



COLORADO

Department of Public
Health & Environment

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

October 31, 2016

DFH Mandarin, LLC
c/o Corporate Creations Network Inc.
3773 Cherry Creek North Drive #575
Denver, CO 80209

Certified Mail Number: 7005 1820 0000 3207 8432

RE: Compliance Order on Consent, Number: SC-161027-1

Dear Registered Agent:

Enclosed for DFH Mandarin, LLC's records, you will find DFH Mandarin, LLC's copy of the recently executed Compliance Order on Consent. Please remember that this agreement is subject to a thirty-day public comment period (paragraph 49). Following 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 Compliance Order on Consent was changed to place the assigned Order Number on the final document.

If you have any questions, please don't hesitate to contact Eric Mink at (303) 692-2312 or by electronic mail at eric.mink@state.co.us.

Sincerely,

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

Enclosure(s)

cc: Enforcement File

ec: Michael Boeglin, EPA Region VIII
Joe Malinowski, Boulder County Public Health
Aimee Konowal, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Doug Camrud, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Lillian Gonzalez, Permits Section, CDPHE



Kelly Morgan, Clean Water Enforcement Unit, CDPHE
Tania Watson, Compliance Assurance, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE





COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

COMPLIANCE ORDER ON CONSENT

NUMBER: SC-161027-1

IN THE MATTER OF: DFH MANDARIN, LLC
 CDPS PERMIT NO. COR-030000
 CERTIFICATION NO. COR-03L417
 CERTIFICATION NO. COR-03N492
 BOULDER COUNTY, COLORADO

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

STATEMENT OF PURPOSE

1. The mutual objectives of the Parties in entering into this Consent Order are to resolve, without litigation, the civil penalties associated with alleged violations cited herein and in the Notice of Violation / Cease and Desist Orders, Numbers: SO-160218-1 and SO-160218-2 (the “NOV/CDOs”), that the Division issued to DFH Mandarin on February 18, 2016.

DIVISION’S FINDINGS OF FACT

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 DFH Mandarin and DFH Mandarin’s compliance with the Act and its permits issued pursuant to the Act.
3. At all times relevant to the violations cited herein, DFH Mandarin was a Florida limited liability company in good standing and registered to conduct business in the State of Colorado.
4. DFH Mandarin 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).

DIVISION'S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS FOR COR-03L417

5. DFH Mandarin initiated construction at the Silver Meadows Project with a planned disturbance area of approximately 12 acres of land at or near 40°09'01" N and 105°09'53" W, in Boulder County, Colorado (the "Silver Meadows Project").
6. Construction activities at the Silver Meadows Project include ground disturbing activities associated with multi-family residential development.
7. On November 8, 2013, the Division received an application from E-Z Excavating, Inc. ("E-Z Excavating") for Silver Meadows Project coverage under the Colorado Discharge Permit System ("CDPS") General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity (the "Permit").
8. On November 13, 2013, the Division provided E-Z Excavating with Certification Number COR-03L417 authorizing E-Z Excavating to discharge stormwater from the construction activities associated with the Silver Meadows Project to waters of the State of Colorado, including but not limited to Dry Creek and the Saint Vrain River, under the terms and conditions of the Permit. The Permit was set to expire on June 30, 2012 but has been administratively continued pending Permit reissuance. Certification Number COR-03L417 became effective November 13, 2013.
9. On January 23, 2015, the Division received an application from E-Z Excavating to transfer ownership of Certification Number COR-03L417, Silver Meadows Project coverage, to DFH Mandarin.
10. On January 27, 2015, the Division approved the transfer and provided DFH Mandarin with Certification Number COR-03L417 authorizing DFH Mandarin to discharge stormwater from the construction activities associated with the Silver Meadows Project to waters of the State of Colorado, including but not limited to Dry Creek and Saint Vrain River, under the terms and conditions of the Permit. The transfer of Certification Number COR-03L417 became effective January 27, 2015.
11. Dry Creek and the Saint Vrain River are "state waters" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(102).
12. Pursuant to 5 CCR 1002-61, §61.8, DFH Mandarin must comply with all the terms and conditions of the Permit, and violations of such terms and conditions may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.
13. On July 21, 2015, a representative from the Division (the "Inspector") conducted an on-site inspection of the Silver Meadows Project pursuant to the Division's authority under §25-8-306, C.R.S., to determine DFH Mandarin's compliance with the Water Quality Control Act and the Permit. During the inspection, the Inspector interviewed Silver Meadows Project representatives, reviewed the Silver Meadows Project's stormwater management system records and performed a physical inspection of the Silver Meadows Project.

