

**From:** Anne Beierle [ABeierle@cityofgolden.net]  
**Sent:** Thursday, June 28, 2012 4:48 PM  
**To:** Rudolph, Martha  
**Subject:** Construction SW Compliance & Enforcement Workgroup

Martha,

Thanks for the chance to provide input for consideration in the workgroup's effort. In general, my concern with the legislation when it was introduced and with the current effort to address process issues, is that MS4s will find themselves caught in between expectations of the WQCD and expectations from construction permittees.

WQCD staff should be mindful to the issues raised in HB12-1119 and being addressed in this process and be careful not to inadvertently trigger these same issues at construction sites inside MS4s. Although Nathan's handout in the last meeting stated that compliance determinations in MS4s are "Based on failure to develop, implement, or enforce the PROGRAM, not on failure of the constructions sites to comply with the program", staff often use construction site compliance as a simple surrogate measure of MS4 program adequacy. For example, Jefferson County (just last week – on June 18<sup>th</sup>) received "construction site screening questions" that appear to push for stronger and more aggressive enforcement at specific construction sites in Jefferson County. This doesn't seem to fit with your statement at our last meeting that the State won't be pushing an enforcement agenda at construction sites during this process and it concerns me because it could put all of us (WQCD, MS4s, and construction contractors) at odds with each other.

Aside from the concern raised above, it is my personal preference that the construction workgroup be a dialogue between the Division and construction stormwater permittees without inserting MS4 oversight of construction sites into the process. If there are issues around coordination, effectiveness, and even consistency at sites within MS4s, these issues can be addressed in the proposed SW Issues Forum group.

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