

# STATE OF COLORADO

John W. Hickenlooper, Governor  
Christopher E. Urbina, MD, MPH  
Executive Director and Chief Medical Officer

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

4300 Cherry Creek Dr. S.      Laboratory Services Division  
Denver, Colorado 80246-1530      8100 Lowry Blvd.  
Phone (303) 692-2000      Denver, Colorado 80230-6928  
Located in Glendale, Colorado      (303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

June 6, 2012

Mr. Bill Lawrence, Vice President  
Lawrence Construction Company  
9002 North Moore Rd.  
Littleton, Colorado 80125

*Certified Mail Number: 7010 1870 0002 0340 5552*

**RE: Expedited Settlement Agreement, Number: ES-120604-1  
CDPS Permit No: COR-03F280**

Dear Mr. Lawrence:

Enclosed for your records you will find Lawrence Construction Company'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.

The Water Quality Control Division acknowledges receipt of Lawrence Construction Company's payment of the settlement amount and will move forward with payment processing.

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

Sincerely,

Russell Zigler, Legal Assistant  
Compliance Assurance Section  
WATER QUALITY CONTROL DIVISION

cc: Tom Gonzales, El Paso County Public Health,  
Natasha Davis, EPA Region VIII  
Nathan Moore, Permits Unit, CDPHE

*Enclosure(s)*



Colorado Department of Public Health & Environment  
Water Quality Control Division

## EXPEDITED SETTLEMENT AGREEMENT

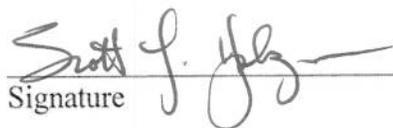
Number: ES-120604-1

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 Lawrence Construction Company (“Lawrence”). The Division and Lawrence may be referred to collectively as “the Parties.”

1. Lawrence 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. Lawrence was conducting road construction activities, located at or near South Academy Boulevard and B Street in or near the City of Colorado Springs, El Paso County, Colorado (the “Project”).
3. Lawrence failed to maintain 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, 5 CCR 1002-61, §61.3(1)(a), 61.3(2) and 61.4(3), 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 \$6,000.00.
5. By accepting this ESA, Lawrence neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. Lawrence 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, Lawrence has attached to this ESA: (1) representative photographs documenting the current conditions and the associated BMPs implemented at the Project.
7. Lawrence agrees to the terms and conditions of this ESA. Lawrence 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, Lawrence waives: (1) the right to contest the findings 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 Lawrence 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.

9. This ESA constitutes a final agency order or action upon the date when the Executive Director or his designee signs the ESA and effectively imposes the civil penalty.
10. Lawrence agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, Lawrence shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for the amount specified in paragraph 4 above, to:
- Joe Campbell  
 Colorado Department of Public Health and Environment  
 Water Quality Control Division  
 Mail Code: WQCD-CAS-B2  
 4300 Cherry Creek Drive South  
 Denver, Colorado 80246-1530
11. Notwithstanding paragraph 5 above, the violations described in this ESA will constitute part of Lawrence's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against Lawrence. Lawrence agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon Lawrence and its corporate subsidiaries or parents, their officers, directors, employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this ESA.

**ACCEPTED BY LAWRENCE CONSTRUCTION COMPANY:**

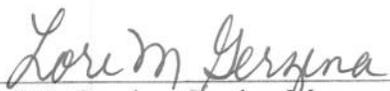
  
 Signature

5/17/12  
 Date

\_\_\_\_\_  
 Name (printed)

\_\_\_\_\_  
 Title

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

  
 Lori M. Gerzina, Section Manager  
 Compliance Assurance Section  
 WATER QUALITY CONTROL DIVISION

Date: 6/4/12

## Stormwater Inspection Report

<b>Permittee:</b> Lawrence Construction Company	<b>Cert. No.</b> not permitted (previously covered under COR03F280)	<b>Date(s):</b> 12/20/2011
<b>Facility:</b> S Academy Blvd Improvements Phase 4	<b>Industrial Type:</b> Construction	<b>Receiving Water:</b> unnamed tributary to Fountain Creek
<b>Facility Address:</b> South Academy Blvd. & B St., Colorado Springs Colorado		
<b>Persons present:</b> Keith Mondal (Project Manager, Lawrence Construction Company), John Chavez (Inspector, El Paso County), Scott Holzer (Field Safety Manager, Lawrence Construction Company)		
<b>Legally Responsible Person(s)/Title(s):</b> Bill Lawrence (Vice President, Lawrence Construction Company)		<b>Inspector(s)</b> Matt Czahor (WQCD)

### Inspection Findings

The WQCD inspector held a closing conference at the conclusion of the inspection. During the closing conference, the inspector reviewed the inspection findings with the facility representative and instructed the representative to correct all findings. Pursuant to all provisions of the Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (Permit), the findings below must be corrected.

