August 28, 2015

Steve Graves, Controller
SEMA Construction, Inc.
7353 S. Eagle Street
Centennial, CO 80112

Certified Mail Number: 7005 1820 0000 3208 7267

RE: Order for Civil Penalty, Number: SP-150828-1

Dear Mr. Graves:

SEMA Construction, Inc. is hereby served with the enclosed Order for Civil Penalty ("Penalty Order"). The Penalty Order is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division ("Division") pursuant to the authority given to the Division by §25-8-608(2), C.R.S. The Division acknowledges that payment of the imposed penalty has been received in accordance with the methods referenced in the Penalty Order and outlined in the June 18, 2015 Compliance Order on Consent between SEMA Construction, Inc. and the Division.

If you have any questions, or if you desire to discuss this matter further, please contact me at 303-692-2271 or lindsay.ellis@state.co.us.

Sincerely,

Lindsay Ellis

Lindsay Ellis, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Crystal Lambert, Gunnison County Community Development
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Bret Icenogle, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Lillian Gonzalez, Permits Unit 1, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE
Rik Gay, Clean Water Compliance Unit, CDPHE
Michael Harris, Clean Water Enforcement Unit, CDPHE
Tania Watson, Compliance Assurance, CDPHE

COLORADO
Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

ORDER FOR CIVIL PENALTY **NUMBER: SP-150828-1**

IN THE MATTER OF: **SEMA CONSTRUCTION, INC.**
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-031632
GUNNISON COUNTY, COLORADO

This matter having come to my attention as the Designee of the Executive Director of the Colorado Department of Public Health and Environment, pursuant to §25-8-608 C.R.S, I hereby impose a civil penalty in the amount of One Hundred Twenty-Eight Thousand Eight Hundred Four Dollars and One Cent ($128,804.01) against SEMA Construction, Inc. for the violations cited in the June 18, 2015 Compliance Order on Consent (Number: SC-150618-1). A copy of the Compliance Order on Consent is attached hereto as Exhibit A and is incorporated herein by reference. The civil penalty shall be paid within thirty (30) calendar days of the date of this Order for Civil Penalty as set forth in the Compliance Order on Consent.

"Method of payment shall be by certified or cashier's check drawn to the order of the 'Colorado Department of Public Health and Environment,' and delivered to:

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

Dated this 28th day of August, 2015.

Patrick J. Pfaltzgraff, Director
Water Quality Control Division
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

EXHIBIT A

COLORADO
Department of Public Health & Environment

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

June 26, 2015

Steve Graves, Controller
SEMA Construction, Inc.
7353 S. Eagle Street
Centennial, CO 80112

RE: Compliance Order on Consent, Number: SC-150618-1

Dear Mr. Graves:

Enclosed for SEMA Construction, Inc.'s (SEMA) records, is SEMA's copy of the Compliance Order on Consent (Order) with original signatures. Please remember that this agreement is subject to a thirty-day public comment period (Order, paragraph 34). The division will contact your office to discuss any comments received during this period. Please be advised that the first page of the Order was revised to reflect the assigned Order Number.

If you have any questions, please do not hesitate to contact me at (303) 692-2271 or lindsay.ellis@state.co.us. We appreciate SEMA's time and efforts in resolving this matter.

Sincerely,

Lindsay Ellis

Lindsay Ellis, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Crystal Lambert, Gunnison County Community Development
Nicole Rowan, Watershed Section, CDPHE
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Nathan Moore, Clean Water Compliance Unit, CDPHE
Rik Gay, Clean Water Compliance Unit, CDPHE
Michael Harris, Clean Water Enforcement Unit, CDPHE
Tania Watson, Compliance Assurance, CDPHE

EXHIBIT A

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

DIVISION OF ADMINISTRATION

WATER QUALITY CONTROL DIVISION

COMPLIANCE ORDER ON CONSENT **NUMBER: SC-150618-1**

IN THE MATTER OF: **SEMA CONSTRUCTION, INC.**
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-03I632
GUNNISON 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 SEMA Construction, Inc. (SEMA). The Division and SEMA 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 the alleged violations cited herein and in the Notice of Violation / Cease and Desist Order, Number: SO-141006-1 (NOV/CDO), that the Division issued to SEMA on October 3, 2014.

DIVISION'S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS

2. Based upon the Division's investigation into and review of the compliance issues identified herein, and in accordance with §§25-8-602 and 605, C.R.S., the Division makes the following determinations regarding SEMA and SEMA's compliance with the Act and a permit issued pursuant to the Act.

3. At all times relevant to the alleged violations identified herein, SEMA was a Colorado corporation in good standing and registered to conduct business in the State of Colorado.

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

5. SEMA was conducting highway construction activities with a planned disturbance of 58.3 acres on US Highway No. 50, between mile markers 117.55 and 121.71, in Gunnison County, Colorado (Project).

