10/1/13	10/31/13	70295 - Solids, total dissolved	=444	mg/L	400	30DA AVG	11	E90		C	1
COX048348	050CC	11/1/13	11/30/13	70295 - Solids, total dissolved	=504	mg/L	400	30DA AVG	26	E90		C	1
COX048348	050CC	12/1/13	12/31/13	70295 - Solids, total dissolved	=442	mg/L	400	30DA AVG	11	E90		C	1
COX048348	050CC	1/1/14	1/31/14	70295 - Solids, total dissolved	=476	mg/L	400	30DA AVG	19	E90			
COX048348	050CC	2/1/14	2/28/14	70295 - Solids, total dissolved	=496	mg/L	400	30DA AVG	24	E90			
COX048348	050DD	7/1/10	7/31/10	70295 - Solids, total dissolved	=2000	mg/L	400	30DA AVG	400	E90		T	1

Report #: CAEVRBX004

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**EXHIBIT A**  
**Colorado Department of Public Health and Environment**  
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 Enter NPDES ID: (Optional)  
 Primary Permit SIC Code: (Optional)  
 Major/Minor (Enter "Major" or "Minor") (Enter \* to select all) \*  
 Matching NPDES ID: (Optional) COX048348  
 Parameter Desc: (Optional)  
 Enter Primary Permit SIC Code Not Equal to: (Optional)

NPDES ID	Outfall	Mon Pd Start Date	Mon Pd End Date	Parameter	Rpted Value	Unit Desc	Limit Value	Stat Base Desc	% Exceed	Viol Code	NODI Code	RNC Detect Code	RNC Resolve Code
COX048348	050DD	10/1/10	10/31/10	70295 - Solids, total dissolved	=786	mg/L	400	30DA AVG	97	E90		T	1
COX048348	050DD	11/1/10	11/30/10	70295 - Solids, total dissolved	=618	mg/L	400	30DA AVG	55	E90		T	1
COX048348	050DD	12/1/10	12/31/10	70295 - Solids, total dissolved	=672	mg/L	400	30DA AVG	68	E90		T	1
COX048348	050DD	1/1/11	1/31/11	70295 - Solids, total dissolved	=774	mg/L	400	30DA AVG	94	E90		T	1
COX048348	050DD	2/1/11	2/28/11	70295 - Solids, total dissolved	=638	mg/L	400	30DA AVG	60	E90		T	1
COX048348	050DD	3/1/11	3/31/11	70295 - Solids, total dissolved	=692	mg/L	400	30DA AVG	73	E90		T	1
COX048348	050DD	4/1/11	4/30/11	70295 - Solids, total dissolved	=674	mg/L	400	30DA AVG	69	E90		T	1
COX048348	050DD	5/1/11	5/31/11	70295 - Solids, total dissolved	=725	mg/L	400	30DA AVG	81	E90		T	1
COX048348	050DD	6/1/11	6/30/11	70295 - Solids, total dissolved	=702	mg/L	400	30DA AVG	76	E90		T	1
COX048348	050DD	7/1/11	7/31/11	70295 - Solids, total dissolved	=734	mg/L	400	30DA AVG	84	E90		T	1
COX048348	050DD	8/1/11	8/31/11	70295 - Solids, total dissolved	=670	mg/L	400	30DA AVG	68	E90		T	1
COX048348	050DD	9/1/11	9/30/11	70295 - Solids, total dissolved	=684	mg/L	400	30DA AVG	71	E90		T	1
COX048348	050DD	10/1/11	10/31/11	70295 - Solids, total dissolved	=746	mg/L	400	30DA AVG	87	E90		T	1
COX048348	050DD	11/1/11	11/30/11	70295 - Solids, total dissolved	=707	mg/L	400	30DA AVG	77	E90		T	1
COX048348	050DD	12/1/11	12/31/11	70295 - Solids, total dissolved	=714	mg/L	400	30DA AVG	79	E90		T	1
COX048348	050DD	1/1/12	1/31/12	70295 - Solids, total dissolved	=692	mg/L	400	30DA AVG	73	E90		T	1
COX048348	050DD	2/1/12	2/29/12	70295 - Solids, total dissolved	=706	mg/L	400	30DA AVG	77	E90		T	1
COX048348	050DD	3/1/12	3/31/12	70295 - Solids, total dissolved	=682	mg/L	400	30DA AVG	71	E90		T	1

Report #: CAEVRBX004

Created Date: March 2, 2012

Approved By:

**EXHIBIT A**  
**Colorado Department of Public Health and Environment**  
**Water Quality Control Division**  
**Effluent Violation Report**

Date of Report: 4/21/14

\*\*\* Query Name: Effluent Data \*\*\*

Monitoring Period End Date From: 5/1/2010 12:00:00 AM  
 Monitoring Period End Date To: 4/21/2014 12:00:00 AM  
 Outfalls: (Optional)  
 Enter NPDES ID: (Optional)  
 Primary Permit SIC Code: (Optional)  
 Major/Minor (Enter "Major" or "Minor") (Enter \* to select all) \*  
 Matching NPDES ID: (Optional) COX048348  
 Parameter Desc: (Optional)  
 Enter Primary Permit SIC Code Not Equal to: (Optional)

NPDES ID	Outfall	Mon Pd Start Date	Mon Pd End Date	Parameter	Rpted Value	Unit Desc	Limit Value	Stat Base Desc	% Exceed	Viol Code	NODI Code	RNC Detect Code	RNC Resolve Code
COX048348	050DD	4/1/12	4/30/12	70295 - Solids, total dissolved	=656	mg/L	400	30DA AVG	64	E90		T	1
COX048348	050DD	5/1/12	5/31/12	70295 - Solids, total dissolved	=669	mg/L	400	30DA AVG	67	E90		T	1
COX048348	050DD	6/1/12	6/30/12	70295 - Solids, total dissolved	=630	mg/L	400	30DA AVG	58	E90		T	1
COX048348	050DD	7/1/12	7/31/12	70295 - Solids, total dissolved	=697	mg/L	400	30DA AVG	74	E90		T	1
COX048348	050DD	8/1/12	8/31/12	70295 - Solids, total dissolved	=605	mg/L	400	30DA AVG	51	E90		T	1
COX048348	050DD	9/1/12	9/30/12	70295 - Solids, total dissolved	=544	mg/L	400	30DA AVG	36	E90		V	1
COX048348	050DD	10/1/12	10/31/12	70295 - Solids, total dissolved	=689	mg/L	400	30DA AVG	72	E90		T	1
COX048348	050DD	11/1/12	11/30/12	70295 - Solids, total dissolved	=695	mg/L	400	30DA AVG	74	E90		T	1
COX048348	050DD	12/1/12	12/31/12	70295 - Solids, total dissolved	=706	mg/L	400	30DA AVG	77	E90		T	1
COX048348	050DD	1/1/13	1/31/13	70295 - Solids, total dissolved	=651	mg/L	400	30DA AVG	63	E90		T	1
COX048348	050DD	2/1/13	2/28/13	70295 - Solids, total dissolved	=580	mg/L	400	30DA AVG	45	E90		T	1
COX048348	050DD	3/1/13	3/31/13	70295 - Solids, total dissolved	=629	mg/L	400	30DA AVG	57	E90		T	1
COX048348	050DD	4/1/13	4/30/13	70295 - Solids, total dissolved	=608	mg/L	400	30DA AVG	52	E90		T	1
COX048348	050DD	5/1/13	5/31/13	70295 - Solids, total dissolved	=634	mg/L	400	30DA AVG	59	E90		T	1
COX048348	050DD	6/1/13	6/30/13	70295 - Solids, total dissolved	=595	mg/L	400	30DA AVG	49	E90		T	1
COX048348	050DD	7/1/13	7/31/13	70295 - Solids, total dissolved	=614	mg/L	400	30DA AVG	54	E90		T	1
COX048348	050DD	8/1/13	8/31/13	70295 - Solids, total dissolved	=641	mg/L	400	30DA AVG	60	E90		T	1
COX048348	050DD	9/1/13	9/30/13	70295 - Solids, total dissolved	=597	mg/L	400	30DA AVG	49	E90		T	1

Report #: CAEVRBX004

Created Date: March 2, 2012

Approved By:

EXHIBIT A  
 Colorado Department of Public Health and Environment  
 Water Quality Control Division  
**Effluent Violation Report**

Date of Report: 4/21/14

\*\*\* Query Name:Effluent Data \*\*\*

Monitoring Period End Date From: 5/1/2010 12:00:00 AM  
 Monitoring Period End Date To: 4/21/2014 12:00:00 AM  
 Outfalls: (Optional)  
 Enter NPDES ID: (Optional)  
 Primary Permit SIC Code: (Optional)  
 Major/Minor (Enter "Major" or "Minor") (Enter \* to select all) \*  
 Matching NPDES ID: (Optional)COX048348  
 Parameter Desc: (Optional)  
 Enter Primary Permit SIC Code Not Equal to: (Optional)

NPDES ID	Outfall	Mon Pd Start Date	Mon Pd End Date	Parameter	Rpted Value	Unit Desc	Limit Value	Stat Base Desc	% Exceed	Viol Code	NODI Code	RNC Detect Code	RNC Resolve Code
COX048348	050DD	10/1/13	10/31/13	70295 - Solids, total dissolved	=572	mg/L	400	30DA AVG	43	E90		T	1
COX048348	050DD	11/1/13	11/30/13	70295 - Solids, total dissolved	=549	mg/L	400	30DA AVG	37	E90		V	1
COX048348	050DD	12/1/13	12/31/13	70295 - Solids, total dissolved	=492	mg/L	400	30DA AVG	23	E90		V	1
COX048348	050DD	1/1/14	1/31/14	70295 - Solids, total dissolved	=515	mg/L	400	30DA AVG	29	E90			
COX048348	050DD	2/1/14	2/28/14	70295 - Solids, total dissolved	=496	mg/L	400	30DA AVG	24	E90			

## EXHIBIT B

# SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP) FIRST PARTY PROPOSAL/AGREEMENT FORM

The Regulated Entity, identified below, submits the following SEP application to the Colorado Department of Public Health and Environment (the Department) for consideration.