#### Records Review

Note: Lawrence Construction Company submitted a Notice of Termination to the Water Quality Control Division (Division) to terminate its Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (Permit) coverage for Permit certification COR03F280. The Division received the Notice of Termination on 8/24/2011 and then terminated coverage for Permit certification COR03F280 effective 8/24/2011. Lawrence Construction Company certified in the Notice of Termination that it had achieved final stabilization in accordance with the Permit.

Note: The scope of this inspection was to confirm whether or not Lawrence Construction Company had achieved final stabilization in accordance with the Permit. Therefore, the inspection records and the stormwater management plan were not evaluated as a part of this inspection.

Note: Also included in this inspection report are the photos taken of this site during an inspection conducted by John Chavez (Inspector for El Paso County) on 9/20/2011.

#### Facility Inspection

Note: Stormwater runoff from the constructed roadway areas identified in the below findings discharges into a down gradient storm sewer system that ultimately discharges into Fountain Creek. Stormwater runoff from the disturbed slopes in the fill grading export site identified in the below findings discharges into down gradient unnamed tributaries to Fountain Creek.

Note: In accordance with the Permit, final stabilization is reached when all land disturbing activities at the site have been completed, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

1. It was noted during an inspection conducted by John Chavez (Inspector for El Paso County) on 9/20/2011 that Lawrence Construction Company had not achieved final stabilization in accordance with the Permit. A uniform vegetative cover had not been established for the disturbed areas adjacent to S Academy Blvd. As a result, erosion and sediment transport was occurring on these disturbed areas adjacent to S Academy Blvd (see photos 1-3). So much sediment was being transported during storm events that the sediment was clogging the down gradient storm sewer system (see photo 4). A uniform vegetative cover had not been established for the disturbed slopes and fill areas associated with the fill grading export site. Numerous bare dirt areas that were void of vegetation were observed on the disturbed slope. As result,

erosion rills were evident across the slope and sediment transport was observed at the toe of the slope (see photos 5 and 6).

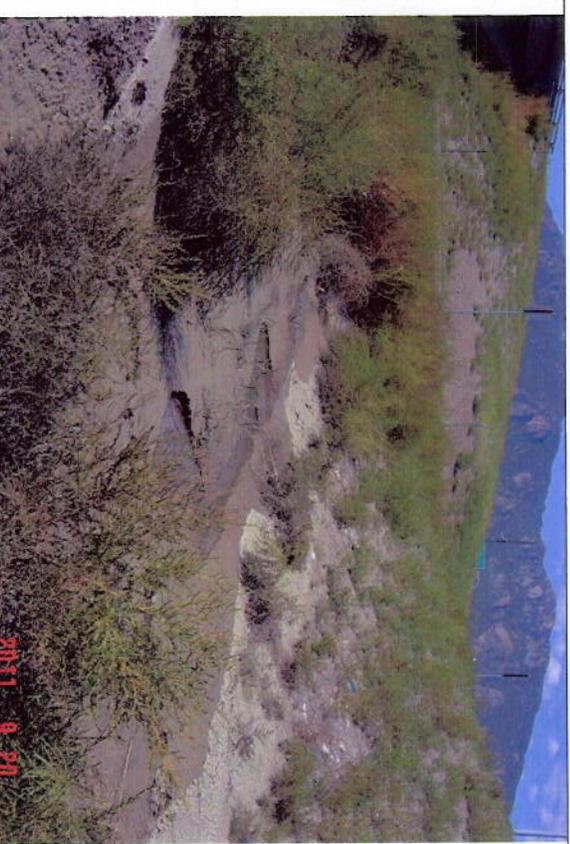
Note: During the Division's inspection of the site conducted on 12/20/2011 snow was shoveled off of the ground surface in order to expose the ground surface and evaluate the current conditions of the ground. These exposed areas varied in size, but were approximately 6 feet by 5 feet. The exposed areas were discovered to be void of vegetation and were comprised of either bare loose dirt or bare loose dirt covered by erosion control blankets. Pictures of the shoveled areas are included in Finding 2 below.

