

STATE OF COLORADO

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

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

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



Colorado Department
of Public Health
and Environment

August 4, 2014

John F. Bowen, Registered Agent
HCP Constructors Inc
1850 E. Platteville Blvd.
Pueblo West, CO 81007

Certified Mail Number: 7012 1640 0000 0801 9601

**RE: Service of Notice of Violation/Cease and Desist Order/Order for Civil Penalty,
Number: IO-140804-01**

Dear Mr. Bowen:

HCP Constructors Inc is hereby served with the enclosed Notice of Violation / Cease and Desist Order/ Order for Civil Penalty (the "NOV/CDO/OCP"). The NOV/CDO/OCP is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §§25-8-602, 25-8-605, and 25-8-608 C.R.S., of the *Colorado Water Quality Control Act*, (the "Act"). The Division bases the NOV/CDO/OCP upon findings that HCP Constructors Inc has violated the Act and a discharge permit, as described in the enclosed NOV/CDO/OCP.

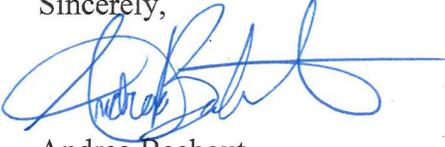
Pursuant to §25-8-603, C.R.S., HCP Constructors Inc is required, within thirty (30) calendar days of receipt of this NOV/CDO/OCP, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

Additionally, pursuant to the authority given to the Division by §25-8-608, C.R.S. the Division hereby imposes the civil penalty as outlined in the attached NOV/CDO/OCP. Payment of the imposed civil penalty should be made in accordance with the methods referenced in the Order for Civil Penalty.

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

Should you or representatives of HCP Constructors desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO/OCP, please do not hesitate to contact Christy Pickens of this office by phone at (303) 692-3584 or by electronic mail at christy.pickens@state.co.us.

Sincerely,



Andrea Beebout
Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Denver Environmental Health
El Paso County Public Health EH Division
Tri-County Health Department
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Amy Zimmerman, Engineering Section, CDPHE
Doug Camrud, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Heather Drissel, Field Services Section, CDPHE
Lillian Gonzalez, Permits Section, CDPHE
Christy Pickens, Compliance & Enforcement Unit, CDPHE
Tania Watson, Business Data Services Unit, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE



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

NOTICE OF VIOLATION / CEASE AND DESIST / ORDER FOR CIVIL PENALTY
NUMBER: IO-140804-01

IN THE MATTER OF: HCP CONSTRUCTORS INC
CDPS PERMIT NOS. COG070000 & COG604000
CERTIFICATION NOS. COG074296, COG074198, COG074122 &
COG604168
ADAMS, ARAPAHOE, DENVER & EL PASO COUNTIES,
COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority is implemented through the Department's Water Quality Control Division (the "Division"), and pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order / Order for Civil Penalty:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the alleged violations identified herein, HCP Constructors Inc ("HCP") was a Colorado corporation in good standing and registered to conduct business in the State of Colorado.
2. HCP is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).

Harvard Avenue Water and Sewer Line Project

3. In November 2012, HCP initiated construction activities that included the demolition, abandonment, and new installation of utilities located at Harvard Avenue & Abilene Street, in the City of Aurora, Arapahoe County, Colorado (the "Harvard Project").
4. On November 11, 2012, the Division received an application from HCP for Harvard Project coverage under the Colorado Discharge Permit System ("CDPS") General Permit, Number COG070000, for Construction Dewatering Discharges (the "Construction Dewatering Permit").
5. During the times relevant to the alleged violations identified herein, two versions of the Construction Dewatering Permit were in effect: 1) the version that became effective December 1, 2006, was

amended with Amendment #1 on August 1, 2008, and was set to expire on November 30, 2011 but was administratively continued until permit reissuance (the “2006 Construction Dewatering Permit”); and 2) the current version that became effective September 1, 2013 and remains in effect until August 31, 2018 (the “2013 Construction Dewatering Permit”).

