



COLORADO

Department of Public
Health & Environment

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

May 19, 2015

Silvano Colman, Registered Agent
667 25 RD, LLC
P.O. Box 1473
Grand Junction, CO 81502

Certified Mail Number: 7005 1820 0000 3209 6115

**RE: Expedited Settlement Agreement
Copper Creek Subdivision / CDPS Permit Certification # COR-03K762**

Dear Mr. Colman,

Enclosed for your records is 667 25 RD LLC's copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was revised to reflect the correct ESA Number.

As specified in paragraph ten of the enclosed ESA, 667 25 RD, LLC must, within fifteen calendar days, submit a certified or cashier's check for the amount specified in paragraph four of the ESA to the Water Quality Control Division in order to resolve the matter.

If you have any questions, please do not hesitate to contact me at 303.692.6498 or andrea.beebout@state.co.us.

Sincerely,

Andrea Beebout, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosures

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Monique Mull, Mesa County Health Department
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans, CDPHE
Amy Zimmerman, Engineering Section, CDPHE
Heather Drissel, Field Services Unit 2, CDPHE
Lillian Gonzalez, Permits Unit 1, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE
Tania Watson, Data Management, CDPHE





Colorado Department of Public Health & Environment
Water Quality Control Division

EXPEDITED SETTLEMENT AGREEMENT

Number: ES-150519-1

The Colorado Department of Public Health and Environment (“Department”), through the Water Quality Control Division (“Division”), issues this Expedited Settlement Agreement (“ESA”), pursuant to the Division’s authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control Act (the “Act”) §§25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of 667 25 RD, LLC (“667 25 Rd”). The Division and 667 25 Rd may be referred to collectively as “the Parties.”

1. 667 25 Rd 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. 667 25 Rd is conducting construction activities to build a single family residential development located in the Town/City of Grand Junction, Mesa County, Colorado (“Project”).
3. 667 25 Rd, 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-03K762.
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 \$ 5,000.00.
5. By accepting this ESA, 667 25 Rd neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. 667 25 Rd 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, 667 25 Rd 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. 667 25 Rd agrees to the terms and conditions of this ESA. 667 25 Rd 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, 667 25 Rd 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 667 25 Rd 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. 667 25 Rd agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, 667 25 Rd 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:

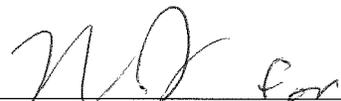
Andrea Beebout
 Colorado Department of Public Health and Environment
 Water Quality Control Division
 Mail Code: WQCD-CWE-B2
 4300 Cherry Creek Drive South
 Denver, Colorado 80246-1530
11. Notwithstanding paragraph 5 above, the violations described in this ESA will constitute part of 667 25 Rd's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against 667 25 Rd. 667 25 Rd agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon 667 25 Rd 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 667 25 RD, LLC:

 manager 667 25 Rd, LLC 3-13-2015
 Signature Date

Silvano Colman manager
 Name (printed) Title

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

 Date: 5/19/15
 Patrick J. Pfaltzgraff, Director
 WATER QUALITY CONTROL DIVISION



COLORADO

Department of Public
Health & Environment

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

November 12, 2014

CERTIFIED NO: 7012- 2920- 0000- 4116- 4924

Silas Colman, Mgr
667 25 Road LLC
PO Box 1473
Grand Junction, CO 81502

silascalman@gmail.com

Re: Facility Inspection / Compliance Advisory
667 25 Road LLC – Copper Creek Subdivision
CDPS Permit No. COR03K762

Mr. Colman:

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

This correspondence documents:

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

Corrective Action

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 667 25 Road LLC (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.
- b. 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 information to demonstrate that the detention pond used as a control measure at the project site is an adequate control measure. In accordance with Part I.D.2, this requires information regarding design, installation, implementation, and maintenance of the control measures in accordance with good engineering, hydrologic, and pollution control practices. The information shall demonstrate that the control measure is adequately designed to provide control of potential pollutant sources associated with construction activity to prevent pollution or degradation of State Waters. The permittee must also provide evidence of agreement with the owner that ensures proper operation and maintenance of the control measure by the permittee.
- c. Also 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 to the division any previous versions of the Stormwater Management Plan that are believed to provide information that is noted as missing or inadequate in this inspection report.
- d. 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.

