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
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Located in Glendale, Colorado

www.colorado.gov/cdphe

Colorado Department
of Public Health
and Environment

January 6, 2014

Ames Construction, Inc., Registered Agent
Ames-Granite A Joint Venture
18450 East 28th Avenue
Aurora, Colorado 80011

Certified Mail Number: 7007 0220 0001 0163 0711

RE: Service of Notice of Violation/Cease and Desist Order, Number: SO-140103-1

Dear Sir or Madam:

Ames-Granite A Joint Venture ("Ames-Granite") is hereby served with the enclosed Notice of Violation / Cease and Desist Order (the "NOV/CDO"). The NOV/CDO is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §§25-8-602 and 25-8-605, C.R.S., of the *Colorado Water Quality Control Act*, (the "Act"). The Division bases the NOV/CDO upon findings that Ames-Granite has violated the Act and permit regulations promulgated pursuant to the Act and a permit, as described in the enclosed NOV/CDO.

Pursuant to §25-8-603, C.R.S., Ames-Granite is required, within thirty (30) calendar days of receipt of this NOV/CDO, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

This action could result in the imposition of civil penalties. The Division is authorized pursuant to §25-8-608, C.R.S., to impose a penalty of $10,000 per day for each day during which such violation occurs.

Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this NOV/CDO or the issuance of additional enforcement actions.

Should you or representatives of Ames-Granite desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO, please do not hesitate to contact me at by phone at (303) 692-2356 or by electronic mail at joseph.campbell@state.co.us.

Sincerely,

Joe Campbell
Clean Water Compliance & Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Broomfield Health and Human Services Department
Michael Beck, Grants and Loans Unit, CDPHE
Bret Icenogle, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Nathan Moore, Compliance Assistance Unit 2, CDPHE
Joe Campbell, Compliance & Enforcement Unit, CDPHE
Tania Watson, CDPHE

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

DIVISION OF ADMINISTRATION

WATER QUALITY CONTROL DIVISION

NOTICE OF VIOLATION / CEASE AND DESIST ORDER **NUMBER: SO-140103-1**

IN THE MATTER OF: **AMES-GRANITE A JOINT VENTURE**
CDPS PERMIT NO. COR-030000
CERTIFICATION NO. COR-03J245
BROOMFIELD COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority is implemented through the Department's Water Quality Control Division (the "Division"), and pursuant to §§25-8-602 and 25-8-605, C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the alleged violations identified herein, Ames-Granite A Joint Venture ("Ames-Granite") was a Colorado limited liability partnership in good standing and registered to conduct business in the State of Colorado.

2. Ames-Granite 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).

3. Ames-Granite is conducting construction activities for highway and road development with a planned disturbance of 415 acres of land along the US-36 Corridor in Broomfield County, Colorado (the "Project").

4. On June 19, 2012, the Division received an application from Ames-Granite for Project coverage under the Colorado Discharge Permit System ("CDPS") General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity (the "Permit").

5. On June 26, 2012, the Division provided Ames-Granite Certification Number COR-03J245 authorizing Ames-Granite to discharge stormwater from the construction activities associated with the Project to Rock, Airport, Big Dry, and Walnut Creeks; Farmers Highline Canal; Community Ditch, Allen Ditch 1, 2, and 3; and the South Platte River under the terms and conditions of the Permit. Certification Number COR-03J245 became effective June 25, 2012, and has been administratively

continued until a new Permit and associated certification is issued, or until Ames-Granite inactivates permit coverage.

6. Pursuant to 5 CCR 1002-61, §61.8, Ames-Granite must comply with all the terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S

7. Rock, Airport, Big Dry, and Walnut Creeks; Farmers Highline Canal; Community Ditch, Allen Ditch 1, 2, and 3; and the South Platte River are "state waters" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (102).

8. On April 11, 2013, a representative from the Division (the "Inspector") conducted an on-site inspection of the Project pursuant to the Division's authority under §25-8-306, C.R.S., to determine Ames-Granite's compliance with the Water Quality Control Act and the Permit. During the inspection, the Inspector interviewed Project representatives, reviewed the Project's stormwater management system records, and performed a physical inspection of the Project.

Deficient and/or Incomplete Stormwater Management Plan

9. Pursuant to Part I. B. of the Permit, Ames-Granite is required to prepare and maintain a Stormwater Management Plan ("SWMP") in accordance with good engineering, hydrologic, and pollution control practices. The SWMP is required to identify all potential sources of pollution, which may be reasonably expected to affect the quality of stormwater discharges associated with construction activity from the Project. In addition, the plan is required to describe and ensure the implementation of Best Management Practices ("BMPs") at the Project, which will be used to reduce the pollutants in stormwater discharges associated with construction activity.

10. Pursuant to Part I. B. 3 of the Permit, Ames-Granite 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.

11. Pursuant to Part I. C. of the Permit, the Project's SWMP shall include, at a minimum, the following items:

    a. Site Description – The SWMP shall clearly describe the construction activity, including:

        i. The nature of the construction activity.
        ii. The proposed sequence for major activities.
        iii. Estimates of the total area of the site and the area of the site that is expected to undergo clearing, excavation or grading.
        iv. A summary of any existing data used in the development of the construction plans or SWMP that describe the soil or existing potential for soil erosion.
        v. A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
        vi. The location and description of all potential pollution sources, including ground surface disturbance, vehicle fueling, storage of fertilizers or chemicals, etc.

vii. The location and description of any allowable sources of non-stormwater discharge, such as springs, landscape irrigation return flow, construction dewatering, and concrete washout.

viii. The name of the receiving water(s) and the size, type, and location of any outfall or, if the discharge is to a municipal separate storm sewer, the name of that system, the location of the storm sewer discharge, and the ultimate receiving water(s).

b. Site Map – The SWMP shall include a legible site map(s), showing the entire site, identifying:

i. Construction site boundaries.
ii. All areas of ground surface disturbance.
iii. Areas of cut and fill.
iv. Areas used for storage of building materials, equipment, soil, or waste.
v. Locations of dedicated asphalt or concrete batch plants.
vi. Locations of all structural BMPs
vii. Locations of all non-structural BMPs.
viii. Locations of springs, streams, wetlands and other surface waters.

c. Stormwater Management Controls - The SWMP must include a description of all stormwater management controls that will be implemented as part of the construction activity to control pollutants in stormwater discharges, including:

i. SWMP Administrator – The SWMP shall identify a specific individual(s), position or title that is responsible for developing, implementing, maintaining, and revising the SWMP.

ii. Identification of Potential Pollutant Sources – The SWMP shall identify and describe those sources determined to have the potential to contribute pollutants to stormwater discharges.

iii. Best Management Practices (BMPs) for Stormwater Pollution Prevention – The SWMP shall identify and describe appropriate BMPs that will be implemented at the facility to reduce the potential of pollution sources to contribute pollutants to stormwater discharges. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP.

(1) Structural Practices for Erosion and Sediment Control – The SWMP shall clearly describe and locate all structural practices implemented at the site to minimize erosion and sediment transport. Practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins.

(2) Non-Structural Practices for Erosion and Sediment Control – The SWMP shall clearly describe and locate all non-structural practices implemented at the site to minimize erosion and sediment transport. Description must include interim and permanent stabilization practices, and site-specific scheduling for implementation of the practices. Non-structural practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips,

protection of trees, and preservation of mature vegetation.

(3) Phased BMP Implementation – The SWMP shall clearly describe the relationship between the phases of construction and the implementation and maintenance of BMPs. The SWMP must identify the stormwater management controls to be implemented during the project phases, which can include, but are not limited to, clearing and grubbing, road construction, utility and infrastructure installation, vertical construction, final grading and final stabilization.

(4) Materials Handling and Spill Prevention – The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials that could contribute pollutants to runoff.

(5) Dedicated Concrete or Asphalt Batch Plants – The SWMP shall clearly describe and locate BMPs to control stormwater pollution from dedicated concrete batch plants or dedicated asphalt batch plants.

(6) Vehicle Tracking Control – The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking.

(7) Waste Management and Disposal, Including Concrete Washout – The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes, including concrete washout activities.

(8) Groundwater and Stormwater Dewatering – The SWMP shall 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.

d. Final Stabilization and Long-Term Stormwater Management – 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.

e. Inspection and Maintenance – The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.

12. During the April 11, 2013 inspection, the Inspectors reviewed the Project's SWMP and identified the following deficiencies, as described in paragraphs 12(a-e) below:

a. The site description section of the SWMP did not identify the multiple discharge outfalls that were referenced in the Project's construction dewatering permit. Additionally, the SWMP's site description did not address the construction dewatering activities that were referenced in the Project's dewatering permit and occurring onsite.

b. The inspection and maintenance method statement in the SWMP indicated that there would be weekly erosion and sediment control updates. However, as confirmed by the construction schedule and the erosion control supervisor, they were only being updated every five weeks.

c. The site map included with the SWMP did not identify the area of ground surface disturbance on the southwest side of Westminster Boulevard along US-36. Additionally, the site map was lacking a color coded legend for the color coding that was being utilized on the map. The map also did not have clear references that would correspond to the additional map sheets.

d. The potential pollutants section of the SWMP did not identify hydraulic equipment maintenance that was occurring on the Project at the time of the inspection as a potential pollutant source.

e. The BMPs for stormwater pollution prevention section of the SWMP did not contain installation and implementation specifications for the jersey barrier/gravel bag sediment control or sand bags being utilized at the Community Canal for sediment control.

