



## COLORADO

Department of Public  
Health & Environment

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

November 24, 2014

Bill Hornaday, Executive Vice President  
The Weitz Company, LLC  
4725 S. Monaco Street, Suite 100  
Denver, Colorado 80237

*Certified Mail Number: 7005 1820 0000 3208 7120*

**RE: Expedited Settlement Agreement  
Apex Meridian / CDPS Permit Certification # COR-03K205**

Dear Mr. Hornaday:

Enclosed for your records is The Weitz Company, LLC's copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was revised to reflect the correct ESA Number.

As specified in paragraph ten of the enclosed ESA, The Weitz Company, LLC must, within fifteen calendar days, submit a certified or cashier's check for the amount specified in paragraph four of the ESA to the Water Quality Control Division in order to resolve the matter.

If you have any questions, please do not hesitate to contact me at (303) 692-2271 or [lindsay.ellis@state.co.us](mailto:lindsay.ellis@state.co.us).

Sincerely,

Lindsay Ellis, Enforcement Specialist  
Clean Water Enforcement Unit  
WATER QUALITY CONTROL DIVISION

### *Enclosures*

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII  
Brian Hlavacek, Tri-County Health Department  
Shad Cloeter, The Weitz Company, LLC  
Nicole Rowan, Watershed Section, CDPHE  
Michael Beck, Grants and Loans Unit, CDPHE  
Bret Icenogle, Engineering Section, CDPHE  
Kelly Jacques, Field Services Section, CDPHE  
Lillian Gonzalez, Permits Unit 1, CDPHE  
Nathan Moore, Clean Water Compliance Unit, CDPHE  
Michael Harris, Clean Water Enforcement Unit, CDPHE  
Tania Watson, Compliance Assurance, CDPHE



Colorado Department of Public Health & Environment  
Water Quality Control Division

## EXPEDITED SETTLEMENT AGREEMENT

Number: ES-141124-2

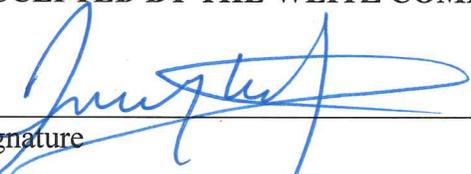
The Colorado Department of Public Health and Environment (“Department”), through the Water Quality Control Division (“Division”), issues this Expedited Settlement Agreement (“ESA”), pursuant to the Division’s authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control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

1. Weitz 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. Weitz was conducting construction activities to build a multi-unit residential development, located at or near the intersection of Inverness Parkway and South Valley Highway in unincorporated Douglas County, Colorado (“Project”).
3. Weitz, as described in the attached inspection report, failed to comply with the provisions of its Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (“Permit”), Certification Number COR-03K205.
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 \$11,625.00.
5. By accepting this ESA, Weitz neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. Weitz 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, Weitz 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. Weitz agrees to the terms and conditions of this ESA. Weitz 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, Weitz 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 Weitz 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. Weitz agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, Weitz 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:
 

Lindsay Ellis  
 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
11. Notwithstanding paragraph 5 above, the violations described in this ESA will constitute part of Weitz'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 Weitz. Weitz agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon Weitz 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 THE WEITZ COMPANY, LLC:**

 <hr style="border: 0; border-top: 1px solid black;"/>	<p style="text-align: right; font-size: 1.2em;">09/16/2014</p> <hr style="border: 0; border-top: 1px solid black;"/>
<p>Signature</p>	<p>Date</p>
<p style="font-size: 1.2em; margin-left: 40px;">TROY W. GARRETT</p> <hr style="border: 0; border-top: 1px solid black;"/>	<p style="font-size: 1.2em; margin-left: 40px;">EVP/GM</p> <hr style="border: 0; border-top: 1px solid black;"/>
<p>Name (printed)</p>	<p>Title</p>

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

 <hr style="border: 0; border-top: 1px solid black;"/>	<p style="text-align: right; font-size: 1.2em;">Date: 11/24/14</p> <hr style="border: 0; border-top: 1px solid black;"/>
<p>Ron Falco, P.E., Acting Director        WATER QUALITY CONTROL DIVISION</p>	

# STATE OF COLORADO

John W. Hickenlooper, Governor  
Larry Wolk, MD, MSPH  
Executive Director and Chief Medical Officer