The inspected entity must submit the response and additional requested information to the Colorado Department of Public Health and Environment, WQCD-P-B2, 4300 Cherry Creek Drive South, Denver, CO 80246-1530, Attn: Megan Shirley, by COB November 26, 2014.

- e. 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.

- f. 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 303-692-6421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Shirley'.

Megan Shirley
Environmental Protection Specialist
Clean Water Compliance Unit
WATER QUALITY CONTROL DIVISION

cc: File Copy
Mark Barslund, 5-2-1 Drainage Authority, e-copy.

Stormwater Inspection Report

Permittee: 667 25 Road LLC Cert# COR03K762 Report Date: November 12, 2014

Facility: Copper Creek Subdivision Rec. Water(s) Carpenter Drain - Colorado River

Facility Address: 667 25 Rd, Grand Junction CO 81507, Mesa County

Persons Present: Silas Colman/667 25 Road LLC; Mark Barslund, Tom McGee/City of Grand Junction;
Megan Shirley/WQCD

Legally Responsible Person /
Title: Silas Colman / Mgr

Inspector: Megan Shirley

Inspection Began: 10/14/2014 10:00 AM

Inspection Completed: 10/14/2014 1:00 PM

Inspection Findings

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

RECORDS REVIEW

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

Note 2: The permit certification effective date was December 27, 2013. The date that construction started and land-disturbing activities began at the site was January 5, 2014 and the area of disturbance at the time of the inspection was one acre as provided by Silas Colman/Mgr.

1. A copy of the SWMP was not retained onsite. The division inspector reviewed the SWMP after it was provided and found it to be inadequate for the following reasons:
 - a) In accordance with Part D.5.b, a copy of the SWMP must be retained on site unless another location, specified by the permittee, is approved by the division.
 - b) The Site Description section did not adequately describe items listed below as required by Part I.C.1 of the permit. Specifically:

- i. No anticipated sources of allowable non-stormwater discharges are identified in the SWMP, however it was observed during the inspection that concrete washout is being discharged to the ground. It was also observed that landscape irrigation return flow is present from lots that have been completed and landscaped.

The SWMP shall clearly describe the construction activity, and include:

- o Anticipated sources of allowable non-stormwater discharge at the site

The division expects the permittee to update the Site Description section of the SWMP to include all items required by the permit.

- c) The Site Map section of the SWMP did not identify all items required by Part I.C.2 of the permit. Specifically:

- i. The site map did not identify which lots are still disturbed and being developed.
- ii. The site map did not identify where stockpiles and building materials were located on the jobsite or where construction wastes were located (i.e. portable toilets).
- iii. The locations of all structural control measures on the map did not reflect “point and time conditions” at the time of the inspection.

The SWMP shall include a legible site map(s), showing the entire site and identify:

- o All areas of ground surface disturbance
- o The areas used for storage of building materials, soil stockpiles, and construction waste
- o The locations of all structural control measures

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

- d) The Stormwater Management Controls section did not identify all items required by Part I.C.3 of the permit. Specifically:

- i. The SWMP did not identify a person or position that would be the SWMP administrator.
- ii. A spill response and prevention procedure was not documented in the SWMP.
- iii. The SWMP did not identify all control measures that would be used for vehicle tracking (i.e. sweeping).

The description of the stormwater management controls in the SWMP shall include at a minimum:

- o The position/title or individual responsible for implementing and maintaining the SWMP

- Spill prevention and response procedures for areas where potential spills can occur
- All practices implemented at the site to control potential discharges from vehicle tracking

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

e) The Stormwater Management Controls section did not adequately describe the installation and implementation specifications for items observed during the field inspection and listed below as required by Part I.C.3.c of the permit. Specifically:

- i. Details were not provided for the earthen berms used as perimeter control on Lot 9 and Lot 13.

The SWMP shall clearly describe the installation and implementation specifications for all control measures used to control pollutants in stormwater discharges at the site.