6. On November 19, 2012, the Division provided HCP Certification Number COG074296 authorizing HCP to discharge wastewater from the construction dewatering activities associated with the Harvard Project through outfalls 001A, 002A, 003A, and 004A to Westerly Creek under the terms and conditions of the Construction Dewatering Permit. Certification Number COG074296 became effective under the 2006 Construction Dewatering Permit on November 20, 2012, was reissued under the 2013 Construction Dewatering Permit effective September 1, 2013, and remains in effect until August 31, 2018 or until HCP inactivates permit coverage.
7. On February 27, 2013, the Division received an application from HCP for Harvard Project coverage under the CDPS General Permit, Number COG604000, for Discharges Associated with Hydrostatic Testing of Pipelines, Tanks, and Similar Vessels (the “Hydrostatic Testing Permit”).
8. On March 6, 2013, the Division provided HCP Certification Number COG604168 authorizing HCP to discharge hydrostatic test water from the Harvard Project through outfall 001A to Westerly Creek under the terms and conditions of the Hydrostatic Testing Permit. Certification Number COG604168 became effective March 6, 2013 and has been administratively continued until a new permit and associated certification is issued, or until HCP inactivates permit coverage.
9. Westerly Creek is “state waters” as defined by §25-8-103(9), C.R.S. and its implementing regulation, 5 CCR1002-61, §61.2(101).

Sand Creek Drop Structure Project

10. In 2012, HCP initiated construction activities to install rip-rap drop structures into Sand Creek for Colorado Springs Utilities at a site located at Palmer Park Boulevard & N. Powers Boulevard, in or near the City of Colorado Springs, El Paso County, Colorado (the “Sand Creek Project”).
11. On May 17, 2012, the Division received an application from HCP for Sand Creek Project coverage under the Construction Dewatering Permit.
12. On June 11, 2012, the Division provided HCP Certification Number COG074122 authorizing HCP to discharge wastewater associated with the construction dewatering activities at the Sand Creek Project through outfalls 001A and 002A to Sand Creek under the terms and conditions of the Construction Dewatering Permit. Certification Number COG074122 became effective under the 2006 Construction Dewatering Permit on June 11, 2012, was reissued under the 2013 Construction Dewatering Permit effective September 1, 2013, and remained in effect until April 1, 2014, at which time it was terminated following the Division’s receipt of a request for termination from HCP.
13. Sand Creek is “state waters” as defined by §25-8-103(9), C.R.S. and its implementing regulation, 5 CCR1002-61, §61.2(101).

Conduit 302 @ 56 Avenue Project

14. In August 2012, HCP initiated construction activities that included the installation of a recycled water pipeline along 56th Avenue from Chambers Road to Tower Road and the relocation of a water pipeline under First Creek, in or near the City of Denver, in Denver and Adams Counties, Colorado (the "Conduit 302 Project").
15. On August 1, 2012, the Division received an application from HCP for Conduit 302 Project coverage under the Construction Dewatering Permit.
16. On September 6, 2012, the Division provided HCP Certification Number COG074198 authorizing HCP to discharge wastewater from the construction dewatering activities associated with the Conduit 302 Project through outfall 001A to First Creek under the terms and conditions of the Construction Dewatering Permit. Certification Number COG074122 became effective under the 2006 Construction Dewatering Permit on September 7, 2012, was reissued under the 2013 Construction Dewatering Permit effective September 1, 2013, and remains in effect until August 31, 2018 or until HCP inactivates permit coverage.
17. First Creek is "state waters" as defined by §25-8-103(9), C.R.S. and its implementing regulation, 5 CCR1002-61, §61.2(101).
18. Pursuant to 5 CCR 1002-61, §61.8, HCP must comply with all the terms and conditions of the permits, and violations of such terms and conditions as specified in the permits may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.