<b>Enforcement Action Information</b>	Cherokee Metropolitan District Case No.: <del>MC-14XXXX</del> MC-140514-1
<b>Regulated Entity Project Manager</b>	Sean Chambers, General Manager Cherokee Metropolitan District 6250 Palmer Park Boulevard Colorado Springs, CO 80915 Office Telephone: 719-597-5080 E-mail Address: SChambers@cherokeemetro.org
<b>CDPHE Contact Person</b>	Rachel Wilson-Roussel, Supplemental Environmental Projects Coordinator, 303-692-2976, <a href="mailto:rachel.wilson-roussel@state.co.us">rachel.wilson-roussel@state.co.us</a> -and- Mike Harris, WQCD Compliance and Enforcement Unit Manager, 303-692-3598, michael.harris@state.co.us
<b>Geographical Area to Benefit Most Directly From Project</b>	Cherokee Metropolitan District Street Light Service Area located in unincorporated El Paso County, Colorado
<b>Project Name</b>	LED Exterior Lighting Project
<b>Project Type</b>	<b>First Party</b>
<b>SEP Category</b>	Pollution Prevention
<b>Project Summary</b>	The Cherokee Metropolitan District (CMD) LED Lighting Project will replace a portion of the existing exterior lighting fixtures serving CMD facilities which use metal halide (mercury vapor and high pressure sodium) lamp technology with light emitting diode (LED) lamp assemblies. The LED lamp assemblies will be applied to certain fixtures at the CMD office and maintenance building and at the clubhouse and maintenance facility of the Cherokee Ridge Golf Course that are energized during all non-daylight hours each day of the year.

## EXHIBIT B

<p><b>Project Description</b></p>	<p>As detailed in Attachment CMD-1, this project would replace 19 high pressure sodium (HPS) or mercury vapor pole and wall mounted lights with LED lamp assemblies with 18 LED lamps, using less than one half of the energy for an equivalent light output. The intent is to replace nine (9) existing pole mounted 400 watt lamp fixtures at public parking and exterior work areas at the District’s facilities. Five pole mounted fixtures will be retrofitted at the CMD office and maintenance shop. Four pole mounted fixtures will be retrofitted at the public parking lot at the Cherokee Ridge Golf Course.</p> <p>Nine (9) 400 watt, eight (8) existing wall mounted fixtures (70 to 400 watts each) and two (2) 70 watt mercury vapor lamps (mast mounted) will be replaced with LED lamp assemblies that have a comparable light output. The 400 watt lamps would be replaced with an 85 watt LED assembly and the other wall and mast mounted fixtures would be replaced with one 30 or 50 watt LED assembly at each location. The two (2) 70 watt mercury vapor lamps at the Terminal Ave. Pump Station will be replaced with one (1) LED lamp assembly.</p> <p>The objective is to reduce energy consumption by over 50% which would reduce the carbon footprint relative to lights presently in use. Existing lamps have a design life of no more than 40,000 hours while LED lamps are anticipated to have a useful life of at least 100,000 hours. This increase in lamp life reduces the District’s cost of service to its constituents for independent contractor service and expenditures for electric energy. Implementation would consist of design, procurement and installation. Fixture selection for this retrofit project will be those fixtures which are normally continuously energized during all non-daylight hours.</p>
<p><b>Expected Environmental and/or Public Health Benefits</b></p>	<p>Refer to Attachment CMD-1 for a tabulation of the lighting fixture locations, characteristics and expected environmental impacts and benefits.</p> <p>Summary: Annual Estimated Energy Savings = 21,500 kWh          Annual Estimated Energy Cost Savings = \$1,726          Annual Estimated Maintenance Cost Savings = \$338</p> <p>Discussion:</p> <p>This project would reduce energy consumption by over 21,500 kWh per year. This represents an annual reduction of 12.9 to 25.8 tons of CO<sub>2</sub> depending on generation mix.</p> <p>All of the lamps proposed for retrofitting in this First Party SEP are provided power from Colorado Springs Utilities, billed directly to the Cherokee Metropolitan District in accordance with the current commercial rate tariff. There is an annual energy cost savings of \$1,726 to be realized under the current rates and assumptions of use recited in Attachment CMD-1. This cost savings will be directly reflected as a reduction in the Cherokee Metropolitan District (CMD) cost of service to its constituents. It is a comparatively small incremental reduction as the total CMD use of funds for operations in 2013 was approximately \$10,300,000 exclusive of capital improvements and additions, renewals and replacements.</p> <p>Maintenance requirements will be reduced by more than 50% based on the expected useful added life cycle of the LED lamp assemblies noted above, recognizing reductions in maintenance vehicle use and disposal of MH lamps. The proposed LED lamp assemblies are rated at a useful life of 100,000. The estimated savings in reduced maintenance cost due to the longer useful life of the LED light assemblies likewise will be reflected in a reduced cost of service to the District’s constituents. The annual savings in maintenance cost as a result of this SEP are not significant in relation to the District’s total expenditures for operations reflected above.</p>

## EXHIBIT B

	Existing high pressure sodium and mercury vapor lamps removed from the District's facilities will be reused if possible and mercury vapor lamps will be disposed of using federal guidelines.		
<b>Project Budget</b>	<b>Refer to the Budget Discussion below and Attachment CMD-1.</b>		
	<b>Category</b>	<b>Description</b>	<b>Cost</b>
	Personnel - Salaries, Wages. (Include rates and # of hrs.)	CMD Superintendent-Direct time spent on project management, evaluation of contractor proposals & management of accounts payable: 30 hrs @ \$60	\$ 1,800
	Materials and Supplies		
	Equipment		
	Contractors/ Subcontractors	Electrical contractor labor, equipment and materials	\$11,361
		GMS, Inc. Engineering Consultants	\$ 2,500
	Other Direct Costs	Publication of Request for proposals; Final report to CMD constituents	\$ 800
	<b>Total:</b>	<b>\$16,461</b>	
<b>Budget Discussion</b>	<ul style="list-style-type: none"> <li>• Describe how all costs were determined and how they relate to the project. All project costs must be clearly and solely attributable to the proposed SEP and cannot include administrative overhead or indirect expenses. <ul style="list-style-type: none"> <li>○ The project costs have been developed from electrical contractor quotations for work at the Cherokee Ridge Golf Course and extrapolated to work at the CMD office and maintenance facility. The project budget does not include any general and administrative overhead or indirect expenses. It includes only costs directly associated with performance/implementation of the project. Refer to Attachment CMD-2.</li> </ul> </li> <li>• Quantify any financial or other benefit (i.e. maintenance costs) to the regulated entity resulting from the implementation of this project. <ul style="list-style-type: none"> <li>○ The estimated total annual cost savings from this project is \$2,064 (including \$1,726 in energy costs and \$338 in maintenance costs) providing an 8 year payback period. The savings in energy costs at the CMD facilities will directly impact the cost of service to the CMD constituents.</li> </ul> </li> <li>• Describe the availability of funding for this project from sources other than SEP contributors. Include sources of funding, secured and applied for, directly related to this SEP. <ul style="list-style-type: none"> <li>○ The funding for this project will be provided solely by the regulated entity, the CMD. No other funding source will be available or utilized.</li> </ul> </li> </ul> <p>This project as developed will not be completed without this funding. Replacements will be converted as part of routine maintenance or capital upgrades without LED lighting.</p>		
	<b>Project Schedule</b>	<b>Activities and Deliverables</b>	<b>Staff Responsible</b>
Proposed Start Date		Art Sintas, Superintendent, Cherokee Metropolitan District (CMD)	Within 30 days of the effective date of the Consent Order
Solicit and receive contractor proposals for labor, equipment and materials		Project Manager, GMS, Inc., Consulting Engineers	May 5, 2014
Award contract for retrofit of MH fixtures with LED lamp assemblies		Board of Directors, CMD	June 11, 2014

