COLORADO
Department of Public
Health & Environment

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

November 17, 2015

Mike Thibault, Registered Agent
T-Bone Construction, Inc.
1330 Valley Street
Colorado Springs, CO 80915

Certified Mail Number: 7014 2870 0000 7699 5856

RE: Order for Civil Penalty, Number: SP-151116-1

Dear Mr. Thibault:

T-Bone Construction, Inc. is hereby served with the enclosed Order for Civil Penalty ("Penalty Order"). This Penalty Order is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §25-8-608(2) of the *Colorado Revised Statutes*. Payment of the imposed civil penalty should be made in accordance with the methods referenced in the Penalty Order.

If you have any questions regarding the Penalty Order or the payment method, please do not 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
Richard Thompson, EH Director, Montrose County
Nicole Rowan, Clean Water Program, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Amy Zimmerman, Engineering Section, CDPHE
Heather Drissel, Field Services Section, CDPHE
Erin Scott, Permits Section, CDPHE
Mike Harris, 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

ORDER FOR CIVIL PENALTY NUMBER:SP-151116-1

IN THE MATTER OF: T-BONE CONSTRUCTION, INC.
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-03M248
MONTROSE 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 Fifteen Thousand One Hundred Ninety-Four Dollars ($15,194.00) against T-Bone Construction, Inc. for the violations cited in the August 18, 2015 Compliance Order on Consent (Number: SC-150818-1). 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 through six (6) installment payments, with the first due within thirty (30) calendar days of the date of this Order for Civil Penalty, and as set forth in the Compliance Order on Consent.

"Method of payment shall be by certified or cashier's checks 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"

Dated this 16th day of November 2015.

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

Exhibit A

COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

COMPLIANCE ORDER ON CONSENT NUMBER: SC-150818-1

IN THE MATTER OF: T-BONE CONSTRUCTION, INC.
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-03M248
MONTROSE 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 T-Bone Construction, Inc. ("T-Bone Construction"). The Division and T-Bone Construction 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-150204-1 (the "NOV/CDO"), that the Division issued to T-Bone Construction on February 4, 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 T-Bone Construction, and T-Bone Construction's compliance with the Act and its permit issued pursuant to the Act.

3. At all times relevant to the violations cited herein, T-Bone Construction was a Colorado corporation in good standing and registered to conduct business in the State of Colorado.

4. T-Bone Construction 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 July 21, 2014, T-Bone Construction initiated construction activities on the FedEx Ground Montrose Project with a planned disturbance area of approximately 5.57 acres of land at 38°29'56" N and 107°54'13" W in Montrose County, Colorado (the "Project").

6. T-Bone Construction's 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 May 28, 2014, the Division provided T-Bone Construction with Certification Number COR-03M248 (the "Certification") authorizing T-Bone Construction to discharge stormwater from the construction activities associated with the Project to state waters, including the City of Montrose Ponds and the Uncompahgre River, under the terms and conditions of the Permit. The Certification became effective May 28, 2014 and remains in effect until Permit reissuance or until T-Bone Construction inactivates permit coverage.

8. The Uncompahgre River and City of Montrose Ponds 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).

9. Pursuant to 5 CCR 1002-61, §61.8, T-Bone Construction was required to 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.

10. On October 1, 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 T-Bone Construction'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, T-Bone Construction 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. During the October 1, 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 13(a-b) below:

a. The SWMP site map failed to identify all the areas used for the storage of construction waste.
b. The stormwater management controls section of the SWMP failed to identify the SWMP administrator.

14. The Division has determined that T-Bone Construction failed to prepare and maintain a complete and accurate SWMP for the Project.

15. T-Bone Construction's failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violation(s) of Part I.B. and Part I.C. of the Permit.

