



## COLORADO

Department of Public  
Health & Environment

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

May 14, 2015

Certified Mail Number 7005 1820 0000 3207 8142

Brian Schrameyer, VP/Operations Manager  
American West Construction, LLC  
275 E. 64<sup>th</sup> Ave.  
Denver, CO 80221

**RE: Expedited Settlement Agreement, Number ES-150421  
CDPS Permit No: COR-03I226 & COR-03M867**

Dear Mr. Schrameyer,

Enclosed for your records, you will find American West Construction, LLC's copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was revised to reflect the assigned ESA Number. The ESA is now fully enforceable and constitutes a final agency action.

As specified in the enclosed ESA, American West Construction, LLC must, within fifteen (15) calendar days, submit a certified or cashier's check for the amount specified in the ESA to the Water Quality Control Division in order for this matter to be resolved.

If you have any questions, please don't hesitate to contact Eric Mink at (303) 692-2312 or by electronic mail at [eric.mink@state.co.us](mailto:eric.mink@state.co.us).

Sincerely,

Eric T. Mink, Enforcement Specialist  
Clean Water Enforcement Unit  
WATER QUALITY CONTROL DIVISION

*Enclosure(s)*

cc: Enforcement File



ec: Natasha Davis, EPA Region VIII  
Doug Linkhart, EH Director  
Nicole Rowan, Watershed Section, CDPHE  
Michael Beck, Grants and Loans Unit, CDPHE  
Amy Zimmerman, Engineering Section, CDPHE  
Kelly Jacques, Field Services Section, CDPHE  
Lillian Gonzalez, Permits Section, CDPHE  
Mike Harris, Clean Water Enforcement Unit, CDPHE  
Tania Watson, Data Management, CDPHE  
Nathan Moore, Clean Water Compliance Unit, CDPHE





Colorado Department of Public Health & Environment  
Water Quality Control Division

## EXPEDITED SETTLEMENT AGREEMENT

Number: ES-150421

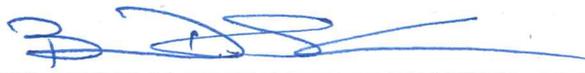
The Colorado Department of Public Health and Environment (“Department”), through the Water Quality Control Division (“Division”), issues this Expedited Settlement Agreement (“ESA”), pursuant to the Division’s authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control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

1. American West 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. American West was/is conducting construction activities to build a water quality pond and implement drainage way improvements, located at the Denver International Airport, Denver County, Colorado (the “Projects”).
3. American West, 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 (the “Permit”), Certification Numbers COR-03I226 and COR-03M867.
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 \$ 14,000.00.
5. By accepting this ESA, American West neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. American West certifies that all deficiencies identified in the attached inspection report have been corrected and that the Projects are currently in full compliance with the terms and provisions of the Permit. Additionally, American West 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 Projects.
7. American West agrees to the terms and conditions of this ESA. American West 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, American West 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 American West 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. American West agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, American West 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:
 

Eric T. Mink  
 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 American West'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 American West. American West agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon American West 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 AMERICAN WEST CONSTRUCTION, LLC:**

	4/15/15
Signature	Date
BRIAN D. SCHRAMMEYER	VICE PRESIDENT
Name (printed)	Title

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

	Date: 21 Apr 15
Patrick J. Pfaltzgraff, Director	
WATER QUALITY CONTROL DIVISION	



December 2, 2014

CERTIFIED NO: 7012- 2920- 0000- 4116- 4955

Jason Arnold, PM  
American West Construction LLC  
275 E 64 Ave  
Denver, CO 80221

[jarnold@amwestcon.com](mailto:jarnold@amwestcon.com)

**Re: Facility Inspection / Compliance Advisory**  
American West Construction LLC  
CDPS Permit No. COR03M867 - DIA Drainage Way Improvements  
CDPS Permit No. COR03I226 - Terminal Water Quality Pond

Mr. Arnold:

An inspection of the above-referenced facilities was conducted by the Water Quality Control Division (the division) on October 21, 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 reports.

