



COLORADO
Department of Public
Health & Environment

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

February 4, 2015

Ralph M. Bonham, President
H.E. Whitlock, Inc.
P.O. Box 8030
Pueblo, Colorado 81008

Certified Mail Number: 7005 1820 0000 3208 7144

**RE: Expedited Settlement Agreement
Pueblo County High School Renovation / CDPS Permit Certification # COR-03K924**

Dear Mr. Bonham:

Enclosed for your records is H.E. Whitlock, Inc.'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, H.E. Whitlock, Inc. 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
Kenneth Williams, Pueblo City-County Health Department
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-150203-1

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 H.E. Whitlock, Inc. (“H.E. Whitlock”). The Division and H.E. Whitlock may be referred to collectively as “the Parties.”

1. H.E. Whitlock 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. H.E. Whitlock is conducting construction activities to renovate Pueblo County High School, located in or near the City of Pueblo, Pueblo County, Colorado (“Project”).
3. H.E. Whitlock, 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-03K924.
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 \$11,250.00.
5. By accepting this ESA, H.E. Whitlock neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. H.E. Whitlock 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, H.E. Whitlock 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. H.E. Whitlock agrees to the terms and conditions of this ESA. H.E. Whitlock 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, H.E. Whitlock 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 H.E. Whitlock 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. H.E. Whitlock agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, H.E. Whitlock 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 H.E. Whitlock'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 H.E. Whitlock. H.E. Whitlock agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon H.E. Whitlock 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 H.E. WHITLOCK, INC.:

 _____ Date: 1/22/2015

RAIPH M. Bonham _____ Title: president

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

 _____ Date: 3 Feb 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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Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado

www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

4/10/2014

CERTIFIED NO: 7012-2920-0000-4116-3088

Ralph M Bonham, President
HE Whitlock Inc.
P.O. Box 8030
Pueblo Co 81008
micky@hewhitlock.com

**RE: Compliance Advisory - Pueblo County High School Renovation
CDPS Permit Certification - COR03K924**

Dear Mr. Bonham:

An inspection of the above-referenced facility was conducted by the Water Quality Control Division (the Division) on March 20, 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; and
3. Whether 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 HE Whitlock Inc. (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.

Compliance determination

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 **April 24, 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.

Sincerely,

Rik Gay
Environmental Protection Specialist
Permits Section
WATER QUALITY CONTROL DIVISION

cc: L. Bosche, Pueblo County
File Copy

INSPECTION REPORT - Construction Stormwater Inspection

Permittee: HE Whitlock

Cert. No. COR03K924

Date: 3/20/2014

Facility: Pueblo County High School Renovation

Receiving Water: Arkansas River

Facility Address: 1050 35 lane, Pueblo CO

Persons Present: Jamie Woodrum, Mickey Bonham / HE Whitlock

Legally Responsible Person / Title: Ralph M Bonham, President

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 that an additional copy of the Stormwater Management Plan (SWMP) and inspection records be provided to division personnel at the inspection. An additional copy of the SWMP was provided to the division inspector during the inspection.

Note 2: The permit certification effective date was July 30, 2013. The date that construction started and land-disturbing activities began at the site was November 7, 2013 as provided by Jamie Woodrum, Project Superintendent.

Note 3: The division inspector noted that much of the SWMP prepared for the Pueblo County High School Renovation contained general, as opposed to site-specific, information and was not consistently tailored for the facility. For example: an extensive list of control measures, most of which were not found on the construction site, were included in the SWMP. Although a general approach to SWMP preparation may be a useful tool to ensure that all permit-required items are included in the SWMP, the resulting product must be subsequently modified to accurately reflect site-specific conditions. For this reason, and for utility by those using the SWMP in the field and/or evaluating site compliance with permit requirements, the Division recommends the permittee update the SWMP provided during the inspection to reflect current site-specific conditions.

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 in the SWMP did not identify all items required by Part I.C.1 of the permit. Specifically, the locations and acreage of the disturbed areas, soils data, and a description of the existing vegetation at the site and an estimate of the percent vegetative ground cover were missing. The SWMP shall clearly describe the construction activity, and include:

- Estimates of the total area of the site, and the area and location expected to be disturbed by clearing, excavation, grading, or other construction activities.
- A summary of any existing data in the development of the SWMP that described the soil or existing potential for soil erosion.
- A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.

The division expects the permittee to update the SWMP to include all items required by the permit.