2. It was noted during the inspection conducted by the Division on 12/20/2011 that Lawrence Construction Company had not achieved final stabilization in accordance with the Permit. A uniform vegetative cover had not been established for the disturbed areas adjacent to S Academy Blvd. The exposed areas were discovered to be void of vegetation and were comprised of bare loose dirt (see photos 17-19). A uniform vegetative cover had not been established for the disturbed slopes and fill areas associated with the fill grading export site. The exposed areas were discovered to be void of vegetation and were comprised of either bare loose dirt or bare loose dirt covered by erosion control blankets. (see photos 7-16).

Note: Photographs 20-22 were taken to document the surrounding landscape and undisturbed vegetative cover adjacent to the fill grading export site. The vegetative cover that was left undisturbed comprised of a thick layer of established grasses, occasional shrubs, and occasional small trees.

# Site Photographs

Lawrence Construction Company  
 S Academy Blvd Improvements Phase 4  
 Colorado Springs, Colorado



**Photograph 1** – Photo taken 9/20/2011 by John Chavez. Inlet side of water quality pond, silted in. Looking SW.



**Photograph 2** – Photo taken 9/20/2011 by John Chavez. On ramp to east bound S. Academy Blvd., erosion and sediment transport occurring. Looking W.



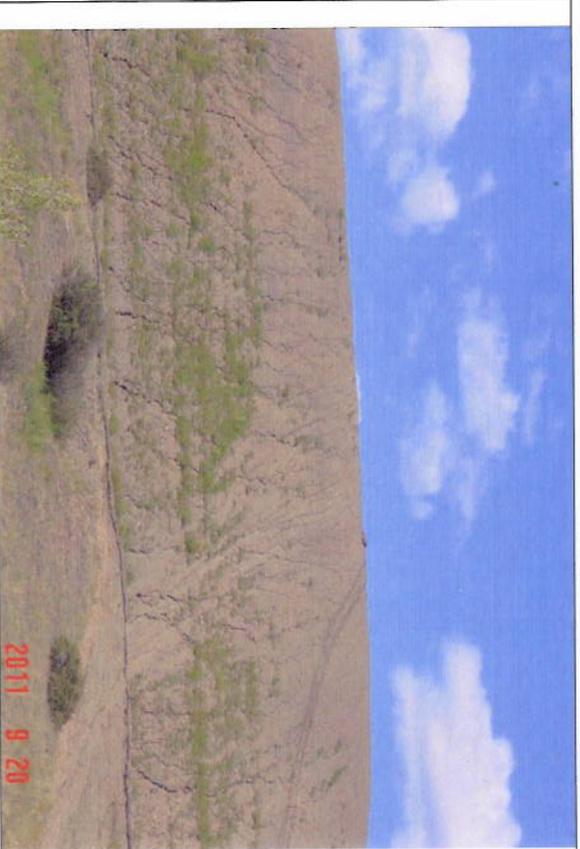
**Photograph 3** – Photo taken 9/20/2011 by John Chavez. Close up of ground in photo 2, straw wattle check dam completely silted in.



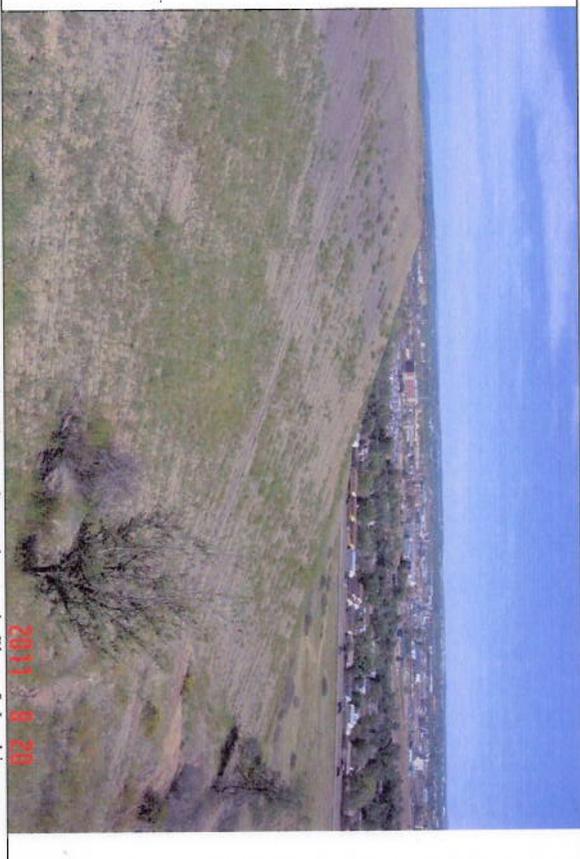
**Photograph 4** – Photo taken 9/20/2011 by John Chavez. Red arrow points to drop inlet at west bound off-ramp at B St. Inlet silted in and clogged with sediment.