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 reports.

### **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 American West Construction 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 reports 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 reports, 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 reports. 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. 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.
- c. Permit coverage is required for all construction activities (including those necessitated to make corrections to findings identified in the enclosed inspection reports) and for disturbed areas that have not reached the final stabilization criteria in Part I.C.4 of the permit. The division has no record that American West Construction LLC has active permit coverage for stormwater discharges to surface waters of the State from construction activities at the Terminal Water Quality Pond site. If it is American West Construction LLC belief that the requirements for permit coverage are no longer applicable to the site based on having reached final stabilization and completion of all activities, a statement of this condition, along with photos documenting the conditions, must be included in the response required in item d, below. If construction activities are taking place, permit coverage is still required, and a new application, or a modification to include the disturbed areas and activities under COR03M867, should be returned to Colorado Department of Public Health and Environment, WQCD-P-B2, 4300 Cherry Creek Drive South, Denver, CO 80246-1530. It is the division's expectation that American West Construction LLC submit the required form as soon as possible, but no later than **Wednesday, December 17, 2014**.
- 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 December 17, 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,



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

cc: Scott Dickerson, City and County of Denver  
File Copy



## Stormwater Inspection Report

**Permittee:** American West Construction LLC      **Cert#** COR03M867      **Report Date:** December 2, 2014

**Facility:** DIA Drainage Way Improvements      **Rec. Water(s)** Third Creek - Barr Lake

**Facility Address:** 80 Ave and Vandriver St Denver 80249

**Persons Present:** Brian Schrameyer, Jason Arnold/American West Construction; Michael Cloud, Catherine Rafferty, Jerry Uliand, Craig Schilinger, Michelle Martin, Mark Kunugi/Denver International Airport; Scott Dickerson, Carol Becker, Nancy Garcia/City and County of Denver; Megan Shirley/WQCD

**Legally Responsible Person / Title:** Jason Arnold / PM

**Inspector:** Megan Shirley

**Inspection Began:** 10/28/2014 8:30 AM

**Inspection Completed:** 10/28/2014 11:30 AM

### 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 27, 2014 the day before the inspection.
- Note 2: This inspection report identifies construction activities, including land disturbances, for which stormwater permit coverage was required prior to the effective date of the permit certification, COR03M867, in accordance with Regulation No. 61, Section 61.3(2)(e)(iii).
- Note 3: The permit certification effective date was October 7, 2014. The date that construction started and land-disturbing activities began at the site was October 21, 2014 and the area of disturbance at the time of the inspection was one acre as provided by Jason Arnold/PM.
- Note 4: Permit coverage for the activities included under COR03M867 were previously included under permit certification number COR03I734. An inactivation request for COR03I734 was submitted to the division on June 10, 2013, that included certification by the permittee that the site met the requirements for final stabilization in accordance with the permit, the Stormwater Management Plan, and the description provided in the request. Permit coverage was terminated under COR03I734, effective June 13, 2013. From June 13, 2013 until the effective

date of COR03M867 on October 7, 2014, the permittee was not authorized to discharge stormwater associated with construction activities.

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

- i. The location that equipment is staged was not identified on the site map.
- ii. The location of the straw wattles that were installed throughout the jobsite were not consistently identified on the site map.

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

- o The areas used for storage of equipment
- 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.

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

- i. Information was not provided in the SWMP describing when control measures would be implemented in relation to the major construction phases.
- ii. The SWMP identifies that vehicle tracking controls will be implemented as dictated by the “plan” but no further information is provided to discuss what these control measures are and where they are located relative to the pollutant source.

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

- o The relationship between the phases of construction and the implementation / maintenance of both structural and non-structural control measures
- o 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.

c) 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. Specifications for straw wattles were not provided in the SWMP.
- ii. Specification for seeding is not included in the SWMP.

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.