- b) The Site Map section in the SWMP did not identify all items required by Part I.C.2 of the permit. Specifically, the site map did not indicate the disturbed areas, the storage areas for materials, equipment and construction waste, the location of the small masonry batch plant, and the locations of all structural control measures (silt fence and portable concrete washout). The SWMP shall include a legible site map showing the entire site and identify:
- All areas of ground surface disturbance.
 - Areas used for storage of building materials and waste.
 - Locations of dedicated asphalt, concrete or masonry batch plants.
 - Location 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 in the SWMP did not identify all items required by Part I.C.3.c of the permit. Specifically, the locations of the spill kits and the spill prevention and response procedures were missing. Additionally, the section on dewatering provided erroneous guidance. “In the event that stormwater and/or groundwater become trapped in excavated area and that area requires dewatering, the water removed shall be discharged to the curb and gutter in Gale Rd.”. That section goes on to say that a discharge permit is required if a sheen is observed. Groundwater that comes into contact with a disturbed area (excavation) requires a dewatering permit prior to discharge. The description of stormwater management controls in the SWMP shall, at a minimum:
- Clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials that could contribute pollutants in runoff.
 - Must have spill prevention and response procedures for areas or procedures where potential spills can occur.
 - Clearly describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater from excavations, wells, etc.
 - Clearly describe and locate the practices to be used to ensure that no groundwater from construction dewatering is discharged from the site as surface runoff or to surface waters.
 - Part I.D.3.d.3 of the permit authorizes the conditional discharge of construction dewatering to the ground provided that:

- 1) The source is groundwater and/or groundwater combined with stormwater that does not contain pollutants in concentrations exceeding the State groundwater standards in Regulations 5 CCR 1002-41 and 42;
- 2) The source is identified in the SWMP;
- 3) BMPS are included in the SWMP, as required by Part I.C.3(c)(8); and
- 4) These discharges do not leave the site as surface runoff or to surface waters.

The division expects the permittee to update the stormwater management control section to include all items required by the permit.

INSPECTIONS

2. Inspection records were not available for review during the inspection. Inspection records were provided after the inspection on March 21, 2014 via email. Upon review the inspection records were found to be inadequate as they were not conducted as required in Parts I.D.6, I.D.8 and I.F.1 of the permit. Inspection records from October 24th, 2013 through March 17th, 2014 were reviewed by the inspector.
 - a) Inspections were not conducted consistent with the *Inspection Requirements (documentation)* section of the Permit (Part I.D.6.b.2). Specifically, the name and title of personnel making the inspection, locations where additional control measures were needed but not in place at the time of inspection, descriptions of corrective actions, dates corrective actions were taken, the inspection certification statements / signatures, and the site in compliance statements / signatures were missing. At a minimum, the inspection report must include:
 - o The inspection date.
 - o Name and title of personnel making the inspection.
 - o Locations of discharges of sediment or other pollutants from the site.
 - o Locations of control measures that need to be maintained.
 - o Locations of control measures that failed to operate as designed or proved inadequate for a particular location.
 - o Locations where additional control measures were needed but not in place at the time of inspection.
 - o Deviations from the minimum inspection schedule as provided in Part I.D.6.a.
 - o The signature of the person preparing the inspection report with the following statement:
 - “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
 - o Description and dates of corrective action(s) taken.

- Measures taken to prevent future violations, including requisite changes to the SWMP.
 - 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.
- b)** Replacement of control measures was not conducted consistent with the *Replacement and Failed Control Measures* section of the Permit (Part I.D.8). Specifically, the SWMP had not been updated when new control measures (silt fence and portable concrete washout) were installed in accordance with Part I.D.5(c). The permit requires that:
- Adequate site assessment must be performed as part of comprehensive Inspection and Maintenance procedures, to assess the adequacy of the control measures at the site, and the necessity of changes to those control measures to ensure continued effective performance. When site assessment results in the determination that new or replacement control measures are necessary, the control measures must be installed to ensure on-going implementation of control measures as per Part I.D.2.
 - Where control measures have failed, resulting in noncompliance with Part I.D.2, they must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants.
 - When new control measures are installed or replaced, the SWMP must be updated in accordance with Part I.D.5(c).

The Division expects the permittee to conduct and document site inspections as required by the permit.

SITE INSPECTION

Note 4: As required by Part I.D.2 of the permit, all Best Management Practices (control measures) mentioned in the following findings must be selected, installed, implemented and maintained according to good engineering, hydrologic and pollution control practices, and consistent with the installation and implementation specifications identified in the SWMP. These control measures must be adequately designed to provide control for all potential pollutant sources associated with the construction activity to prevent pollution or degradation of State waters.