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

16. Pursuant to Part I.C.3.c. of the Permit, T-Bone Construction 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.

17. Pursuant to Part I.D.2. of the Permit, T-Bone Construction 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.

18. Pursuant to Part I.B.3. of the Permit, T-Bone Construction 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.

19. During the October 1, 2014 inspection, the Inspector identified the following deficiencies related to BMP installation and maintenance at the Project, as described in Paragraphs 19(a-h) below:

    a. The Inspector observed a sediment trap control measure inadequately implemented on the southeast corner of the site. Installation and implementation requirements for sediment trap BMPs were included in the SWMP and the requirements specified that sediment traps be constructed with compacted earthen berms and a rip rap outlet structure. However, the sediment trap was constructed with straw bales and a loose straw outlet structure. No additional control measures were implemented down gradient of the sediment trap and stormwater from the disturbed areas located up gradient of and within the sediment trap flows directly to the City of Montrose Ponds.

    b. The Inspector observed a temporary berm control measure inadequately implemented on the southern boundary of the site. Installation and implementation requirements for temporary berm BMPs were included in the SWMP and the requirements specified that a temporary berm be uniformly at least eighteen (18) inches in height and compacted. However, the temporary berm was not compacted, not uniform, and not a minimum of 18 inches in height. No additional control measures were implemented down gradient of the temporary berm and stormwater from the disturbed areas located along the southern boundary of the site flows directly to the City of Montrose Ponds.

    c. The Inspector observed that perimeter control measures were not implemented to manage stormwater runoff along the southwestern boundary of the site. The SWMP site map identified surface roughening and temporary berm control measures to manage stormwater runoff from this area of the site. However, the identified control measures were not installed. No additional control measures were implemented down gradient of where the surface roughening and temporary berm control measures were indicated on the SWMP site map. Stormwater from the disturbed areas located on the southwestern portion of the site flows directly to the City of Montrose Ponds.

    d. The Inspector observed that a control measure was not implemented to manage stormwater runoff from the disturbed areas located on the northern portion of the site. The SWMP site map identified a surface roughening control measure to manage stormwater runoff from this disturbed area of the site. However, the identified control measure was not installed. An additional inadequate control measure was implemented down gradient of the northern portion of the site (see paragraph 19(f)). Stormwater from the disturbed areas located on the northern portion of the site flows north to the curb line along Air Parkway and then southwest in to the City of Montrose's storm sewer system, which discharges to the Uncompahgre River.

e. The Inspector observed that perimeter control measures were not implemented to manage stormwater runoff along the northern boundary of the site. Perimeter control measures were not identified in the SWMP for the northern boundary of the site. An additional inadequate control measure was implemented down gradient of the northern boundary of the site (see paragraph 19(f)). Stormwater from the disturbed areas located on the northern portion of the site flows north to the curb line along Air Parkway and then southwest in to the City of Montrose's storm sewer system, which discharges to the Uncompahgre River.

f. The Inspector observed a curb sock control measure inadequately implemented on the northern boundary of the site. Installation and implementation requirements for curb sock BMPs were included in the SWMP and the requirements specified that curb socks be flush with the curb and that sediment debris be removed from the curb sock when sediment debris reaches 50% of the curb sock's capacity. However, the curb sock was not flush to the curb and sediment debris had reached approximately 90% of the curb sock's capacity. No additional control measures were implemented down gradient of the curb sock. Stormwater from the disturbed areas located along the northern boundary site flows southwest to the curb line along Air Parkway and in to the City of Montrose's storm sewer system, which discharges to the Uncompahgre River.

g. The Inspector observed a vehicle tracking pad control measure inadequately implemented at the northeastern site entrance. Installation and implementation requirements for vehicle tracking pad BMPs were included in the SWMP and the requirements specified that vehicle tracking pads be at least fifty (50) feet long and that when the pad becomes clogged, excess sediment be disposed of or a fresh layer of aggregate be added. However, the vehicle tracking pad was approximately thirty (30) feet long and was clogged with sediment. An additional inadequate control measure was implemented down gradient of the northeastern site entrance (see paragraph 19(a)). Stormwater from the disturbed area located at the northeastern site entrance flows to the curb line on Industrial Drive, which flows south to the sediment control trap and then in to the City of Montrose Ponds.

h. The Inspector observed that perimeter control measures were not implemented to manage stormwater runoff along the eastern boundary of the site, near the work trailer. Perimeter control measures were not identified in the SWMP for the eastern boundary of the site and sediment was observed being removed from the curb line on Industrial Drive during the inspection. An additional inadequate control measure was implemented down gradient of the northeastern site entrance (see paragraph 19(a)). Stormwater from the disturbed areas located along the eastern boundary of the site flows to the curb line on Industrial Drive, which flows south to the sediment control trap and then in to the City of Montrose Ponds.