6. On March 21, 2013 the Division received an Application for Transfer of Ownership For Permit Certification Number COR-03I632, issued under the Colorado Discharge Permit System (CDPS) General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity (Permit), seeking to transfer permit coverage from the Colorado Department of Transportation to SEMA.

7. On March 22, 2013, the Division approved the transfer of coverage under Certification Number COR-03I62 and authorized SEMA to discharge stormwater from construction activities associated with the Project to waters of the State of Colorado, including Stumpy Creek, Blue Creek and the Gunnison River under the terms and conditions of the Permit. Certification Number COR-03I632 issued to SEMA took effect March 25, 2013.

8. Pursuant to 5 CCR 1002-61, §61.8, SEMA must comply with all the terms and conditions of the Permit, and violations of such terms and conditions may make SEMA subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.

9. Stumpy Creek, Blue Creek and the Gunnison 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).

10. On October 18, 2013, a representative from the Division (Inspector) conducted an on-site inspection of the Project pursuant to the Division's authority under §25-8-306, C.R.S., to determine SEMA's compliance with the Water Quality Control Act and the Permit. During the inspection, the Inspector interviewed Project representatives, reviewed the Project's stormwater management system records, and performed a physical inspection of the Project.

Deficient and/or Incomplete Stormwater Management Plan

11. Pursuant to Part I. B. of the Permit, SEMA is required to prepare and maintain a Stormwater Management Plan (SWMP) in accordance with good engineering, hydrologic, and pollution control practices. The SWMP shall identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the Project. In addition, the SWMP shall describe the Best Management Practices (BMPs) that will be used to reduce the pollutants in stormwater discharges associated with construction activity at the Project.

12. Pursuant to Part I. C. of the Permit, the 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 at the site.
        ii. The proposed sequence for major activities.
        iii. Estimates of the total area of the site, and the area and location expected to be disturbed by clearing, excavation, grading, or other construction activities.
        iv. A summary of any existing data used in the development of the site 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 disturbing activities, vehicle fueling, storage of fertilizers or chemicals, etc.

vii. The location and description of any anticipated allowable sources of non-stormwater discharge at the site, such as uncontaminated 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(s). If the stormwater discharge is to a municipal separate storm sewer system, 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 non-structural BMPs as applicable.
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 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 Project to reduce the potential of pollution sources to contribute pollutants to stormwater discharges. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP.

(1) Structural Practices for Erosion and Sediment Control – The SWMP shall clearly describe and locate all structural practices implemented at the site to minimize erosion and sediment transport. Practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins.

(2) Non-Structural Practices for Erosion and Sediment Control – The SWMP shall clearly describe and locate, as applicable, 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 both structural and non-structural stormwater management controls. 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. Such procedures or significant materials could include: exposed storage of building materials; paints and solvents; fertilizers or chemicals; waste material; and equipment maintenance or fueling procedures.

(5) Dedicated Concrete or Asphalt Batch Plants – The SWMP shall clearly describe and locate all practices implemented at the site to control stormwater pollution from dedicated concrete or 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 identified in the SWMP, in good and effective operating condition.

13. Pursuant to Part I. D. 3. (b) of the Permit, discharges from uncontaminated springs and/or landscape irrigation return flow that are combined with stormwater discharges associated with construction activity may be authorized by the permit, provided that the non-stormwater component of the discharge is identified in the SWMP.

14. Pursuant to Part I. D. 5. (c) of the Permit, the permittee shall amend the SWMP when there is a change in design, construction, operation, or maintenance of the site, which would require the implementation of new or revised BMPs, or if the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity, or when BMPs are no longer necessary and are removed. SWMP changes may include a schedule for further BMP design and implementation, provided that, if any interim BMPs are needed to comply with the permit, they are also included in the SWMP and implemented during the interim period.

15. During the October 18, 2013 inspection, the Inspector reviewed the Project's SWMP and identified the following deficiencies, as described in paragraphs 15(a-d) below:

    a. The SWMP did not identify and describe all anticipated allowable sources of non-stormwater discharges. Specifically, the SWMP site description did not describe all springs and irrigation return flows observed in the field. Additionally, the SWMP site map did not identify the locations of springs observed in the field.

    b. Certain BMPs identified in the SWMP were not selected according to good engineering, hydrologic and pollution control practices. Specifically, the SWMP stated that kick brooms would be used to clean Project roadways, and that street cleaning must be done in accordance with Colorado Department of Transportation, Standard Specifications for Road and Bridge Construction (2011), Subsection 208.04. However, as affirmed in Subsection 208.04(f), kick brooms are not recognized in the industry for use as vehicle tracking controls.

    c. Certain installation and implementation specifications included in the SWMP were not designed according to good engineering, hydrologic and pollution control practices. Specifically, specifications for erosion log check dams did not include spacing requirements. As affirmed in Colorado Department of Transportation, Erosion Control and Stormwater Quality Guide (2002), Section 5.5, spacing requirements are necessary to determine the elevation of successive check dams, and, therefore, the capacity to reduce flow velocity to non-erosive rates.

    d. The SWMP was not revised to reflect the selection of appropriate BMPs for site conditions. Specifically, the SWMP required placement of velocity and erosion control checks in ditches immediately after grading. Additionally, the SWMP site map identified the locations of erosion log check dams installed in ditches. However, erosion log check dams were removed to facilitate construction access. The SWMP was not updated to (1) reflect this change in site design, construction and operation, and (2) address implementation of interim BMPs.