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

f) The Final Stabilization and Long-term Stormwater Management section did not describe items required by Part I.C.4 of the permit. Specifically:

- i. The SWMP indicates builders will be responsible for stabilization but does not identify what the stabilization methods are. If landscaping of individual lots is planned, a landscape drawing must be provided.

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

The division expects the permittee to update the final stabilization and long-term stormwater management section to include all items as required by the permit.

2. Inspection records were available for review during the inspection. Upon review, the inspection records were found to be inadequate. Inspection records from August 15, 2013 through October 9, 2014 were reviewed by the inspector.

a) The Inspection and Maintenance section did not describe inspection and maintenance procedures as required by Part I.C.5 of the permit. Specifically:

- i. The maintenance procedures associated with any inspection findings were not identified in the SWMP.

The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control measures in good and effective operating

procedures. The division expects the permittee to update the inspection and maintenance section to include all items as required by the permit.

b) Inspections were not conducted consistent with minimum schedules required by Part I.D.6.a of the permit. Specifically:

- i. Inspections were not conducted at the minimum 14 day frequency required by the permit. No documentation was provided to indicate a winter exclusion or other deviation from the schedule. The following table indicates the dates inspections were conducted and the number of days in between each inspection.

| Inspection Date | Next Inspection Date | Days Between |
|-----------------|----------------------|--------------|
| 08-15-13 | 09-11-13 | 27 |
| 09-11-13 | 09-26-13 | 15 |
| 09-26-13 | 10-17-13 | 21 |
| 10-17-13 | 11-04-13 | 18 |
| 11-16-13 | 12-02-13 | 16 |
| 01-15-14 | 02-20-14 | 36 |
| 03-06-14 | 04-07-14 | 32 |
| 04-14-14 | 05-12-14 | 28 |
| 05-12-14 | 06-13-14 | 32 |
| 06-13-14 | 06-30-14 | 17 |
| 06-30-14 | 07-26-14 | 26 |
| 08-04-14 | 08-20-14 | 16 |
| 09-03-14 | 09-18-14 | 15 |
| 09-18-14 | 10-09-14 | 21 |

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

c) Inspections were not performed and/or documented as required by Part I.D.6.b of the permit. Specifically:

- i. The title of the person conducting the inspection was not included.
- ii. A signed statement is not included to certify that corrective actions have been completed, or when no corrective actions are noted, and that the site has returned to compliance with the permit.

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

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

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

d) Maintenance of control measures was not performed and/or documented as required by Part I.D.8 of the permit. Specifically:

- i. When corrective actions are noted as required, no additional information is included to document what these actions were, that they were completed, and in what time frame they were done.
- ii. None of the inspection reports reviewed show that corrective actions were ever completed.

The permit requires that:

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

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

SITE INSPECTION

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

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

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

1. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from concrete waste located at lot 24 (refer to photograph(s) 01 - 03).
 - Control Measure Observation: A concrete washout area control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
 - Concrete waste was observed deposited on the ground and not deposited in the designated concrete washout area as required by the SWMP.
 - The concrete washout area was located in lot 5 at the time of the inspection.
 - Control Measure Finding: An installation and implementation specification for a concrete washout area was provided on sheet 6 of the SWMP drawings, but was not consistently implemented. Specifically,
 - The SWMP requires the use of a designated concrete washout for all concrete waste (page 4, concrete truck/equipment washing).
 - The SWMP requires spills to be properly contained and cleaned up (page 4, other areas or procedures where spills can occur).
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this area flows along the curb line to City of Grand Junction curb inlets which discharge to a detention pond southwest of the project site. Additional control measures for this pollutant source were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado River
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:

- The discharge of concrete washout waste must not leave the site as surface runoff or to surface waters.
 - All site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
2. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater from sediment from stockpiles located in lots 1, 13, 14, 19, and 24 (refer to photograph(s) 04 - 10).
- Control Measure Observation: The SWMP identified an earthen berm control measure for the location and pollutant source noted above; however the control measure had not been implemented.
 - Control measures were not observed for the stockpiles that were onsite during the inspection.
 - Control Measure Finding: The SWMP identified use of earthen berms but an installation and implementation specification was not provided in the SWMP, and the control measure was not implemented. Specifically,
 - The SWMP requires that excess, stockpiled material have a berm constructed around the stockpile (page 4, Best Management Practices for Stormwater Pollution Prevention).
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this area flows along the curb line to City of Grand Junction curb inlets which discharge to a detention pond southwest of the project site. Additional inadequate control measures were implemented down gradient of this location (reference finding 7).
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado 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.
3. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located along lots 1, 2, 5, 7, 14, 19, 21, 24 (refer to photograph(s) 11 - 20).
- Control Measure Observation: The SWMP identified a straw wattle control measure for the location and pollutant source noted above; however the control measure had not been implemented.