## EXHIBIT B

	Initiate construction contract implementation, commence LED lamp assembly installations	Electrical Contractor TBD	July 7, 2014
	Biannual Status Report Due Date	CMD Superintendent & GMS, Inc. Project Manager	July 30, 2014
	Projected Completion Date	CMD Superintendent & GMS, Inc. Project Manager	November 30, 2014
	SEP Completion Report Due	CMD Superintendent & GMS, Inc. Project Manager	December 30, 2014
<b>Reporting Requirements</b>	<p><u>Biannual Status Reports</u></p> <p>The CMD will submit a semiannual project status report to the Department’s SEP Coordinator. Status reports will include the following information reported on the Department’s Status Report Form:</p> <ul style="list-style-type: none"> <li>• A description of activities completed to date;</li> <li>• A budget summary table listing funds expended to date by budget category; and</li> <li>• A discussion of any anticipated changes to the project scope or timeline.</li> </ul> <p><u>SEP Completion Report</u></p> <p>The SEP Completion report will be submitted within 30 days of project completion and contain at a minimum:</p> <ul style="list-style-type: none"> <li>• A detailed description of the project as implemented;</li> <li>• A summary table identifying project deliverables and tasks along with the associated completion date;</li> <li>• A description of any operating problems encountered and the solutions thereto;</li> <li>• A full expense accounting including itemized costs, documented by copies of purchase orders, contracts, receipts or canceled checks;</li> <li>• Certification and demonstration that the SEP has been fully implemented pursuant to the provisions of the Settlement Agreement aka Compliance Order on Consent and this SEP Agreement;</li> <li>• A description of the environmental and public health benefits resulting from implementation of the SEP along with <b>quantification</b> of the outcomes and benefits;</li> </ul> <p>Additional information will include:</p> <ul style="list-style-type: none"> <li>• Examples of brochures, educational or outreach materials developed or produced as part of the SEP; and</li> <li>• Photographs documenting the project.</li> </ul>		

EXHIBIT B

<p><b>Other Relevant Information</b></p>	<p>The CMD will execute this project using competitively procured proposals from qualified electrical contractors. The cost of the contractors work and any other direct project related costs will be documented and reported to CDPHE in the Final SEP Report. The CMD proposes to apply the cost of this project at a ratio of 1.5 to 1 to the monetary penalty agreed with the Colorado Department of Public Health and Environment. With an estimated project cost of \$16,461, the offset to the monetary penalty assessed with be \$10,974.</p> <p>This project is not required by any local land use regulation, building code or utility purveyor requirement. The CMD’s constituents will realize the benefit of reduced cost of energy for lighting the public facilities of the District. There will be a reduced greenhouse gas (CO<sub>2</sub>) emission as the result of reduced energy required to service the District facilities.</p>
<p><b>Has the applicant entered into any prior commitments to fund or implement this project, voluntary or otherwise? If yes, please explain.</b></p>	<p>No</p>

ATTACHMENT CMD-1  
**EXHIBIT B**

Cherokee Metropolitan District  
2012-2014 Compliance Order  
FIRST PARTY SEP - LED Lamp Replacement SEP at CMD Facilities

<u>Current Fixture</u>	Type	Metal Halide Mercury Vapor Pump Station	Metal Halide Pole-HPS Office-Parking	Metal Halide Pole-HPS CRGC	Metal Halide Wall-HPS Office-Vehicle Doors	Metal Halide Wall-HPS Office-Vehicle Doors	Metal Halide Wall-HPS CRGC-Storage	Metal Halide Wall-HPS CRGC-West Deck	<u>Total</u>
Watt Rating		70x2	400	400	150	70	400	70	
Power Consumption (watts)		173	468	468	185	94	468	94	
<u>Proposed Fixture</u>									
Type		LED	LED	LED	LED	LED	LED	LED	
Wattage		50	85	85	50	30	85	50	
Power Consumption (watts)		38	58	58	38	27	58	38	
Quantity		1	5	4	4	2	1	1	18
<u>Annual Estimated Energy Savings (kWh)</u>									
Power Consumption (watts)									
Current Fixture		173	468	468	185	94	468	94	
Proposed Fixture		38	58	58	38	27	58	38	
Energy Savings (watts/fixture)		135	410	410	147	67	410	56	
Annual Operating Hours <sup>(1)</sup>		4,289	4,289	4,289	4,289	4,289	4,289	4,289	
Energy Savings (kWh/fixture)		579	1,758	1,758	630	287	1,758	240	
Quantity		1	5	4	4	2	1	1	
Annual Est. Energy Savings (kWh)		579	8,792	7,034	2,522	575	1,758	240	21500 \$ 0.766 =\$/kWh Reduced
<u>Annual Estimated Energy Cost Savings</u>									
Annual Est. Energy Savings (kWh)		579	8,792	7,034	2,522	575	1,758	240	
Energy Cost (\$/kWh) <sup>(2)</sup>		<u>\$0.0803</u>	<u>\$0.0803</u>	<u>\$0.0803</u>	<u>\$0.0803</u>	<u>\$0.0803</u>	<u>\$0.0803</u>	<u>\$0.0803</u>	
Annual Est. Energy Cost Savings <sup>(3)</sup>		\$46.49	\$705.99	\$564.79	\$202.50	\$46.15	\$141.20	\$19.29	\$1,726.41
<u>Annual Estimated Maintenance Cost Savings</u>									
<u>Current Fixture</u>									
Lamp Replacement Cost		\$407.50	\$402.50	\$402.50	\$397.50	\$392.50	\$402.50	\$392.50	
Estimated Lamp Life (hours)		40,000	40,000	40,000	40,000	40,000	40,000	40,000	
Annual Operating Hours <sup>(1)</sup>		4,289	4,289	4,289	4,289	4,289	4,289	4,289	
Lamp Replacement Interval (yrs)		9.33	9.33	9.33	9.33	9.33	9.33	9.33	
Annual Replacement Cost per Fixture		\$43.69	\$43.16	\$43.16	\$42.62	\$42.08	\$43.16	\$42.08	
Quantity		1	5	4	4	2	1	1	
Total Annual Replacement Cost		\$43.69	\$215.78	\$172.62	\$170.48	\$84.17	\$43.16	\$42.08	\$771.98
<u>Proposed Fixture</u>									
Lamp Replacement Cost		\$557.50	\$577.50	\$577.50	\$557.50	\$502.50	\$577.50	\$557.50	
Estimated Lamp Life (hours)		100,000	100,000	100,000	100,000	100,000	100,000	100,000	
Annual Operating Hours <sup>(1)</sup>		4,289	4,289	4,289	4,289	4,289	4,289	4,289	
Lamp Replacement Interval (yrs)		23.32	23.32	23.32	23.32	23.32	23.32	23.32	
Annual Replacement Cost per Fixture		\$23.91	\$24.77	\$24.77	\$23.91	\$21.55	\$24.77	\$23.91	
Quantity		1	5	4	4	2	1	1	
Total Annual Replacement Cost <sup>(3)</sup>		\$23.91	\$123.84	\$99.07	\$95.64	\$43.10	\$24.77	\$23.91	
Annual Est. Maintenance Cost Savings		\$19.78	\$91.94	\$73.55	\$74.84	\$41.06	\$18.39	\$18.17	\$337.74

(1) Based on average operating time of 11.75 hours per day

Winter solstice = 4:45 pm to 6:45 am (MST) = 14 hrs; Summer solstice = 8:45pm to 6:15 am (MDT) = 9.5 hrs; Avg = 11.75 hrs

(2) Energy Cost Calculation Based on CSU Rates to CMD Sept 2013

Access Charge (\$/kWh) = \$0.0532

Supply Charge (\$/kWh) = \$0.0269

Electric Cost Adjustment (ECA) (\$/kWh) = -\$0.0010

Capacity Charge (\$/kWh) = \$0.0012

Energy Cost (\$/kWh) = \$0.0803

(3) CSU's rate tariff for street lights is based on Charge per pole per month. The current charges, as of Jan 1, 2014, for 100 watt fixtures are:

100 Watt Metal Halide (MH) - Ornamental = \$12.42; Current Annual User Charge = \$4,769.28

100 Watt Equivalent LED - Ornamental = \$12.14; Future Annual User Charge with LED Retrofit = \$4,661.76; \$107.52 per year less than existing MH based charge.

## EXHIBIT B

### SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP) FIRST PARTY PROPOSAL/AGREEMENT

The regulated entity, identified below, submits the following SEP application to the Colorado Department of Public Health and Environment (the department) for SEP consideration.

<b>Enforcement Action Information</b>	Cherokee Metropolitan District Case No.: <del>MC-14xxxx</del> MC-140514-1
<b>Regulated Entity Contact Information</b>	Sean Chambers, General Manager Cherokee Metropolitan District 6250 Palmer Park Boulevard Colorado Springs, CO 80915 Office Phone: 719-597-5080 E-mail Address: SChambers@cherokeemetro.org
<b>CDPHE Contact Person</b>	Rachel Wilson-Roussel, Supplemental Environmental Projects Coordinator, 303-692-2976, <a href="mailto:rachel.wilson-roussel@state.co.us">rachel.wilson-roussel@state.co.us</a> -and- Mike Harris, WQCD Compliance and Enforcement Unit Manager, 303-692-3598, <a href="mailto:michael.harris@state.co.us">michael.harris@state.co.us</a>
<b>Geographical Area to Benefit Most Directly From Project</b>	Westerly portion of Cherokee Metropolitan District Street Light Service Area provided electric power by Colorado Springs Utilities
<b>Project Title</b>	LED Streetlight Project
<b>Project Type</b>	<b>First Party SEP</b>
<b>SEP Category</b>	Pollution Prevention
<b>Project Summary</b>	This project would replace 41 existing high pressure sodium or mercury vapor (metal halide) streetlight lamps with high efficiency LED lamps. Energy consumption would be reduced by over 50 percent and the driving public and impacted pedestrians would have improved lighting. Hazard exposure to lighting maintenance personnel would be reduced because of longer LED lamp life.

