

# STATE OF COLORADO

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

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Colorado Department  
of Public Health  
and Environment

September 30, 2008

Cheri Anderson  
Town Administrator  
Town of Firestone  
PO Box 100  
Firestone, CO 80520

Certified Mail Number: 7007 0220 0001 0156 8687

**RE: Expedited Settlement Agreement, Number: ES-080930-1**

Dear Cheri Anderson:

Enclosed for your records you will find Town of Firestone's copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was changed in order to place the correct ESA Number on the final document. The ESA is now fully enforceable and constitutes a final agency action.

As specified in the enclosed ESA, Town of Firestone must, within fifteen (15) calendar days, submit a certified or cashier's check for the amount specified in the ESA to the Water Quality Control Division in order for this matter to be resolved.

If you have any questions, please don't hesitate to contact Danelle Morgan at (303) 692-3176 or by electronic mail at [danelle.morgan@state.co.us](mailto:danelle.morgan@state.co.us).

Sincerely,

Kristi-Raye Beaudin, Legal Assistant  
Water Quality Protection Section  
WATER QUALITY CONTROL DIVISION

cc: Weld County Department of Public Health and Environment

ec: Aaron Urdiales, EPA Region VIII  
Kathy Dolan, Stormwater Program, CDPHE

Enclosure(s)



Colorado Department of Public Health & Environment  
Water Quality Control Division

## EXPEDITED SETTLEMENT AGREEMENT

Number: ES-080930-1

The Colorado Department of Public Health and Environment ("Department"), through the Water Quality Control Division ("Division"), issues this Expedited Settlement Agreement ("ESA"), pursuant to the Division's authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control Act (the "Act") §§25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of the Town of Firestone ("Firestone"). The Division and Firestone may be referred to collectively as "the Parties."

1. Firestone is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
2. Firestone is conducting construction activities to build a public park located in or near the Town of Firestone, Weld County, Colorado (the "Project").
3. Firestone failed to obtain coverage for the Project under the Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity, in violation of §25-8-501(1), C.R.S. and its implementing permit regulation, 5CCR 1002-61, §61.3(1)(a), as described in the attached inspection report.
4. The parties enter into this ESA in order to resolve the matter of civil penalties associated with the violation(s) alleged herein and in the attached inspection report for a penalty of \$7,000.00.
5. By accepting this ESA, Firestone neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. Firestone certifies that all deficiencies identified in the attached inspection report have been corrected and that the Project is currently in full compliance with the terms and provisions of the Permit. Additionally, Firestone has attached to this ESA: (1) a written description detailing how the deficiencies were corrected; and (2) representative photographs documenting the current conditions and the associated BMPs implemented at the Project.
7. Firestone agrees to the terms and conditions of this ESA. Firestone agrees that this ESA constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., and is an enforceable requirement of the Act. By signing the ESA, Firestone waives: (1) the right to contest the finding(s) specified herein and in the attached inspection report; and (2) the opportunity for a public hearing pursuant to §25-8-603, C.R.S.
8. This ESA is subject to the Division's "Public Notification of Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and Firestone each reserve the right to withdraw consent to this ESA if comments received during the thirty-day period result in any proposed modification to the ESA.





**DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT**

1555 N. 17<sup>th</sup> Avenue

Greeley, CO 80631

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April 18, 2007

*CORRIG PAGE 74*

Connie Utley  
Crow Creek Construction  
7251 W. 20<sup>th</sup> Street  
Suite 101  
Greeley, Colorado 80634

**RECEIVED**

APR 23 2007

Water Quality Control Division

RE: Facility Inspection  
Firestone Central Park Phase 1  
CDPS Permit No. **NONE**  
Weld County

Dear Ms. Utley,

An inspection of the above referenced facility was conducted by the Weld County Department of Public Health and Environment on April 17, 2007. The inspection procedure consists of two parts: a review of records, and an on-site facility inspection. Findings associated with the inspection are detailed in the enclosed inspection report. You must correct the findings noted in the enclosed inspection report, submit an explanation on how each finding was corrected, and submit the requested materials to the Weld County Department of Public Health and Environment **and** to the Colorado Department of Public Health and Environment, WQCD-P-B2, 4300 Cherry Creek Drive South, Denver, CO 80246-1530, Attn: Matt Czahor by **May 17, 2007**.