- Control measures were not observed for the sediment from disturbed lots throughout the project site.
 - Control Measure Finding: The SWMP identified the use of straw wattles but an installation and implementation specification was not provided and the control measure was not implemented. Specifically,
 - The SWMP identified that straw wattles (hay waddle) were to be installed at the back of sidewalk surrounding all disturbed areas for each lot until it is finally stabilized (page 4, final stabilization and long term management).
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this area flows along the curb line to City of Grand Junction curb inlets which discharge to a detention pond southwest of the project site. Additional inadequate control measures were implemented down gradient of this location (reference finding 7).
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado 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.
4. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located around lot 9 and lot 13 (refer to photograph(s) 21 - 24).
- Control Measure Observation: An earthen berm control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
 - The berms that were observed were not installed in accordance with good engineering, hydrologic, and pollution control practices.
 - The berms were not consistently compacted as required by common industry standards.
 - Control Measure Finding: An installation and implementation specification for an earthen berm observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
 - Per the Colorado Department of Transportation common industry standard M-208-1, temporary berms, berms should have a height of 18 inches and side slopes of 2:1 or flatter with a minimum base of 4.5 feet.

- Per CDOT M-208-1, temporary berms must be compacted to prevent the transport of sediment. The un-compacted berms would be expected to erode during runoff events and become an additional pollutant source.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this area flows along the curb line to City of Grand Junction curb inlets which discharge to a detention pond southwest of the project site. Additional inadequate control measures were implemented down gradient of this location (reference finding 7).
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado River
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - Design control measures following good engineering, hydrologic and pollution control practices to prevent pollution or degradation of state waters and document in the SWMP.
5. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located at the intersection of Waffe Avenue and Copper Canyon Drive (refer to photograph(s) 25 - 27).
- Control Measure Observation: The SWMP identified a vehicle tracking control measure for the location and pollutant source noted above; however the control measure had not been implemented.
 - Tracking was observed on impervious surfaces between lots 4, 5, 14, and 19.
 - Control Measure Finding: An installation and implementation specification for a vehicle tracking pad was provided on sheet 6 of the SWMP drawings, but was not implemented. Specifically,
 - The SWMP requires that access to the site be restricted to one location where a vehicle tracking pad is in place. In the event that dirt is tracked out onto the roadway, it should be shoveled up immediately (page 3, vehicle tracking of sediment).
 - The vehicle tracking pad should be constructed of 2-3” gravel and placed over geotextile, CDOT 712.08, Class B. The gravel apron shall be a minimum of 12 feet wide and six inches deep. Construction traffic shall be limited to this one access (sheet 6, erosion control measures).
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this area flows along the curb line to City of Grand Junction curb inlets which discharge to a detention pond southwest of the project site. Additional inadequate control measures were implemented down gradient of this location (reference finding 7).
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado River
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:

- Practices must be implemented for all areas of potential vehicle tracking, and can include: minimizing site access; street sweeping or scraping; tracking pads; graveled parking areas; requiring that vehicles stay on paved areas on-site; wash racks; contractor education; and/or sediment control measures, etc.
6. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from the concrete washout located in on the southeast corner of lot 5 (refer to photograph(s) 28).
- Control Measure Observation: A concrete washout area control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
 - The concrete washout area observed during the inspection was not installed per the specification provided in the SWMP.
 - The washout berms did not meet the minimum requirements, there was no tracking pad or sloped ramp, and a sign meeting the requirements listed was not present.
 - Control Measure Finding: An installation and implementation specification for a concrete washout area was provided on sheet 6 of the SWMP drawings, but was not consistently implemented. Specifically,
 - Per the specification provided in the SWMP, the concrete washout must be adjacent to the vehicle tracking pad for use.
 - The washout shall have compacted berm containment walls a minimum of 4' wide and 2' high. Berms shall be sloped 2:1 into the washout.
 - The washout should be excavated a minimum of 3' below the ground.
 - A concrete washout sign measuring 24" x 18" standing 5' off the ground should be placed adjacent to the washout.
 - The ramp into the washout should be sloped at 3:1 into the excavation.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this area flows along the curb line to City of Grand Junction curb inlets which discharge to a detention pond southwest of the project site. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado River
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - The discharge of concrete washout waste must not leave the site as surface runoff or to surface waters.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