## EXHIBIT B

<p><b>Project Description</b></p>	<p>This project would replace forty-one (41) 100 watt high pressure sodium (HPS) or mercury vapor ornamental exterior light fixtures with LED lamp assemblies using less than one half of the energy for an equivalent light output. The locations selected for consideration in this project include a residential collector street (Piros Drive) at a school campus, 100 watt fixtures on Palmer Park Boulevard west of Peterson Road and street lights in the Cimarron Industrial Park. In addition, 100 watt fixtures at Hathaway Drive and Peterson Road between Palmer Park Blvd and Galley Road are considered in this project.</p> <p>The objective is to reduce energy consumption by over 50% which would reduce the carbon footprint relative to lights presently in use. Existing lamps have a design life of 40,000 hours while LED lamps are anticipated to last 100,000 hours. This increase in lamp life reduces maintenance vehicle usage for replacement and lowers maintenance crew exposure to vehicle hazards while working in the roadway. Implementation would consist of design, permitting, materials ordering and installation.</p> <p>Colorado Springs Utilities Energy Services Division will coordinate and administer the project with all labor, equipment and materials being furnished by and through Colorado Springs Utilities. This will be done initially with a unit priced, time and materials work order arrangement between CSU and CMD. The work order will be jointly developed and administered by CSU and CMD to fit the desired expenditure with the greatest benefit to the Cherokee Metropolitan District service area.</p>
<p><b>Expected Environmental and/or Public Health Benefits</b></p>	<p><b>Calculated Benefits:</b></p> <p>Refer to Attachment CSU-1 for a demonstration of the estimated annual energy and energy consumption cost savings from this SEP. This attachment also shows the calculated annual savings in maintenance costs as a result of implementation of this SEP.</p> <p>Summary: Annual Estimated Energy Savings = 10,709 kWh</p> <p style="padding-left: 40px;">Annual Calculated Energy Cost Savings = \$860</p> <p style="padding-left: 40px;">Annual Calculated Maintenance Cost Savings = \$1,009</p> <p>These cost savings would only be realized if CMD was paying the energy consumption charges and maintenance costs directly. However, CMD pays Colorado Springs Utilities on a per lamp per month basis. See actual benefits discussion below.</p> <p><b>Actual Benefits:</b></p> <p>This project will reduce energy consumption by approximately 10,709 kWh per year. This represents an annual reduction of 7 to 13 tons of CO<sub>2</sub> depending on generation mix. Maintenance vehicle use and associated CO<sub>2</sub> production will be reduced by more than 50% based on the expected lamp life extension noted above. If the existing metal halide lamps have an effective service life of 40,000 hours, the maintenance vehicle and labor requirements may well be 60% less when this SEP using LED lamp assemblies is implemented.</p> <p>The major environmental benefit of this SEP is the reduction in energy consumption and the related environmental effects from power generation with fossil fuels.</p> <p>Because CMD pays for streetlights on a per lamp per month basis, the calculated cost savings from lower energy consumption and maintenance costs listed above will <b>not</b> be realized. CMD's <b>actual cost savings</b> will be approximately <b>\$142.20</b> per year from the implementation of this SEP. Additional details can be found in the Budget Discussion section.</p> <p>Existing high pressure sodium lamp heads removed from the system will be reused if possible and mercury vapor lamps will be disposed of using federal guidelines. Existing</p>

## EXHIBIT B

	mercury vapor lamps have been and will be permanently removed from service in the CSU system.				
<b>Project Budget</b>	Refer to Attachment CSU-2 for the preliminary work order and contract with Colorado Springs Utilities.				
	<b>Budget Category</b>	<b>Description</b>	<b>SEP Funds</b>	<b>Matching Funds</b>	<b>Total Cost</b>
	Personnel (Salaries, Wages)	Lineman, apprentice, barricading, supervision, reporting	\$9,555		\$9,555
	Materials and Supplies	100 watt equivalent LED fixtures	\$10,257		\$10,257
	Major Equipment	Bucket truck, material truck	\$492		\$492
	Contractors/ Subcontractors	NONE – Install by Colorado Springs Utilities	\$0		\$0
	Other Direct Costs	Minor materials used and disposal of existing MH Lamps			
	<b>Total:</b>			<b>\$20,304</b>	<b>\$0</b>
<b>Budget Discussion</b>	<p>Note: Budget based on Colorado Springs Utilities preliminary contract issued March 20, 2014. See Attachment CSU-2.</p> <p>The comparatively low annual energy expenditures avoided with implementation of this SEP are a result of the selection of 100 watt rated lamps for retrofitting in the project. The 100 watt fixtures were selected because, under the current rate tariff, this is the only street light installation resulting in a user charge equal to or less than that for metal halide lamp installations. The District has sought to avoid an increase in on-going operations cost as a result of this SEP. Please refer to the footnotes on Attachment CSU-1.</p> <p>Although Colorado Springs Utilities has indicated the unit charge for LED street light installations will likely be reduced in the future, the amount and schedule or timing of that possible rate reduction is undefined. Thus, the District deems it most prudent to pursue retrofitting those installations which will not immediately adversely impact the District cost of service to its customers.</p> <p>As of January 1, 2014, the rate for high pressure sodium and LED lamp assemblies was \$12.42 and \$12.14 per month per pole respectively for ornamental pole installations. The current rate schedule provides for the 100 watt equivalent LED lamps on an “ornamental” pole to be \$3.36 per year per pole less cost to the District than the existing 100 watt metal halide installations.</p> <p>The classification of “ornamental” installations includes the common aluminum pole with either a mast arm or top mounted luminaire. The “Colonial” fixture identified in Attachment CSU-1 is a top mounted luminaire in a hooded four-sided fixture requiring a LED lamp assembly having a current retail cost exceeding that for a similar “cobrahead” fixture.</p> <p>This project as developed will not be completed without this funding. Replacements will be covered as part of routine capital upgrades without LED lighting in accordance with current tariffs. There are no local land use regulations, CMD service plan requirements or regulations of the electric utility which requires the CMD to initiate this project.</p>				

## EXHIBIT B

<b>Project Schedule and Work Plan</b>	<b>Activities</b>	<b>Staff Responsible</b>	<b>Date</b>
	Project Start Date	Colorado Springs Utilities (CSU), Energy Services Division	May 19, 2014
	Material delivery	CSU, Energy Services Division	July 31, 2014
	Status Report(s) Due to CDPHE	CMD Superintendent & GMS, Inc. Project Manager	August 15, 2014
	Projected Completion Date	CSU and CMD Superintendent	November 30, 2014
SEP Completion Report Due to CDPHE	CMD Superintendent & GMS, Inc. Project Manager	December 20, 2014	
<b>Other Relevant Information</b>	<p>This project is not required by any local land use regulation, building code or utility purveyor requirement. The CMD's constituents will not immediately realize the benefit of reduced cost of energy for lighting in the District until CSU accomplishes a cost of service study with the latest in LED lamp technology considered. There will be reduced greenhouse gas (CO<sub>2</sub>) emissions as the result of reduced energy required to service the District facilities</p>		
<b>Reporting Requirements</b>	<p><u>Biannual Status Reports</u></p> <p>The CMD SEP Administrator will submit a biannual project status report to the department's SEP Coordinator. Status reports will include the following information:</p> <ul style="list-style-type: none"> <li>• A description of activities completed to date;</li> <li>• A budget summary table listing funds expended to date by budget category; and</li> <li>• A discussion of any anticipated changes to the project scope or timeline.</li> </ul> <p><u>Final SEP Completion Report</u></p> <p>The SEP Completion report will be submitted within 30 days of project completion and contain at a minimum:</p> <ul style="list-style-type: none"> <li>• A detailed description of the project as implemented;</li> <li>• A summary table identifying project deliverables and tasks along with the associated completion date;</li> <li>• A description of any operating problems encountered and the solutions thereto;</li> <li>• A full expense accounting including itemized costs, documented by copies of purchase orders, contracts, receipts or canceled checks;</li> <li>• Certification and demonstration that the SEP has been fully implemented pursuant to the provisions of the Settlement Agreement aka Compliance Order on Consent and this SEP Agreement;</li> <li>• A description of the environmental and public health benefits resulting from implementation of the SEP along with <b>quantification</b> of the outcomes and benefits;</li> <li>• Examples of brochures, educational or outreach materials developed or produced as part of the SEP; and</li> <li>• Photographs documenting the project.</li> </ul>		

Cherokee Metropolitan District  
 2012-2014 Compliance Order  
 LED Lamp Replacement SEP