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

- i. The SWMP indicates that the site will use TRM and seed and mulch but does not provide information on the vegetative cover (i.e. specifications about seed and mulching).

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 October 7, 2014 through October 27, 2014 were reviewed by the inspector.

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

- i. The permit was effective on October 7, 2014 and an inspection was not conducted until October 24, 2014. No information was documented to discuss why an inspection was not done within the 14 day requirement.

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

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

- i. The title of the person conducting the inspection was not included on the report.

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:

- Name(s) and **title(s)** of personnel making the inspection.

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

## SITE INSPECTION

Note 5: 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 6: The findings identified below provide specific observations of field deficiencies. It remains the permittee's responsibility to ensure that all permit requirements, terms and conditions are met for the entire construction site.

1. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located along the boundaries of the project site and sporadically through the site (refer to photograph(s) 01 - 68).
  - Control Measure Observation: A straw wattle control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
    - The straw wattle observed during the inspection was not installed consistently per common industry standards and specifications.
    - Several sections of wattle were significantly damaged with major holes and tears.
    - Wattles were in need of maintenance to remove sediment accumulations and to repair areas that were being bypassed or undercut by runoff and up-gradient erosion and riling.
  - Control Measure Finding: An installation and implementation specification for straw wattle observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
    - The Urban Storm Drainage Criteria Manual specification, SC-2 for straw wattle, indicates that straw wattles shall be entrenched a minimum of 1/3 the diameter of the straw wattle. Staking should be placed at each end and at four foot centers.
    - Wattles should overlap a minimum of 12 inches for longer runs.
    - The maximum allowable tributary drainage area per 100 lineal feet of wattle, installed along the contour is approximately 0.25 acres with a disturbed slope length of up to 150 feet with a slope gradient no steeper than 3:1.
    - Because the tributary areas for the straw wattles at the site exceed those for which the control measures are designed to operate adequately, the control measure is required to be used in combination with other layers of erosion and sediment controls.

- The uphill side of the straw wattle shall be backfilled with soil that is free of rocks and debris. The soil shall be tightly compacted in the shape of a right triangle.
  - Sediment accumulated upstream of a straw wattle shall be removed as needed to maintain functionality of the control measure, typically when depth of accumulated sediment is approximately ½ the height of the straw wattle.
  - Damaged wattles should be repaired, typically by replacing the damaged section.
  - In accordance with good engineering, hydrologic, and pollution control practices, the Urban Storm Drainage Criteria Manual specification, SC-2 for straw wattles, states that wattles shall be removed at the end of construction. If disturbed area exists after removal, the area shall be covered with top soil, seeded and mulched, or otherwise stabilized. If straw wattles are designed to remain in place, the SWMP must address how the control will be implemented and maintained to ensure stable drainage conditions and ensure the final stabilization criteria in the permit are met.
- Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows through the corresponding drainage improvements through the City of Denver MS4, ultimately discharging to Third Creek. 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): Third Creek
  - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
    - Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit.
    - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
    - Design and implement control measures following good engineering, hydrologic and pollution control practices to prevent pollution or degradation of state waters and document in the SWMP.

2. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located throughout the excavated swales along the site (refer to photograph(s) 69 - 79).

- Control Measure Observation: A swale/diversion ditch control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
  - The diversion ditches were disturbed areas with no additional down gradient control measures (i.e. checks, stabilization) to control flow velocities and to manage the associated pollutant source.