13. The Division has determined that Ames-Granite failed to prepare and maintain a complete and accurate SWMP for the Project.

14. Ames-Granite's failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violation(s) of Part I. B., Part I. B. 3, and Part I. C. of the Permit.

Failure to Install, Maintain, or Properly Select Best Management Practices

15. Pursuant to Part I. C. 3. (c) of the Permit, Ames-Granite is required to implement BMPs to reduce the potential of pollution sources from contributing pollutants to stormwater discharges, including minimizing erosion and sediment transport from the Project. The Permit specifies that structural site management practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins. The Permit specifies that non-structural site management practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees and preservation of mature vegetation.

16. Pursuant to Part I. D. 2. of the Permit, Ames-Granite is required to select, design, install, implement and maintain appropriate BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic and pollution control practices.

17. Pursuant to Part I. B. 3. of the Permit, Ames-Granite is required to implement the provisions of the Project's SWMP as written and updated, from commencement of construction activity until final stabilization is complete.

18. During the April 11, 2013 inspection, the Inspector identified the following deficiencies related to BMP installation and maintenance at the Project, as described in Paragraphs 18(a-o) below:

    a. The Inspector observed inadequate BMPs southeast of the US-36 and Church Ranch Boulevard intersection at the Project. Single gravel bags were placed at the inlets and outlets of the culverts and at the edge of Big Dry Creek while no erosion or sediment control BMPs were utilized to control runoff from the disturbed upgradient areas. The SWMP did not indicate the use of

gravel bags as culvert protection in this area and the sole use of gravel bags in an area of concentrated flow without the use of additional erosion control BMPs within the upgradient disturbed areas does not meet good engineering, hydrologic, and pollution control practices. Additionally, the multiple stacked gravel bag BMPs described in SWMP for inlet pipe protection in this area were not being utilized. Stormwater from this area of the Project flows directly to Big Dry Creek.

b. The Inspector observed inadequate BMPs northwest of the US-36 and State Highway 121 intersection at the Project. Sandbag BMPs were present, however no erosion or sediment control BMPs were utilized to control runoff from the disturbed upgradient areas. Additionally, the sandbag BMPs for this area were not installed according to good engineering, hydrologic, and pollution control practices due to not providing the appropriate ponding capacity. Stormwater from this area flows directly to Community Canal.

c. The Inspector observed other inadequate BMPs northwest of the US-36 and State Highway 121 intersection at the Project. Gravel bags were placed at the inlet, conveyance, and outlet to the Sill-Terhar wetland while no erosion or sediment control BMPs were utilized to control runoff from the upgradient areas. The sole use of gravel bags in an area of concentrated flow without the use of additional erosion control BMPs within the upgradient disturbed areas does not meet good engineering, hydrologic, and pollution control practices. Stormwater from this area flows directly to the Sill-Terhar wetland.

d. The Inspector observed inadequate BMPs on the western side of US-36 along the bridge approach to the Burlington Northern Railroad bridge at the Project. Installation and implementation specifications were included in the SWMP for erosion and sediment control BMPs in this area, specifically, silt fence and slope tracking. However, the BMPs were not being implemented. Stormwater from this areas flows to Lower Church Lake.

e. The Inspector observed approximately 10-acres of disturbed area near the crusher yard (STA-2165+00) at the Project. A silt fence was observed in place downgradient of the disturbed area. The installation and implementation specifications state a maximum drainage area of 1/4 acre per 100 feet of silt fence. However, the silt fence was only installed along the perimeter of the 10-acre area which would exceed the maximum drainage capacity. Project stormwater from this area flows to a sump near the Burlington Northern Railroad bridge which discharges via a culvert to Lower Church Lake.

f. The Inspector observed that BMPs were not implemented per specification on the eastern side of US-36, adjacent to the crusher yard, and downgradient to the Burlington Northern Railroad bridge at the Project. Installation and implementation specifications were included in the SWMP for a temporary berm in this area. However, the temporary berm was not stabilized, as described in the specifications, causing the berm to become a potential pollutant source. Project stormwater from this area flows to a sump near the Burlington Northern Railroad bridge which discharges via a culvert to Lower Church Lake.

g. The Inspector observed inadequate BMPs on the eastern side of US-36 south to the Burlington Northern Railroad bridge at the Project. Not all of the soil stockpiles or slopes in the area had been adequately stabilized to prevent erosion. Additionally, the gravel bag inlet pipe protection

BMP for the area were not stacked as according to the specifications listed in section 5 of the SWMP and no sediment control BMPs were observed to inhibit Project stormwater from discharging directly to the unprotected drainage culvert. Project stormwater from this area flows to a sump near the Burlington Northern Railroad bridge which discharges via a culvert to Lower Church Lake.

h. The Inspector observed inadequate BMPs to control sediment transport to paved surfaces along US-36 at the Project. Jersey barriers and intermittent gravel bags were utilized for sediment control between the construction area and traffic lanes. The gravel bags were not installed according to good engineering, hydrologic, and pollution control practices because they were not utilized at every Jersey barrier opening. Additionally, installation and implementation specifications for this application were not included in the SWMP. Consequently, sediment was discharged offsite and was observed in the US-36 traffic lanes along the entire corridor. Project stormwater from the area flows to the state waters listed in the permit certification and municipal separate storm sewers along the US-36 corridor.

i. The Inspector observed inadequate BMPs to control sediment transport to paved surfaces along US-36 at the Project. Daily street sweeping was discussed as a sediment tracking control BMP in the SWMP. However, no street sweeper was observed onsite and sediment was observed on low traffic areas and paved surfaces across the site. Consequently, sediment was discharged offsite and was observed in the US-36 traffic lanes along the entire corridor. Project stormwater from the area flows to the state waters listed in the permit certification and municipal separate storm sewers along the US-36 corridor.

j. The Inspector observed inadequate BMPs to control sediment transport to paved surfaces near the US-36 and State Highway 121 intersection at the Project. Vehicle Tracking Control ("VTC") in the area was inadequate. Installation and implementation specifications were included in the SWMP for the VTC. However, one VTC rock pad did not extend all the way to the paved surface and numerous others were in need of maintenance to replace the missing rock and remove the dirt that was visible underlying the rock pads. Consequently, sediment was discharged offsite and was observed in the US-36 traffic lanes along the entire corridor. Project stormwater from the area flows to the state waters listed in the permit certification and municipal separate storm sewers along the US-36 corridor.

k. The Inspector observed numerous soil stockpiles throughout the Project. Installation and implementation specifications were included in the SWMP for soil stockpile BMPs. However, the compacted berm and silt fence soil stockpile BMPs were not being implemented. Consequently, sediment discharged from the soil stockpiles was being transported throughout the project and offsite. Project stormwater from the area flows to the state waters listed in the permit certification and municipal separate storm sewers along the US-36 corridor.

l. The Inspector observed numerous construction waste stockpiles throughout the Project. Installation and implementation specifications were included in the SWMP for construction waste stockpile BMPs. However, the construction waste stockpile where not removed as stated in the SWMP and the appropriate containers provided for in the SWMP were not being utilized. Project stormwater from across the project flows to the state waters listed in the permit certification.

m. The Inspector observed no BMPs being implemented to manage stormwater runoff near equipment repair or servicing areas near the north end of the concrete batch plant. Numerous petroleum spills were observed at this location and no BMPs were in place to control the pollutants or to clean up the spills. Project stormwater from across the project flows to the state waters listed in the permit certification.

n. The Inspector observed inadequate BMPs within culverts near the area of Church Ranch Boulevard and Big Dry Creek at the Project. The stacked gravel bag BMPs for culvert protection as described in SWMP for this area were either inadequate since only single gravel bags were utilized or were not being utilized at all. Project stormwater from this area flows via the culverts to the east side of US-36 and into unnamed drainages.

o. The Inspector observed a disturbed area south of US-36 at the Westminster Boulevard Bridge at the Project. No BMPs were utilized in this area to control erosion or sediment transport. Additionally, the SWMP did not indicate that any BMPs would be used in the area. Project stormwater from across the project flows to the state waters listed in the permit certification.

19. The Division has determined that Ames-Granite failed to implement and/or maintain functional BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic, and pollution control practices.

20. Ames-Granite's failure to implement and/or maintain functional BMPs to protect stormwater quality during construction activities at the Project constitutes violations of Part I. C. 3. (c), Part I. D. 2., and Part I. B. 3., of the Permit.

NOTICE OF VIOLATION

21. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that Ames-Granite has violated the following sections of the Permit.