<u>Current Fixture</u>	Type	Metal Halide Cobrahead	Metal Halide Colonial	<u>Total</u>		
Watt Rating		100	100			
Power Consumption (watts)		127	118			
 <u>Proposed Fixture</u>						
	Type	LED Cobrahead	LED Colonial			
Wattage						
Power Consumption (watts)		66	58			
Quantity		37	4	41		
 <u>Annual Estimated Energy Savings (kWh)</u>						
Power Consumption (watts)						
Current Fixture		127	118			
Proposed Fixture		66	58			
Energy Savings (watts/fixture)		61	60			
Annual Operating Hours <sup>(1)</sup>		4,289	4,289			
Energy Savings (kWh/fixture)		262	257			
Quantity		37	4			
Annual Est. Energy Savings (kWh)		9,680	1,029	10,709	129%	\$ 1.896 =\$/KWH Reduction
 <u>Annual Estimated Energy Cost Savings</u>						
Annual Est. Energy Savings (kWh)		9,680	1,029			
Energy Cost (\$/kWh) <sup>(2)</sup>		<u>\$0.0803</u>	<u>\$0.0803</u>			
Annual Est. Energy Cost Savings <sup>(3)</sup>		\$777.28	\$82.65	\$859.93		
 <u>Annual Estimated Maintenance Cost Savings</u>						
<u>Current Fixture</u>						
Lamp Replacement Cost		\$412.50	\$462.50			
Estimated Lamp Life (hours)		40,000	40,000			
Annual Operating Hours <sup>(1)</sup>		4,289	4,289			
Lamp Replacement Interval (yrs)		9.33	9.33			
Annual Replacement Cost per Fixture		\$44.23	\$49.59			
Quantity		37	4			
Total Annual Replacement Cost		\$1,636.43	\$198.35			
 <u>Proposed Fixture</u>						
Lamp Replacement Cost		\$450.00	\$650.00			
Estimated Lamp Life (hours)		100,000	100,000			
Annual Operating Hours <sup>(1)</sup>		4,289	4,289			
Lamp Replacement Interval (yrs)		23.32	23.32			
Annual Replacement Cost per Fixture		\$19.30	\$27.88			
Quantity		37	4			
Total Annual Replacement Cost <sup>(3)</sup>		\$714.08	\$111.51			
Annual Est. Maintenance Cost Savings		\$922.35	\$86.85	\$1,009.20		

(1) Based on average operating time of 11.75 hours per day  
 Winter solstice = 4:45 pm to 6:45 am (MST) = 14 hrs; Summer solstice = 8:45pm to 6:15 am (MDT) = 9.5 hrs;

(2) Energy Cost Calculation Based on CSU Rates to CMD Sept 2013  
 Access Charge (\$/kWh) = \$0.0532  
 Supply Charge (\$/kWh) = \$0.0269  
 Electric Cost Adjustment (ECA) (\$/kWh) = -\$0.0010  
 Capacity Charge (\$/kWh) = \$0.0012  
 Energy Cost (\$/kWh) = \$0.0803

(3) CSU's rate tariff for street lights is based on Charge per pole per month. The current charges, as of Jan 1, 2014, for 100 watt fixtures are:  
 100 Watt Metal Halide (MH) - Ornamental = \$12.42; Current Annual User Charge = \$4,769.28  
 100 Watt Equivalent LED - Ornamental = \$12.14; Future Annual User Charge with LED Retrofit = \$5,972.88; \$142.20 per year less than existing MH based charge.

**EXHIBIT B**  
ATTACHMENT CSU-2

**Colorado Springs Utilities  
Contract for Time and Material  
Third Party Billing**

WHEREAS, the undersigned Applicant requests Springs Utilities (SU), to provide labor, services, materials and equipment, as described below, or on exhibits or addenda attached hereto and incorporated herein by reference for Applicant's benefit at the location commonly known as: **CHEROKEE METROPOLITAN DISTRICT.**

IT IS HEREBY AGREED that Applicant shall deposit with SU on or before **05/04/2014**, as a condition precedent to SU's obligation to provide said labor, services, materials and equipment, the sum of **\$20,303.55**, which is the estimated cost of said labor, services, materials and equipment. This estimated sum is based upon a preliminary survey and analysis of the project as described by the Applicant. It is understood and agreed that the above estimated cost is subject to revision based upon the actual cost, as determined by SU after completion of the project. Applicant agrees to pay the actual cost of the project in full, as determined by SU, within ten (10) days after completion of the project and final billing. In the event the deposit is determined to be greater than the actual cost, as finally determined, SU shall refund the difference within thirty (30) days of completion of the project and final billing. In the event Applicant fails to pay the actual cost within ten (10) days after final billing, SU shall have the right to recover the actual costs, damages, including incidental and consequential damages, costs of collection, attorney's fees and interest on the amount owing at the statutory rate under Colorado law.

SU, its employees and agents, shall have the right to enter upon the Applicant's property, as described below, at all reasonable hours as necessary to provide the labor, services, materials and equipment described herein.

Applicant warrants and represents to SU that the individual executing this Contract on behalf of the Applicant has authority to bind the Applicant, its successors and assigns.

The laws of the State of Colorado shall apply to this Contract for Time and Material and the construction or enforcement thereof.

In the event the Applicant requests a modification to the labor, materials, services and equipment described below, or in the event it is necessary for SU to perform additional or other labor, services, materials and equipment to complete the project, the Applicant agrees to pay for the additional costs and payment thereof will be made in accordance with the terms of this Contract. The Applicant or the Applicant's representative shall execute a contract addendum describing additional labor, services, materials and equipment as requested or required by SU, upon request of SU. SU shall have discretion to require additional amounts be paid, or the entire cost of additional labor, services, materials and equipment be paid prior to commencement of work on such additions or modifications.

EXHIBIT B

Location of Job: CHEROKEE METROPOLITAN DISTRICT

Type of Service Requested: REPLACE 41 STREETLIGHT LUMINAIRES WITH LED LUMINAIRES

**Charges**

Total Material including credit and handling charges	\$0.00
Total Labor Charges	\$9,554.96
Total Tool & Vehicle Charges	\$491.59
<b>Total</b>	<u>\$10,046.55</u>
Additional Charges	+ \$10,257.00
<b>Total Job Cost</b>	\$20,303.55
Customer Credit	- \$0.00
<b>Total Amount Due</b>	<u>\$20,303.55</u>

Special instructions on billing:

Ginny Halvorson Energy Services

Applicant

20-Mar-2014  
Date

By: \_\_\_\_\_  
Title

2680028-01  
Work Order Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Date Phone Number

## EXHIBIT B

### SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP) FIRST PARTY PROPOSAL/AGREEMENT

The regulated entity, identified below, submits the following SEP application to the Colorado Department of Public Health and Environment (the department) for SEP consideration.

<b>Enforcement Action Information</b>	Cherokee Metropolitan District Case No.: <del>MC-14xxxx</del> MC-140514-1
<b>Regulated Entity Contact Information</b>	Sean Chambers, General Manager Cherokee Metropolitan District 6250 Palmer Park Boulevard Colorado Springs, CO 80915 Office Phone: 719-597-5080 E-mail address: SChambers@cherokeemetro.org
<b>CDPHE Contact Person</b>	Rachel Wilson-Roussel, Supplemental Environmental Projects Coordinator, 303-692-2976, <a href="mailto:rachel.wilson-roussel@state.co.us">rachel.wilson-roussel@state.co.us</a> -and- Mike Harris, WQCD Compliance and Enforcement Unit Manager, 303-692-3598, <a href="mailto:michael.harris@state.co.us">michael.harris@state.co.us</a>
<b>Geographical Area to Benefit Most Directly From Project</b>	Easterly portion of Cherokee Metropolitan District Street Light Service Area provided electric power by Mountain View Electric Association
<b>Project Title</b>	LED Streetlight Project
<b>Project Type</b>	<b>First Party SEP</b>
<b>SEP Category</b>	Pollution Reduction, Public Health and Safety
<b>Project Summary</b>	This project would replace 15 existing high pressure sodium or mercury vapor (metal halide) streetlight lamps with high efficiency LED lamp assemblies. Energy consumption would be reduced by approximately 60 percent and the driving public and impacted pedestrians would have improved lighting. Hazard exposure to lighting maintenance personnel would be reduced because of longer LED lamp life.