Failure to Submit Discharge Monitoring Reports

19. Pursuant to Part I.B.2.a. of the Hydrostatic Testing Permit, Part I.C.1. of the 2006 Construction Dewatering Permit, and Part I.B.2. of the 2013 Construction Dewatering Permit, HCP is required to monitor defined effluent parameters at specified frequencies and report the results on a Discharge Monitoring Report ("DMR") form.
20. Pursuant to Part I.E.1. of the Hydrostatic Testing Permit, Part I.F.2. of the 2006 Construction Dewatering Permit, and Part I.E.1. of the 2013 Construction Dewatering Permit, HCP is required to report all monitoring results on a monthly basis using Division approved DMRs. HCP is required to ensure the DMRs are mailed to the Division so that they are received no later than the 28th day of the month following the monitoring period.
21. Division records establish that HCP failed to submit DMRs to the Division for Certification Number COG074296 for the reporting periods of July 2013 through June 2014, COG074198 for the reporting periods of July 2013 through June 2014, and COG074122 for the reporting periods of July 2013 through March 2014. Additionally, HCP failed to submit DMRs to the Division for Certification Number COG604198 for the reporting periods of October 2013 through June 2014.

22. HCP's failure to submit DMRs to the Division for each reporting period constitutes violations of Part I.E.1. of the Hydrostatic Testing Permit, Part I.F.2. of the 2006 Construction Dewatering Permit, and Part I.E.1. of the 2013 Construction Dewatering Permit.

NOTICE OF VIOLATION

23. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that HCP has violated the following sections of the Hydrostatic Testing Permit and Construction Dewatering Permit:

Part I.E.1. of the Hydrostatic Testing Permit, which states in part: "For permittees required to report the data gathered in compliance with Part I.B.2. shall be on a **monthly** basis. All data shall be reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1). Monitoring results shall be summarized for each calendar month. The original top copy of the form shall be mailed to the Division... so that the DMR is received no later than the 28th day of the following month..."

Part I.F.2. of the 2006 Permit which states in part, "Monitoring results shall be for each calendar month and reported on the DMR forms (EPA forms 3320-1). DMR forms shall...be submitted on a monthly basis...The forms shall be mailed to the Division...so that they are received by the Division no later than the 28th day of the following month. If no discharge occurs during the reporting period, "No Discharge" shall be reported. The DMR forms shall be filled out accurately and completely in accordance with the requirements of this permit and the instructions on the forms."

Part I.E.1. of the 2013 Permit which states in part, "Reporting of the data gathered in compliance with Part I.B.2. shall be on a **monthly** basis...Monitoring results shall be summarized for each calendar month and reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1). The permittee must submit these forms either by mail, or by using the Division's Net-DMR services (when available). DMRs **must be** received by the Division no later than the 28th day of the month following the monitoring period...If no discharge occurs during the reporting period, "No Discharge" shall be reported on the DMR...The Discharge Monitoring Report forms shall be filled out accurately and completely in accordance with requirements of this permit and the instructions on the forms."

REQUIRED CORRECTIVE ACTION

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

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

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

25. Within thirty (30) calendar days of receipt of this Order, HCP shall submit all delinquent DMRs as well as records of its discharge monitoring for Certification Numbers COG074296, COG074198, COG074122, and COG604168 for all monitoring periods from the original effective date of each certification through the date of this Order (or until the certification was terminated). The records shall include all laboratory data reports, all field measurement reports, and all calibration and maintenance records, including all other information required to be retained by Part I.E.4 of the Hydrostatic Testing Permit, Part I.E.4 of the 2006 Construction Dewatering Permit, and Part I.E.5 of the 2013 Construction Dewatering Permit.
26. Within thirty (30) calendar days of receipt of this Order, HCP shall review the requirements of the Hydrostatic Testing Permit, Construction Dewatering Permit, and Certification Numbers COG074296, COG074198, COG074122, and COG604168 with all staff responsible for ensuring compliance with the terms and conditions of each permit and certification. The review shall focus on, but not be limited to: 1) the effluent limitations imposed by each permit and certification; 2) the effluent monitoring requirements of each permit and certification; 3) the discharge log and record keeping requirements of each permit; 4) the reporting requirements of each permit, including the instruction for proper completion and submittal of DMRs; and 5) the noncompliance notification procedures required by each permit. Within forty five (45) calendar days of receipt of this Order, HCP shall submit a written certification to the Division stating that it has completed the review of each permit and certification with its responsible staff.

