



COLORADO

Department of Public
Health & Environment

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

March 27, 2015

Joe Stifter, VP Land Development & Entitlements
CC Communities, LLC
8390 E. Crescent Parkway, Suite 650
Greenwood Village, CO 80111

Certified Mail Number: 7005 1820 0000 3208 7182

**RE: Expedited Settlement Agreement
Foothills Overall Campus Subd / CDPS Permit Certification # COR-03L162**

Dear Mr. Stifter:

Enclosed for your records is CC Communities, 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 assigned ESA Number.

As specified in paragraph ten of the enclosed ESA, CC Communities, 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.

Sincerely,

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

Enclosures

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Jim Rada, Environmental Health Services, Jefferson County Public Health
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-150326-1

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 (“Act”) §§25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of CC Communities, LLC (“CC Communities”). The Division and CC Communities may be referred to collectively as “the Parties.”

1. CC Communities 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. CC Communities, d/b/a Century Communities, was conducting construction activities to build a single family residential development, located in or near the City of Littleton, Jefferson County, Colorado (“Project”).
3. CC Communities, 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-03L162.
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 \$16,125.00.
5. By accepting this ESA, CC Communities neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. CC Communities 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, CC Communities 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. CC Communities agrees to the terms and conditions of this ESA. CC Communities 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, CC Communities 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 CC Communities 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.

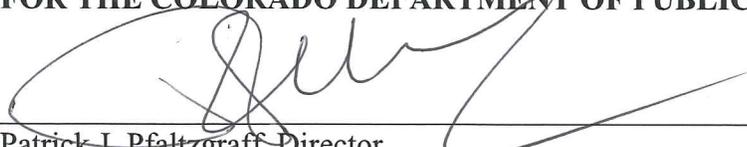
9. This ESA constitutes a final agency order or action upon the date when the Executive Director or his designee signs the ESA and effectively imposes the civil penalty.
10. CC Communities agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, CC Communities 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 CC Communities' 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 CC Communities. CC Communities agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon CC Communities 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 CC COMMUNITIES, LLC:

| | |
|---|--------------------------------|
|  | 3.13.15 |
| Signature | Date |
| JOE STIFTER | VP. Land Development & Ent. |
| Name (printed) | Title |

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

| | |
|---|-----------------|
|  | Date: 26 Mar 15 |
| Patrick J. Pfaltzgraff, Director WATER QUALITY CONTROL DIVISION | |

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 10, 2014

CERTIFIED NO: 7007 0220 0001 0163 0780

John Healy, Executive Vice President
Century Communities

8390 E. Crescent Parkway, Suite 650

Greenwood Village, Colorado 80111

healyj@centurycommunities.com

Re: Facility Inspection / Compliance Advisory
Century Communities — Foothills Overall Campus Subdivision
CDPS Permit No. COR03L162
Jefferson County MS4, Colorado

Mr. Healy:

An inspection of the above-referenced facility was conducted by the Water Quality Control Division (the division) on April 29, 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

All discharges authorized by the Colorado Discharge Permit System (CDPS) General Permit for Stormwater Discharges Associated with Construction Activity (COR030000) (the permit) must be consistent with all requirements, and terms and conditions of the permit. Therefore, the division expects Century Communities

(the permittee) to correct all findings identified in the enclosed inspection report and return the facility to compliance with the permit. A violation of the terms and conditions specified in this permit may be subject to civil and criminal liability pursuant to sections 25-8-601 through 612, C.R.S.. Correcting a permit violation does not remove the original violation.

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: Joe Campbell, by COB June 25, 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 303-692-2356.

A handwritten signature in black ink, appearing to read "Joe Campbell".