Part I. B. of the Permit, which states in part, "The SWMP shall be prepared in accordance with good engineering, hydrologic and pollution control practices. … The SWMP shall: a) Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the facility; b) Describe the practices to be used to reduce the pollutants in stormwater discharges associated with construction activity at the facility; and ensure the practices are selected and described in accordance with good engineering practices, including the installation, implementation and maintenance requirements; and c) Be properly prepared and updated in accordance with Part I.D.5.c., to ensure compliance with the terms and conditions of this permit."

Part I. C. of the Permit, which states in part, "The SWMP shall include the following items, at a minimum."

Part I. C. 3. (c) of the Permit, which outlines in part that BMPs for Stormwater Pollution Prevention shall address erosion and sediment control, including "structural practices implemented

at the site to minimize erosion and sediment transport" and "non-structural practices implemented at the site to minimize erosion and sediment transport," as well as phased BMP implementation, materials handling and spill prevention, dedicated concrete or asphalt batch plants, vehicle tracking control, waste management and disposal, including concrete washout, and groundwater and stormwater dewatering.

Part I. D. 2. of the Permit, which states, "Facilities must select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. BMPs 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."

Part I. B. 3. of the Permit, which states in part, "Facilities must implement the provisions of the SWMP as written and updated, form commencement of construction activity until final stabilization is complete, as a condition of this permit."

REQUIRED CORRECTIVE ACTION

Based upon the foregoing factual and legal determinations and pursuant to §25-8-602 and §25-8-605, C.R.S., Ames-Granite is hereby ordered to:

22. Cease and desist from all violations of the Colorado Water Quality Control Act, §§25-8-101 through 25-8-803, C.R.S., its implementing regulations promulgated thereto and the Permit.

Furthermore, the Division hereby orders Ames-Granite to comply with the following specific terms and conditions of this Order:

23. Ames-Granite shall immediately evaluate the Project's SWMP and implement necessary measures to ensure the SWMP contains all of the elements required by the Permit and is effective in managing pollutant discharges from the Project. Within thirty (30) calendar days of receipt of this Order, Ames-Granite shall submit a written certification to the Division stating that a complete, effective, and up-to-date SWMP has been fully developed and implemented at the Project.

24. Ames-Granite shall immediately implement necessary measures to ensure that adequate BMPs are in place to control pollutant discharges from the Project. This includes ensuring that all disturbed areas at the Project are stabilized and/or protected with a system/series of erosion and sediment control practices, and that all BMPs at the site are selected, installed, implemented, and maintained following good engineering, hydrologic, and pollution control practices. Within thirty (30) calendar days of receipt of this Order, Ames-Granite shall evaluate and modify all existing BMPs at the Project to ensure the BMPs meet the design requirements specified in the Project's complete and up-to-date SWMP. Within forty-five (45) calendar days of receipt of this Order, Ames-Granite shall submit photographs to the Division documenting the current conditions at the site and the associated BMPs implemented at the Project.

25. Within sixty (60) calendar days of receipt of this Order, Ames-Granite shall submit a detailed written plan to the Division outlining the standard procedures Ames-Granite will undertake to ensure that functional and effective stormwater management systems are fully implemented at its Colorado

construction sites. The plan shall include a detailed description of how Ames-Granite will ensure that each of its stormwater management systems at each of its Colorado construction sites are adequately staffed, trained, implemented, and supervised. The plan shall specifically discuss Ames-Granite's commitment to the resources needed to adequately implement the provisions of the Permit at its construction sites, including a commitment to providing elevated staff and supervisor training in erosion control, BMP implementation, and overall stormwater management.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation/Cease and Desist Order, the Ames-Granite shall submit an original and an electronic copy to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-CWE-B2
Attention: Joe Campbell
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-2356
Email: joseph.campbell@state.co.us
Fax: (303) 782-0390

For any person submitting documents, plans, records and reports pursuant to this Notice of Violation / Cease and Desist Order, that person shall make the following certification with each submittal:

"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."

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

Pursuant to §25-8-603, C.R.S. and 5 CCR 1002, §21.11 you are required to submit to the Division an answer affirming or denying each paragraph of the Findings of Fact and responding to the Notice of Violation. The answer shall be filed no later than thirty (30) calendar days after receipt of this action.

Section 25-8-603, C.R.S. and 5 CCR 1002, §21.11 also provide that the recipient of a Notice of Violation may request the Division to conduct a public hearing to determine the validity of the Notice, including the Findings of Fact. Such request shall be filed in writing with the Division and include the information specified in 5 CCR 1002, §21.4(B)(2). Absent a request for hearing, the validity of the factual allegations and the Notice of Violation shall be deemed established in any subsequent Department proceeding. The

request for hearing, if any, shall be filed no later than thirty (30) calendar days after issuance of this action. The filing of an answer does not constitute a request for hearing.

FALSIFICATION AND TAMPERING

Be advised, in accord with §25-8-610, C.R.S., that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Colorado Water Quality Control Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

POTENTIAL CIVIL AND CRIMINAL PENALTIES

You are also advised that any person who violates any provision of the Colorado Water Quality Control Act (the "Act"), §§25-8-101 to 803, C.R.S., or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order issued by the Division shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs. Further, any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S, and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

Pursuant to §25-8-601, C.R.S., you are further advised that any person engaged in any operation or activity which results in a spill or discharge of oil or other substance which may cause pollution of the waters of the state, shall notify the Division of the discharge. If said person fails to so notify, said person is guilty of a misdemeanor, and may be fined or imprisoned or both.

EFFECT OF ORDER

Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder, or to make any discharge into state waters. Nothing herein contained shall be construed to preclude other individuals, cities, towns, counties, or duly constituted political subdivisions of the state from the exercise of their respective rights to suppress nuisances or to preclude any other lawful actions by such entities or the State.

For further clarification of your rights and obligations under this Notice of Violation / Cease and Desist Order you are advised to consult the Colorado Water Quality Control Act, §§25-8-101 to 803, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 3rd day of January, 2014.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION

STATE OF COLORADO

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

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

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Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado

Laboratory Services Division
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http://www.cdphe.state.co.us

Colorado Department
of Public Health
and Environment

May 20, 2013

CERTIFIED NO: 7012-2920-0000-4116-4672

Tony Ames, Vice President
Ames/Granite Joint Venture
500 Eldorado Blvd, Suite 2301
Broomfield, CO 80021

Re: Facility Inspection /**Compliance Advisory**
US 36 – Managed Lane/BRT Project facility
CDPS Permit No. COR03J245
Broomfield County

Dear Mr. Ames:

An inspection of the above-referenced facility was conducted by the Water Quality Control Division (the Division) on April 11, 2013. The inspection procedure consists 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 Ames / Granite Joint Venture (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 **June 10, 2013**.

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: Natasha Davis, EPA Region 8
Rick Willard, CDOT
File Copy

Stormwater Inspection Report

Permittee: Ames / Granite JV	**Cert. No.** COR03J245	**Date:** April 11, 2013
Facility: US 36 Managed Lane/BRT Project	**Industrial Type:** Construction	**Receiving Water(s):** Rock, Airport, Big Dry, & Walnut Creeks, Farmers Highline Canal, Community Ditch, Allen Ditch 1, 2, & 3. – S. Platte River
Facility Address: US 36 – From \Federal Blvd to 88th St. Overpass		
Persons present: Donald Van Devener/Ground Engineering, Chelsey Miller/Ground Engineering, Steve Mulqueen/CDOT, Tim Buntrock/CDOT, Gary Haynes/Taylor Landscaping (ECS), Chip Karo/Ames/Granite JV, Lisa Pine/CDPHE		
Legally Responsible Person(s)/Title(s): Tony Ames, VP Ames/Granite JV	**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: Overall, the Site Map did not meet the requirements of Part I.C.2 of the Permit which require the site map to legible. Many of the map sheets did not have the color coded legend to assist the reviewer in understanding what the scribbled colors represented on the map represented. The overview site map did not have clear match line references which corresponded to which map sheet contained information on a particular location. There were BMP installation dates that occurred after the inspection date. See table below:

Plan Sheet Station#	Installation Dates
1382	9/5/13, 9/6/13
1419	11/20/13, 10/20/13
1455	10/19/13
1491	10/1/13
2051	9/29/13
CEWI-17	9/20/13
2075	12/15/13, 11/21/13, 10/19/13
2135	10/2/13
2147	9/25/13
2399	9/30/13, 10/2/13

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 of the SWMP did not adequately address *Size, Type and Location of any Outfalls* as required by Part I.C.1.h of the permit. Specifically, there is no mention of outfalls in the Site Description but the project's dewatering permit in SWMP Section 8 "Permit Book" indicates that there will be discharge outfalls in multiple locations. The Division expects the permittee to update the Site Description to include, or reference, this information as required by the permit.

   b) The Site Description section of the SWMP did not adequately address *Construction Dewatering* as required by Part I.C.1.g of the permit. Specifically, there is no mention of construction dewatering in the Site Description but the project has a dewatering permit in SWMP Section 8 "Permit Book" which identifies multiple discharge locations and indicates that potential discharges will be directed to waterbodies and/or stormsewers. The Dewatering subsection is also inconsistent with Attachment B-Dewatering Plan Description. The Division expects the permittee to modify Section 9 to be consistent with other chapters and to update the Site Description section of the SWMP to include this information as required by the permit.

