COLORADO
Department of Public
Health & Environment

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

April 15, 2016

William E. Tanis, Esq
Shaw Builders, LLC
c/o Ireland Stapleton Pryor & Pascoe, PC
717 17th Street, Suite 2800
Denver, CO 80202

*Certified Mail Number: 7014 2870 0000 7699 5931*

**RE: Compliance Order on Consent, Number: SC-160415-1**

Dear Mr. Tanis:

Enclosed for Shaw Builders, LLC records, you will find Shaw Builders, 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 37). 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 T. Mink, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

*Enclosure(s)*

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Brian Hlavacek, Tri-County Heath Dept
Nicole Rowan, 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
Mike Harris, Clean Water Enforcement Unit, CDPHE
Tania Watson, Compliance Assurance, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE
Megan Shirley, Clean Water Compliance Unit, CDPHE

COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

COMPLIANCE ORDER ON CONSENT NUMBER: SC-160415-1

IN THE MATTER OF: SHAW BUILDERS LLC
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-03K287
ADAMS 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 Shaw Builders LLC ("Shaw Builders"). The Division and Shaw Builders 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 Order, Number: SO-150515-1 (the "NOV/CDO"), that the Division issued to Shaw Builders on May 15, 2015.

## DIVISION'S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS

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

3. At all times relevant to the violations cited herein, Shaw Builders was a Colorado limited liability corporation in good standing and registered to conduct business in the State of Colorado.

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

5. On approximately April 15, 2013, Shaw Builders initiated construction activities on Phase II of the Orchard Town Center Project with a planned disturbance area of approximately 28.7 acres of land at 38°57'57" N and 104°59'40" W in Adams County, Colorado (the "Project").

6. Shaw Builders' construction activities at the Project are covered under the Colorado Discharge Permit System General Permit Number COR-030000, for Stormwater Discharges Associated with Construction Activity (the "Permit").

7. On March 19, 2013, the Division provided Shaw Builders with Certification Number COR-03K287 (the "Certification") authorizing Shaw Builders to discharge stormwater from the construction activities associated with the Project to state waters, including the South Platte River, under the terms and conditions of the Permit. The Certification became effective March 19, 2013 and remains in effect until Permit reissuance or until Shaw Builders inactivates permit coverage.

8. The South Platte River is 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).

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

10. On September 3, 2014, a representative from the Division (the "Inspector") conducted an on-site inspection of the Project pursuant to the Division's authority under §25-8-306, C.R.S., to determine Shaw Builders' 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, Shaw Builders 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 Project. In addition, the plan is required to describe and ensure the implementation of Best Management Practices ("BMPs") at the Project, which will be used to reduce the pollutants in stormwater discharges associated with construction activity.

12. Pursuant to Part I.C. of the Permit, the 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.

      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.

13. Pursuant to Part I.D.5.c. of the Permit, the permittee shall update the SWMP when new BMPs are installed or when BMPs are revised or replaced.

14. During the September 3, 2014 inspection, the Inspector reviewed the 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 Paragraphs 14(a-g) below:

a. The SWMP site map failed to identify all the areas being used for the storage of construction materials and waste at the time of inspection.
b. The SWMP site map identified the location of structural BMPs and concrete washout areas that were not in use at the time of inspection.
c. The SWMP site map failed to identify the location of all structural and non-structural BMPs in use at the time of inspection.
d. The SWMP site map failed to identify all areas of ground surface disturbance.
e. The Stormwater Management Controls section of the SWMP failed to identify and describe all structural and non-structural BMPs in use at the time of inspection.
f. The Stormwater Management Controls section of the SWMP failed to describe the relationship between the phases of construction and the implementation and maintenance of BMPs.
g. The Stormwater Management Controls section of the SWMP failed clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes.

15. The Division has determined that Shaw Builders failed to prepare and maintain a complete and accurate SWMP for the Project.

16. Shaw Builders' failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violation(s) of Part I.B., Part I.C., and Part I.D.5.c. of the Permit.

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

17. Pursuant to Part I.D.6.a. of the Permit, for active sites where construction has not been completed, Shaw Builders is required to make a thorough inspection of the Project's stormwater management system at least every 14 calendar days; within 24 hours of any precipitation or snowmelt event that causes surface erosion; and within 72 hours of any precipitation or snowmelt event that causes surface erosion when the site is temporarily idle.

