



Delivered via Email

June 27, 2012

Ms. Martha Rudolph
Director of Environmental Programs
CDPHE
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Dear Martha:

I thought the first meeting of the Construction Stormwater Compliance Workgroup went very well. I am responding to your home-work assignment request regarding issues pertaining to enforcement and compliance. I would like to make three points on behalf of the CSSGA membership:

Consistency with Inspectors/Inspections: The WQCD clearly needs to do a better job of training inspectors in order to provide consistency from one inspector to the next. This is by far the biggest complaint I hear from CSSGA members. To that end, I would suggest that industry and WQCD develop some type of template for a check-list that WQCD inspectors, as well as industry, can use as a guide for consistency with inspections.

Although it is not directly applicable for the HB-1119 discussions, I will be sharing with Maura McGovern a proposed check-list that CSSGA members, and WQCD staff, could use as a guide for the combined stormwater discharge permit. I will raise this point during the upcoming July 17 training session with Maura and others from WQCD.

Expedited Violation Processing Time: We discussed this during the June 13 meeting and it is important to re-emphasize this point. Receiving a citation with fines 6-9-12 months after the initial inspection is totally unacceptable for a number of reasons:

- In many situations, the environmental mistake leading to a citation is corrected within hours of the initial inspection. While some other inspection concerns are corrected within 24 - 48 hours.
- Construction projects to a certain extent are very seasonal. Many construction jobs, by design, are short 60-90-120 projects. If a citation is delivered 6-9-12 months after the initial inspection, in many cases the project is closed-out long before a notice arrives from CDPHE (air, water and stormwater).
- Perhaps a deliverable from the Workgroup could be a list of "quick turn-around" projects where WQCD and industry could identify short-term projects. 60-90 day highway paving projects with CDOT would be one area to explore.

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Data Driven: When there are problems with an inspection the more specifics, data, and facts that can be presented, the better. In some circumstances, inspectors take the “this doesn’t look right” or “Operator XYZ does it this way” which are more subjective in nature. Specific data and facts will also help to achieve inspection consistency.

If you have any questions regarding my comments, please don’t hesitate to give me a call. As I mentioned at the end of the last meeting, I will not be able to attend the July 9 meeting; however, Totsy Rees will be representing CSSGA at this next meeting.

Again, I want to complement you on an excellent kick-off meeting on June 13. I look forward to working with you.

Best regards,

Pete Jacobson
Managing Director

cc: Totsy Rees