Joe Campbell
Environmental Protection Specialist
Permits Section
WATER QUALITY CONTROL DIVISION

cc: Jefferson County Planning and Development, Patrick O'Connell, 100 Jefferson County Parkway,
Suite 3550, Admin and Courts Facility, Golden, CO 80419
File Copy

Stormwater Inspection Report

Permittee: Century Communities **Cert. No.** COR03L162 **Report Date:** Select
Inspection Date: April 29, 2014
Facility: Foothills Overall Campus Subdivision **Receiving Water:** Jefferson County MS4 ponds -
Dutch Creek – South Platte River
Facility Address: South Ward Street and South Sims Street, Littleton, Jefferson County
Persons Present: Joe Campbell, Rik Gay (CDPHE); John Warwick, John Healy, Greg Saarela (Century Communities); Pat O’Connell (Jefferson County); Bo Matson (CMS Environmental)
Legally Responsible Person / Title: John Healy / Executive Vice President **Inspector:** Joe Campbell

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 April 29, 2014 during the inspection.

Note 2: The permit certification effective date was September 17, 2013. The date that construction started and land-disturbing activities began at the site was November 27, 2013 as provided by John Warwick / Vice President.

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 SWMP does not describe the nature of the construction activity at the site and the soil information was not included with the SWMP. The SWMP shall clearly describe the construction activity, and include:
 - The nature of the construction activity
 - The summary of the soil data or existing erosion potential data used in the development of the site construction plans or SWMP

The 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 area of cut and fill on the northwest portion of the site was not identified on the site map, the check dams on the southwestern edge of the site, the silt fence on the north side of South Ward Street, and the inlet protection along South Sims Street were not identified on the site map. The SWMP shall include a legible site map(s), showing the entire site and identify:
- All areas of cut and fill
 - The locations of all structural control measures

The 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.3 of the permit. Specifically, perimeter controls and inlet protection were not discussed within the narrative of the SWMP, the SWMP does not discuss control measure implementation within the phases of construction, the spill prevention and handling procedures section refer to Section 311 of the Clean Water Act; however, Section 311 was not included within the SWMP, the SWMP did not discuss in the narrative street sweeping activities that were identified on the site map. The description of the stormwater management controls in the SWMP shall at a minimum:
- All structural erosion and sediment control measures implemented at the site
 - The relationship between the phases of construction and the implementation / maintenance of both structural and non-structural control measures
 - All practices implemented at the site to minimize impacts from procedures or significant materials that have the potential to contribute pollutants to stormwater runoff
 - Spill prevention and response procedures for areas where potential spills can occur
 - All practices implemented at the site to control potential discharges from vehicle tracking

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

- d)** The Final Stabilization and Long-term Stormwater Management section did not adequately describe items required by Part I.C.4 of the permit. Specifically, a landscaping and final erosion control plan was included within the SWMP; however, there was no narrative discussing the final stabilization plan within the SWMP.

The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.

The division expects the permittee to update the final stabilization and long-term stormwater management 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 13, 2014 through April 21, 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, inspection records prior to January 13, 2014 were not included within the SWMP.

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) Inspections were not performed and/or documented as required by Part I.D.6.b of the permit. Specifically, the inspection reports do not contain the required certification statement or signature.

The permit requires that construction site perimeter, all disturbed areas, material and/or waste storage areas that are exposed to precipitation, discharge locations, and locations where vehicles access the site shall be inspected for evidence of, or the potential for, pollutants leaving the construction site boundaries, entering the stormwater drainage system, or discharging to state waters. All erosion and sediment control practices identified in the SWMP shall be evaluated to ensure that they are maintained and operating correctly. The division expects the permittee to conduct inspections within the timeframes required by the permit.

The permittee shall keep a record of inspections. Inspection reports must identify any incidents of non-compliance with the terms and conditions of this permit. At a minimum, the inspection report must include:

- o Description of corrective action for items iii, iv, v, and vi, above, dates corrective action(s) taken, and measures taken to prevent future violations, including requisite changes to the SWMP, as necessary and;

- After adequate corrective action(s) has been taken, or where a report does not identify any incidents requiring corrective action, the report shall contain a signed statement indicating the site is in compliance with the permit to the best of the signer's knowledge and belief.

The division expects the permittee to conduct and document inspections 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.