Deficient and/or Incomplete Stormwater Management Plan

14. Pursuant to Part I.B. of the Permit, DFH Mandarin is required to prepare and maintain a Stormwater Management Plan ("SWMP") in accordance with good engineering, hydrologic and pollution control practices. The SWMP is required to identify all potential sources of pollution, which may be reasonably expected to affect the quality of stormwater discharges associated with

construction activity from the Silver Meadows Project. In addition, the plan is required to describe and ensure the implementation of Best Management Practices (“BMPs”) at the Silver Meadows Project, which will be used to reduce the pollutants in stormwater discharges associated with construction activity.

15. Pursuant to Part I.C. of the Permit, the Silver Meadows Project’s SWMP shall include, at a minimum, the following items:

- a. Site Description - The SWMP shall clearly describe the construction activity, including:
 - i. The nature of the construction activity.
 - ii. The proposed sequence for major activities.
 - iii. Estimates of the total area of the site and the area of the site that is expected to undergo clearing, excavation or grading.
 - iv. A summary of any existing data used in the development of the construction plans or SWMP that describe the soil or existing potential for soil erosion.
 - v. A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
 - vi. The location and description of all potential pollution sources, including ground surface disturbance, vehicle fueling, storage of fertilizers or chemicals, etc.
 - vii. The location and description of any allowable sources of non-stormwater discharge, such as springs, landscape irrigation return flow, construction dewatering and concrete washout.
 - viii. The name of the receiving water(s) and the size, type and location of any outfall or, if the discharge is to a municipal separate storm sewer, the name of that system, the location of the storm sewer discharge, and the ultimate receiving water(s).

- b. Site Map - The SWMP shall include a legible site map(s), showing the entire site, identifying:
 - i. Construction site boundaries.
 - ii. All areas of ground surface disturbance.
 - iii. Areas of cut and fill.
 - iv. Areas used for storage of building materials, equipment, soil or waste.
 - v. Locations of dedicated asphalt or concrete batch plants.
 - vi. Locations of all structural BMPs.
 - vii. Locations of all non-structural BMPs.
 - viii. Locations of springs, streams, wetlands and other surface waters.

- c. Stormwater Management Controls - The SWMP must include a description of all stormwater management controls that will be implemented as part of the construction activity to control pollutants in stormwater discharges, including:
 - i. SWMP Administrator - The SWMP shall identify a specific individual(s), position or title that is responsible for developing, implementing, maintaining and revising the SWMP.
 - ii. Identification of Potential Pollutant Sources - The SWMP shall identify and describe those sources determined to have the potential to contribute pollutants to stormwater discharges.
 - iii. BMPs for Stormwater Pollution Prevention - The SWMP shall identify and describe appropriate BMPs that will be implemented at the facility to reduce the potential of pollution sources to contribute pollutants to stormwater discharges. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP.

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1. Structural Practices for Erosion and Sediment Control - The SWMP shall clearly describe and locate all structural practices implemented at the site to minimize erosion and sediment transport. Practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions and temporary or permanent sediment basins.
 2. Non-Structural Practices for Erosion and Sediment Control - The SWMP shall clearly describe and locate all non-structural practices implemented at the site to minimize erosion and sediment transport. Description must include interim and permanent stabilization practices, and site-specific scheduling for implementation of the practices. Non-structural practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees and preservation of mature vegetation.
 3. Phased BMP Implementation - The SWMP shall clearly describe the relationship between the phases of construction and the implementation and maintenance of BMPs. The SWMP must identify the stormwater management controls to be implemented during the project phases, which can include, but are not limited to, clearing and grubbing, road construction, utility and infrastructure installation, vertical construction, final grading and final stabilization.
 4. Materials Handling and Spill Prevention - The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials that could contribute pollutants to runoff.
 5. Dedicated Concrete or Asphalt Batch Plants - The SWMP shall clearly describe and locate BMPs to control stormwater pollution from dedicated concrete batch plants or dedicated asphalt batch plants.
 6. Vehicle Tracking Control - The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking.
 7. Waste Management and Disposal, Including Concrete Washout - The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes, including concrete washout activities.
 8. Groundwater and Stormwater Dewatering - The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater from excavations, wells, etc.
- d. Final Stabilization and Long-Term Stormwater Management - The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site, and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.
- e. Inspection and Maintenance - The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.

16. During the July 21, 2015 inspection, the Inspector reviewed the Silver Meadows Project's SWMP and identified that the SWMP did not clearly identify all items required by Part I.C. of the Permit, as described in Paragraph 16(a-n) below:

- a. The site description section of the SWMP failed to include the nature of the construction