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

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www.colorado.gov/cdphe



Colorado Department  
of Public Health  
and Environment

June 16, 2014

CERTIFIED NO: 7012-2920-0000-4116-3163

Bill Hornaday, Executive VP  
The Weitz Company LLC  
4725 S. Monaco St., Suite 100  
Denver CO 80237  
[bill.hornaday@weitz.com](mailto:bill.hornaday@weitz.com)

Re: Facility Inspection / Compliance Advisory  
The Weitz Company LLC — Apex Meridian Project  
CDPS Permit No. COR03K205

Mr. Hornaday:

An inspection of the above-referenced facility was conducted by the Water Quality Control Division (the division) on May 14, 2014. The inspection procedure consisted of two parts, a review of records and an on-site facility inspection. Findings identified during the inspection are detailed in the enclosed inspection report.

This correspondence documents:

1. The division's expectations for correcting the inspection findings.
2. The division's determination on whether the findings meet established criteria for formal enforcement.
3. If the division requires a response to the inspection report.

## **Corrective Action**

The division evaluated the inspection findings against the division's Stormwater Enforcement Response Guide and has determined that the findings identified in the enclosed inspection report **meet** the criteria for a formal enforcement response. The following discussion provides the division's expectation for the inspected entity's response to the inspection report, and information regarding response adequacy and future division communication.

- a. Consistent with section 61.8(3) of 5 CCR 1002-61 (Regulation No. 61) and Part II.B.2 of the CDPS General Permit for Stormwater Discharges Associated with Construction Activity, the inspected entity must submit a response to the Division that documents the corrective action(s) implemented for each finding identified in the enclosed inspection report. Unless specifically requested by the Division, the inspected entity is not required to submit a copy of the revised Stormwater Management Plan with the response. The inspected entity must submit the response to the Colorado Department of Public Health and Environment, WQCD-P-B2, 4300 Cherry Creek Drive South, Denver, CO 80246-1530, Attn: Rik Gay, by COB June 30, 2014.

- b. The inspected entity is encouraged to provide any additional information they feel should be considered by the division with respect to any finding identified in the enclosed inspection report. The division will evaluate this information, and may modify the Compliance Determination if the information demonstrates the finding was not accurate.
- c. Following receipt and review of the inspected entity's response (as identified in a. above), the division will identify whether all inspection findings were adequately addressed and whether there is, or is not, evidence of continuing noncompliance and potential for continued penalty liability for ongoing violations. The division intends to communicate this determination, in writing, within 30 days following the receipt of an inspected entity's response, or will provide a revised schedule if additional time is required to complete the division evaluation. If the division determines the inspection findings have not been adequately addressed, the division response will provide notification of the continued noncompliance and the need for corrective action.
- d. The division's standard enforcement response process includes the issuance of a Notice of Violation/Cease and Desist Order. The division has an internal time control goal of 180 days to issue a formal enforcement action for identified noncompliance meeting the established criteria for formal enforcement. If the division determines that it will not meet its internal time control goal, the division will provide written notification to the permittee within 180 days of the date of the inspection. If, at any time, the division determines that it will forego a formal enforcement response for the identified noncompliance, the division will provide written notification to the permittee at the time that decision is made.

This Compliance Advisory is intended to advise the inspected entity of alleged violations of the Colorado Water Quality Control Act, its implementing regulations and permits so that appropriate steps can be taken to avoid or mitigate formal enforcement action or to correct our records (if applicable). This Compliance Advisory does not constitute a Notice of Violation or Cease and Desist Order and is not subject to appeal. The issuance of this Compliance Advisory does not limit or preclude the division from pursuing its enforcement options concerning the above violation(s). The division will evaluate the facts associated with the above-described violation(s) and if a formal enforcement action is deemed necessary, the inspected entity may be issued a Notice of Violation / Cease and Desist Order that may include the assessment of penalties.

If you have any questions, please call me at 303-692-3575.