For facilities covered under a Colorado Discharge Permit System (CDPS) general permit, failure to comply with any CDPS permit requirements constitutes a violation of the Federal Clean Water Act and the Colorado Water Quality Control Act, 25-8-101.

If you have any questions, please call me at 970-304-6415 extension 2206.

Sincerely,

Dan Joseph  
Environmental Health Specialist

Enclosures: Inspection Report, Photos

Cc: Matt Czahor, Water Quality Control Division  
File Copy

## Stormwater Inspection Report

<b>Permittee:</b> Crow Creek Construction	<b>Cert. No.:</b> None	<b>Date(s):</b> 4/17/07
<b>Facility:</b> Firestone Central Park Phase 1	<b>Industrial Type:</b> Construction	<b>Receiving Water:</b> Tri-Town Drainage Channel
<b>Facility Address:</b> South East Corner of Colorado Boulevard and Sable Firestone		
<b>Persons present:</b> Jeremy Lewis		
<b>Facility Representative(s)/Title(s):</b> Jeremy Lewis/ Project Manager		<b>Inspector(s):</b> Dan Joseph

### Inspection Findings

#### Records Review

At time of inspection it was determined that this facility had not obtained a Stormwater Permit from the Colorado Department of Public Health and Environment, Water Quality Division. Dan was contacted by David Lindsay, Engineer for Town of Firestone, on April 17, 2007 (same day as inspection) and he stated that a permit had not been obtained, but that they were in the process of completing an application to submit to the State.

Notes: The date that construction started and land disturbing activities began at the site was March 2007. The size of the facility is roughly 278 acres, with 20 (estimated- not listed in SWMP) acres being disturbed.

1. A copy of the Stormwater Management Plan (SWMP) was retained onsite. The SWMP was reviewed and found to be inadequate for the following reasons:
  - a) Part I.B.1 c was not adequately addressed. The area that was expected to undergo clearing, excavation, or grading was not addressed. This must be addressed.
  - b) Part I.B.1 d was not adequately addressed. It did not list the run-off coefficient. This must be addressed.
  - c) The site map did not show the following: areas of soil disturbance, the location of all major BMPs, existing vegetation, fueling stations, etc. The site map shall be updated to include all current site conditions.
  - d) Part I.B.3 was not adequately addressed. A description of what BMPs will be implemented at each phase of construction was not included. Update this Part to include the following information: What BMP is to be installed, Where will the BMP be installed, When will the BMP be installed, and How will it be installed (specification sheets). Be sure to include all BMPs- such as existing vegetation, street sweeping.
  - e) Part I.B.5 was not adequately addressed. The plan did not discuss items such as street sweeping which was occurring at the site. This Part must be updated to include all items that may require additional controls to reduce impact to stormwater.
  - f) Part I.B.5 did not adequately address Material Handling and Spill Prevention. This section must be updated to include, but not limited to, items such as who will be called in the event of a spill, when will they be called, how will wastes be disposed of once they are contained, etc... This Part must be updated.
  - g) Inspection records were not being kept at time of inspection. Inspection records must be conducted at least every 14 days, and after any precipitation or snowmelt event that causes surface erosion, except during winter snow pack conditions where no melting is occurring or when all construction activities are completed.

**Provide an updated SWMP and Site Map, and submit the response (to all items listed) to the Weld County Department of Public Health & Environment, and to the Colorado Department of Public Health & Environment Water Quality Control Division by May 17, 2007.**

#### Facility Inspection

2. It was noted during the inspection that there was run on water from Colorado Boulevard entering the project area before leaving again through an inlet without a BMP in place (See photos #1a, 1b, 1c). Adequate BMPs shall be installed to prevent the discharge of sediment off the project site (BMPs such as a stabilized conveyance, or direct piping may be used).
3. It was noted during the inspection that the area around the inlet structure did not have a BMP in place to prevent the discharge of sediment of the project site. BMPs must be implemented to prevent the discharge of sediment off site.

**Address items 2 and 3, and submit the response to the Weld County Department of Public Health & Environment, and to the Colorado Department of Public Health & Environment Water Quality Control Division by May 17, 2007.**

#1a



N/w corner

# 1b

Also need BMP for  
Exposed soil around  
inlet structure

# 1a



Need BMP for exposed soil  
from run or water

#1c

N/w corner