ORDER FOR CIVIL PENALTY

27. Pursuant to §25-8-608(1), C.R.S. any person who violates any provision of the Colorado Water Quality Control Act, or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs.
28. Based upon the Findings of Fact and Notice of Violation above, the Executive Director, through his designee (hereinafter the "Executive Director"), has determined that a civil penalty is appropriate and warranted in this matter. Therefore, the Executive Director hereby imposes a civil penalty in the amount of Twenty-one Thousand Dollars (\$21,000.00) against HCP for the violations cited above. The civil penalty was determined in accordance with the procedures outlined in the Division's Civil Penalty Policy (May 1, 1993). A copy of the civil penalty calculations are attached hereto as Exhibit A and are incorporated herein by reference.
29. If HCP does not contest the findings and penalty assessment set out above, the civil penalty shall be paid within sixty (60) calendar days of the date of this Notice of Violation / Cease and Desist Order / Order for Civil Penalty. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

Christy Pickens
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CWE-B2

4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

NOTICES AND SUBMITTALS

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

Christy Pickens
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CWE-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-3584
Email: christy.pickens@state.co.us

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

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

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

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

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

APPEAL OF CIVIL PENALTY

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

FALSIFICATION AND TAMPERING

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

POTENTIAL CRIMINAL PENALTIES

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

RELEASE OR DISCHARGE NOTIFICATION

Pursuant to §25-8-601, C.R.S., you are further advised that any person engaged in any operation or activity which results in a spill or discharge of oil or other substance which may cause pollution of the waters of the state, shall notify the Division of the discharge. If said person fails to so notify, said person is guilty of a misdemeanor, and may be fined or imprisoned or both.

EFFECT OF ORDER

Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder, or to make any discharge into state waters. Nothing herein contained shall be construed to preclude other individuals, cities, towns, counties, or duly constituted political subdivisions of the state from the exercise of their respective rights to suppress nuisances or to preclude any other lawful actions by such entities or the State.

For further clarification of your rights and obligations under this Notice of Violation / Cease and Desist Order / Order for Civil Penalty you are advised to consult the Colorado Water Quality Control Act, §§25-8-101 to 803, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 4th day of August, 2014.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Ron Falco, P.E., Acting Director
WATER QUALITY CONTROL DIVISION

Exhibit A

WASTEWATER PENALTY COMPUTATION WORKSHEET

Entity Name: HCP Constructors Inc	Permit Number: COG070000 Certification Number: COG074296 "Harvard Project"
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Part I – Administrative Violations Penalty Determination