20. The Division has determined that T-Bone Construction failed to implement and/or maintain functional BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic, and pollution control practices.

21. T-Bone Construction's 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.

Exhibit A

ORDER AND AGREEMENT

22. Based on the foregoing factual and legal determinations, pursuant to its authority under §§25-8-602 and 605, C.R.S., and in satisfaction of the civil penalties associated with the alleged violations cited herein and in the NOV/CDO, the Division orders T-Bone Construction to comply with all provisions of this Consent Order, including all requirements set forth below.

23. T-Bone Construction agrees to the terms and conditions of this Consent Order. T-Bone Construction 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. T-Bone Construction also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by T-Bone Construction against the Division:

    a. The issuance of this Consent Order;
    b. The factual and legal determinations made by the Division herein; and
    c. The Division's authority to bring, or the court's jurisdiction to hear, any action to enforce the terms of this Consent Order under the Act.

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

25. Based upon the factors set forth in §25-8-608(1), C.R.S., and consistent with Departmental policies for violations of the Act, T-Bone Construction shall pay Fifteen Thousand One Hundred Ninety-Four Dollars ($15,194.00) in civil penalties. The Division intends to petition the Executive Director, or his designee, to impose the Fifteen Thousand One Hundred Ninety-Four Dollars ($15,194.00) civil penalty for the above violations and T-Bone Construction agrees to make the payment through six (6) installment payments as described in the table below:

Payment	Amount	Due Date
1	$2,532.33	Within thirty (30) calendar days of issuance of a Penalty Order by the Executive Director or his designee
2	$2,532.33	January 1, 2016
3	$2,532.33	April 1, 2016
4	$2,532.33	July 1, 2016
5	$2,532.33	October 1, 2016
6	$2,532.33	January 1, 2017

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 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

26. Failure to submit full payment of any installment by the due date described in paragraph 25 above shall be deemed a violation of this Consent Order.

27. In the event that T-Bone Construction fails to comply with any of the terms or provisions of this Consent Order relating to payment of the civil penalty, T-Bone Construction shall be liable for payment of the outstanding balance of the civil penalty within thirty (30) calendar days of receipt of written demand by the Division. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to the address specified in paragraph 25 above.

SCOPE AND EFFECT OF CONSENT ORDER

28. 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.

29. 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 T-Bone Construction 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.

30. 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 T-Bone Construction, 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.

31. Notwithstanding paragraph 24 above, the violations described in this Consent Order will constitute part of T-Bone Construction's compliance history.

LIMITATIONS, RELEASES, AND RESERVATION OF RIGHTS AND LIABILITY

32. 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.

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

34. T-Bone Construction reserves its rights and defenses regarding the Project other than proceedings to enforce this Consent Order.

35. 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.

36. T-Bone Construction 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 T-Bone Construction, or those acting for or on behalf of T-Bone Construction, 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

37. 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 T-Bone Construction, Inc.:

Michael Thibault, President
T-Bone Construction, Inc.
1310 Ford St.
Colorado Spring, CO 80915

MODIFICATIONS

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

NOTICE OF EFFECTIVE DATE

39. 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 29. 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

40. This Consent Order is binding upon T-Bone Construction, 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 T-BONE CONSTRUCTION, INC:

Michael Thibault, President

Date: 8-13-2015

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:

Patrick J. Pfaltzgraff, Director
Water Quality Control Division

Date: 18 Aug 15