   c) Implementation of the Inspection and Maintenance Method Statement did not adequately address *SWMP Review/Changes* as required Part I.D.5.c of the permit. Specifically, the Inspection and Maintenance Method Statement (SWMP Section 13) indicates that *"Ames Granite JV shall update and submit to the Project Engineer weekly, an update to the schedule showing erosion control and sediment control work in relation to other construction work being performed."*. However after review of the construction schedule (SWMP Section 14) and verbally confirmed by the ECS, the schedule was only being updated every five weeks. Erosion and sediment controls must be proactively revised to be responsive to modifications to the construction schedule. This is especially critical to a design/build project where modifications to the construction schedule are made frequently. The Division expects the weekly erosion and sediment control updates, as provided for in the Inspection and Maintenance Method Statement be adhered to, or the SWMP be revised to identify an alternative method to ensure that BMP's are implemented to address the actual pollutant sources at the site.

   d) The Site Map did not identify all items required by Part I.C.2.b of the Permit. Specifically, on the southwest side of US 36 in the Westminster Blvd Bridge area the disturbed area along US 36 was not indicated on the site map. The SWMP must include a legible site map(s), showing the entire site, identifying: *b) all areas of ground surface disturbance*. The Division expects the permittee to update the Site Map to include all items required by the permit.

   e) The Potential Pollutants section of the SWMP did not identify all potential pollutants as required by Part I.C.3.b of the Permit. Specifically, equipment maintenance which was occurring on site had not been identified as a potential pollutant. All potential pollutant sources at a site must be evaluated, and if applicable, described in the SWMP. Those sources must be controlled through BMP selection and implementation. The Division expects the permittee to update the SWMP to include all items required by the permit.

   f) The BMPs for Stormwater Pollution Prevention section of the SWMP did not identify all structural BMPs utilized on the project as required by Part I.C.3.c.1 of the Permit. Specifically, the SWMP did not contain details or narrative descriptions for Jersey Barrier/Gravel Bags sediment control, or Sand Bags utilized at the Community Canal, as a sediment control BMP. The SWMP shall clearly describe and locate all structural practices implemented at the site to minimize erosion and sediment transport. The Division expects the permittee to update the SWMP to include all items required by the permit.

2. Inspection records were available for review by the Division inspector at the time of the inspection were found to be adequate as required by Part 1.D.6 of the permit (records from 1/3/13 – 4/10/13 were reviewed by the inspector).

Site Inspection

Note 2: Per Part I.D.2 of the Permit: All Best Management Practices (BMPs) mentioned in the following findings must be selected, installed, implemented and maintained according to good engineering, hydrologic and pollution control practices. These BMPs must be adequately designed to provide control for all potential pollutant sources associated with the industrial activity to control pollution or degradation of State waters.

1. **It was noted during the inspection that inadequate BMPs were implemented to control sediment from discharging to the Big Dry Creek southeast of the US 36 / Church Ranch Blvd. Interchange.**
   - Specifically, single gravel bags placed at the inlets and outlets of the culverts and at the edge of the creek were inadequate to control the discharge of sediment from the southwestern corner of the project to Big Dry Creek at US 36. No other sediment control BMPs were implemented for runoff from the up-gradient disturbed area. See attached photographs #55, #59, #58, #60 & #61.
   - The Big Dry Creek Clear Water Diversion detail provided in Section 5 of the SWMP did not indicate that gravel bags would be used as culvert protection. Inlet Pipe Protection is described in the same section but was not utilized at this location. A gravel bag placed in an area of concentrated flow is not a sediment control BMP for treating runoff from disturbed areas. Given the disturbed area of contribution to this location and the amount of potential runoff flow/sediment load, the BMP detail as shown is inadequate to protect state waters.
   - Stormwater runoff from the adjacent area flows to Big Dry Creek.
   - As a result there was a discharge of pollutants to Big Dry Creek (state waters).
   - The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

2. **It was noted during the inspection that inadequate BMPs were implemented to control sediment from discharging to the Community Canal northwest of the US 36 / SH 121 Interchange.**
   - Specifically, inadequate BMPs were implemented to control the discharge of sediment to the Community Canal at US 36. No other sediment control BMPs were implemented for runoff from the up-gradient disturbed area. See attached photographs #44 & #45.
   - The BMP's present (sandbags) were not implemented in accordance to good engineering, hydrologic and pollution control practices. According to good engineering, hydrologic and pollution control practices, toe of slope protection must meet the offset specification from the base of the slope for the BMP selected to provide the appropriate ponding. The sand bags were placed with no offset and no ponding capacity.
   - Stormwater runoff from the adjacent area flows to the Community Canal.
   - As a result there was a discharge of pollutants to the Community Canal.
   - The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

3. **It was noted during the inspection that inadequate BMPs were implemented to control erosion and sediment transport from stormwater runoff from the northern side of the of US 36 / SH 121 Interchange.**
   - Specifically, inadequate BMP's were implemented at the inlet, conveyance, and outlet to the Sill-Terhar wetland. No other sediment or erosion control BMPs were implemented for runoff from the up-gradient disturbed area. See attached photographs #24, #25, #26, #27, #28, #29, & #30.
   - The Sill Terhar detail provided in Section 5 of the SWMP utilizes gravel bags in areas of concentrated flow. A gravel bag placed in an area of concentrated flow is not a sediment control BMP for treating runoff from disturbed areas.

Given the disturbed area of contribution to this location and the amount of potential runoff flow/sediment load, the BMP detail as shown, and implementation of that detail, is inadequate to protect state waters.

- Stormwater runoff from the northern side of the US 36 / SH 121 intersection flows to the Sill-Terhar wetland next to Industrial Lane.
- As a result there was a discharge of pollutants to the Sill-Terhar wetland (State waters) See photographs #27 & #29.
- The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

4. **It was noted during the inspection that BMPs were not implemented per the SWMP to control erosion and sediment transport from stormwater runoff along the western side of US 36 along the bridge approach to the Burlington Northern Railroad bridge.**
   - Specifically, no BMPs were installed to control erosion or sediment transport from the disturbed slope along the western side of the approach to the Burlington Northern Railroad Bridge. The site map indicated that silt fence should have been installed at the base of the slope. No other sediment or erosion control BMPs were implemented for runoff from the up-gradient disturbed area. See attached photographs #14, #15, & #16.
   - BMPS are required to control the discharge of pollutants and BMPs must be implemented prior to disturbance to control pollutants in stormwater discharge from the disturbed area
   - Stormwater runoff from the western side of the US 36 approach to the Burlington Northern Railroad bridge sheet flows to Lower Church Lake on the western side of US 36.
   - As a result there was an imminent potential for discharge of pollutants to Lower Church Lake (State waters).
   - The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

5. **It was noted during the inspection that inadequate BMPs were implemented to manage stormwater runoff from the Crusher Yard located at STA-2165+00.**
   - Specifically, perimeter silt fence was the only BMP observed implemented to manage stormwater runoff from a disturbed area estimated to cover ten (10) acres. See attached photographs #1, #2, & #3.
   - According to good engineering, hydrologic and pollution control practices, the contributing disturbed area exceeded the disturbed acre / linear feet required ratio for silt fence.
   - Drainage in the Crusher Yard sheet flows to the southern boundary of the yard collecting at the silt fence. Down gradient of the yard, flow is dispersed through an undisturbed vegetative area, eventually collecting in a sump area near the Burlington Northern Railroad bridge which discharges via a culvert to Lower Church Lake on the western side of US 36.
   - As a result there was a potential for discharge of pollutants offsite and to Lower Church Lake (State waters).
   - The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

6. **It was noted during the inspection that BMPs were not implemented per specification to control erosion and sediment transport from stormwater runoff along the eastern side of US 36 adjacent to the Crusher Yard down gradient to the Burlington Northern Railroad bridge.**
   - Specifically, a temporary berm was not installed per specification which resulted in the berm becoming a pollutant source. No other sediment control BMPs were implemented for runoff from the up-gradient disturbed area. See attached photographs #4, #5 & #6.