	Violation Type	Adjustment	Amount in Dollars
Line 1	Administrative Violations (Delinquent and/or Late DMRs)	\$500 + 0%	\$6,000.00
	<p><i>Calculation:</i> HCP Constructors Inc failed to submit DMRs to the Division for Outfall 001A, Outfall 002A, Outfall 003A and Outfall 004A for the reporting periods from July 2013 through June 2014, for a total of 12 reporting periods and 48 delinquent DMRs:</p> <p>In accordance with Part III.B.2.(a)(i) of the Water Quality Control Division's <i>Civil Penalty Policy (May 1, 1993)</i>, penalties for delinquent, late or improperly completed DMRs will be \$250 per DMR if the correctly completed DMR is submitted prior to the issuance of the NOV and \$500 per DMR thereafter. In cases where the permittee has been issued a previous NOV for late or incomplete DMRs, or where the Division has a long history of correspondence with the permittee regarding these types of violations, the penalty for each report may be increased by one hundred percent per occurrence. The amount of the increase will be based on the period during which these violations have occurred and the severity of the violations.</p> <p>The Division issued the following Compliance Advisories to HCP Constructors Inc citing failure to submit DMRs:</p> <ul style="list-style-type: none"> • Compliance Advisory dated April 3, 2013 for delinquent DMRs for the November 2012 reporting period for Outfalls 001A, 002A, 003A, and 004A. • Compliance Advisory dated May 14, 2013 for delinquent DMRs for the December 2012 and January 2013 reporting periods for Outfalls 001A, 002A, 003A, and 004A. • Compliance Advisory dated June 13, 2013 for delinquent DMRs for the February 2013 reporting period for Outfalls 001A, 002A, 003A, and 004A. • Compliance Advisory dated June 26, 2013 for delinquent DMRs for the March 2013 reporting period for Outfalls 001A, 002A, 003A, and 004A. • Compliance Advisory dated July 25, 2013 for delinquent DMRs for the April 2013 reporting period for Outfalls 001A, 002A, 003A, and 004A. • Compliance Advisory dated September 11, 2013 for delinquent DMRs for the May 2013 reporting period for Outfalls 001A, 002A, 003A, and 004A. • Compliance Advisory dated October 28, 2013 for delinquent DMRs for the June 2013 reporting period for Outfalls 001A, 002A, 003A, and 004A. • Compliance Advisory dated January 15, 2014 for delinquent DMRs for the July, August and September 2013 reporting periods for Outfalls 001A, 002A, 003A, and 004A. • Compliance Advisory dated February 14, 2014 for delinquent DMRs for the November 2013 reporting period for Outfalls 001A, 002A, 003A, and 004A. • Compliance Advisory dated March 18, 2014 for delinquent DMRs for the December 2013 reporting period for Outfalls 001A, 002A, 003A, and 004A. • Compliance Advisory dated July 16, 2014 for delinquent DMRs for the April 2014 reporting period for Outfalls 001A, 002A, 003A, and 004A. 		

	<p>In calculating the Administrative Penalty for the delinquent DMR violations, the Division assessed a \$500 penalty per delinquent DMR. The Division conservatively chose not to increase the penalty by the allowed 100% per occurrence, despite the history of correspondence addressing missing DMRs. In addition, the Division conservatively chose to assess a single \$500 penalty per reporting period (12) as opposed to a \$500 penalty per delinquent DMR (48).</p> <p style="text-align: center;">12 Monitoring Periods x \$500.00 = \$6,000.00</p>	
Line 2	Administrative Violation Total	\$6,000.00

Part II– Economic Benefit Consideration

		Amount in Dollars
Line 3	Economic Benefit	\$0.00
	<p>Delinquent and/or Late DMRs: HCP Constructors Inc avoided the cost of submitting several DMRs; however, the economic benefit of the avoided cost was conservatively determined to be relatively insignificant.</p> <p>Additionally, HCP Constructors Inc likely avoided the cost of sampling and analyzing the Projects' discharge quality as required by the Permits and Certifications. The Division conservatively estimates the cost of obtaining and processing a sample (including collection, paperwork, lab delivery, calculations, etc.) to be \$40/sample, and the cost of laboratory analysis for the missing parameters to typically range from \$15 to \$50 per parameter; however, the Division conservatively chose not to include an economic benefit for these avoided costs.</p>	

Part III – Final Penalty

		Amount in Dollars
Line 4	Total Civil Penalty: (Line 2 + Line 3)	\$6,000.00

Exhibit A

WASTEWATER PENALTY COMPUTATION WORKSHEET

Entity Name: HCP Constructors Inc	Permit Number: COG070000 Certification Number: COG074122 "Sand Creek Project"
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Part I – Administrative Violations Penalty Determination