## EXHIBIT B

<p><b>Project Description</b></p>	<p>This project would replace no less than 15 metal halide street light luminaires with LED lamp assemblies using less than one half of the energy for an equivalent light output. The intent is to replace existing 400 watt fixtures with LED heads that have a comparable light output. The locations to be selected are along major and minor arterial roadways and collector streets where the public roadway users may have the maximum benefit from the project.</p> <p>The objective is to reduce energy consumption by approximately 60% which would reduce the carbon footprint relative to lights presently in use. Existing lamps have a design life of 40,000 hours while LED lamps are anticipated to last 100,000 hours. This increase in lamp life reduces maintenance vehicle usage for replacement and lowers maintenance crew exposure to vehicle hazards while working in the roadway. Implementation would consist of design, permitting, materials ordering and installation.</p> <p>The Mountain View Electric Association (MVEA) will implement the project with all labor, equipment and materials being furnished by and through MVEA. This will be done initially with a unit priced, time and materials work order arrangement between MVEA and CMD. The work order will be jointly developed and administered by MVEA and CMD to fit the desired expenditure with the greatest benefit to the Cherokee Metropolitan District service area.</p>
<p><b>Expected Environmental and/or Public Health Benefits</b></p>	<p><b>Calculated Benefits:</b></p> <p>Refer to Attachment MVEA-1 for a demonstration of the estimated annual energy and energy consumption cost savings from this SEP. This Attachment MVEA-1 also shows the calculated annual savings in maintenance costs as a result of implementation of this SEP.</p> <p><b>Summary:</b> Annual Estimated Energy Savings = 15,214 kWh</p> <p style="padding-left: 40px;">Annual Calculated Energy Cost Savings = \$1,655 See Below</p> <p style="padding-left: 40px;">Annual Calculated Maintenance Cost Savings = \$366</p> <p>The calculated cost savings would only be realized if CMD was paying the energy consumption charges and maintenance costs directly. However, CMD pays Mountain View Electric on a per lamp per month basis. See actual benefits discussion below.</p> <p><b>Actual Benefits</b></p> <p>This project will reduce energy consumption by approximately 15,214 kWh per year. This represents an annual reduction of 9.1 to 18.3 tons of CO<sub>2</sub> depending on generation mix. Maintenance vehicle usage and associated CO<sub>2</sub> production will be reduced by more than 50% based on the expected lamp assembly life extension noted above.</p> <p>The MVEA does not presently have a different tariff for LED street lighting. Based on discussions with the MVEA management and Directors, there will be a rate study accomplished in the near future. In the meantime, as this SEP is implemented by the MVEA, the current rate tariff for street lighting will apply. This is a unit charge per pole, without a direct relationship to energy consumption. While there is not expected to be any actual cost savings as a result of this SEP, there will be an energy consumption reduction with implementation of this SEP.</p> <p>The reduction in maintenance vehicle operation should be reasonably directly proportional to the difference in service life for the LED lamp assemblies as compared to the metal halide lamps. Based on comparative service life cycles of 40,000 and 100,000 hours respectively for metal halide and LEDs, the maintenance vehicle operation will be reduced more than 50 percent.</p>

## EXHIBIT B

	<p>Existing high pressure sodium lamp heads removed from the system will be reused if possible and mercury vapor lamps will be disposed of using federal guidelines. Mercury vapor lamps will be removed from service in the MVEA public street and security lighting system.</p>				
<b>Project Budget</b>	Refer to Attachment MVEA-1				
	Budget Category	Description	SEP Funds	Matching Funds (if any)	Total Cost
	Personnel (Salaries, Wages)	Lineman, apprentice, barricading, supervision, reporting	\$2,720		\$2,720
	Materials and Supplies	20– 400 watt equivalent LED pole mounted fixtures	\$9,750		\$9,750
	Major Equipment	Bucket truck, material truck	\$1,000		\$1,000
	Contractors/ Subcontractors	NONE – Install by MVEA staff using MVEA equipment	\$0		\$0
	Other Direct Costs	Minor materials used and disposal of existing MH Lamps	\$400		\$400
	<b>Total:</b>		<b>\$13,870</b>	<b>\$0</b>	<b>\$13,870</b>
<b>Budget Discussion</b>	<p>Note: Budget based on \$650 per lamp with MVEA engineering and procurement support.</p> <p>The project budget for this SEP to be implemented by the MVEA was based on the unit cost of retrofitting similar existing metal halide street light installations as presented by the EPCDOT. As the final work order is developed with the MVEA, the scope of work will be adjusted to provide for an expenditure conforming to the requirements of the CDPHE. In general, the scope of work will be adjusted if necessary to provide for a monetary contribution to this “first party” project in an amount no less than that shown in the referenced budget.</p> <p>As indicated in the discussion of environmental benefits of this SEP, there is no known financial benefit to the Cherokee Metropolitan District. As of this time, the MVEA will be assessing the same user charges for the LED street lights as are now billed for the metal halide installations. The MVEA has indicated they will be doing a rate study to assess the cost of the LED street light installations. There is no indication if the resulting user charge will be less or more than that assessed for metal halide street light installations.</p> <p>This project as developed will not be completed without this funding. Replacements will be covered as part of routine capital upgrades without LED lighting in accordance with current tariffs. There are no local land use regulations, CMD service plan requirements or regulations of the electric utility which requires the CMD to initiate this project.</p>				
	<b>Project Schedule and Work Plan</b>	Activities	Staff Responsible	Date	
		Project Start Date	Cherokee/ MVEA	May 5, 2014	
		Material delivery	MVEA	July 1, 2014	
Status Report(s) Due to CDPHE		CMD Superintendent & GMS, Inc. Project Manager	August 15, 2014		
Projected Completion Date	MVEA and CMD Superintendent	November 30, 2014			

## EXHIBIT B

	SEP Completion Report Due to CDPHE	CMD Superintendent & GMS, Inc. Project Manager	December 20, 2014
<p><b>Other Relevant Information</b></p>	<p>This project is not required by any local land use regulation, building code or utility purveyor requirement. The CMD's constituents will not immediately realize the benefit of reduced cost of energy for lighting in the District until MVEA accomplishes a cost of service study with the latest in LED lamp technology considered. There will be reduced greenhouse gas (CO<sub>2</sub>) emissions as the result of reduced energy required to service the District facilities</p>		
<p><b>Reporting Requirements</b></p>	<p><u>Biannual Status Reports</u></p> <p>The CMD SEP Administrators will submit a biannual project status report to the department's SEP Coordinator. Status reports will include the following information:</p> <ul style="list-style-type: none"> <li>• A description of activities completed to date;</li> <li>• A budget summary table listing funds expended to date by budget category; and</li> <li>• A discussion of any anticipated changes to the project scope or timeline.</li> </ul> <p><u>Final SEP Completion Report</u></p> <p>The SEP Completion report will be submitted within 30 days of project completion and contain at a minimum:</p> <ul style="list-style-type: none"> <li>• A detailed description of the project as implemented;</li> <li>• A summary table identifying project deliverables and tasks along with the associated completion date;</li> <li>• A description of any operating problems encountered and the solutions thereto;</li> <li>• A full expense accounting including itemized costs, documented by copies of purchase orders, contracts, receipts or canceled checks;</li> <li>• Certification and demonstration that the SEP has been fully implemented pursuant to the provisions of the Settlement Agreement and this SEP Agreement;</li> <li>• A description of the environmental and public health benefits resulting from implementation of the SEP along with <b>quantification</b> of the outcomes and benefits;</li> <li>• Examples of brochures, educational or outreach materials developed or produced as part of the SEP; and</li> <li>• Photographs documenting the project.</li> </ul>		

# EXHIBIT B

## ATTACHMENT MVEA-1

Cherokee Metropolitan District  
2012-2014 Compliance Order  
Mountain View Electric Association (MVEA) LED Lamp Replacement SEP - 04/15/14

Current Fixture

	Type	Metal Halide Cobrahead
Watt Rating		400
Power Consumption (watts)-EPCDOT Data		400

Proposed Fixture

	Type	LED Cobrahead
Watt Rating		400
Power Consumption (watts)		163.5
Quantity		15

Annual Estimated Energy Savings (kWh)

Power Consumption (watts)		
Current Fixture	400	
Proposed Fixture	163.5	
Energy Savings (watts/fixture)	236.5	
Annual Operating Hours <sup>(1)</sup>	4,289	
Energy Savings (kWh/fixture)	1,014	
Quantity	15	
Annual Est. Energy Savings (kWh) <sup>(4)</sup>	15,214	\$ 0.912 =\$/kWh Reduced

Annual Estimated Energy Cost Savings

Annual Est. Energy Savings (kWh)	\$15,214
Energy Cost (\$/kWh) <sup>(2)</sup>	<u>\$0.1088</u>
Annual Est. Energy Cost Savings	\$1,655

Annual Estimated Maintenance Cost Savings

Current Fixture

Lamp Replacement Cost	\$412.50
Estimated Lamp Life (hours)	40,000
Annual Operating Hours <sup>(1)</sup>	4,289
Lamp Replacement Interval (yrs)	9.33
Annual Replacement Cost per Fixture	\$44.23
Quantity	15
Total Annual Replacement Cost <sup>(4)</sup>	\$663.42

Proposed Fixture

Lamp Replacement Cost <sup>(3)</sup>	\$462.50
Estimated Lamp Life (hours)	100,000
Annual Operating Hours <sup>(1)</sup>	4,289
Lamp Replacement Interval (yrs)	23.32
Annual Replacement Cost per Fixture	\$19.84
Quantity	15
Total Annual Replacement Cost <sup>(4)</sup>	\$297.53

Annual Est. Maintenance Cost Savings<sup>(4)</sup>      \$365.88

(1) Based on average operating time of 11.75 hours per day

Winter solstice = 4:45 pm to 6:45 am (MST) = 14 hrs; Summer solstice = 8:45pm to 6:15 am (MDT) = 9.5 hrs; Avg = 11.75 hrs

(2) Comparative MVEA Rates for Commercial General Power = \$0.0725 per kWh Plus Grid Access and Demand Charges

MVEA Small Power Rate schedule, per kWh = \$0.1088

(3) LED Replacement Lamp Cost =\$125; Equipment Cost =\$150 per hour; Labor Cost = \$75 per hour; 1.5 hours to replace lamp

(4) MVEA's rate tariff for street lights is based on charge per pole per month. The current charges, as of Jan 1, 2014, for 400 watt fixtures are:

400 Watt Metal Halide (MH) = \$18.90; Current Annual User Charge = \$3,402

400 Watt Equivalent LED rate has not been established pending rate study by MVEA; For purposes of SEP evaluation, assume LED rate tariff is equal to MH rate tariff.