# Site Photographs

Lawrence Construction Company  
S Academy Blvd Improvements Phase 4  
Colorado Springs, Colorado



**Photograph 5** – Photo taken 9/20/2011 by John Chavez. Fill slope in fill grading export site. Looking up at slope to the NW. Note the erosion rills and areas of bare dirt.



**Photograph 6** – Photo taken 9/20/2011 by John Chavez. Same slope as in Photo 5. Looking across mid-slope to the NE. Note the erosion rills and areas of bare dirt.



**Photograph 7** – Photo taken 12/20/2011 by Matt Czahor. Same slope as in photo 5. At the top of slope looking E. Note the exposed ECBS along the ridge. Dirt under ECBS.



**Photograph 8** – Photo taken 12/20/2011 by Matt Czahor. Approximately same location as in photo 7. Looking at the face of the slope extending down from the top. ECBS, with dirt below.

# Site Photographs

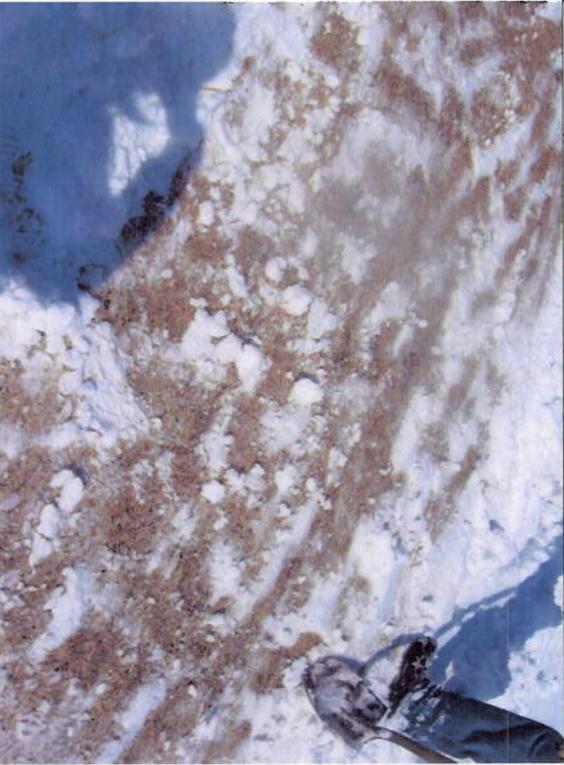
Lawrence Construction Company  
S Academy Blvd Improvements Phase 4  
Colorado Springs, Colorado



**Photograph 9** – Photo taken 12/20/2011 by Matt Czahor. Approximately 50 yards NE of location in photo 8. Looking at the face of the fill slope extending down from the top. ECBs, dirt below.



**Photograph 10** – Photo taken 12/20/2011 by Matt Czahor. Close up of photo 9. ECBs with dirt below.



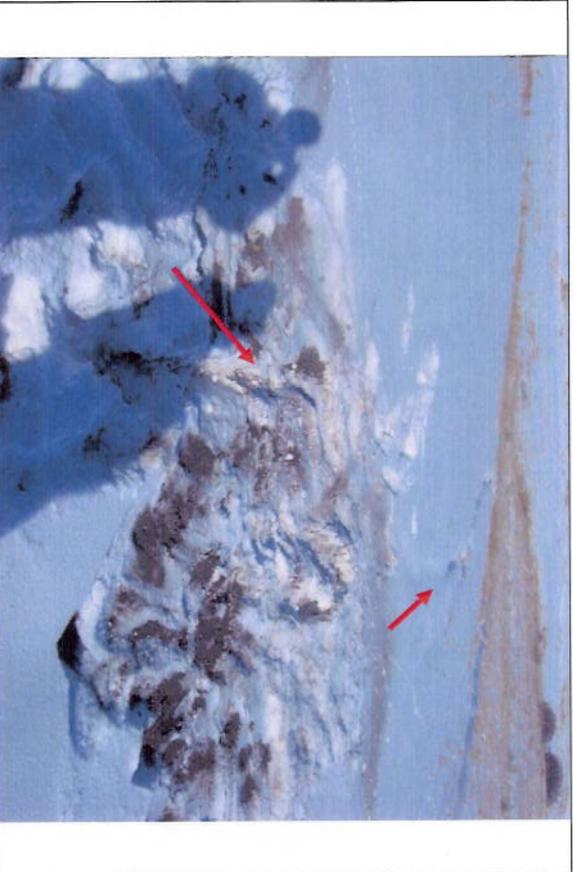
**Photograph 11** – Photo taken 12/20/2011 by Matt Czahor. Close up of photo 9. ECBs with dirt below.