- activity.
- b. The site description section of the SWMP failed to include the proposed sequence of all major activities at the Silver Meadows Project.
 - c. The site description section of the SWMP failed to include an estimate of disturbed acreage at the site and the location of the area expected to be disturbed.
 - d. The site description section of the SWMP failed to provide a summary of the soil data or existing erosion potential data used to develop the SWMP.
 - e. The site description section of the SWMP failed to identify the existing vegetation or the estimated percent of vegetative cover at the Silver Meadows Project.
 - f. The site description section of the SWMP failed to identify all potential pollutant sources and their locations at the Silver Meadows Project.
 - g. The site description section of the SWMP failed to identify all the anticipated sources and locations of allowable non-stormwater discharge at the Silver Meadows Project.
 - h. The site description section of the SWMP failed to identify the receiving water(s) and MS4.
 - i. The SWMP site map failed to identify all areas of ground surface disturbance at the Silver Meadows Project, including but not limited to all the residential lots.
 - j. The SWMP site map failed to identify the locations of stored materials, equipment, stockpiles or wastes at the Silver Meadows Project, including but not limited to the location of material storage and portable toilets.
 - k. The SWMP site map failed to identify all the structural control measures being used at the Silver Meadows Project, including but not limited to straw wattles and gator guards.
 - l. The SWMP did not include a stormwater management controls section and, therefore, the SWMP failed to include all the requirements outlined in Part I.C.3. of the Permit.
 - m. The SWMP failed to describe the practices to be used to achieve final stabilization and any long-term stormwater management to occur at the Silver Meadows Project.
 - n. The SWMP did not include an inspection and maintenance section and, therefore, the SWMP failed to include all the requirements outlined in Part I.C.5. of the Permit.
17. The Division has determined that DFH Mandarin failed to prepare and maintain a complete and accurate SWMP for the Silver Meadows Project.
18. DFH Mandarin's failure to prepare and maintain a complete and accurate SWMP for the Silver Meadows Project constitutes violation(s) of Part I.B. and Part I.C. of the Permit.

Failure to Perform and/or Document Inspections of Stormwater Management System

19. Pursuant to Part I.D.6.a. of the Permit, for active sites where construction has not been completed, DFH Mandarin is required to make a thorough inspection of the Silver Meadows Project's stormwater management system at least every 14 calendar days.
20. Pursuant to Part I.D.6.b. of the Permit, inspection reports must include:
- i) The inspection date;
 - ii) Name(s) and title(s) of personnel making the inspection;
 - iii) Location(s) of discharges of sediment or other pollutants from site;
 - iv) Location(s) of BMPs that need to be maintained;
 - v) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - vi) Location(s) where additional BMPs are needed that were not in place at the time of inspection;
 - vii) Deviations from the minimum inspection schedule as provided in Part I.D.6.a. above;

viii) After adequate corrective action(s) has been taken, or where a report does not identify any incidents requiring corrective action, the report shall contain a signed statement indicating the site is in compliance with the permit to the best of the signer's knowledge and belief.

21. Pursuant to Part I.D.8. of the Permit, where site inspections note the need for BMP maintenance, the repair, replacement or installation of new BMPs must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants.
22. During the July 21, 2015 inspection, the Inspector reviewed the available inspection records for the Silver Meadows Project for the period from January 27, 2015 - April 14, 2015. The Inspector determined that DFH Mandarin failed to perform an inspection of the stormwater management system at least once every 14 calendar days for timeframes listed in the table below.

Inspection Date	Previous Inspection Date	Days Between Inspections
3/20/2015	3/3/2015	17
7/21/2015	4/14/2015	98

23. During the July 21, 2015 inspection, the Inspector reviewed the available inspection records and determined that DFH Mandarin failed to meet the compliance statement requirements for each inspection by not completing compliance certifications, in accordance with Part I.D.6.b.2. of the Permit.
24. During the July 21, 2015 inspection, the Inspector reviewed the available inspection records and determined that DFH Mandarin failed to include the dates when all identified corrective actions were completed, in accordance with Part I.D.8. of the Permit.
25. DFH Mandarin's failure to properly perform and document inspections of the Silver Meadows Project's stormwater management system constitutes violation(s) of Parts I.D.6.a., I.D.6.b.2. and I.D.8. of the Permit.

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

26. Pursuant to Part I.C.3.c. of the Permit, DFH Mandarin is required to implement BMPs to reduce the potential of pollution sources from contributing pollutants to stormwater discharges, including minimizing erosion and sediment transport from the Silver Meadows Project. The Permit specifies that structural site management practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions and temporary or permanent sediment basins. The Permit specifies that non-structural site management practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees and preservation of mature vegetation.
27. Pursuant to Part I.D.2. of the Permit, DFH Mandarin is required to select, design, install, implement and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. The BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity at the Silver Meadows Project.

28. Pursuant to Part I.B.3. of the Permit, DFH Mandarin is required to implement the provisions of the Silver Meadows Project's SWMP as written and updated, from commencement of construction activity until final stabilization is complete.