- Installation and implementation specifications provided in the SWMP require that both sides of the temporary berm be compacted.
- Stormwater runoff from the eastern side of US 36 from Old Wadsworth road to the Burlington Northern Railroad bridge is conveyed to a sump area near the bridge and discharges via a culvert to Lower Church Lake on the western side of US 36.
- As a result there was a potential for discharge of pollutants to Lower Church Lake (State waters).
- The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

7. **It was noted during the inspection that inadequate BMPs were implemented to control erosion and sediment transport from stormwater runoff along the eastern side of US 36 south of the Crusher Yard to the Burlington Northern Railroad bridge.**
   - Specifically, the inlet pipe protection Type 1 BMP in section 5 of the SWMP was not installed according to specifications. Not all slopes and stockpiles within the approximately 5 acres draining to the culvert (See attached photograph #13) had been stabilized adequately to control erosion. See attached photographs #7, #8, #9, #12 & #13. Additionally in the same area, no sediment control BMPS were observed to inhibit sediment in stormwater runoff from discharging untreated directly to the unprotected drainage culvert. See attached photographs #10 & #11.
   - Installation and implementation specifications provided in the SWMP require BMP's be implemented to control the discharge of pollutants.
   - Stormwater runoff from the eastern side of US 36, from Old Wadsworth road to the Burlington Northern Railroad bridge, approximately 5 acres, is conveyed to a sump area and discharges via a culvert to Lower Church Lake on the western side of US 36.
   - As a result there was a potential for discharge of pollutants to Lower Church Lake (State waters).
   - The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

8. **It was noted during the inspection that inadequate BMPs were implemented to control sediment transport to paved surfaces along US 36.**
   - Specifically, a combination of Jersey Barriers / Gravel Bags was utilized as a sediment control BMP between the traffic lanes and construction areas. See attached photograph #63 of a correct installation of this BMP along Jewell Blvd. For much of US 36, the Jersey Barrier / Gravel Bag BMP was not consistently implemented in accordance with good engineering, hydrologic and pollution control practices. See attached photographs #54, #55, #43, #40 & #35.
   - No details for Jersey Barrier BMP application were found in the SWMP. Publically available installation and implementation specifications for Jersey barrier sediment control BMP which identify good engineering, hydrologic and pollution control practices for this BMP require that gravel bags be placed at the base slot of each barrier to control sediment from discharging through the slot.
   - Sediment had been discharged offsite and was observed in the US 36 traffic lanes and was being transported along the entire corridor.
   - As a result there was a potential for discharge of pollutants to the streams (State waters) and MS4's along the corridor.
   - The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

9. **It was noted during the inspection that inadequate BMPs were implemented to control sediment transport to paved surfaces along US 36.**
   - Specifically, sediment was observed on the US 36 travel lanes, on/off ramps, and parking areas throughout the project. See attached photographs #34, #36, #38, #42, #43, # 47, #48, #49, #54, & #55.
   - Street sweeping is discussed as a sediment tracking control BMP in the SWMP and would be utilized daily. No Street Sweeper was observed on any portion of the project by the inspector during the inspection and a significant amount of sediment was deposited on low traffic paved surfaces.
   - Sediment from the paved surfaces was being tracked on to the US 36 traffic lanes and transported along the entire corridor.
   - As a result there was a potential for discharge of pollutants to the streams (State waters) and MS4's along the corridor.
   - The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

10. **It was noted during the inspection that inadequate BMPs were implemented to control sediment transport to paved surfaces along US 36.**
   - Specifically, vehicle tracking pads in the area of the US 36 / SH 121 interchange and at Lowell Blvd were ineffective and/or inadequate. See attached photographs #35, #36, #39 & #64.
   - Vehicle Tracking Control (VTC) was not being implemented as provided in specifications and narratives in the SWMP. In one location the vehicle tracking pad had not been extended to the paved surface (see photograph #35). The other vehicle tracking pads had not been maintained in good and effective operating condition, missing rock and dirt was showing through at various locations.
   - Sediment was observed at the exit points of the aforementioned VTC's and was being tracked into the travel lanes and transported along the entire corridor.
   - As a result there was a potential for discharge of pollutants to the streams (State waters) and MS4's along the corridor.
   - The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

11. **It was noted during the inspection that no BMPs were implemented to contain soil stockpiles in numerous locations.**
   - Specifically, erodible stockpiles throughout the project were not being contained within 20 ft of the toe as provided for in the SWMP. See attached photographs #1, #7, #42, #44, #46 & #47.
   - Stockpile management was not being implemented according to specifications in the SWMP and not in accordance with good engineering, hydrologic and pollution control practices.
   - Sediment was observed around numerous stockpiles and was being transported along the entire corridor.
   - As a result there was a potential for discharge of pollutants to the streams (State waters) and MS4's along the corridor.
   - The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

12. **It was noted during the inspection that no BMPs were implemented to contain construction waste stockpiles in numerous locations.**
   - Specifically, construction waste piles throughout the project had not been collected and disposed of in appropriate containers as provided for in the SWMP. See attached photographs #11, #12, #23, #33, #41, #44, & #46.
   - Construction waste management was not being implemented according to specifications in the SWMP and not in

accordance with good engineering, hydrologic and pollution control practices.

- Construction waste piles were not contained or disposed of as required and exposed to stormwater runoff.
- As a result there was a potential for discharge of pollutants in stormwater runoff.
- The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters

13. It was noted during the inspection that no BMPs were implemented to manage stormwater runoff from an area where equipment repair and/or servicing was observed.

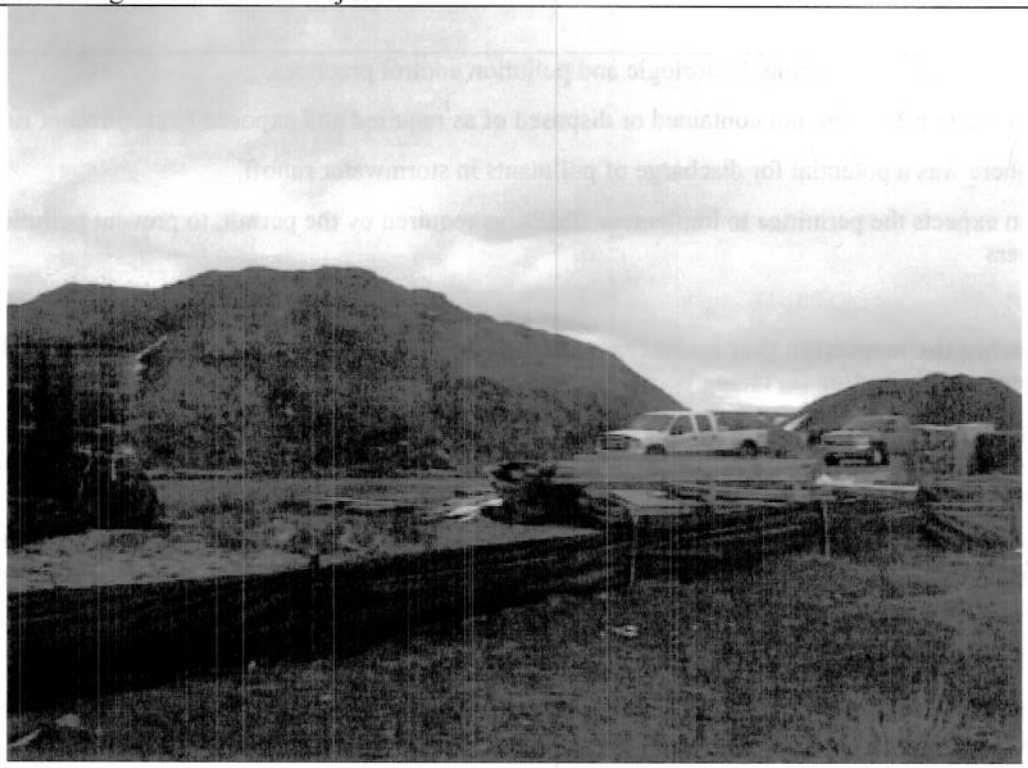
- Specifically, equipment repair was occurring at the north end of the concrete batch plant yard. Numerous petroleum spills were observed at that location. No BMPs were implemented to control pollutants from the petroleum spills. See attached photographs #18, #19, & #20.
- The location of pollutant sources associated with equipment maintenance had not been identified in the SWMP. Petroleum spills were observed in and around the area in which equipment maintenance was occurring. BMPs are required to control pollutants in stormwater runoff from equipment maintenance.
- As a result there was a potential for discharge of pollutants in stormwater runoff.
- The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

14. It was noted during the inspection that either no or inadequate BMPs were implemented to manage stormwater runoff at culverts.

- Specifically, in the area of Church Ranch Blvd and Big Dry Creek, inlets were observed that were either unprotected or the inlet protection was inadequate. See attached photographs #51, & #52.
- Culvert protection BMPs were not implemented per the SWMP. BMPS are required to control the discharge of pollutants and BMPs must be implemented prior to disturbance to control pollutants in stormwater discharge from the disturbed area.
- Stormwater runoff from this area is conveyed through the culverts to the east side of US 36 to undefined drainages.
- As a result there was a potential for discharge of pollutants in stormwater runoff.
- The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.

15. It was noted during the inspection that either no BMPs were implemented to manage stormwater runoff at disturbed areas.

- Specifically, no BMPs were installed to control erosion and sediment transport from the disturbed area south of US 36 at the Westminster Blvd Bridge. See attached photograph #62.
- The site map did not indicate that any BMPs would be used in this area. According to good engineering, hydrologic and pollution control practices BMPs must be implemented prior to disturbance to control pollutants in stormwater runoff from the disturbed area.
- As a result there was a potential for discharge of sediment in stormwater runoff.
- The Division expects the permittee to implement BMPs, as required by the permit, to prevent pollution or degradation of State waters.



Photograph #1 - Facing W from outside the project boundary and the potential discharge point from the Crusher Yard, drainage to the SE. Inadequate Stockpile Management for numerous large stockpiles in the yard. Single row silt fence was the only BMP implemented.