400 Watt Equivalent LED = \$18.90; Future Annual User Charge with LED Retrofit = \$3,402; \$0.00 per year less than existing MH based charge.

EXHIBIT B

**SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP)  
THIRD PARTY PROPOSAL/AGREEMENT**

The regulated entity, identified below, submits the following SEP application to the Colorado Department of Public Health and Environment (the department) for SEP consideration.

<b>Enforcement Action Information</b>	Cherokee Metropolitan District Case No.: <del>MC-14xxxx-x</del> MC-140514-1	
<b>Regulated Entity Contact Information</b>	Sean Chambers, General Manager Cherokee Metropolitan District 6250 Palmer Park Boulevard Colorado Springs, CO 80915 719-597-5080 SChambers@cherokeemetro.org	
<b>Third Party SEP Administrator Contact</b>	Mr. John Clack El Paso County Department of Public Services 3275 Akers Drive Colorado Springs, CO 80922 Office Phone: 719-520-6851 E-mail address: JohnClack@elpasoco.com	Type of organization: Non-profit* <input type="checkbox"/> Government <input checked="" type="checkbox"/>  *If non-profit, please attach a copy of your 501c(3) exemption to this SEP Agreement.
<b>CDPHE Contact Person</b>	Rachel Wilson-Roussel, Supplemental Environmental Projects Coordinator, 303-692-2976, <a href="mailto:rachel.wilson-roussel@state.co.us">rachel.wilson-roussel@state.co.us</a> -and- Mike Harris, WQCD Compliance and Enforcement Unit Manager, 303-692-3598, michael.harris@state.co.us	
<b>Geographical Area to Benefit Most Directly From Project</b>	Cherokee Metropolitan District Street Light Service Area	
<b>Project Title</b>	LED Streetlight Project	
<b>Project Type</b>	<b>Third Party SEP Donation</b>	
<b>SEP Category</b>	Pollution Reduction, Public Health and Safety	
<b>Project Summary</b>	This project would replace existing 22 high pressure sodium or mercury vapor (metal halide) streetlight lamps with high efficiency LED lamps. Energy consumption would be reduced by approximately 58 percent, the driving public and impacted pedestrians would have improved lighting. Hazard exposure to lighting maintenance personnel would be reduced because of longer LED lamp life.	

## EXHIBIT B

<p><b>Project Description</b></p>	<p>This project would replace twenty-two (22) 400 watt high pressure sodium (HPS) or mercury vapor street light fixtures with LED lamp assemblies using less than one half of the energy for an equivalent light output. The locations selected for consideration in this project include the following</p> <ul style="list-style-type: none"> <li>Constitution Avenue and Marksheffel Road – Four fixtures</li> <li>Constitution Avenue and Piros Drive – Two fixtures</li> <li>Peterson Road and Piros Drive – Three fixtures</li> <li>Peterson Road and Palmer Park Boulevard – Four fixtures</li> <li>Galley Road and Hathaway Drive – Four fixtures</li> <li>Peterson Road and Galley Road – Three fixtures</li> <li>Peterson Road and Omaha Boulevard – One fixture</li> <li>Palmer Park Boulevard and Winnebago Drive – One fixture</li> </ul> <p>The objective is to reduce energy consumption by approximately 58% which would reduce the carbon footprint relative to lights presently in use. Existing lamps have a design life of 24,000 hours while LED lamps are anticipated to last 100,000 hours. This increase in lamp life reduces maintenance vehicle usage for replacement and lowers maintenance crew exposure to vehicle hazards while working in the roadway. Implementation would consist of design, permitting, materials ordering and installation.</p> <p>The El Paso County Department of Public Services, Transportation Division, will coordinate and administer the project with all labor, equipment and materials being furnished by and through El Paso County (EPC). This will be done initially with a unit priced, time and materials work order arrangement between EPC and CMD. The work order will be jointly developed and administered by EPC and CMD to fit the desired expenditure.</p>
<p><b>Expected Environmental and/or Public Health Benefits</b></p>	<p>Refer to Attachment EPC-1 for a demonstration of the estimated annual energy and power cost savings from this SEP. This Attachment EPC-1 also shows the estimated annual savings in maintenance costs as a result of implementation of this SEP.</p> <p>Summary: Annual Estimated Energy Savings = 22,145 kWh</p> <ul style="list-style-type: none"> <li>Annual Estimated Energy Cost Savings = \$2,237</li> <li>Annual Estimated Maintenance Cost Savings = \$1,028</li> <li>Payback period: ~ 5.9 years</li> </ul> <p>Discussion:</p> <p>This project would reduce estimated energy consumption by 22,145 kWh per year. This represents an annual reduction of 13.3 to 26.6 tons of CO<sub>2</sub> depending on generation mix. Maintenance vehicle usage and associated CO<sub>2</sub> production will be reduced by more than 50% based on the expected life extension noted above.</p> <p>The EPC Department of Transportation has provided information on common replacement lamps for existing HPS fixtures reflecting a useful life of 23,000 hours. The proposed LED lamp assemblies are rated at a useful life of 100,000. Based on this ratio, there will be a reduction of 77% in the frequency or unit use of maintenance equipment when the LED assemblies are put into service.</p> <p>There are 16 of the 22 lamps located in the Mountain View Electric Association service area with 6 of the lamps provided power from Colorado Springs Utilities. Using a weighted energy user charge rate for the 22 lamps proposed for retrofitting, there is an annual energy cost savings of \$2,237 realized. This cost savings will not be passed on</p>

## EXHIBIT B

	<p>to the Cherokee Metropolitan District as the subject street lighting fixtures are owned, operated and maintained by El Paso County, completely independent of the Cherokee Metropolitan District street lighting system. The estimated savings in reduced maintenance cost due to the longer useful life of the LED light assemblies likewise will not be passed on to the District's constituents. The energy cost savings are projected from the respective power companies' commercial energy charges applicable in their service areas. The basis of charge to EPC is on a per light basis in accordance with the applicable tariffs.</p> <p>The District's constituents will not necessarily realize and cost benefits from this SEP but will be supporting the benefits of reduced energy consumption and generation of greenhouse gases and improved lighting of public spaces.</p> <p>Existing high pressure sodium lamp heads removed from the system will be reused if possible and mercury vapor lamps will be disposed of using federal guidelines.</p>				
<b>Project Budget</b>	<b>Budget Category</b>	<b>Description</b>	<b>SEP Funds</b>	<b>Matching Funds (if any)</b>	<b>Total Cost</b>
	Personnel (Salaries, Wages)	Lineman, apprentice, barricading, supervision, reporting	\$3,640		\$3,640
	Materials and Supplies	22 – 400 watt equivalent pole mounted LED fixtures	\$13,300		\$13,300
	Major Equipment	Bucket truck, material truck	\$1,800		\$1,800
	Contractors/ Subcontractors	NONE – Install by El Paso County personnel & equipment	\$0		\$0
	Other Direct Costs	Minor materials used and disposal of existing MH Lamps	\$400		\$400
	<b>Total:</b>			<b>\$19,140</b>	<b>\$0</b>
<b>Budget Discussion</b>	<p>This project as developed will not be completed without this funding. Replacements will be covered as part of routine capital upgrades without LED lighting. The project budget total was provided by the El Paso County (EPC) Public Services Department in an electronic mail message of February 15, 2014 from the EPC Project Manager, Mr. John Clack. Refer to Attachment EPC-2. The itemization given above is to be refined with EPC if necessary and will be itemized at project close-out.</p>				
<b>Project Schedule and Work Plan</b>	<b>Activities</b>	<b>Staff Responsible</b>	<b>Date</b>		
	SEP Donation of \$19,140 from Cherokee Metro District to Third Party SEP Administrator, El Paso County	CMD Board of Directors, General Manager & Superintendent	Within 30 days of the effective date of this SEP Agreement.		
	Project Start Date	El Paso County Department of Public Services (EPC)	May 15, 2014		
	Material delivery	El Paso County Department of Public Services	July 16, 2014		