18. Pursuant to Part I.D.6.b.2. of the Permit, inspection reports must identify any incidents of non-compliance, a description of the corrective action, dates the corrective action(s) were taken, measures taken to prevent future violations, and a signed statement indicating the site is in compliance with the permit to the best of the signer's knowledge and belief.

19. Pursuant to Part I.D.8. of the Permit, BMPs must be repaired or replaced as soon as possible, immediately in most cases, once the need for repair or replacement has been identified.

20. During the September 3, 2014 inspection, the Inspector reviewed the available inspection records for the Project for the period from February 7, 2014 - September 3, 2014. The Inspector determined that Shaw Builders failed to perform an inspection of the Project's stormwater management system at least once every 14 calendar days between: June 9, 2014 and June 24, 2014 and August 14, 2014 and September 2, 2014.

21. During the September 3, 2014 inspection, the Inspector reviewed the available inspection records. The inspection records that showed completed corrective actions did not contain a signed statement indicating the site is in compliance with the Permit to the best of the signer's knowledge and belief.

22. During the September 3, 2014 inspection, the Inspector reviewed the available inspection records and those records identified instances where BMPs needed to be either cleaned out or repaired, as well as dates corrective actions were completed. The inspection records did not provide which inspection reports the corrective actions stemmed from and the box asking if "corrective actions were completed from the last report" is checked "no" on several inspection reports. In addition, corrective actions initiated in February were not completed until May.

23. Shaw Builders' failure to properly perform and/or document inspections of the Project's stormwater management system constitutes violation(s) of Parts I.D.6.a and I.D.6.b.2. of the Permit.

24. Shaw Builders' failure to repair or replace BMPs in need of corrective action as soon as possible, immediately in most cases, constitutes violation(s) of Part I.D.8. of the Permit.

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

25. Pursuant to Part I.C.3.c. of the Permit, Shaw Builders 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 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.

26. Pursuant to Part I.D.2. of the Permit, Shaw Builders 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 Project.

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

28. During the September 3, 2014 inspection, the Inspector identified the following deficiencies related to BMP installation and maintenance at the Project, as described in Paragraphs 28(a-f) below:

    a. The Inspector observed cement waste at the following locations:

        i. the northwest corner of building D7;
        ii. the southeast corner of building D2; and
        iii. the east side of building B1.

        No control measures were implemented to manage stormwater pollution from the cement waste. No additional control measures were implemented down gradient of the concrete waste. Stormwater from these concrete waste sites flows into the associated curb inlet(s) and into the City of Westminster's municipal separate storm sewer system ("MS4"), which discharges to the adjacent regional detention facility before ultimately discharging into the South Platte River.

    b. The Inspector observed rock sock/curb sock inlet protection control measures at the following locations:

        i. north of building D5;
        ii. south of building B3;
        iii. south of building D6;
        iv. the northeast corner of building E3;
        v. the northwest corner of building D5; and
        vi. the northeast corner of building D4.

        These inlet protection control measures were inadequately implemented and/or maintained according to good pollution control practices. Specifically:

        - The associated contributing drainage areas significantly exceeded the standard recommended by industry publications for 100 linear feet of rock sock per 0.25 acreage of drainage.
        - No inlet protection or additional up-gradient control measures were installed at the back of the curb to prevent bypass of pollutants over the top of the inlets.

No additional control measures were implemented down gradient of these Project areas. Stormwater from these Project areas flows into the associated curb inlets and into the City of Westminster's MS4 which discharges to the adjacent regional detention facility, before ultimately discharging into the South Platte River.

c. The Inspector observed a straw wattle inlet protection control measures at the following locations:

i. the east side of building D6;
ii. between building B1 and B2; and
iii. 2nd between building B1 and B2.

The straw wattle inlet protection control measures were not implemented and maintained according to good pollution control practices. Specifically:

- Straw wattles showed signs of tearing and damage preventing the control measure from functioning properly.
- Straw wattle inlet protection control measures exceeded the industry standard, which states that debris must be removed when fifty (50) percent of the capacity of a control measure has been utilized.
- Instead of replacing straw wattles that were completely silted, new straw wattles were "stacked" on top of base layers that had become completely silted.