Photograph #2 – Facing SW at the SE limit of Crusher Yard, Drainage to the SE. Check spec for rock socks used as a supplement to silt fence

Photograph #3- Facing NW at the SE corner of the crusher yard. Drainage to the SE.

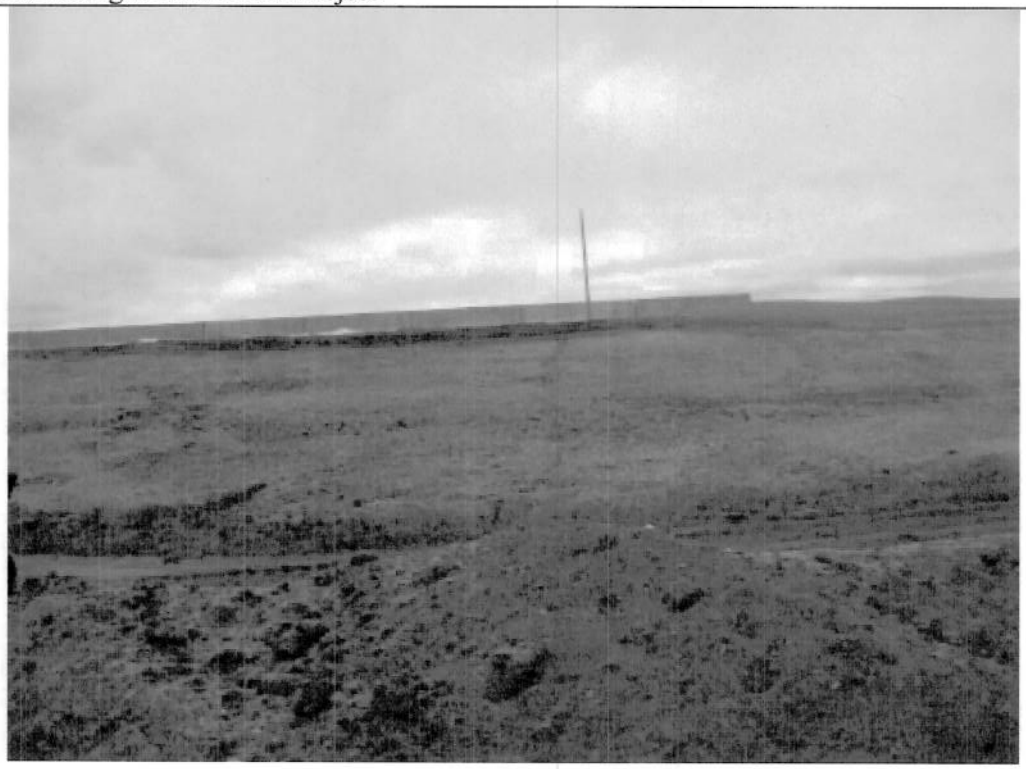
Photograph #4 –Facing SE from the SW corner of Crusher Yard. Drainage to the SE. Temporary Berm was not compacted nor were any other sediment controls in place.

Photograph #5 - Facing SE at the SW corner of the crusher yard, drainage to the SE. Temporary Berm had not been temporary stabilized (tackifier) on the side facing off project.

Photograph #6 - Facing NW toward crusher yard from lower end of Temporary Berm, drainage to the south.

Photograph #7- Facing NW at Union Pacific RR Bridge, drainage to the west via culvert (see photograph #13). Incomplete slope stabilization and stockpile management between disturbed area and culvert which discharges to wetland on west side of US 36.

Photograph #8 – Facing W at UP Bridge, drainage to SE then s west via culvert (see photograph #1). Outlet protection (rip rap) had been removed from discharge point, creating an unrestricted flow path to the culvert.



Photograph #9 - UP Bridge Upper Slope rill erosion beginning

Photograph #10 – Facing SE at UP Bridge, drainage to the west via culvert (see photograph #13). Sump conditions with no sediment BMPs and only partial slope stabilization.

Photograph #11 - Facing SE from same location as photograph #10. ECS indicated that the RR track was the perimeter BMP although not indicated on site map nor in the narratives. Also shows a waste pile of asphalt at the project limit.

Photograph #12. Facing NW on east side of US 36 at UP Bridge, drainage to open culvert. Unprotected construction waste stockpile.

Photograph #13. Facing West, at east side of UP Bridge, drainage to the west. Unprotected culvert (drainage outlet) which had estimated 5 acres of disturbed area draining to culvert.

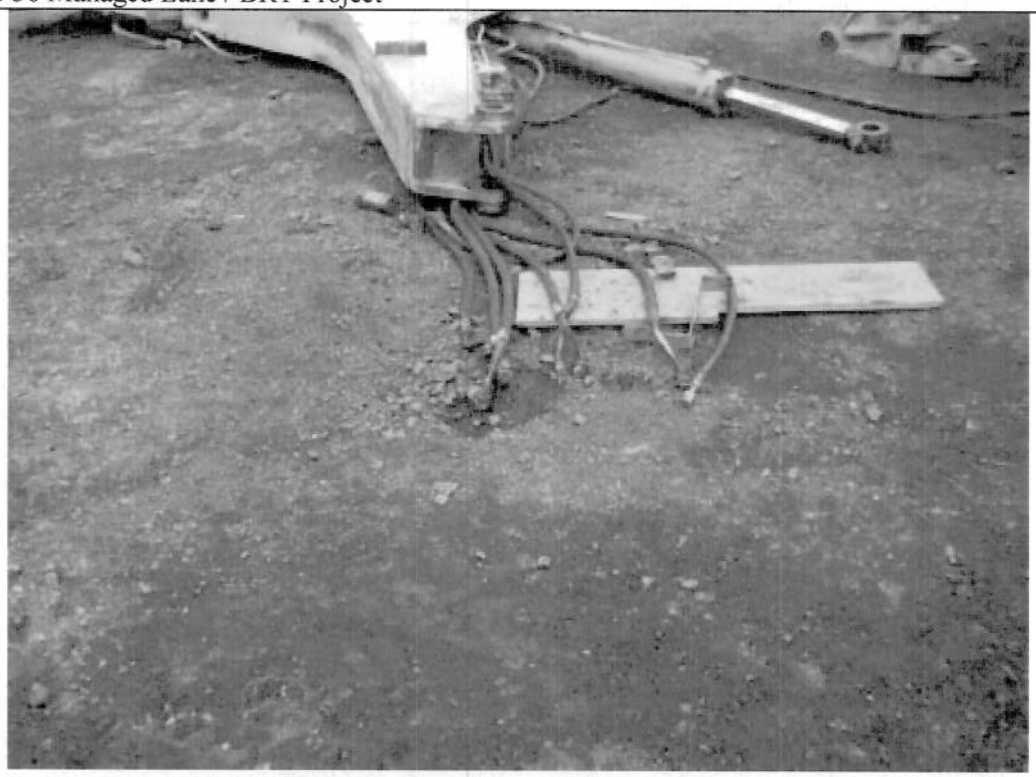
Photograph #14 - Facing NW on west side of UP Bridge, drainage to the west to wetland.There was no stabilization BMP on the slope and no BMP at toe of slope.

Photograph #15 - Facing NW. See photograph #8. Also a concrete waste stockpile.

Photograph #16 - West side of UP Bridge, No sediment control bmps and inadequate (or no) slope stabilization BMPS

Photograph #17 - UP Bridge WSW side, Wide angle view

Photograph #18 - North end of Concrete Batch Plant yard. Numerous petroleum spills attributed to on-site equipment repairs. No spill kit present.



Photograph #19 - Concrete Batch Plant Yard, petroleum spills.

Photograph #20 - Concrete Batch Plant Yard,

Photograph #21 - North end of Concrete Batch Plant yard. Leaking PP and only secured with one stake.