Note 5: 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 stormwater runoff from concrete washout activities located next to the northeast entrance.
 - Pollutant Source: Concrete washout.
 - Control Measure Observation: A concrete washout control measure was implemented at this location to prevent concrete washout from comingling with stormwater runoff (see photographs 1 – 2).
 - Control Measure Finding: An installation and implementation specification for a designated concrete washout control measure was provided in the SWMP but was not implemented. Specifically:
 - The dimensions of the pit were not per specification in the SWMP.
 - The berms required by the specification on the surrounding sides and back of the concrete washout area of a minimum height of 1' were not installed.
 - The vehicle tracking pad with a 2% slope toward the concrete washout area required by the specification was not installed.
 - Stormwater runoff from the area is discharged as follows: Surface runoff generally flows east collecting in the gutters on Gale Rd. and Hwy 50, ultimately discharging to the Arkansas River.
 - Result: There was a potential discharge of pollutants to the following State Water: Arkansas River.
 - Expectations: The division expects the permittee to design and implement control measures, as required by the permit, and make the following corrections:
 - Implement control measures consistent with the implementation specifications provided in the SWMP.
 - 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.

2. It was noted during the inspection that inadequate control measures were implemented to manage stormwater runoff from concrete construction activities at various locations throughout the project.

- Pollutant Source: Concrete waste and washout.
- Control Measure Observation: A designated concrete washout control measure and a portable concrete washout were implemented to prevent concrete washout from comingling with stormwater runoff (see photographs 16 – 20).
- Control Measure Finding: Concrete waste and washout management control measures were provided in the SWMP but not implemented. Specifically:
 - Concrete waste was observed discharged to the ground.
 - The designated and portable concrete wash out areas had not been consistently utilized.
- Stormwater runoff from the area is discharged as follows: Surface runoff generally flows east collecting in the gutters on Gale Rd. and Hwy 50, ultimately discharging to the Arkansas River.
- Result: There was a potential discharge of pollutants to the following State Water: Arkansas River.
- 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.
 - Implement control measures consistent with the implementation specifications provided in the SWMP.
 - 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.

3. It was noted during the inspection that control measures were not implemented to manage stormwater runoff from vehicle tracking at the four entrances to the site.

- Pollutant Source: Sediment from vehicle tracking.
- Control Measure Observation: Vehicle tracking control measures had not been implemented to control stormwater runoff from the above listed pollutants sources (see photographs 3- 6).
- Control Measure Finding: Installation and implementation specifications for vehicle tracking control were provided in the SWMP but not installed.
 - The SWMP directed that prior to excavation or grading, vehicle tracking controls would be implemented at the entrances.
 - The SWMP directed that construction traffic shall be prohibited to use any entrances/exits to the site that were not protected by use of vehicle tracking controls.

- Stormwater runoff from the area is discharged as follows: Surface runoff generally flows east collecting in the gutters on Gale Rd. and Hwy 50, ultimately discharging to the Arkansas River. No additional control measures were implemented to manage stormwater runoff from this pollutant source.
- Result: There was a potential discharge of pollutants to the following State Water: Arkansas River.
- 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.
 - 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
 - Implement control measures consistent with the implementation specifications provided in the SWMP.
 - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.

4. It was noted during the inspection that control measures were not implemented to manage stormwater runoff in the adjacent streets.

- Pollutant Source: Sediment from disturbed areas.
- Control Measure Observation: Control measures were not implemented to control stormwater runoff from the above listed pollutant source. The SWMP identified rock sock control measures for these locations (see photographs 6 - 8).
- Control Measure Finding: Installation and implementation specifications were provided in the SWMP but not implemented. Specifically,
 - The SWMP directed that rock socks shall be installed in existing curb and gutter on the south side of Gale Road and the north side of Highway 50 as well as at the east end of the site.
- Stormwater runoff from the area is discharged as follows: Surface runoff generally flows east collecting in the gutters on Gale Rd. and Hwy 50, ultimately discharges to the Arkansas River.
- Result: There was a potential discharge of pollutants to the following State Water: Arkansas River.
- 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.
 - Implement control measures consistent with the implementation specifications provided in the SWMP.
 - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.

5. It was noted during the inspection that inadequate control measures were implemented to manage stormwater runoff from the disturbed area located in the southeast parking lot.

- Pollutant Source: Sediment from the disturbed area.
- Control Measure Observation: Silt fence control measures were implemented along the east and south borders of the disturbed area to control stormwater runoff from the above listed pollutant source (see photographs 9 - 15).
- Control Measure Finding: Installation and implementation specifications were provided in the SWMP but not implemented, including :
 - The minimum of 10” of silt fence “tail” had not been buried in the anchor trench.
 - Silt fence had not been installed at the perimeter of the disturbed area.
 - Silt fence joints had not been wrapped according to the detail in the SWMP.
 - Silt fence fabric pulled away from the stakes and had not been maintained.
 - Silt fence had been buried by stockpiles and had not been reinstalled.
- Stormwater runoff from the area is discharged as follows: Surface runoff generally flows east collecting in the borrow ditch adjacent to Hwy 50, ultimately discharging to the Arkansas River.
- Result: There was a potential discharge of pollutants to the following State Water: Arkansas River.
- 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.
 - Implement control measures consistent with the implementation specifications provided in the SWMP.
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.