1. 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 northwest corner of the site and along Golf Course Road (refer to photographs 1-2).
 - Control Measure Observation: Silt fence inlet protection control measures were implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measures were inadequate.
 - Control Measure Finding: An installation and implementation specification for silt fence inlet protection was provided in the SWMP, but was not implemented. Specifically,
 - The silt fence inlet protection was falling down and in need of maintenance.
 - Stormwater runoff from this area is discharged as follows: Surface runoff is collected by the storm drain inlets and discharges to the adjacent MS4 system and ultimately to Dutch Creek. Additional adequate control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dutch 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.
 - 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.
2. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located at the South Ward Road site entrance (refer to photograph 3).
- Control Measure Observation: A vehicle tracking control pad control measure was implemented to manage 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 vehicle tracking control pad was provided in the SWMP, but was not implemented. Specifically,
 - The vehicle tracking control pad did not include geotextile as required in the specification/detail included in the SWMP
 - Stormwater runoff from this area is discharged as follows: Surface runoff is collected by the storm drain inlets and discharges to the adjacent MS4 system and ultimately to Dutch Creek. Additional adequate control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dutch 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 to stormwater from sediment from disturbed areas located near the drainage swale south of South Ward Street (refer to photographs 4-5).
- Control Measure Observation: Check dam control measures were implemented to manage 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 check dams was provided in the SWMP, but was not implemented. Specifically,
 - The check dams were not adequately spaced in the drainage swale, as a general rule, the maximum spacing between dams should be such that the toe of the upstream check dam is at the same elevation as the controlled release point of the downstream dam. Additionally, the ends of the check dams were not, at a minimum 1.5 feet higher than the center of the check dam as stated in the detail included in the SWMP.

- Stormwater runoff from this area is discharged as follows: Surface runoff is collected by the storm drain inlets and discharges to the adjacent MS4 system and ultimately to Dutch Creek. Additional inadequate control measures were implemented down gradient of this location (*see finding #8*).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dutch 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.
 - 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.
4. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located near the perimeter along South Sims Street (refer to photograph 6).
- Control Measure Observation: A silt fence perimeter control measure was implemented to manage 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 silt fence perimeter control measure was provided in the SWMP, but was not implemented. Specifically,
 - The silt fence was knocked down and sediment had accumulated over one half of the fabric filter height, therefore was in need of maintenance.
 - Stormwater runoff from this area is discharged as follows: Surface runoff is collected by the storm drain inlets and discharges to the adjacent MS4 system and ultimately to Dutch Creek. Additional inadequate control measures were implemented down gradient of this location (*see finding #10*).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dutch 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.
 - 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.
5. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located near the intersection of South Ward Street and South Sims Street (refer to photograph 7).
- Control Measure Observation: Big Red rock sock control measures were implemented to manage 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 Big Red rock socks was provided in the SWMP, but was not implemented. Specifically,
 - The Big Red rock socks, used in combination with regular rock socks, were not overlapping and there was a gap in the perimeter protection allowing stormwater to bypass the feature.
 - Stormwater runoff from this area is discharged as follows: Surface runoff is collected by storm drain inlets and discharges to the adjacent MS4 system and ultimately to Dutch Creek. Additional inadequate control measures were implemented down gradient of this location (*see finding #10*).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dutch 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.
 - 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.
6. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located across the site (refer to photographs 6, 8-11).
- Control Measure Observation: A silt fence perimeter control measure was implemented to manage 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 perimeter silt fence was provided in the SWMP, but was not consistently implemented. Specifically,
 - The contributing drainage area exceeded the capacity of the silt fence perimeter control measure. According to installation and specification details provided in the SWMP the maximum recommended tributary drainage area per 100 lineal feet of silt fence, installed

along the contour, is approximately 0.25 acres with a disturbed slope length of up to 150 feet and a tributary slope gradient no steeper than 3:1.