Rik Gay  
Environmental Protection Specialist  
Permits Section  
WATER QUALITY CONTROL DIVISION

cc: File Copy

## Stormwater Inspection Report

**Permittee:** The Weitz Company LLC      **Cert. No.** COR03K205      **Report Date:** June 5, 2014  
**Inspection Date:** May 14, 2014

**Facility:** Apex Meridian Project      **Receiving Water:** Cottonwood Creek

**Facility Address:** 363 Inverness Parkway, Englewood CO 80112

**Persons Present:** Chad Cloeter, Matt Schultz, Rick Pusch / Weitz; David Vasquez / Shea Properties

**Legally Responsible Person(s) / Title(s):** Bill Hornaday / Executive VP      **Inspector:** Rik Gay

### Inspection Findings

The Water Quality Control Division (division) inspector held a closing conference at the conclusion of the inspection, during which the inspector reviewed all alleged inspection findings with the facility representative. The inspector communicated the division's expectation that the facility representative initiate corrective actions, immediately, for all alleged inspection findings, in accordance with the provisions of the CDPS General Permit for Stormwater Discharges Associated with Construction Activity (the permit).

### RECORDS REVIEW

Note 1: In a communication with the permittee prior to the inspection, the division inspector requested an additional copy of the Stormwater Management Plan (SWMP), supporting documents and inspection records be provided to division personnel at the inspection. The copy of the SWMP, supporting documents and inspection records were provided to the Division inspector on May 14, 2014 during the inspection.

Note 2: The permit certification effective date was February 26, 2013. The date that construction started and land-disturbing activities began at the site was August 8, 2013 as provided by Rick Pusch.

1. A copy of the SWMP was retained onsite. The division inspector reviewed the SWMP and found it to be inadequate for the following reasons:
  - a) The Site Description section did not adequately describe items listed below as required by Part I.C.1 of the permit. Specifically, the percent (density) of the pre-construction vegetative cover was not included in the description. The SWMP shall clearly describe the construction activity, and include:
    - The pre-construction percent vegetated ground coverThe division expects the permittee to update the Site Description section of the SWMP to include all items required by the permit.
  - b) The Site Map section of the SWMP did not identify all items required by Part I.C.2 of the permit. Specifically, the sediment control log on the north side of lot 5 was not indicated on the site map. The SWMP shall include a legible site map(s), showing the entire site and identify:
    - The locations of all structural control measuresThe division expects the permittee to update the Site Map to include all items required by the permit.

- c) The Stormwater Management Controls section did not identify all items required by Part I.C.4 of the permit. Specifically, practices and procedures implemented at the site to minimize impacts from procedures or significant materials were discussed in the SWMP; however a spill response plan was not included or referenced in the SWMP. The description of the stormwater management controls in the SWMP shall at a minimum:

- Spill prevention and response procedures for areas where potential spills can occur

The division expects the permittee to update the Stormwater Management Controls section to include all items as required by the permit.

2. Inspection records were available for review during the inspection. Upon review, the inspection records were found to be inadequate. Inspection records from January 16, 2014 through May 13, 2014 were reviewed by the inspector.

- a) Inspections were not conducted consistent with minimum schedules required by Part I.D.6.a of the permit. Specifically, Inspections were performed on 1/16/14, 2/20/14 (35 days apart), 3/6/14 & 5/13/14 (69 days apart).

The permit requires at a minimum, inspections must be conducted at least once every 14 calendar days. Post-storm inspections must be conducted within 24 hours after the end of any precipitation event that causes surface erosion. At sites where construction activity is complete but final stabilization has not been achieved, inspections must be conducted at least monthly. The division expects the permittee to conduct inspections within the timeframes required by the permit.

- b) Maintenance of control measures was not performed and/or documented as required by Part I.D.8 of the permit. Specifically,
- Corrective actions were not occurring immediately or as soon as possible.
  - The inspection conducted on 1/16/14 noted a required corrective action, but the corrective action was not completed until 2/20/14, 35 days after the initial inspection.
  - The inspection conducted on 2/20/14 noted multiple corrective actions and some of the corrective actions were not completed until 3/6/14, 14 days after the initial inspection.

The permit requires that:

- Where site inspections note the need for maintenance or replacement, control measures must be maintained in accordance with the SWMP and Part I.D.7 of the permit. Control measures that are not adequately maintained in accordance with good engineering, hydrologic and pollution control practices, including removal of collected sediment outside the acceptable tolerances of the control measure, are considered to be no longer operating effectively.
- Repair, replacement, or installation of new control measures determined necessary during site inspections to address ineffective or inadequate control measures must be conducted in accordance with Part I.D.8 of the permit. Control measures considered to no longer be operating effectively resulting in noncompliance with the permit must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants.
- SWMP updates required as a result of deficiencies in the SWMP noted during site inspections shall be made in accordance with Part I.D.5.c of the permit.