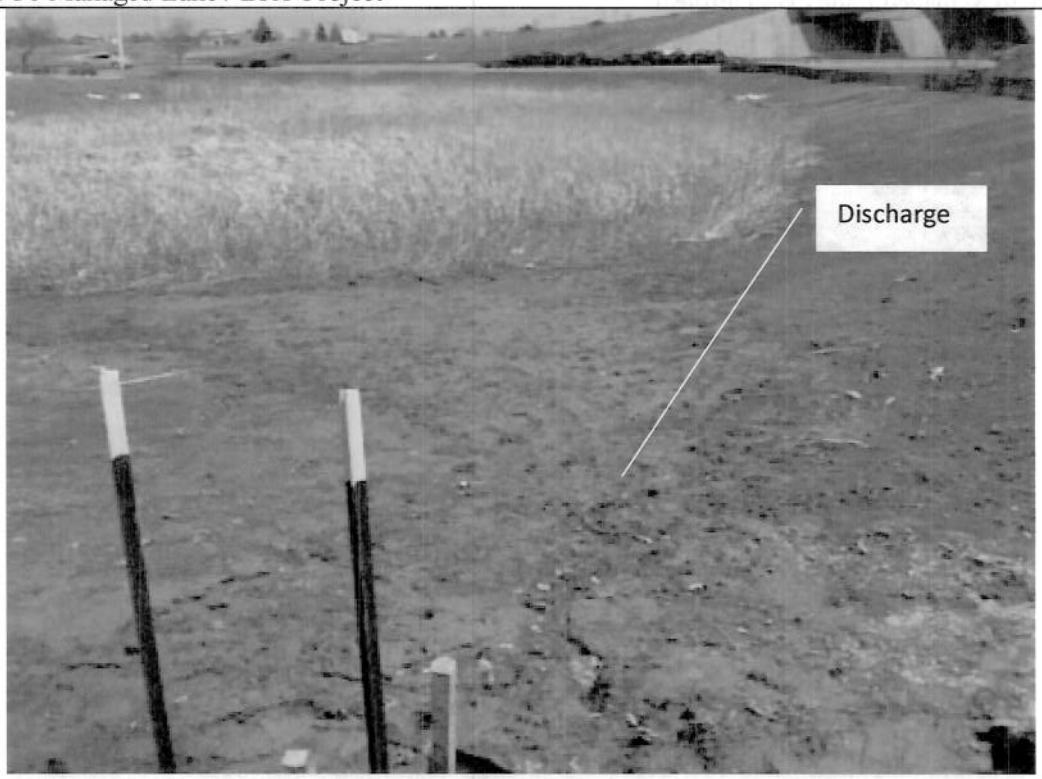
Photograph #22 - Concrete Batch Plant Yard, porta potti leaking and inadequately secured.

Photograph #23 - Just North of Fueling Yard at house demolition area. Construction waste

Photograph #24 - SE of car dealership. Outlet from existing inlets along US 36

Photograph #25 - SE of car dealership. Drainage way from outlet, no defined drainage across disturbed area (or it was silted in) to project limit.

Photograph #26 - SE of car dealership. Outlet into wetland.



Photograph #27 - SE of car dealership. Discharge of sediment to wetland.

Photograph #28 - Car Dealership, Outlet protection BMP???

Photograph #29 - Car Dealership, Outlet protection BMP

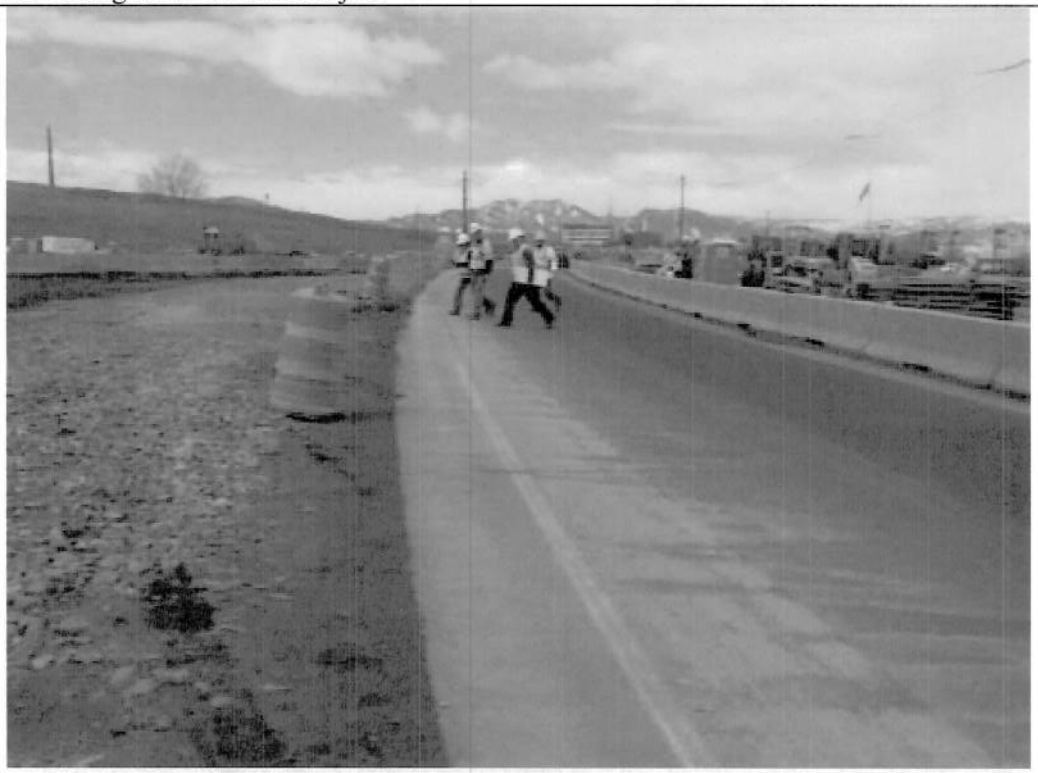
Photograph #30 - Car Dealership, stabilized run on channel

Photograph #32 - Car Dealership, Permittee stated that the disturbance outside of the silt fence was created by dealership.

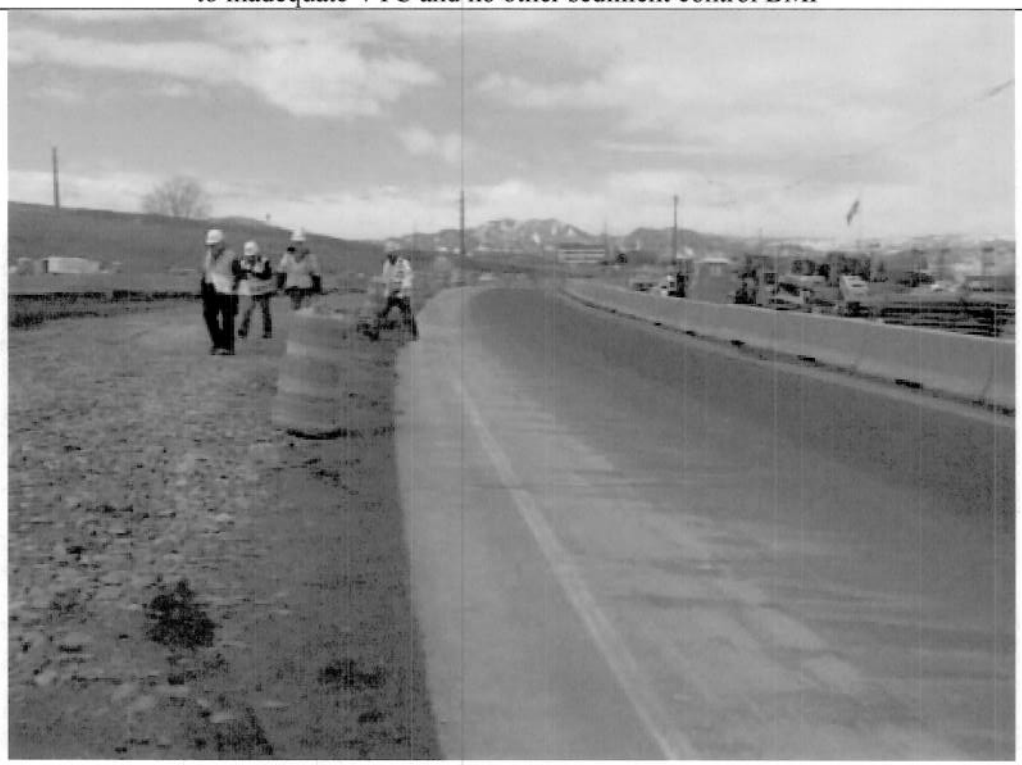
Photograph #33 - South of Car Dealership. Construction Waste Pile

Photograph #34 - South of Car Dealership. Sediment tracking to US 36. Note that the ECS indicated that they had 2 street sweepers running non-stop but none were witnessed during the inspection.

Photograph #35 - South of Car Dealership. VTC that led to tracking in the photo above.

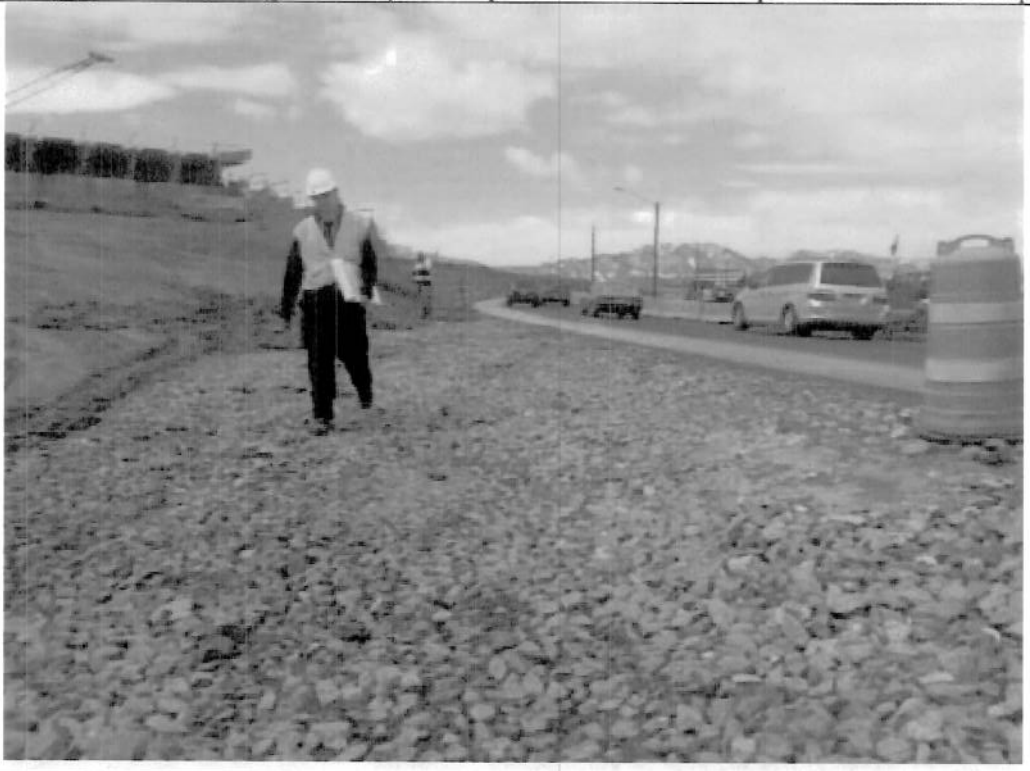


Photograph #36 - Opposite side of US 36 across from Car Dealership. Significant sediment deposition on road surface due to inadequate VTC and no other sediment control BMP