16. The Division determined that SEMA failed to prepare and maintain a complete and accurate SWMP for the Project.

17. SEMA's failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violations of Part I. B., Part I. C. 1. (g), Part I. C. 2. (h), Part I. C. 3. (c), Part I. D. 3 (b) and Part I. D. 5. (c) of the Permit.

Failure to Maintain Required Records and/or Documents

18. Pursuant to Part I. D. 6. (b) of the Permit, SEMA is required to keep a record of inspections. The record must identify any incidents of non-compliance with the terms and conditions of the permit and must include a description and date of corrective actions taken.

19. During the October 18, 2013 inspection, the Inspector reviewed the available inspection records for the period from June 12, 2013 – October 12, 2013 and identified that records from June 12, 2013, August 27, 2013, and September 12, 2013 did not include corrective action descriptions and/or dates.

20. SEMA's failure to properly maintain required inspection records constitutes a violation of Part I. D. 6. (b) of the Permit.

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

21. Pursuant to Part I. B. 3. of the Permit, SEMA must implement the provisions of the Project's SWMP as written and updated, from commencement of construction activity until final stabilization is complete.

22. Pursuant to Part I. D. 2. of the Permit, SEMA must select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity at the Project.

23. Pursuant to Part I. D. 7. of the Permit, all erosion and sediment control practices and other protective measures identified in the SWMP must be maintained in effective operating condition. BMPs that are not adequately maintained in accordance with good engineering, hydrologic and pollution control practices, including removal of collected sediment outside the acceptable tolerances of the BMPs, are considered to be no longer operating effectively and must be addressed.

24. During the October 18, 2013 inspection, the Inspector identified the following deficiencies related to BMP selection, design, installation, implementation and maintenance at the Project, as described in Paragraphs 24(a-f) below:

    a. No control measures were implemented to manage stormwater runoff from (1) disturbed areas at the toe of the cut and fill slopes north of, and adjacent to, the Project roadway and (2) disturbed areas south of, and adjacent to, the Project roadway. Specifically, no erosion control measures were implemented in sloped drainage channels, despite specifications in the Project's SWMP requiring erosion control checks to be placed in ditches immediately after grading. As a result, stormwater flow velocity was not reduced to non-erosive rates and erosion occurred in the drainage channels. Stormwater runoff from this portion of the Project flowed through disturbed drainage channels adjacent to the Project roadway and collected in a storm sewer system that discharges stormwater runoff to Stumpy Creek and Blue Creek.

    b. Inlet protection measures installed at culverts located (1) at the toe of the cut and fill slopes north of, and adjacent to, the Project roadway and (2) south of, and adjacent to, the Project roadway were not implemented and maintained according to good pollution control practices. Specifically, straw wattles installed at culvert inlets did not extend to the front, edge and/or perimeter of the inlets, despite specifications in the Project SWMP requiring erosion log culvert inlet protections to tightly surround and abut culvert inlets so as not to create gaps. Additionally, numerous straw wattle inlet protection measures were overtopped with sediment and debris, and, therefore, required maintenance. These deficiencies impaired the ability of the straw wattles to prevent sediment-laden stormwater from entering storm drains without treatment. Stormwater runoff from this portion of the Project flowed through disturbed drainage channels adjacent to the Project roadway and collected in a storm sewer system that discharges stormwater runoff to Stumpy Creek and Blue Creek.

    c. Outlet protection measures south of, and adjacent to, the Project roadway were not implemented according to good pollution control practices. Specifically, numerous straw wattles installed at culvert outlets did not extend to the front and/or edge of the culvert aprons, despite specifications in the Project SWMP requiring erosion log culvert outlet protections to tightly abut culvert outlets. Additionally, numerous straw wattle outlet protection measures were overtopped with sediment and debris, and, therefore, required maintenance. These deficiencies impaired the ability of the straw wattles to reduce erosion

downstream of the outlets. Stormwater runoff from this portion of the Project flowed through disturbed drainage channels adjacent to the Project roadway and collected in a storm sewer system that discharges stormwater runoff to Stumpy Creek and Blue Creek.