The division expects the permittee to maintain control measures in accordance with good engineering, hydrologic and pollution control practices, within the prescribed timeframe, as required by the permit.

**SITE INSPECTION**

Note 3: As required by Part I.D.2 of the permit all control measures mentioned in the following findings must be:

- Selected, installed, implemented and maintained according to good engineering, hydrologic and pollution control practices.
- Consistent with the installation and implementation specifications identified in the SWMP.
- Designed to provide control for all potential pollutant sources associated with the construction activity and to prevent pollution or degradation of state waters.

Note 4: The findings identified below provide specific observations of field deficiencies. It remains the permittee's responsibility to ensure that all permit requirements, terms and conditions are met for the entire construction site.

Note 5: Section 2.5 Stormwater Management Considerations indicated that the SWMP indicated that stormwater captured by stormwater inlets was conveyed through the storm sewer to the regional water quality and detention pond. The division does not recognize the regional pond as an appropriate control measure for the project.

- The pond is constructed in the floodway of Cottonwood Creek which is a state water.
- The pond was not constructed to receive runoff from construction projects.

1. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located on Lot 5 along the south perimeter of the project adjacent to the South Valley Highway (refer to photographs 1, 2).

- Control Measure Observation: Control measures were not implemented to control pollutant contributions to stormwater runoff from the location and pollutant source noted above.
- Control Measure Finding: An installation and implementation specification for perimeter sediment control was provided in Table 10 of the SWMP, but was not implemented.

Specifically, Control measure was not implemented at perimeter of the disturbed area as directed by the SWMP.

- Stormwater runoff from this area is discharged as follows: Collected by curb and gutter to MS4, discharged to a regional detention pond which discharges to Cottonwood Creek. Additional inadequate control measures were implemented down gradient of this location (see Note 5).
- Result: There was a potential discharge of pollutants to the following state water: Cottonwood Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Control measures must be implemented to manage stormwater runoff from all potential pollutant sources.
  - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
  - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

2. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located in lots 5 & 6 (refer to photographs 3, 4 & 15).

- Control Measure Observation: Type B inlet protection control measures were implemented to manage pollutant contributions to stormwater runoff from the location and pollutant source noted above; however, as a stand-alone the control measure was inadequate.
- Control Measure Finding: An installation and implementation specification was provided in the SWMP but the control measure was not in accordance with good engineering, hydrologic and pollution control practice as required by the permit.

Specifically, inlet protection relied on the use of curb socks as a sole control measure between the disturbed area and the inlet and sediment was observed at the intake of the inlet. Given expected runoff volumes, inlet protection alone does not provide the mechanisms (filtering and/or settling) for pollutant removal from disturbed areas without additional sediment control measures. Therefore, all runoff from disturbed areas must be directed through at least one up-gradient sediment control measure designed and implemented for treatment of runoff from disturbed areas prior to the inlet protection.

- Stormwater runoff from this area is discharged as follows: Collected by curb and gutter to MS4, discharged to a regional detention pond which discharges to Cottonwood Creek. Additional inadequate control measures were implemented down gradient of this location (see Note 5).
- Result: There was a potential discharge of pollutants to the following state water: Cottonwood Creek.
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
  - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

3. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions in stormwater runoff from Sediment from disturbed areas located the southeast corner of the east entrance off of Inverness Parkway (refer to photograph 5).

- Control Measure Observation: The Site Map identified silt fence as a perimeter control measure for the location and pollutant source noted above; however the control measure had not been implemented.
- Control Measure Finding: An installation and implementation specification for silt fence was provided in the SWMP, but was not implemented.

Specifically, a grade differential control measure (not indicated on the site map) had been implemented in place of the silt fence (that was indicated on the site map) at the low point of the block however the contributing area exceeded the capacity of the grade differential and a discharge was observed to the roadway.