## EXHIBIT B

	Status Report(s) Due to CDPHE	CMD Superintendent & GMS, Inc. Project Manager	August 15, 2014
	Projected Completion Date	EPC and CMD Superintendent	November 30, 2014
	SEP Completion Report Due to CDPHE	CMD Superintendent & GMS, Inc. Project Manager	December 20, 2014
<p><b>Other Relevant Information</b></p>	<p>This project is not required by any local land use regulation, building code or utility purveyor requirement. The CMD's constituents will not realize the benefit of reduced cost of energy for lighting in the District. There will be reduced greenhouse gas (CO<sub>2</sub>) emissions as the result of reduced energy required to service the District facilities and improved lighting will enhance vehicular traffic and pedestrian safety.</p>		
<p><b>Reporting Requirements</b></p>	<p><u>Biannual Status Reports</u></p> <p>The CMD and EPC SEP Administrator will submit a biannual project status report to the department's SEP Coordinator. Status reports will include the following information:</p> <ul style="list-style-type: none"> <li>• A description of activities completed to date;</li> <li>• A budget summary table listing funds expended to date by budget category; and</li> <li>• A discussion of any anticipated changes to the project scope or timeline.</li> </ul> <p><u>Final SEP Completion Report</u></p> <p>The SEP Completion report will be submitted within 30 days of project completion and contain at a minimum:</p> <ul style="list-style-type: none"> <li>• A detailed description of the project as implemented;</li> <li>• A summary table identifying project deliverables and tasks along with the associated completion date;</li> <li>• A description of any operating problems encountered and the solutions thereto;</li> <li>• A full expense accounting including itemized costs, documented by copies of purchase orders, contracts, receipts or canceled checks;</li> <li>• Certification and demonstration that the SEP has been fully implemented pursuant to the provisions of the Settlement Agreement and this SEP Agreement;</li> <li>• A description of the environmental and public health benefits resulting from implementation of the SEP along with <b>quantification</b> of the outcomes and benefits;</li> <li>• Examples of brochures, educational or outreach materials developed or produced as part of the SEP; and</li> <li>• Photographs documenting the project.</li> </ul>		

# EXHIBIT B

ATTACHMENT EPC-1

Cherokee Metropolitan District  
2012-2014 Compliance Order  
El Paso County Public Services Dept. LED Lamp Replacement SEP

Current Fixture

	Type	Metal Halide Cobrahead
	Watt Rating	400
Power Consumption (watts)-EPCDOT Data		400

Proposed Fixture

	Type	LED Cobrahead
	Watt Rating-Equivalency per EPCDOT	400
Power Consumption (watts)		165.3
	Quantity	22

Annual Estimated Energy Savings (kWh)

Power Consumption (watts)		
Current Fixture		400
Proposed Fixture		165.3
Energy Savings (watts/fixture)		234.7
Annual Operating Hours <sup>(1)</sup>		4,289
Energy Savings (kWh/fixture)		1,007
Quantity		22
Annual Est. Energy Savings (kWh)	22,145	\$ 0.864 =\$/KWH Reduced

Annual Estimated Energy Cost Savings

Annual Est. Energy Savings (kWh)	22,144.53
Energy Cost (\$/kWh) <sup>(5)</sup>	<u>\$0.1010</u>
Annual Est. Energy Cost Savings	\$2,236.72

Annual Estimated Maintenance Cost Savings

Current Fixture

Lamp Replacement Cost <sup>(4)</sup>	\$372.50
Estimated Lamp Life (hours)	24,000
Annual Operating Hours <sup>(1)</sup>	4,289
Lamp Replacement Interval (yrs)	5.60
Annual Replacement Cost per Fixture	\$66.56
Quantity	22
Total Annual Replacement Cost	\$1,464.43

Proposed Fixture

Lamp Replacement Cost <sup>(6)</sup>	\$462.50
Estimated Lamp Life (hours)	100,000
Annual Operating Hours <sup>(1)</sup>	4,289
Lamp Replacement Interval (yrs)	23.32
Annual Replacement Cost per Fixture	\$19.84
Quantity	22
Total Annual Replacement Cost	\$436.38

Annual Est. Maintenance Cost Savings      \$1,028.05

(1) Based on average operating time of 11.75 hours per day

Winter solstice = 4:45 pm to 6:45 am (MST) = 14 hrs; Summer solstice = 8:45pm to 6:15 am (MDT) = 9.5 hrs; Avg = 11.75 hrs

(2) Energy Cost Calculation Based on CSU Rates to CMD Sept 2013

Access Charge (\$/kWh) =	\$0.0532	
Supply Charge (\$/kWh) =	\$0.0269	
Electric Cost Adjustment (ECA) (\$/kWh) =	-\$0.0010	
Capacity Charge (\$/kWh) =	<u>\$0.0012</u>	
Energy Cost (\$/kWh) =	\$0.0803	Weighted blend of CSU & MVEA=((16/22)*0.10877)+((6/22)*0.0803)

(3) Comparative MVEA Rates for Commercial General Power = \$0.0725 per kWh Plus Grid Access and Demand Charges

MVEA Small Power Rate schedule = \$0.10877 per kWh;

(4) Lamp Cost =\$35; Equipment Cost =\$150 per hour; Labor Cost = \$75 per hour; 1.5 hours to replace lamp

(5) Weighted blend of CSU & MVEA=      \$0.10101

(6) Lamp Cost =\$125; Equipment Cost =\$150 per hour; Labor Cost = \$75 per hour; 1.5 hours to replace lamp

## ATTACHMENT EPC-2

**From:** John Clack [JohnClack@elpasoco.com]  
**Sent:** Saturday, February 15, 2014 6:15 AM  
**To:** 'rjsams@gmsengr.com'  
**Cc:** Andre Brackin; Troy Wiitala; Steve Barden  
**Subject:** RE: street lights.doc  
 Roger,

Here is our estimate for the LED street lamps that would be purchased by Cherokee Metro District. These are listed by priority.

Constitution & Marksheffel Rd	4 lights	\$3,480
Peterson & Palmer Park	4 lights	\$3,480
Galley & Hathaway	4 lights	\$3,480
Peterson & Galley	3 lights	\$2,610
Constitution & Piros Dr	2 lights	\$1,740
Peterson & Piros Dr	3 lights	\$2,610
Palmer Park & Winnebago	1 light	\$870
Peterson & Omaha	1 light	\$870
Total	22 lights	\$19,140

I understand our crews would install. Would we be responsible for purchasing the lights and then get reimbursed? If so, we will need to go out to bid using our regular process. Let me know if you need any additional information.

Thanks,  
 John

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**From:** Roger Sams [mailto:rjsams@gmsengr.com]  
**Sent:** Monday, December 09, 2013 9:46 AM  
**To:** John Clack  
**Subject:** RE: street lights.doc

John:

Thanks to you and other EPC staff for pulling this information together for us. We, and the CMD, would like to consider funding replacement of existing lamps with LED lamp assemblies at the locations listed as part of the Supplemental Environmental Project (SEP) the District is arranging with the Colorado Department of Health & Environment (CDPHE). We will also be working directly with Colorado Springs Utilities and MVEA on some locations where those respective utilities are responsible for operation and maintenance with the CMD paying for the energy costs. The District will have about \$50,000 to \$55,000 to put into this project for all parts and pieces with all three responsible agencies.

First, it would be greatly appreciated if the EPC Public Service Department could provide a proposal for replacement of the existing lamp assemblies as described at the locations listed below. Please itemize the proposal by intersection as we may not be able to do all of them within this project. We would appreciate your input as to priorities where LED lamps would yield the most public benefit. We would agree with making Constitution and Marksheffel a top priority if EPC would concur.

The schedule for this work is presently proposed to commence April 1, 2014 and be completed by November 30, 2014. The start date could just be the ordering of materials; physical replacement would not necessarily have to start at that time.

We need to refine the CMD proposal to the CDPHE by responsible third party, i.e. CSU, MVEA and EPC, so getting us the proposal as soon as possible would be greatly appreciated. We trust the EPC experience with the

LED lamp installation at Constitution and Peterson will be useful in making the proposal for the 2014 work in the CMD service area.

Thank you again. Please let me know if you have any questions or desire additional information.

Roger J. Sams, P.E.  
GMS, Inc.  
611 North Weber Street, Suite 300  
Colorado Springs, CO. 80903  
Phone: 719-475-2935  
Fax: 719-475-2938  
Email: [rjsams@gmsengr.com](mailto:rjsams@gmsengr.com)

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**From:** John Clack [mailto:[JohnClack@elpasoco.com](mailto:JohnClack@elpasoco.com)]  
**Sent:** Monday, December 09, 2013 9:04 AM  
**To:** [rjsams@gmsengr.com](mailto:rjsams@gmsengr.com)  
**Subject:** FW: street lights.doc

Roger,

Attached the El Paso County maintained street lights within the Cherokee Metro District's area. I verified with Frank Biggerstaff that these are all non-LED street lights. Please let me know if you have any questions or need additional information.

Thanks,  
John Clack  
719-520-6851

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**From:** Ed Braun  
**Sent:** Tuesday, December 03, 2013 7:09 AM  
**To:** John Clack  
**Subject:** FW: street lights.doc

John,

Attached are the numbers for the luminaries for GMS, all within Cherokee's district.

Edgar Braun  
Inspection Supervisor  
El Paso County PSD  
719-520-6869, Cell 719-339-5205

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**From:** Frank Biggerstaff  
**Sent:** Monday, December 02, 2013 4:50 PM  
**To:** Ed Braun; Steve Barden  
**Subject:** FW: street lights.doc

Inform you ask for.

Frank

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**From:** Joe Ashe  
**Sent:** Monday, December 02, 2013 4:10 PM  
**To:** Frank Biggerstaff  
**Subject:** street lights.doc

Intersection	# Street Lights
Constitution & Marksheffel Rd	4
Constitution & Piros Dr	2
Peterson & Piros Dr	3
Peterson & Palmer Park	4
Palmer Park & Winnebago	1
Peterson & Omaha	1
Peterson & Galley	3
Galley & Hathaway	4
	Total 22