**Photograph 12** – Photo taken 12/20/2011 by Matt Czahor. Approximately 20 yards NW of location in photo 9 and mid-way down fill slope. Just loose bare dirt.

# Site Photographs

Lawrence Construction Company  
S Academy Blvd Improvements Phase 4  
Colorado Springs, Colorado



**Photograph 13** – Photo taken 12/20/2011 by Matt Czahor. NW of location in photo12. Disturbed slope with loose bare dirt and erosion gully. Red arrows point to erosion gully.



**Photograph 14** – Photo taken 12/20/2011 by Matt Czahor. Same location as photo 13, view of erosion gully. Red arrows point to erosion gully



**Photograph 15** – Photo taken 12/20/2011 by Matt Czahor. Down gradient and to the W of the location in Photo13. Just loose bare dirt.



**Photograph 16** – Photo taken 12/20/2011 by Matt Czahor. W of the location in photo 15. Looking up the face of a disturbed slope. Just loose bare dirt with some erosion rills.

# Site Photographs

Lawrence Construction Company  
S Academy Blvd Improvements Phase 4  
Colorado Springs, Colorado



**Photograph 17** – Photo taken 12/20/2011 by Matt Czahor. Disturbed slope W of B St. and N of E bound S. Academy Blvd. Loose bare dirt with sparse weeds.



**Photograph 18** – Photo taken 12/20/2011 by Matt Czahor. Disturbed area W of B St. and in between E and W bound S. Academy Blvd. Looking E. Loose bare dirt with sparse weeds.



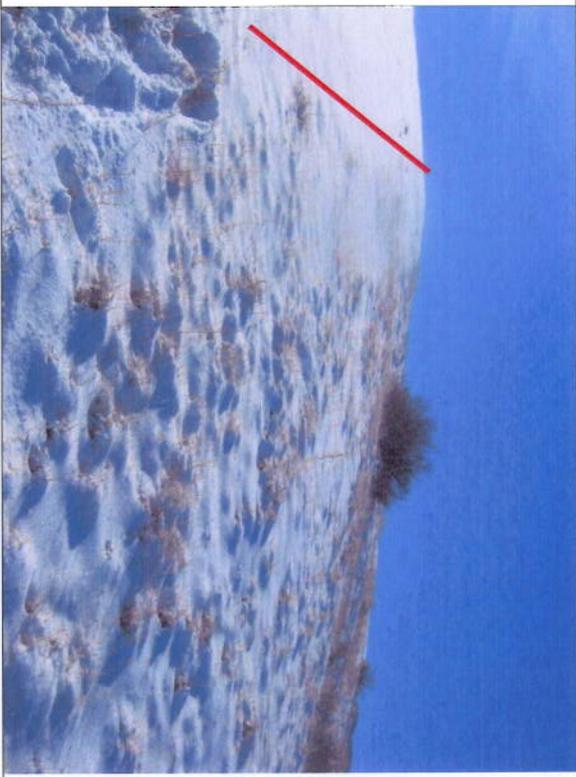
**Photograph 19** – Photo taken 12/20/2011 by Matt Czahor. Disturbed area W of B St. and in between E and W bound S. Academy Blvd. Looking W. Loose bare dirt with sparse weeds.



**Photograph 20** – Photo taken 12/20/2011 by Matt Czahor. Overview of the surrounding landscape adjacent to the fill grading export site. Looking E.

# Site Photographs

Lawrence Construction Company  
 S Academy Blvd Improvements Phase 4  
 Colorado Springs, Colorado



**Photograph 21** – Photo taken 12/20/2011 by Matt Czahor. Looking up the slope in photo 16. To the left of the red line is the disturbed area and to the right is the existing vegetation undisturbed.



**Photograph 22** – Photo taken 12/20/2011 by Matt Czahor. Close up view of the undisturbed vegetative cover in photo 21. The undisturbed vegetative cover was thick and well established.

**Site Photographs**

Lawrence Construction Company  
S Academy Blvd Improvements Phase 4  
Colorado Springs, Colorado

--