- Stormwater runoff from this area is discharged as follows: Collected by curb and gutter to MS4, discharged to a regional detention pond which discharges to Cottonwood Creek. Additional inadequate control measures were implemented down gradient of this location (see Note 5).
  - Result: There was a potential discharge of pollutants to the following state water: Cottonwood Creek
  - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
    - Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit.
    - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
    - Update the SWMP when new control measures are installed or control measures are replaced.
4. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located along Inverness Parkway and a few locations on lot 6 (refer to photographs 6, 7 & 16).
- Control Measure Observation: A silt fence control measure was implemented to manage pollutant contributions to stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
  - Control Measure Finding: An installation and implementation specification for silt fence was provided in the SWMP, but was not consistently implemented.  
Specifically, Silt fence had rips, tears and required maintenance.
  - Stormwater runoff from this area is discharged as follows: Runoff from lot 5 is collected by curb and gutter to MS4, discharged to a regional detention pond which discharges to Cottonwood Creek. Lot 6 surface flows to the regional detention pond. Additional inadequate control measures were implemented down gradient of this location(see Note 5).
  - Result: There was a potential discharge of pollutants to the following state water: Cottonwood Creek
  - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
    - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
5. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located Lot 5 at the end of the newly paved areas (refer to photographs 8, 11 & 12).
- Control Measure Observation: The SWMP identified a vehicle tracking control measure for the conditions and pollutant source noted above; however the control measure had not been implemented.

- **Control Measure Finding:** An installation and implementation specification for a vehicle tracking control measure was provided in the SWMP, but was not implemented.

Specifically, Vehicle tracking pads had not been installed prior to paving at the remaining three (3) access points to disturbed areas on the project

- **Stormwater runoff from this area is discharged as follows:** Collected by curb and gutter to MS4, discharged to a regional detention pond which discharges to Cottonwood Creek. Additional inadequate control measures were implemented down gradient of this location (see Note 5).
- **Result:** There was a potential discharge of pollutants to the following state water: Cottonwood Creek
- **Expectations:** The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Control measures must be implemented to manage stormwater runoff from all potential pollutant sources.
  - Practices must be implemented for all areas of potential vehicle tracking, and can include: minimizing site access; street sweeping or scraping; tracking pads; graveled parking areas; requiring that vehicles stay on paved areas on-site; wash racks; contractor education; and/or sediment control measures, etc.

6. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from the concrete washout located Lot 5 (refer to photographs 9 & 10).

- **Control Measure Observation:** A concrete washout control measure was implemented to manage pollutant contributions to stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
- **Control Measure Finding:** An installation and implementation specification for the concrete washout was provided in the SWMP, but was not consistently implemented.

Specifically, the washout had not been constructed per specification in the SWMP.

- The berm surrounding the washout was not the correct dimensions
- The berm had not been compacted.
- Concrete washout was observed outside the washout control measure.
- Concrete waste and washout had exceeded the capacity of the washout.
- **Stormwater runoff from this area is discharged as follows:** Collected by curb and gutter to MS4, discharged to a regional detention pond which discharges to Cottonwood Creek. Additional inadequate control measures for concrete washout were not implemented down gradient of this location (see Note 5).
- **Result:** There was a potential discharge of pollutants to the following state water: Cottonwood Creek
- **Expectations:** The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
  - The discharge of concrete washout waste must not leave the site as surface runoff or to surface waters.

- All site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.
- Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

7. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located at the north border of Lot 5 (refer to photographs 13 & 14).

- Control Measure Observation: A sediment control log control measure was implemented to manage pollutant contributions to stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
- Control Measure Finding: An installation and implementation specification for sediment control log was provided in the SWMP, but was not consistently implemented.

Specifically, Log had not been trenched in to the required depth.

- Stormwater runoff from this area is discharged as follows: Collected by curb and gutter to MS4, discharged to a regional detention pond which discharges to Cottonwood Creek. Additional control measures were not implemented down gradient of this location (see Note 5).
- Result: There was a potential discharge of pollutants to the following state water: Cottonwood Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
  - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
  - Update the SWMP when new control measures are installed or control measures are replaced.

8. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located by the sidewalk at the northeast corner (refer to photograph 14).

- Control Measure Observation: A sediment control log control measure was implemented to manage pollutant contributions to stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
- Control Measure Finding: An installation and implementation specification for sediment control log was provided in the SWMP, but was not implemented.

Specifically, Sediment control log is not intended for use on hardened surfaces.