29. During the July 21, 2015 inspection, the Inspector identified the following deficiencies related to BMP installation and maintenance at the Silver Meadows Project, as described in Paragraphs 29(a-kk) below:

a. The Inspector observed a silt fence control measures along the northern perimeter of the site, along Nelson Road, that were not implemented and/or maintained according to good pollution control practices. Specifically:

- Silt fence was not anchored to stakes per industry standard, which states that silt fence will be anchored to a stake with a one (1) inch staple or nail spaced every three (3) inches. This failure allows possible bypass of pollutants.
- Silt fence showed signs of wear, including sagging, which allows for possible bypass of pollutants.

Additional control measures were not implemented down gradient of this project area. Stormwater from this project area flows into curb inlets along Nelson Road, in to the City of Longmont's storm sewer, which discharges to Dry Creek.

b. The Inspector observed silt fence control measures along the eastern perimeter of the site, along Grandview Meadows Road, that were not implemented and/or maintained according to good pollution control practices. Specifically:

- Silt fence not anchored to stakes per industry standard, which states that a silt fence will be anchored to a stake with a one (1) inch staple or nail every three (3) inches. This failure allows possible bypass of pollutants.
- Silt fence showed signs of wear, including sagging, tearing and/or collapse, which allows for potential bypass of pollutants.
- Silt fence joints were not wrapped and/or spliced per industry standard, which states that two silt fence joints will be wrapped 180 degrees around two stakes prior to being staked to the ground. This failure allows possible bypass of pollutants.
- Silt fence not trenched per industry standard, which states that silt fence must be entrenched a minimum of four (4) by six (6) inches. This failure allows possible bypass of pollutants.

Additional inadequate control measures were implemented down gradient of this project area, see paragraph 29(cc). Stormwater from this project area flows into curb inlets along Grandview Meadows Road, in to the City of Longmont's storm sewer, which discharges to Dry Creek.

c. The Inspector observed straw wattle and straw bale control measures at the permanent water quality pond on the southeast corner of the site that were not implemented and/or maintained according to good pollution control practices. Specifically:

- Straw wattle was deteriorated and/or overtopped with sediment, allowing for potential bypass of pollutants.
- Straw wattles were not staked to the ground, allowing for potential bypass of pollutants.
- Straw bales were not staked to the ground, allowing for potential bypass of pollutants.

Additional control measures were not implemented down gradient of this project area. Stormwater from this area of the project flows through the permanent water quality pond outfall directly to the City of Longmont's storm sewer, which discharges to Dry Creek.

- d. The Inspector observed rip rap control measures at the inlet to the permanent water quality pond on the southeast corner of the site that were not implemented and/or maintained according to good pollution control practices. Specifically:

- Rip rap was buried and ineffective, resulting in potential bypass of pollutants.

Additional inadequate control measures were implemented down gradient of this project area, see paragraph 29(c). Stormwater from this project area flows through the permanent water quality pond and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- e. The Inspector observed rock sock control measures at the inlet to the permanent water quality pond on the southeast corner of the site that were not implemented and/or maintained according to good pollution control practices. Specifically:

- Rock socks were covered by accumulated sediment, resulting in potential bypass of pollutants.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(c&d). Stormwater from this project area flows through the permanent water quality pond and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- f. The Inspector observed that control measures along all the perimeters of lots 1-10 and along Calvin Court were not implemented to manage stormwater runoff. Specifically:

- No control measures were implemented along the road, between the disturbed area and the flow line, resulting in potential bypass of pollutants.
- No control measures were implemented along the perimeter of the disturbed area.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- g. The Inspector observed that control measures along all the perimeters of lots 11-30 and along Hailey Circle were not implemented to manage stormwater runoff. Specifically:

- No control measures were implemented along the road, between the disturbed area and the flow line, resulting in potential bypass of pollutants.
- No control measures were implemented along the perimeter of the disturbed area.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- h. The Inspector observed that control measures along all the perimeters of lots 99-110 and along Robert Street and Redmond Drive were not implemented to manage stormwater runoff. Specifically:

- No control measures were implemented along the road, between the disturbed area and the flow line, resulting in potential bypass of pollutants.
- No control measures were implemented along the perimeter of the disturbed area.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- i. The Inspector observed that control measures along all the perimeters of lots 31-51 and along Oliver Circle were not implemented to manage stormwater runoff. Specifically:

- No control measures were implemented along the road, between the disturbed area and the flow line, resulting in potential bypass of pollutants.
- No control measures were implemented along the perimeter of the disturbed area.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- j. The Inspector observed that control measures along all the perimeters of lots 52-56 were not implemented to manage stormwater runoff. Specifically:

- No control measures were implemented along the road, between the disturbed area and the flow line, resulting in potential bypass of pollutants.
- No control measures were implemented along the perimeter of the disturbed area.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- k. The Inspector observed that control measures along the south, west, and north perimeters of lots 57-66 and along Jade Liz Circle were not implemented to manage stormwater runoff. Specifically:

- No control measures were implemented along the road, between the disturbed area and the flow line, resulting in potential bypass of pollutants.
- No control measures were implemented along the perimeter of the disturbed area.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- l. The Inspector observed that control measures along the west and south perimeters of lots 72-

79 and along Brenda Gail Place were not implemented to manage stormwater runoff. Specifically:

- No control measures were implemented along the road, between the disturbed area and the flow line, resulting in potential bypass of pollutants.
- No control measures were implemented along the perimeter of the disturbed area.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

m. The Inspector observed that control measures along the perimeters of lots 89-93 and along Joel Place were not implemented to manage stormwater runoff. Specifically:

- No control measures were implemented along the road, between the disturbed area and the flow line, resulting in potential bypass of pollutants.
- No control measures were implemented along the perimeter of the disturbed area.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

n. The Inspector observed rubber wattle inlet protection control measures along the eastern perimeter of the site, along Grandview Meadows Road, that were not implemented and/or maintained according to good pollution control practices. Specifically:

- Rubber wattles were not installed to completely surround the inlets, allowing possible bypass of pollutants.
- Rubber wattles showed signs of wear, including tearing and/or holes, allowing for potential bypass of pollutants.
- Holes in the rubber wattles exposed shredded rubber, creating an additional pollutant source.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d&kk). Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

o. The Inspector observed that control measures for the concrete washout area located near lot 110 were not implemented and/or maintained according to good pollution control practices. Specifically:

- The vehicle tracking pad was not a minimum of 25 feet long, in front of the concrete washout area.
- The earthen berm around the concrete washout area was not at least one (1) foot above the concrete materials and the berm was not consistently compacted.
- There were no signs around the concrete washout area to clearly designate the location.
- The accumulated concrete materials exceeded a depth of two (2) feet and had yet to be removed.

Additional control measures were not implemented down gradient of this project area to

specifically control pollutants associated with concrete washouts. Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- p. The Inspector observed that control measures for the concrete washout area located near lot 11 were not implemented and/or maintained according to good pollution control practices. Specifically:

- No vehicle tracking pad was installed in front of the concrete washout area.
- A consistently compacted earthen berm at least one (1) foot above the concrete materials was not installed around the concrete washout area.
- There were no signs around the concrete washout area to clearly designate the location.

Additional control measures were not implemented down gradient of this project area to specifically control pollutants associated with concrete washouts. Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- q. The Inspector observed heavy weight wattle control measures along Robert Street on the west perimeter of lots 89-98 that were not implemented and/or maintained according to good pollution control practices. Specifically:

- The heavy weight wattle was not installed securely to the ground, allowing for potential bypass of pollutants.
- The joints of the heavy weight wattles were not connected, leaving space between the wattles, and allowing for potential bypass of pollutants.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- r. The Inspector observed heavy weight wattle control measures along the south perimeter of lots 67-71 that were not implemented and/or maintained according to good pollution control practices. Specifically:

- The heavy weight wattle was not installed securely to the ground, allowing for potential bypass of pollutants.
- The joints of the heavy weight wattles were not connected, leaving space between the wattles, and allowing for potential bypass of pollutants.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- s. The Inspector observed heavy weight wattle control measures along the east perimeter of lots 66 and 57 were not implemented and/or maintained according to good pollution control practices. Specifically:

- The heavy weight wattle was not installed securely to the ground, allowing for potential

bypass of pollutants.

- The joints of the heavy weight wattles were not connected, leaving space between the wattles, and allowing for potential bypass of pollutants.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- t. The Inspector observed that control measures were not implemented to manage pollutant contributions from the concrete waste located on Robert Street. Specifically:
- Residual concrete waste caused by saw cutting was not controlled and/or cleaned up immediately after it was created, thereby creating an uncontrolled potential pollutant, which was observed on the street.
 - Saw cutting slurry was not controlled and/or cleaned up immediately after it was created, thereby creating an uncontrolled potential pollutant, which was observed on the adjacent lot.

Additional control measures were not implemented down gradient of this project area to specifically control pollutants associated with concrete cutting. Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- u. The Inspector observed that control measures were not implemented to manage pollutant contributions from the stockpile located near lot 35.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- v. The Inspector observed that control measures were not implemented to manage pollutant contributions from the stockpile located in the area of lots 47-56.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- w. The Inspector observed that control measures were not implemented to manage pollutant contributions from the stockpile located north of Jade Liz Circle.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- x. The Inspector observed that control measures were not implemented to manage pollutant contributions from the stockpile located on Robert Street near the intersection of Brenda Gail Place.

Additional inadequate control measures were implemented down gradient of this project

area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- y. The Inspector observed that control measures were not implemented to manage pollutant contributions from the stockpile located in the area of lots 80-81.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&gg-ii). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- z. The Inspector observed that control measures were not implemented to manage pollutant contributions from asphalt waste located near lots 47-51.