- Control Measure Finding: An installation and implementation specification was provided in the SWMP but was not in accordance with good engineering, hydrologic and pollution control practice as required by the permit. Specifically,
    - The specification provided in the SWMP indicates that the ditches shall be at a gradient such that it is not too steep and erosion will be avoided.
    - In accordance with good engineering, hydrologic, and pollution control practices, the Urban Storm Drainage Criteria Manual specification for drainage swales indicates that drainage swales constructed as an erosion and sediment control measure and conveyance should direct runoff to an additional sediment control treatment such as a sediment trap or basin.
    - Unlined excavated swales should be compacted to prevent erosion, riling, or transport of pollutants.
  - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows through the corresponding drainage improvements through the City of Denver MS4, ultimately discharging to Third Creek. 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): Third Creek
  - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
    - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
    - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
    - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
3. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from construction materials waste located adjacent to the small water quality pond on the site (refer to photograph(s) 80).
- Control Measure Observation: The SWMP identified a dumpster or offsite disposal control measure for the location and pollutant source noted above; however the control measure had not been implemented.
    - A pile of trash was observed deposited on the ground within the project site.
  - Control Measure Finding: An installation and implementation specification for waste handling was provided in the SWMP, but was not consistently implemented. Specifically,
    - The SWMP identifies that waste materials will be contained and then removed from site and disposed of in a manner as to not cause pollutants in stormwater discharges (page 5).
  - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows through the corresponding drainage improvements through the City of Denver MS4, ultimately

discharging to Third Creek. 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): Third Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit.
  - 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.

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 throughout the project site (mainly near the pond on the far north side of the project and on the sloped area directly up-gradient of the final culvert) (refer to photograph(s) 81 - 85).

- Control Measure Observation: A seed and mulch and straw wattle control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
  - Seed and mulch had been implemented in conjunction with straw wattle but were in need of maintenance due to riling observed during the inspection.
  - Field observations indicated disturbances and erosion were present prior to the permit certification effective date.
- Control Measure Finding: An installation and implementation specification for seeding and straw wattles observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
  - The SWMP identifies that erosion control blankets will be installed around the northern most pond in areas of riling.
  - In accordance with good engineering, hydrologic, and pollution control practices, the Urban Storm Drainage Criteria Manual specification for straw wattle indicates that straw wattles shall be backfilled and compacted to prevent erosion and riling.
  - Until the seed and mulch are well established, the straw wattles are intended to be used in combination with other erosion control measures such as the blankets called for in the SWMP.
- Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows through the corresponding drainage improvements through the City of Denver MS4, ultimately discharging to Third Creek. 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): Third Creek
  - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
    - Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit.
    - 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.
    - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
5. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located at the culvert at the pond on the far north side of the project (refer to photograph(s) 86 - 88).
- Control Measure Observation: A rock sock/dandy sock control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
    - The rock socks/dandy products observed were in need of maintenance to remove accumulated sediment around the control measures.
  - Control Measure Finding: An installation and implementation specification for rock socks/dandy products observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
    - In accordance with good engineering, hydrologic, and pollution control practices and common industry standards, the specification for rock socks from the Urban Storm Drainage Criteria Manual requires that sediment accumulated upstream of the rock socks shall be removed as needed to maintain functionality of the control measure, typically when depth of accumulated sediments is approximately one-half the height of the rock sock.
    - Rock socks should be removed when the upstream area of disturbance has been stabilized. They should then be removed and any areas of remaining disturbance shall be covered with topsoil, seeded and mulched, or otherwise stabilized.
  - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows through the corresponding drainage improvements through the City of Denver MS4, ultimately discharging to Third Creek. 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): Third Creek
  - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:

- Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit.
- 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.



**Photograph 1:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 2:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 3:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 4:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 5:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 6:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 7:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 8:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 9:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 10:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 11:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 12:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 13:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 14:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 15:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 16:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 17:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 18:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 19:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 20:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 21:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 22:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 23:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 24:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 25:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 26:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 27:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 28:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 29:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 30:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 31:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 32:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 33:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 34:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 35:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 36:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 37:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 38:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 39:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 40:** Runoff bypassing and undercutting the wattle, erosion on the down-gradient side



Photograph 41: Straw wattle not installed or maintained per specification in SWMP



Photograph 42: Straw wattle not installed or maintained per specification in SWMP



**Photograph 43:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 44:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 45:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 46:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 47:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 48:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 49:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 50:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 51:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 52:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 53:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 54:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 55:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 56:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 57:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 58:** Straw wattle not installed or maintained per specification in SWMP