- Stormwater runoff from this area is discharged as follows: Collected by curb and gutter to MS4, discharged to a regional detention pond which discharges to Cottonwood Creek. Additional inadequate control measures were implemented down gradient of this location (see Note 5).
- Result: There was a potential discharge of pollutants to the following state water: Cottonwood Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
  - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

9. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located at the lower end of the stabilized storage/parking area in lot 6 (refer to photographs 17 - 19).

- Control Measure Observation: A silt fence control measure was implemented to manage pollutant contributions to stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
- Control Measure Finding: An installation and implementation specification was provided in the SWMP but the control measure was not in accordance with good engineering, hydrologic and pollution control practice as required by the permit.

Specifically, silt fence was the only control measure for an approximately 3 acre upslope disturbed area, significantly exceeding its treatment capacity (maximum contributing drainage area of ¼ acre per 100 linear feet of silt fence), and subsequently failed during a runoff event. Note the silt fence was not located on the site map.

- Stormwater runoff from this area is discharged as follows: Surface runoff to the regional detention basin. Additional inadequate control measures were implemented down gradient of this location (see Note 5).
- Result: There was a potential discharge of pollutants to the following state water: Cottonwood Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
  - Control measures implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of State waters.
  - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
  - Update the SWMP when new control measures are installed or control measures are replaced.

10. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater runoff from sediment from stockpiles located on Lot 6 (refer to photograph 20).

- Control Measure Observation: Control measures were not observed at the location and for the pollutant source noted above.
- Control Measure Finding: An installation and implementation specification for stockpile management control measures was provided in the SWMP, but was not implemented.

Specifically, No containment control measure was observed downslope at the toe of the stockpile

- Stormwater runoff from this area is discharged as follows: Surface runoff to the regional detention basin. Additional inadequate control measures were implemented down gradient of this location (see Note 5).
- Result: There was a potential discharge of pollutants to the following state water: Cottonwood Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit.
  - Control measures must be implemented to manage stormwater runoff from all potential pollutant sources.

11. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater runoff from construction materials waste located on Lot 6 (refer to photograph 22).

- Control Measure Observation: A waste management control measure was implemented to manage pollutant contributions to stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate and not consistently implemented.
- Control Measure Finding: An implementation specification for construction waste management was provided in the SWMP, but was not implemented.

Specifically, street sweeping tailings were observed on the ground next to a dumpster not disposed of properly.

- Stormwater runoff from this area is discharged as follows: Surface runoff to the regional detention basin. Additional inadequate control measures were implemented down gradient of this location (see Note 5).
- Result: There was a potential discharge of pollutants to the following state water: Cottonwood Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Control measures must be implemented to manage stormwater runoff from all potential pollutant sources.
  - All site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.
  - Implement control measures consistent with the specifications provided in the SWM



**Photograph 1:** No control measure between disturbance and flow line along South Valley Highway



**Photograph 2:** See photograph 1



**Photograph 3:** Inadequate inlet protection on South Valley Highway



**Photograph 4:** Inadequate inlet protection on west side of Inverness Parkway



**Photograph 5:** Inadequate control measures East entrance off Inverness Parkway



**Photograph 6:** Silt fence requires maintenance east side of Lot 5



**Photograph 7:** See photograph 6



**Photograph 8:** Vehicle tracking control missing at access point from new paved area between Bldg. 4 & 5



**Photograph 9:** Concrete washout on Lot 5 not installed per spec and required maintenance.



**Photograph 10:** See photograph 10



**Photograph 11:** Vehicle tracking control missing at access point from new paved area between Bldg. 5 & 6



**Photograph 12:** Vehicle tracking control missing at access point from new paved area north of Bldg. 6



**Photograph 13:** Sediment control log installation not per spec.



**Photograph 14:** Inappropriate application of sediment control log.



**Photograph 15:** Inadequate inlet protection on east side of Inverness Parkway



**Photograph 16:** Silt fence requires maintenance on Lot 6



**Photograph 17:** Silt fence failure downslope of the Stabilized Staging Area



**Photograph 18:** Silt fence failure downslope of the Stabilized Staging Area



**Photograph 19:** Contributing area exceeds treatment capacity of control measure



**Photograph 20:** Stockpile management control measure not installed.



**Photograph 21:** Sediment control log installation not per spec.



**Photograph 22:** Street sweeper tailings dumped on the ground.