No additional control measures were implemented down gradient of these Project areas. Stormwater from these Project areas flows into the associated drop inlets and into the City of Westminster's MS4 which discharges to the adjacent regional detention facility, before ultimately discharging into the South Platte River.

d. The Inspector observed that control measures were not implemented to manage stormwater runoff from the disturbed areas located on the south side of building A4. The SWMP identified a rock sock inlet protection control measure to manage stormwater runoff from this area of the Project. However, the identified control measure was not installed. No additional control measures were implemented down gradient of this area. Stormwater from this Project area flows into the associated curb inlet and into the City of Westminster's MS4 which discharges to the adjacent regional detention facility, before ultimately discharging into the South Platte River.

e. The Inspector observed rock sock and filter fabric inlet protection control measures at the following locations:

i. the valley pan east of building C1, and
ii. the valley pan west of building D1.

The rock sock and filter fabric inlet protection control measures were not implemented and maintained according to good pollution control practices. Specifically:

- The filter fabric used inside the gate was torn and missing in some sections, and in need of maintenance and/or replacement.
- Sediment discharge had overtopped rock socks to enter the inlet and maintenance was needed to remove sediment.

No additional control measures were implemented down gradient of these Project areas. Stormwater from these Project areas flows into the associated drop inlets and into the City of Westminster's MS4 which discharges to the adjacent regional detention facility, before ultimately discharging into the South Platte River.

f. The Inspector observed a straw wattle control measure on the west side of project between buildings B3 and B4. The straw wattle was not implemented and maintained according to good pollution control practices. The straw wattle was installed around the inlet grate but the inlet pipe was not properly lined up with the inlet grate, allowing sediment to reach the inlet. Sediment had built up to approximately half the inlet's capacity. No additional control measures were implemented down gradient of this Project area. Stormwater from this Project area flows into the associated drop inlet and into the City of Westminster's MS4 which discharges to the adjacent regional detention facility, before ultimately discharging into the South Platte River.

29. The Division has determined that Shaw Builders' failed to implement and/or maintain functional BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic, and pollution control practices.

30. Shaw Builders' failure to implement and/or maintain functional BMPs to protect stormwater quality during construction activities at the Project constitutes violations of Part I.C.3.c., Part I.D.2., and Part I.B.3. of the Permit.

31. The Division acknowledges that Shaw Builder timely and satisfactorily performed all of the obligations and actions required under the May 15, 2015, Notice of Violation / Cease and Desist Order.

## ORDER AND AGREEMENT

32. 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 Shaw Builders to comply with all provisions of this Consent Order, including all requirements set forth below.

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

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

35. Based upon the factors set forth in §25-8-608(1), C.R.S., and consistent with Departmental policies for violations of the Act, Shaw Builders shall pay Eighty Thousand Six Hundred Twenty-Four Dollars ($80,624.00) in civil penalties. The Division intends to petition the Executive Director, or his designee, to impose the Eighty Thousand Six Hundred Twenty-Four Dollar ($80,624.00) civil penalty for the above violations and Shaw Builders 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

36. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the violations cited herein and in the NOV/CDO. 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.

37. 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 Shaw Builders 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.

38. 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 Shaw Builders, 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.

39. Notwithstanding paragraph 33 above, the violations described in this Consent Order will constitute part of Shaw Builders' compliance history.

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

40. 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.

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

42. Shaw Builders reserves its rights and defenses regarding the Project other than proceedings to enforce this Consent Order.

43. Nothing in this Consent Order shall preclude the Division from imposing additional requirements if information discovered by the Division following the date of this Consent Order makes it 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.

44. Shaw Builders 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 Shaw Builders, or those acting for or on behalf of Shaw Builders, 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

45. 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 Shaw Builders LLC:

Paul Banks, CFO
Shaw Builders LLC
300 Kalamath Street
Denver, CO 80223

## MODIFICATIONS

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

## NOTICE OF EFFECTIVE DATE

47. 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 36. 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

48. This Consent Order is binding upon Shaw Builders, 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 SHAW BUILDERS LLC:**

Paul Banks, CFO

Date: 4/14/16

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

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

Date: 4/15/16