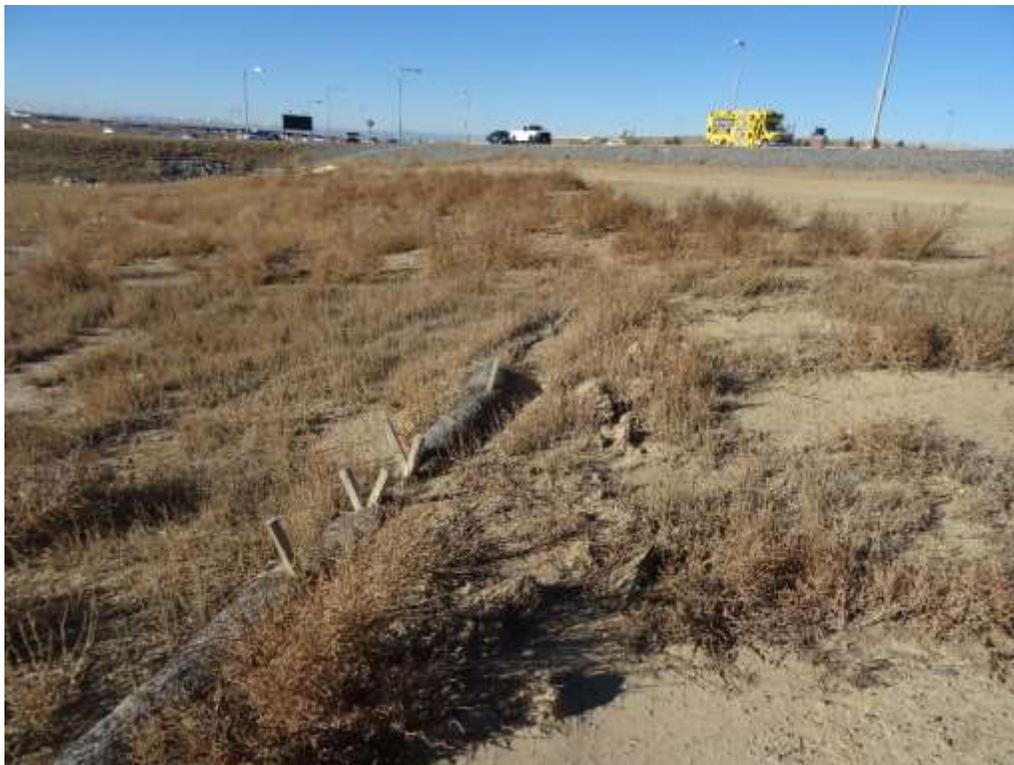
**Photograph 59:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 60:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 61:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 62:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 63:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 64:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 65:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 66:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 67:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 68:** Straw wattle not installed or maintained per specification in SWMP