Additional control measures were not implemented down gradient of this project area to specifically control pollutants associated with asphalt fines. Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- aa. The Inspector observed that control measures were not implemented to manage pollutant contributions from petroleum products spilled throughout the project. Specifically:

- No control measures were identified or implemented to control or prevent petroleum product spills.
- No clean-up or remediation was observed to be conducted on any of the observed petroleum product spills.

Additional control measures were not implemented down gradient of this project area to specifically control pollutants associated with petroleum product spills. Stormwater from the project generally flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- bb. The Inspector observed a straw bale control measures at the outfall on the northwest corner of the site, behind the office trailer, that was not implemented and/or maintained according to good pollution control practices. Specifically:

- The straw bale was not replaced per industry standard, which states that a straw bale shall be replaced once the depth of the accumulated sediment reaches approximately half the height on the control measure. This failure allows potential bypass of pollutants.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d&q-s). Stormwater from this project area flows to the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- cc. The Inspector observed rock sock control measures at or near the curb inlets along Grandview Meadows Drive that were not implemented and/or maintained according to good pollution control practices. Specifically:

- The rock checks were not implemented per industry standard, which states that rock

socks shall be placed along the curb approximately 30 degrees from perpendicular in the opposite direction of flow. This failure results in rock sock checks that do not capture storm water or slow velocity, allowing potential bypass of pollutants.

- The inlet rock socks were not implemented per industry standard, which states that rock socks shall be placed flush with the curb and each inlet shall have at least two rock checks in series up gradient of the inlet. These failures allows potential bypass of pollutants.
- Rock socks were observed to be damaged and not repaired or replaced, allowing potential bypass of pollutants.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&kk). Stormwater from this project area flows along Grandview Meadows Drive, into curb inlets, and in to the City of Longmont's storm sewer, which discharges to Dry Creek.

dd. The Inspector observed straw wattle control measures on the east side of Robert Street near lots 80-88 that were not implemented and/or maintained according to good pollution control practices. Specifically:

- Straw wattles were not implemented per industry standard, which states that a straw wattle shall be entrenched up to 1/3 the height of the diameter of the wattle. This failure allows potential bypass of pollutants.
- Straw wattles were not staked to the ground, allowing for potential bypass of pollutants.
- Straw wattles were not overlapped, per industry standard, allowing for potential bypass of pollutants.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(b-d,n,&kk). Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

ee. The Inspector observed final stabilization control measures located on the west side of Grandview Meadows Drive that were not implemented and/or maintained according to good pollution control practices. Specifically:

- Sod used as a final stabilization control measure was torn up and in need of maintenance. This failure prevents final stabilization and allows for potential bypass of pollutants.

Additional inadequate control measures were implemented down gradient of this project area, see paragraphs 29(cc). Stormwater from this project area flows along Grandview Meadows Drive, into curb inlets, and in to the City of Longmont's storm sewer, which discharges to Dry Creek.

ff. The Inspector observed that inlet control measures were not implemented to manage pollutant contributions from vehicle tracking located up gradient, on the south side of Nelson Road, as identified on the site map of the SWMP.

Additional control measures were not implemented down gradient of this project area. Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- gg. The Inspector observed that control measures were not implemented to manage pollutant contributions from concrete waste located on the south side of Robert Street near lots 94-104.

Additional control measures were not implemented down gradient of this project area to specifically control pollutants associated with concrete waste. Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- hh. The Inspector observed that control measures were not implemented to manage pollutant contributions from concrete waste located on at the intersection of Oliver Circle and Robert Street.

Additional control measures were not implemented down gradient of this project area to specifically control pollutants associated with concrete waste. Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- ii. The Inspector observed that control measures were not implemented to manage pollutant contributions from concrete waste located on the northwest side of Jade Liz Circle.

Additional control measures were not implemented down gradient of this project area to specifically control pollutants associated with concrete waste. Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- jj. The Inspector observed that control measures were not implemented to manage pollutant contributions from construction material waste located on the southwest side of Jade Liz Circle.

Additional control measures were not implemented down gradient of this project area to specifically control pollutants associated with construction material waste. Stormwater from this project area flows into the permanent water quality pond on the south side of the site and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

- kk. The Inspector observed that the permanent water quality pond on the southeast corner of the site was not implemented and/or maintained according to good pollution control practices. Specifically:

- The permanent water quality pond storage did not appear to achieve industry standards, which require 3,600 cubic feet of storage per acre of drainage area. Design information on the permanent water quality pond storage was not provided to verify it was adequately sized.
- The inlets of the permanent water quality pond storage did not appear to be located at the furthest distance from the outlet, per industry standards. Design information on the permanent water quality pond storage was not provided to verify outlets were adequately located.