	Violation Type	Adjustment	Amount in Dollars
Line 1	Administrative Violations (Delinquent and/or Late DMRs)	\$500 + 0%	\$4,500.00
	<p><i>Calculation:</i> HCP Constructors Inc failed to submit DMRs to the Division for Outfall 001A and 002A for the reporting periods from July 2013 through March 2014, for a total of 9 reporting periods and 18 delinquent DMRs:</p> <p>In accordance with Part III.B.2.(a)(i) of the Water Quality Control Division's <i>Civil Penalty Policy (May 1, 1993)</i>, penalties for delinquent, late or improperly completed DMRs will be \$250 per DMR if the correctly completed DMR is submitted prior to the issuance of the NOV and \$500 per DMR thereafter. In cases where the permittee has been issued a previous NOV for late or incomplete DMRs, or where the Division has a long history of correspondence with the permittee regarding these types of violations, the penalty for each report may be increased by one hundred percent per occurrence. The amount of the increase will be based on the period during which these violations have occurred and the severity of the violations.</p> <p>The Division issued the following Compliance Advisories to HCP Constructors Inc citing failure to submit DMRs:</p> <ul style="list-style-type: none"> • Compliance Advisory dated January 18, 2013 for delinquent DMRs for the August 2012 reporting period for Outfalls 001A and 002A. • Compliance Advisory dated February 21, 2013 for delinquent DMRs for the September 2012 reporting period for Outfalls 001A and 002A. • Compliance Advisory dated April 3, 2013 for delinquent DMRs for the October and November 2012 reporting periods for Outfalls 001A and 002A. • Compliance Advisory dated May 14, 2013 for delinquent DMRs for the December 2012 and January 2013 reporting periods for Outfalls 001A and 002A. • Compliance Advisory dated June 13, 2013 for delinquent DMRs for the February 2013 reporting period for Outfalls 001A and 002A. • Compliance Advisory dated June 26, 2013 for delinquent DMRs for the March 2013 reporting period for Outfalls 001A and 002A. • Compliance Advisory dated July 25, 2013 for delinquent DMRs for the April 2013 reporting period for Outfalls 001A and 002A. • Compliance Advisory dated September 11, 2013 for delinquent DMRs for the May 2013 reporting period for Outfalls 001A and 002A. • Compliance Advisory dated October 28, 2013 for delinquent DMRs for the June 2013 reporting period for Outfalls 001A and 002A. • Compliance Advisory dated January 15, 2014 for delinquent DMRs for the July, August and September 2013 reporting periods for Outfalls 001A and 002A. • Compliance Advisory dated February 14, 2014 for delinquent DMRs for the November 2013 reporting period for Outfalls 001A and 002A. 		

	<ul style="list-style-type: none"> Compliance Advisory dated March 18, 2014 for delinquent DMRs for the December 2013 reporting period for Outfalls 001A and 002A. <p>In calculating the Administrative Penalty for the delinquent DMR violations, the Division assessed a \$500 penalty per delinquent DMR. The Division conservatively chose not to increase the penalty by the allowed 100% per occurrence, despite the history of correspondence addressing missing DMRs. In addition, the Division conservatively chose to assess a single \$500 penalty per reporting period (9) as opposed to a \$500 penalty per delinquent DMR (18).</p> <p style="text-align: center;">9 Monitoring Periods x \$500.00 = \$4,500.00</p>	
Line 2	Administrative Violation Total	\$4,500.00