d. Certain control measures north of the Project roadway were not selected, designed and implemented according to good pollution control practices. First, no measures to control erosion from a disturbed area near Station 390 and the Project boundaries were observed, despite specifications in the Project SWMP requiring perimeter controls to prevent potential pollutants from leaving construction site boundaries and entering the stormwater drainage system. Sediment from the disturbed area was transported to an adjoining irrigation ditch with a straw wattle installed across the waterway, despite specifications in the Project SWMP prohibiting impediment or pollution of irrigation flows during construction, and despite a general industry prohibition against BMP installation in active waterways. Stormwater runoff from this portion of the Project flowed through disturbed drainage channels and existing irrigation ditches adjacent to the Project roadway and discharged to Stumpy Creek.

e. No control measures were implemented to manage vehicle tracking of sediment from the Project materials storage area. Specifically, the vehicle tracking pad was removed from the materials storage area on July 10, 2013, despite specifications in the Project SWMP requiring stabilized construction and staging area entrances in order to reduce vehicle tracking. As a result, sediment was transported to paved road surfaces. Stormwater runoff from this portion of the Project flowed through disturbed drainage channels adjacent to the Project roadway and collected in a storm sewer system that discharges stormwater runoff to Stumpy Creek.

f. Vehicle tracking control measures implemented on the Project roadway were not selected according to good pollution control practices. Specifically, a kick broom was implemented to clean Project roadways; however, as affirmed in Colorado Department of Transportation, Standard Specifications for Road and Bridge Construction (2011), Subsection 208.04(f), kick brooms are not recognized in the industry for use as vehicle tracking controls. As a result, sediment was transported to paved road surfaces. Stormwater runoff from this portion of the Project flowed through disturbed drainage channels adjacent to the Project roadway and collected in a storm sewer system that discharges stormwater runoff to Stumpy Creek.

25. The Division determined that SEMA failed to select, design, install, implement and/or maintain BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic, and pollution control practices.

26. SEMA's failure to select, design, install, implement and/or maintain BMPs at the Project constitutes violations of Part I. B. 3., Part I. D. 2., and Part I. D. 7. of the Permit.

27. On October 8, 2014, the Division received an Application for Transfer of Ownership For Permit Certification Number COR-03I632, seeking to transfer permit coverage from SEMA back to the Colorado Department of Transportation.

28. On October 22, 2014, the Division approved the transfer of permit coverage. The Division reissued Permit Certification Number COR-03I632 effective October 22, 2014.

ORDER AND AGREEMENT

29. 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/CDO, the Division orders SEMA to comply with all provisions of this Consent Order, including all requirements set forth below.

30. SEMA agrees to the terms and conditions of this Consent Order. SEMA 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. SEMA also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by SEMA 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.

31. Notwithstanding the above, SEMA does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by SEMA pursuant to this Consent Order shall not constitute evidence of fault and liability by SEMA with respect to the conditions of the Project.

CIVIL PENALTY

32. Based upon the application of the Division's Stormwater Civil Penalty Policy (January 25, 2007), and consistent with Departmental policies for violations of the Act, SEMA shall pay One Hundred Twenty-Eight Thousand Eight Hundred Four Dollars and One Cent ($128,804.01) in civil penalties. SEMA agrees to make the payment within thirty calendar days of the issuance of a Penalty Order by the Executive Director or his designee. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

    Lindsay Ellis
    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

33. 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/CDO.

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

35. 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 SEMA, 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.

36. Notwithstanding paragraph 31 above, the violations described in this Consent Order will constitute part of SEMA's compliance history for purposes where such history is relevant.

LIMITATIONS, RELEASES AND RESERVATION OF RIGHTS AND LIABILITY

37. 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/CDO. 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.

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

39. SEMA reserves its rights and defenses regarding the Project other than proceedings to enforce this Consent Order.

40. 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.

41. SEMA 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 SEMA, or those acting for or on behalf of SEMA, 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

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

For the Division:

Colorado Department of Public Health and Environment
Water Quality Control Division
WQCD-CWE-B2
Attention: Lindsay Ellis
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: 303-692-2271
E-mail: lindsay.ellis@state.co.us

For SEMA:

SEMA Construction, Inc.
Attention: Steve Graves
7353 S. Eagle Street
Centennial, CO 80112
Telephone: 303-627-2600
E-mail: sgraves@semaconstruction.com

MODIFICATIONS

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

NOTICE OF EFFECTIVE DATE

44. 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 34. 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

45. This Consent Order is binding upon SEMA and its corporate subsidiaries or parents, their officers, directors, employees, 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 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.

EXHIBIT A

FOR SEMA CONSTRUCTION, INC.:

_____ Date: 6/9/2015
Steve Graves, Controller

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:

_____ Date: 18 Jun 15
Patrick J. Pfaltzgraff, Director
WATER QUALITY CONTROL DIVISION