- Stormwater runoff from this area is discharged as follows: Surface runoff is collected by the storm drain inlets and discharges to the adjacent MS4 system and ultimately to Dutch Creek. Additional adequate control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dutch 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.
 - Design control measures following good engineering, hydrologic and pollution control practices to prevent pollution or degradation of state waters and document in the SWMP.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
7. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater from sediment from stockpiles located on the northern portion of the site (refer to photograph 12).
- Control Measure Observation: The SWMP identified straw wattles, erosion control blankets, or seeding/mulching control measures for the location and pollutant source noted above; however the control measures had not been implemented.
 - Stormwater runoff from this area is discharged as follows: Surface runoff is collected by the storm drain inlets and discharges to the adjacent MS4 system and ultimately to Dutch Creek. Additional inadequate control measures were implemented down gradient of this location (see finding #6).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dutch 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.

- Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
8. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located near the southern sediment basin (refer to photograph 13).
- Control Measure Observation: A sediment basin control measure was implemented to manage 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 a sediment basin was provided in the SWMP, but was not implemented. Specifically,
 - Sediment control measures were not installed at the basin's discharge point. Additionally, the sediment basin was designed as a retention basin and not designed according to the detail included in the SWMP for a sediment basin.
 - Stormwater runoff from this area is discharged as follows: Surface runoff is discharged from the retention basin to Dutch Creek. Additional adequate control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dutch 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 must be implemented to manage stormwater runoff from all potential pollutant sources.
 - 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.
 - Design control measures following good engineering, hydrologic and pollution control practices to prevent pollution or degradation of state waters and document in the SWMP.
 - 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 from sediment from disturbed areas located near the southern retention basin (refer to photograph 13).
- Control Measure Observation: A silt fence control measure was implemented to manage 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 a silt fence control measure was provided in the SWMP, but was not implemented. Specifically,
 - The silt fence was not installed along the contour near the outlet to the retention basin as directed by the SWMP.
- Stormwater runoff from this area is discharged as follows: Surface runoff is discharged to the retention basin and ultimately to Dutch Creek. Additional inadequate control measures were implemented down gradient of this location (see finding #8).
- Result: There was a potential discharge of pollutants to the following state water(s): Dutch 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.
 - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
 - Design control measures following good engineering, hydrologic and pollution control practices to prevent pollution or degradation of state waters and document in the SWMP.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

10. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located along South Sims Street (refer to photograph 14).

- Control Measure Observation: Rock sock inlet protection control measures were implemented to manage 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 rock sock inlet protection was provided in the SWMP, but was not implemented. Specifically,
 - The rock sock inlet protection was not being maintained and was past its useful capacity to trap sediment.
- Stormwater runoff from this area is discharged as follows: Surface runoff is collected by the storm drain inlets and discharges to the adjacent MS4 system and ultimately to Dutch Creek. Additional adequate control measures were not implemented down gradient of this location.
- Result: There was a potential discharge of pollutants to the following state water(s): Dutch 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.
- Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
- Design control measures following good engineering, hydrologic and pollution control practices to prevent pollution or degradation of state waters and document in the SWMP.
- Implement control measures consistent with the installation and implementation specifications provided in the SWMP.



Photograph 1: Silt fence inlet protection in need of maintenance.



Photograph 2: Silt fence inlet protection in need of maintenance.



Photograph 3: VTC pad missing the geotextile. Not installed according to the detail in the SWMP.



Photograph 4: Check dams not installed according to the detail in the SWMP.



Photograph 5: Check dams not installed according to the detail in the SWMP.



Photograph 6: Silt fence in need of maintenance.



Photograph 7: Rock socks not installed according to the detail in the SWMP



Photograph 8: Inadequate control measure for the upgradient pollutant source



Photograph 9: Inadequate control measure for the upgradient pollutant source



Photograph 10: Inadequate control measure for the upgradient pollutant source



Photograph 11: Inadequate control measure for the upgradient pollutant source



Photograph 12: Control measures not utilized to contain soil stockpiles



Photograph 13: Sediment basin not installed according to the detail in the SWMP



Photograph 14: Inlet protection in need of maintenance