Part II– Economic Benefit Consideration

		Amount in Dollars
Line 3	Economic Benefit	\$0.00
	<p>Delinquent and/or Late DMRs: HCP Constructors Inc avoided the cost of submitting several DMRs; however, the economic benefit of the avoided cost was conservatively determined to be relatively insignificant.</p> <p>Additionally, HCP Constructors Inc likely avoided the cost of sampling and analyzing the Westcliffe Project’s discharge quality as required by the Permit and Certification. The Division conservatively estimates the cost of obtaining and processing a sample (including collection, paperwork, lab delivery, calculations, etc.) to be \$40/sample, and the cost of laboratory analysis for the missing parameters to typically range from \$15 to \$50 per parameter; however, the Division conservatively chose not to include an economic benefit for these avoided costs.</p>	

Part III – Final Penalty

		Amount in Dollars
Line 4	Total Civil Penalty: (Line 2 + Line 3)	\$4,500.00

Exhibit A

WASTEWATER PENALTY COMPUTATION WORKSHEET

Entity Name: HCP Constructors Inc	Permit Number: COG070000 Certification Number: COG074198 "Conduit 302 Project"
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Part I – Administrative Violations Penalty Determination

	Violation Type	Adjustment	Amount in Dollars
Line 1	Administrative Violations (Delinquent and/or Late DMRs)	\$500 + 0%	\$6,000.00
	<p><i>Calculation:</i> HCP Constructors Inc failed to submit DMRs to the Division for Outfall 001AU for the reporting periods from July 2013 through June 2014, for a total of 12 reporting periods and 12 delinquent DMRs:</p> <p>In accordance with Part III.B.2.(a)(i) of the Water Quality Control Division's <i>Civil Penalty Policy (May 1, 1993)</i>, penalties for delinquent, late or improperly completed DMRs will be \$250 per DMR if the correctly completed DMR is submitted prior to the issuance of the NOV and \$500 per DMR thereafter. In cases where the permittee has been issued a previous NOV for late or incomplete DMRs, or where the Division has a long history of correspondence with the permittee regarding these types of violations, the penalty for each report may be increased by one hundred percent per occurrence. The amount of the increase will be based on the period during which these violations have occurred and the severity of the violations.</p> <p>The Division issued the following Compliance Advisories to HCP Constructors Inc citing failure to submit DMRs:</p> <ul style="list-style-type: none"> • Compliance Advisory dated February 21, 2013 for delinquent DMRs for the September 2012 reporting period for Outfalls 001A. • Compliance Advisory dated April 3, 2013 for delinquent DMRs for the October and November 2012 reporting periods for Outfalls 001A. • Compliance Advisory dated May 14, 2013 for delinquent DMRs for the December 2012 and January 2013 reporting periods for Outfalls 001A. • Compliance Advisory dated June 13, 2013 for delinquent DMRs for the February 2013 reporting period for Outfalls 001A. • Compliance Advisory dated June 26, 2013 for delinquent DMRs for the March 2013 reporting period for Outfalls 001A. • Compliance Advisory dated September 11, 2013 for delinquent DMRs for the May 2013 reporting period for Outfalls 001A. • Compliance Advisory dated October 28, 2013 for delinquent DMRs for the June 2013 reporting period for Outfalls 001A. • Compliance Advisory dated January 15, 2014 for delinquent DMRs for the July, August and September 2013 reporting periods for Outfalls 001A. • Compliance Advisory dated February 14, 2014 for delinquent DMRs for the November 2013 reporting period for Outfalls 001A. • Compliance Advisory dated March 18, 2014 for delinquent DMRs for the December 2013 reporting period for Outfalls 001A. • Compliance Advisory dated July 16, 2014 for delinquent DMRs for the April 2014 reporting period for Outfalls 001A. 		