Additional inadequate control measures were implemented down gradient of this project area, see paragraph 29(b). Stormwater from the permanent water quality pond discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

30. The Division has determined that DFH Mandarin failed to implement and/or maintain functional BMPs for all potential pollutant sources at the Silver Meadows Project, following good engineering, hydrologic and pollution control practices.
31. DFH Mandarin's failure to implement and/or maintain functional BMPs to protect stormwater quality during construction activities at the Silver Meadows Project constitutes violations of Part I.C.3.c., Part I.D.2. and Part I.B.3. of the Permit.

DIVISION'S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS FOR COR-03N492

32. DFH Mandarin initiated construction at the Park Meadows Project with a planned disturbance area of approximately 17 acres of land at or near 40°09'02" N and 105°08'55" W, in Boulder County, Colorado (the "Park Meadows Project").
33. Construction activities at the Park Meadows Project include ground disturbing activities associated with single family residential development.
34. On March 13, 2015, the Division received an application from DFH Mandarin for Park Meadows Project coverage under the Permit (CDPS General Permit, Number COR-030000), for Stormwater Discharges Associated with Construction Activity.
35. On March 18, 2015, the Division provided DFH Mandarin with Certification Number COR-03N492 authorizing DFH Mandarin to discharge stormwater from the construction activities associated with the Park Meadows Project to waters of the State of Colorado, including but not limited to Dry Creek and the Saint Vrain River, under the terms and conditions of the Permit. The Permit was set to expire on June 30, 2012 but has been administratively continued pending Permit reissuance. Certification Number COR-03N492 became effective March 18, 2015.
36. Dry Creek and the Saint Vrain River are a "state water" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(102).
37. Pursuant to 5 CCR 1002-61, §61.8, DFH Mandarin must comply with all the terms and conditions of the Permit, and violations of such terms and conditions may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.
38. On July 21, 2015, an Inspector from the Division conducted an on-site inspection of the Park Meadows Project pursuant to the Division's authority under §25-8-306, C.R.S., to determine DFH Mandarin's compliance with the Water Quality Control Act and the Permit. During the inspection, the Inspector interviewed Park Meadows Project representatives, reviewed the Park Meadows Project's stormwater management system records and performed a physical inspection of the Park Meadows Project.

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

39. Pursuant to Part I.C.3.c. of the Permit, DFH Mandarin is required to implement BMPs to reduce the potential of pollution sources from contributing pollutants to stormwater discharges, including minimizing erosion and sediment transport from the Park Meadows Project. The Permit specifies that structural site management practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions and temporary or permanent sediment basins. The Permit specifies that non-structural site management practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching,

geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees and preservation of mature vegetation.

40. Pursuant to Part I.D.2. of the Permit, DFH Mandarin is required to select, design, install, implement and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. The BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity at the Park Meadows Project.

41. During the July 21, 2015 inspection, the Inspector identified the following deficiencies related to BMP installation and maintenance at the Park Meadows Project, as described in paragraph 41(a-b) below:

- a. The Inspector observed a silt fence control measure around the excavated material stockpile that was not implemented and/or maintained according to good pollution control practices. Specifically:
- Silt fence was not anchored to stakes per industry standard, which states that a silt fence will be anchored to a stake with one a (1) inch staple or nail spaced every three (3) inches. This failure allows possible bypass of pollutants.
 - Silt fence showed signs of wear, including sagging, tearing and/or collapse, which allows for potential bypass of pollutants.
 - Silt fence joints were not wrapped and/or spliced per industry standard, which states that two silt fence joints will be wrapped 180 degrees around two stakes prior to being staked to the ground. This failure allows possible bypass of pollutants.
 - Silt fence not trenched per industry standard, which states that silt fence must be entrenched a minimum of four (4) by six (6) inches. This failure allows possible bypass of pollutants.

Additional control measures were not implemented down gradient of this project area. Stormwater from this area of the Park Meadows Project flows generally south overland towards to Dry Creek.

- b. The Inspector observed that vehicle control measures near the excavated material stockpile were not implemented and/or maintained according to good pollution control practices. Specifically:
- A non-woven geotextile fabric was not installed between the soil and the rock of the vehicle tracking pad.
 - The vehicle tracking pad was not refreshed (e.g. addition rock added and/or the surface scarified to remove sediment on the top of the rock) in order to maintain the effective sediment removal capacity.

Additional control measures were not implemented down gradient of this project area. Stormwater from this area of the Park Meadows Project flows north to Nelson Soar and discharges to the City of Longmont's storm sewer, which discharges to Dry Creek.

42. The Division has determined that DFH Mandarin failed to implement and/or maintain functional BMPs for all potential pollutant sources at the Park Meadows Project, following good engineering, hydrologic and pollution control practices.

43. DFH Mandarin's failure to implement and/or maintain functional BMPs to protect stormwater quality during construction activities at the Park Meadows Project constitutes violations of Part I.C.3.c. and Part I.D.2. of the Permit.