6. It was noted during the inspection that control measures had not been implemented to manage stormwater runoff at the southeast corner of the new gymnasium.

- Pollutant Source: Concrete sealer.
- Control Measure Observation: A control measure was not implemented to control chemical spills to the ground from the above listed pollutant source (see photographs 21 & 22).
- Control Measure Finding: Material handling and spill procedures were provided in the SWMP, but design and implementation was not in accordance with good engineering practices, including but not limited to, the following observed inadequacies.
 - The SWMP directed that “clean up” procedures should be established and made readily available on site.
 - The SWMP directed that spill kit locations shall be clearly identified on site.

- The SWMP directed that soil affected by any spill shall be removed from the site immediately and shall be legally disposed of.
 - Stormwater runoff from the area is discharged as follows: Surface runoff generally flows east collecting in the gutters on Gale Rd. and Hwy 50, ultimately discharges to the Arkansas River.
 - Result: There was a potential discharge of pollutants to the following State Water: Arkansas River.
 - 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.
 - 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.
7. It was noted during the inspection that control measures had not been implemented to manage stormwater runoff from concrete and masonry work just east of the north entrance to the site.
- Pollutant Source: Concrete and masonry materials.
 - Control Measure Observation: Control measures were not implemented to control stormwater runoff from the above listed pollutants sources (see photographs 23 - 27).The SWMP identified a designated containment area for the batch plants but this was not implemented.
 - Control Measure Finding: An installation and implementation specification was provided in the SWMP but not implemented, including the following:
 - The SWMP directs that all batch plants be located in a designated area.
 - The SWMP directs that batch plant areas shall be isolated from curb and gutter or other drainage features by the use of silt fence, berms, erosion sock or other means to contain contaminates.
 - Stormwater runoff from the area is discharged as follows: Surface runoff from this location flows north and east collecting in the gutters on Gale Rd., ultimately discharges to the Arkansas River. No additional control measures were implemented to manage stormwater runoff from the pollutant sources.
 - Result: There was a potential discharge of pollutants to the following State Water: Arkansas River.
 - 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 control measures were not implemented to manage stormwater runoff from materials storage areas on the north side of the site.
- Pollutant Source: Trash and debris from storage areas.
 - Control Measure Observation: Control measures were not implemented to control stormwater runoff from the above listed pollutant sources. The SWMP identified a designated isolated area control measure for this location but this was not implemented (see photographs 28 & 29).
 - Control Measure Finding: An installation and implementation specification was provided in the SWMP but not implemented, including the following:
 - The SWMP directs that materials storage shall be in the designated area.
 - The SWMP directs that this area shall be isolated from curb and gutter and other drainage features via silt fence, earthen berms, or other acceptable measures and covered when not in use.
 - Stormwater runoff from the area is discharged as follows: Surface runoff flows north and east collecting in the gutters on Gale Rd. and ultimately discharges to the Arkansas River.
 - Result: There was a potential discharge of pollutants to the following State Water: Arkansas River.
 - 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.



Photograph 1: NE concrete washout



Photograph 2: NE concrete washout



Photograph 3: NE entrance #1



Photograph 4: NE entrance #2



Photograph 5: SE entrance



Photograph 6: North entrance off of Gale Road looking west. No rock socks.



Photograph 7: North entrance off of Gale Road looking east. No rock socks.



Photograph 8: North side of Highway 50. No rock socks



Photograph 9: SE corner of project. Silt fence installation not per spec.



Photograph 10: SE corner of project. Silt fence installation not per spec.



Photograph 11: SE corner of project. Silt fence installation not per spec.



Photograph 12: SE corner of project. Silt fence installation not per spec.



Photograph 13: SE corner of project. Silt fence installation not per spec and requires maintenance.



Photograph 14: SE corner of project adjacent to Highway 50. Silt fence requires maintenance.



Photograph 15: SE corner of project adjacent to Highway 50. Silt fence requires maintenance.



Photograph 16: Concrete washout to ground.



Photograph 17: Concrete washout to ground.



Photograph 18: Concrete waste to ground.



Photograph 19: Concrete waste to ground.



Photograph 20: Concrete waste to ground. Note portable washout container in background.



Photograph 21: Spill



Photograph 22: Spill source from spill in photograph 21.



Photograph 23: Small masonry batch plant.



Photograph 24: Small masonry batch plant.



Photograph 25: Small masonry batch plant.



Photograph 26: Material from small masonry batch plant. Gale Road 20' to the right.



Photograph 27: In front of the small masonry batch plant. Note traffic from this area access the site from Gale Road.



Photograph 28: Construction materials storage.



Photograph 29: Construction materials storage.