	<p>In calculating the Administrative Penalty for the delinquent DMR violations, the Division assessed a \$500 penalty per delinquent DMR. The Division conservatively chose not to increase the penalty by the allowed 100% per occurrence, despite the history of correspondence addressing missing DMRs.</p> <p style="text-align: center;">12 Monitoring Periods x \$500.00 = \$6,000.00</p>	
Line 2	Administrative Violation Total	\$6,000.00

Part II– Economic Benefit Consideration

		Amount in Dollars
Line 3	Economic Benefit	\$0.00
	<p>Delinquent and/or Late DMRs: HCP Constructors Inc avoided the cost of submitting several DMRs; however, the economic benefit of the avoided cost was conservatively determined to be relatively insignificant.</p> <p>Additionally, HCP Constructors Inc likely avoided the cost of sampling and analyzing the Projects' discharge quality as required by the Permits and Certifications. The Division conservatively estimates the cost of obtaining and processing a sample (including collection, paperwork, lab delivery, calculations, etc.) to be \$40/sample, and the cost of laboratory analysis for the missing parameters to typically range from \$15 to \$50 per parameter; however, the Division conservatively chose not to include an economic benefit for these avoided costs.</p>	

Part III – Final Penalty

		Amount in Dollars
Line 4	Total Civil Penalty: (Line 2 + Line 3)	\$6,000.00

Exhibit A

WASTEWATER PENALTY COMPUTATION WORKSHEET

Entity Name: HCP Constructors Inc	Permit Number: COG0604000 Certification Number: COG604198 "Harvard Project"
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Part I – Administrative Violations Penalty Determination

	Violation Type	Adjustment	Amount in Dollars
Line 1	Administrative Violations (Delinquent and/or Late DMRs)	\$500 + 0%	\$4,500.00
	<p><i>Calculation:</i> HCP Constructors Inc failed to submit DMRs to the Division for Outfall 001A for the reporting periods from October 2013 through June 2014, for a total of 9 reporting periods and 9 delinquent DMRs:</p> <p>In accordance with Part III.B.2.(a)(i) of the Water Quality Control Division's <i>Civil Penalty Policy (May 1, 1993)</i>, penalties for delinquent, late or improperly completed DMRs will be \$250 per DMR if the correctly completed DMR is submitted prior to the issuance of the NOV and \$500 per DMR thereafter. In cases where the permittee has been issued a previous NOV for late or incomplete DMRs, or where the Division has a long history of correspondence with the permittee regarding these types of violations, the penalty for each report may be increased by one hundred percent per occurrence. The amount of the increase will be based on the period during which these violations have occurred and the severity of the violations.</p> <p>The Division issued the following Compliance Advisories to HCP Constructors Inc citing failure to submit DMRs:</p> <ul style="list-style-type: none"> • Compliance Advisory dated June 18, 2014 for delinquent DMRs for the March 2014 reporting period for Outfalls 001A. • Compliance Advisory dated July 16, 2014 for delinquent DMRs for the April 2014 reporting period for Outfalls 001A. <p>In calculating the Administrative Penalty for the delinquent DMR violations, the Division assessed a \$500 penalty per delinquent DMR. The Division conservatively chose not to increase the penalty by the allowed 100% per occurrence, despite the history of correspondence addressing missing DMRs.</p> <p style="text-align: center;">9 Monitoring Periods x \$500.00 = \$4,500.00</p>		
Line 2	Administrative Violation Total		\$4,500.00

Part II– Economic Benefit Consideration

		Amount in Dollars
Line 3	Economic Benefit	\$0.00
	<p>Delinquent and/or Late DMRs: HCP Constructors Inc avoided the cost of submitting several DMRs; however, the economic benefit of the avoided cost was conservatively determined to be relatively insignificant.</p>	

	<p>Additionally, HCP Constructors Inc likely avoided the cost of sampling and analyzing the Projects' discharge quality as required by the Permits and Certifications. The Division conservatively estimates the cost of obtaining and processing a sample (including collection, paperwork, lab delivery, calculations, etc.) to be \$40/sample, and the cost of laboratory analysis for the missing parameters to typically range from \$15 to \$50 per parameter; however, the Division conservatively chose not to include an economic benefit for these avoided costs.</p>
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Part III – Final Penalty

		Amount in Dollars
Line 4	Total Civil Penalty: (Line 2 + Line 3)	\$4,500.00