ORDER AND AGREEMENT

44. Based on the foregoing factual and legal determinations, pursuant to its authority under §§25-8-602 and 605, C.R.S., and in satisfaction of the civil penalties associated with the alleged violations cited herein and in the NOV/CDOs, the Division orders DFH Mandarin to comply with all provisions of this Consent Order, including all requirements set forth below.
45. DFH Mandarin agrees to the terms and conditions of this Consent Order. DFH Mandarin 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. DFH Mandarin also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by DFH Mandarin 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.
46. Notwithstanding the above or anything else contained in this Consent Order, DFH Mandarin does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by DFH Mandarin pursuant to this Consent Order shall not constitute evidence of fault and liability by DFH Mandarin with respect to the conditions of the Silver Meadows Project and/or Park Meadows Project. DFH Mandarin expressly reserves its rights to deny any of the Division's factual or legal determinations or defend itself in any other third party proceeding relating to the information identified in this Consent Order.

CIVIL PENALTY

47. Based upon the factors set forth in §25-8-608(1), C.R.S., and consistent with Departmental policies for violations of the Act, DFH Mandarin shall pay Forty Six Thousand Eight Hundred Eighty-Five Dollars and Eighty-Seven Cents (\$46,885.87) in civil penalties. The Division intends to petition the Executive Director, or his designee, to impose the Forty Six Thousand Eight Hundred Eighty-Five Dollars and Eighty-Seven Cent (\$46,885.87) civil penalty for the above violations and DFH Mandarin agrees to make the payment within thirty (30) calendar days of the issuance of an Order for Civil Penalty by the Executive Director or his designee. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

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

SCOPE AND EFFECT OF CONSENT ORDER

48. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the violations cited herein and in the NOV/CDOs. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the civil penalties associated with the violations cited herein and in the NOV/CDOs.
49. This Consent Order is subject to the Division's "Public Notification on Administrative Enforcement Actions Policy," which includes a thirty (30) day public comment period. The Division and DFH Mandarin each reserve the right to withdraw consent to this Consent Order if comments received during the 30 day period result in any proposed modification to the Consent Order.
50. This Consent Order constitutes a final agency order or action upon the date when the Executive Director or his designee imposes the civil penalty following the public comment period. Any violation of the provisions of this Consent Order by DFH Mandarin, 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.
51. Notwithstanding paragraph 46 above, the violations described in this Consent Order will constitute part of DFH Mandarin's compliance history.

LIMITATIONS, RELEASES, AND RESERVATION OF RIGHTS AND LIABILITY

52. Upon the effective date of this Consent Order, and during its term, this Consent Order shall stand in lieu of any other enforcement action by the Division with respect to civil penalties for the specific instances of violations cited herein and in the NOV/CDOs. The Division reserves the right to bring any action to enforce this Consent Order, including actions for penalties or the collection thereof, and/or injunctive relief.
53. This Consent Order does not grant any release of liability for any violations not specifically cited herein.
54. DFH Mandarin reserves its rights and defenses regarding the Silver Meadows Project and/or Park Meadows Project, other than proceedings to enforce this Consent Order.
55. Nothing in this Consent Order shall preclude the Division from imposing additional requirements necessary to protect human health or the environment and to effectuate the purposes of the Consent Order. Nor shall anything in this Consent Order preclude the Division from imposing additional requirements in the event that additional information is discovered that indicates such requirements are necessary to protect human health or the environment.
56. DFH Mandarin 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 or for any injuries or damages to persons or property resulting from acts or omissions of DFH Mandarin, or those acting for or on behalf of DFH Mandarin, including its officers, employees, agents, successors, representatives, contractors, consultants, or attorneys 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.

NOTICES

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

For the Division:

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

For DFH Mandarin, LLC:

Joshua B. Lewis, Division Manager
DFH Mandarin, LLC
2727 Bryant Street, Ste 200
Denver, Colorado 80211
Telephone: 904-497-8802
E-mail: josh.lewis@dreamfindershomes.com

MODIFICATIONS

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

NOTICE OF EFFECTIVE DATE

59. This Consent Order shall be fully effective, enforceable and constitute a final agency action upon the date when the Executive Director or his designee imposes the civil penalty following closure of the public comment period referenced in paragraph 49. If the penalty as described in this Consent Order is not imposed, or an alternate penalty is imposed, this Consent Order becomes null and void.

BINDING EFFECT AND AUTHORIZATION TO SIGN

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

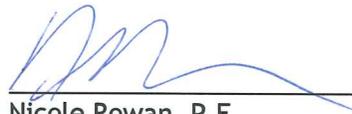
FOR DFH MANDARIN, LLC:



Joshua B. Lewis
Division Manager

Date: 10/18/16

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:



Nicole Rowan, P.E.
Clean Water Program Manager
WATER QUALITY CONTROL DIVISION

Date: 10/27/16