7. It was noted during the inspection that inadequate control measures were implemented to manage stormwater runoff from sediment from disturbed areas located southwest of the subdivision location (refer to photograph(s) 29 - 30).
- Control Measure Observation: A detention pond control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
 - The detention pond observed offsite of the project was being used as a control measure for the Copper Creek subdivision but was not being maintained or controlled by the permittee of this subdivision.
 - The outlet of the pond, in its current state, is not designed to result in pollutant removal. Inadequate straw bales were observed around the outlet, but were not implemented or maintained by the permittee.
 - Control Measure Finding: An installation and implementation specification for the detention pond observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
 - The pond was not designed in accordance with good engineering, hydrologic, and pollution control practices for the purposes of controlling pollutants from construction activities.
 - The pond does not meet the requirements of a best management practice per the permit (Part I.D.2). The outlet of the pond, in its current state, is not designed to result in pollutant removal.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows to the overflow structure and discharges to Carpenter Drain, and ultimately to the Colorado River. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado River
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - The permittee is responsible for ensuring proper management of all pollutants from their permitted area, even if the control measure is implemented by another party.
 - The permittee must have adequate documented permission from the land owner or BMP owner to utilize the off-site conveyance and to ensure proper operation and maintenance. The permittee must provide evidence of this agreement. The control measure must be operated and maintained in accordance with the SWMP and must control the discharge of pollutants or degradation of state waters.



Photograph 1: Concrete waste spilled around stockpile in lot 24



Photograph 2: Concrete waste spilled around stockpile in lot 24



Photograph 3: Concrete waste spilled around stockpile in lot 24



Photograph 4: Berms not in place around stockpiles in lot 24



Photograph 5: Berms not in place around stockpile in lot 1



Photograph 6: Berms not in place around stockpiles in lot 19



Photograph 7: Berms not in place around stock piles in lot 19



Photograph 8: Berms not in place around stock piles in lot 19



Photograph 9: Berms not in place around stock piles in lot 14



Photograph 10: Berms not in place around stock piles in lot 13



Photograph 11: Perimeter controls not in place around disturbed area in lot 24



Photograph 12: Perimeter controls not in place around disturbed area in lot 24



Photograph 13: Perimeter controls not in place around disturbed area in lot 1



Photograph 14: Perimeter controls not in place around disturbed area in lot 2



Photograph 15: Perimeter controls not in place around disturbed area in lot 21



Photograph 16: Perimeter controls not in place around disturbed area in lot 19



Photograph 17: Perimeter controls not in place around disturbed area in lot 14



Photograph 18: Perimeter controls not in place around disturbed area in lot 14



Photograph 19: Perimeter controls not in place around disturbed area in lot 5



Photograph 20: Perimeter controls not in place around disturbed area in lot 7



Photograph 21: Inadequate earthen berm perimeter control around lot 13



Photograph 22: Inadequate earthen berm perimeter control around lot 13



Photograph 23: Inadequate earthen berm perimeter control around lot 9



Photograph 24: Inadequate earthen berm perimeter control around lot 9



Photograph 25: Vehicle tracking pad not implemented, tracking observed in the road from lot 19



Photograph 26: Vehicle tracking pad not implemented, tracking observed in the road from lot 19



Photograph 27: Vehicle tracking pad not implemented, tracking observed in the road from lot 14



Photograph 28: Concrete washout in lot 5 not installed per the specification provided in the SWMP



Photograph 29: Detention pond southwest of the project, looking northwest



Photograph 30: Detention pond southwest of the project, looking southwest