Photograph #37 - See above

Photograph #38 - Looking other way on ramp. Sediment with inadequate BMP at toe of slope



Photograph #39 - Same area, VTC needs MTCE

Photograph #40 - Clear Water Diversion, Rock Socks were not installed per spec

Photograph #41 - Clear Water Diversion, MORE construction site waste

Photograph #42 - Road down to Clear Water Diversion, Note that between this area and entrance on to active roadway there was NO VTC. Unprotected stockpiles on the right. Inadequate protection center left.

Photograph #43 - Road down to Clear Water Diversion, sediment on paved surface and rock socks not installed at barriers per spec.

Photograph #44 - Clear Water Diversion inadequate resulting in a discharge to Community Canal.

Photograph #45 - Clear Water Diversion inadequate resulting in a discharge to Community Canal.

Photograph #46 – Construction waste, inadequate stockpile bmp

Photograph #47 - Road down to Clear Water Diversion, no stockpile management and sediment on paved surface

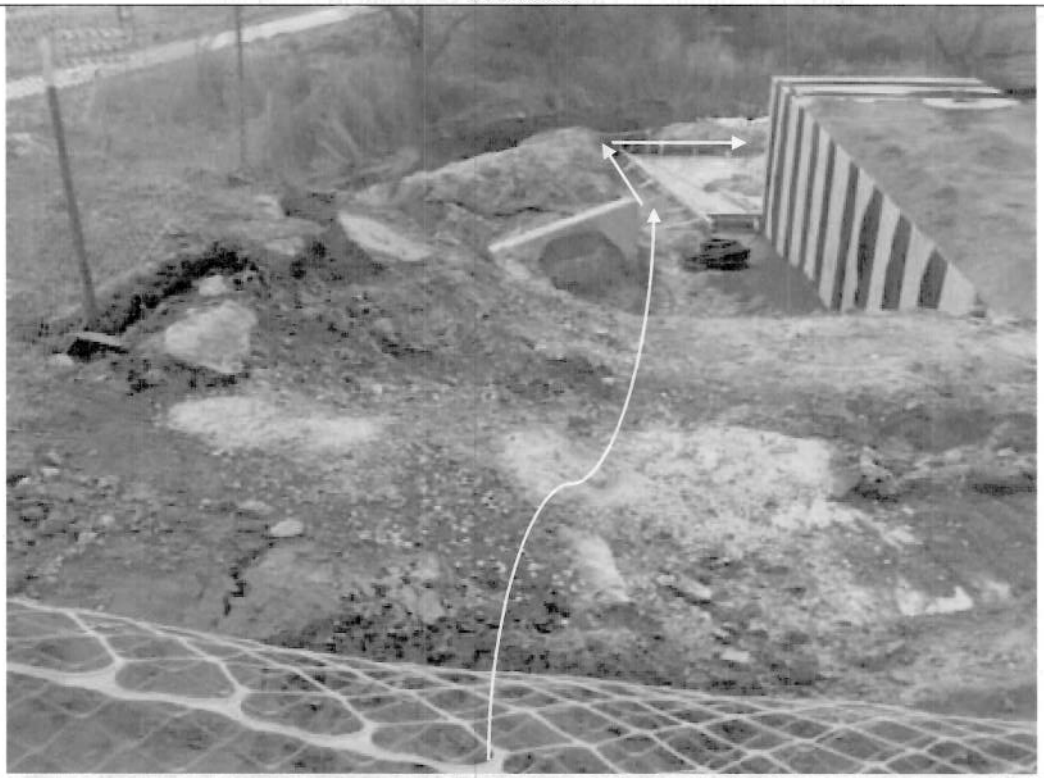
Photograph #48 - Leaving road down to Clear Water Diversion, tracking with no bmp

Photograph #49 - Exiting the above, more tracking

Photograph #50 - Top ¼ of the slope was not stabilized.

Photograph #51 - Unprotected culvert at base of disturbed area between Church Ranch and Big Dry Creek south of US 36

Photograph #52 - Inadequate culvert protection at base of disturbed area between Church Ranch and Big Dry Creek south of US 36



Photograph #53 – Big Dry Creek, concrete waste, disturbed area, and drainage path to state water

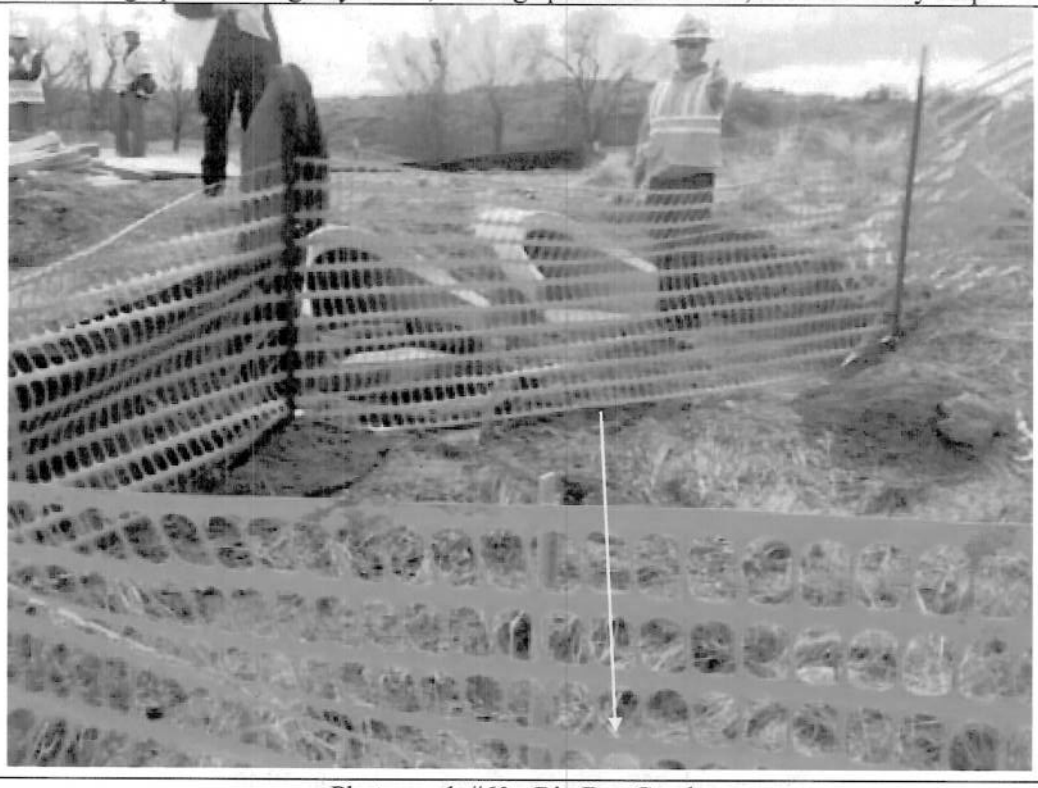
Photograph #54 - Big Dry Creek, sediment on pavement above the area of construction and no rock socks at base of barriers resulting in a discharge of sediment to travel lanes

Photograph #55 - Big Dry Creek, Inadequate inlet protection per detail.

Photograph #57 - Big Dry Creek, sediment discharge to protected area

Photograph #58 - Big Dry Creek, inadequate BMP

Photograph #59 - Big Dry Creek, drainage path from bottom, see above only bmp



Photograph #60 - Big Dry Creek,

Photograph #61 - Big Dry Creek, end of drainage path shows discharge to state waters

Photograph #62 – Westminster Blvd Bridge on south side of US 36. No BMP between disturbed area and ditch. Rocks socks as occasional bmps inadequate

Photograph #63 - Jewell. Rock socks installed correctly along jersey barriers.

Photograph #64 - Jewell Ave. VTC requites mtce resulting in off site tracking