**Photograph 69:** Contributing swales without consistent down gradient controls as required



**Photograph 70:** Contributing swales without consistent down gradient controls as required



**Photograph 71:** Contributing swales without consistent down gradient controls as required



**Photograph 72:** Contributing swales without consistent down gradient controls as required



**Photograph 73:** Contributing swales without consistent down gradient controls as required



**Photograph 74:** Contributing swales without consistent down gradient controls as required



**Photograph 75:** Contributing swales without consistent down gradient controls as required



**Photograph 76:** Contributing swales without consistent down gradient controls as required



**Photograph 77:** Contributing swales without consistent down gradient controls as required



**Photograph 78:** Contributing swales without consistent down gradient controls as required



**Photograph 79:** Contributing swales without consistent down gradient controls as required



**Photograph 80:** Construction waste not managed in accordance with the SWMP



**Photograph 81:** Seed and mulch and ECB not completed per specification, erosion and riling present



**Photograph 82:** Seed and mulch and ECB not completed per specification, erosion and riling present



**Photograph 83:** Seed and mulch and ECB not completed per specification, erosion and riling present



**Photograph 84:** Seed and mulch and ECB not completed per specification, erosion and riling present



**Photograph 85:** Seed and mulch and ECB not completed per specification, erosion and riling present



**Photograph 86:** Rock sock not maintained per specification in SWMP



**Photograph 87:** Dandy product not maintained per specification in SWMP



**Photograph 88:** Dandy product not maintained per specification in SWMP

## Stormwater Inspection Report

**Permittee:** American West  
Construction LLC

**Cert#** COR031226

**Report Date:** December 2, 2014

**Facility:** Terminal Water Quality Pond

**Rec. Water(s)** Third Creek - Barr Lake

**Facility Address:** 78 Ave & Jackson Gap St, Denver 80249

**Persons Present:** Brian Schrameyer, Jason Arnold/American West Construction; Michael Cloud, Catherine Rafferty, Jerry Uliand, Craig Schilinger, Michelle Martin, Mark Kunugi/Denver International Airport; Scott Dickerson, Carol Becker, Nancy Garcia/City and County of Denver; Megan Shirley/WQCD

**Legally Responsible Person / Title:** Jason Arnold / PM

**Inspector:** Megan Shirley

**Inspection Began:** 10/28/2014 8:30 AM

**Inspection Completed:** 10/28/2014 11:30 AM

### 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). This site is currently not subject to the requirements of this permit, however compliance with the provisions of the permit must be achieved prior to the effective date of permit coverage, if obtained. This report therefore refers to expectations of the "permittee" for compliance following the issuance of stormwater permit coverage. This report also identifies construction activities, including land disturbances, for which stormwater permit coverage is required in accordance with Regulation No. 61, Section 61.3(2)(e)(iii).

### 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 27, 2014 the day before the inspection.
- Note 2: The permit certification effective date was September 27, 2011. The date that construction started and land-disturbing activities began at the site was October 17, 2011 and the area of disturbance at the time of the inspection was less than 1 acre as provided by Jason Arnold, PM.
- Note 3: An inactivation request was submitted to the division on June 10, 2013, that included a certification by the permittee that the site met the requirements for final stabilization in accordance with the permit, the Stormwater Management Plan, and the description provided in the request. Permit coverage was terminated for the facility, effective June 13, 2013. Effective June 13, 2013, the permittee was no longer authorized to discharge stormwater associated with construction activities.

1. A copy of the SWMP was retained onsite. The division inspector reviewed the SWMP and found it to be inadequate for the following reasons:
  - a) The Site Description section did not adequately describe items listed below as required by Part I.C.1 of the permit. Specifically:
    - i. Information was not provided in the SWMP describing the types of vegetation present prior to construction activities.

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

- The pre-existing vegetation 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.

- b) The Site Map section of the SWMP did not identify all items required by Part I.C.2 of the permit. Specifically:
  - i. The majority of the site had been seeded and mulched, the site map did not consistently show the vegetation and stabilization that was in place on all areas of the site.
  - ii. The project is located directly adjacent to a Third Creek tributary which is not identified on the site map.

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

- The locations of all non-structural control measures
- The location(s) of streams in the project area

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

- c) The Stormwater Management Controls section did not identify all items required by Part I.C.3 of the permit. Specifically:
  - i. The SWMP does not identify the relationship between the structural and non-structural control measures that will be used with the corresponding construction phases.

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

- The relationship between the phases of construction and the implementation / maintenance of both structural and non-structural control measures

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

d) 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. Specifications for rock socks/dandy products were not provided in the SWMP.

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.

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

i. Information was not provided on the seed and mulch that was to be used for final stabilization in all areas of disturbance that were not built upon.

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 December 21, 2012 through June 13, 2013 were reviewed by the inspector.

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

i. An inspection was not conducted between May 13, 2013 and June 13, 2013 when the permit was terminated. Inspections for projects awaiting final stabilization must be inspected at a minimum on a monthly basis.

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

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

- i. The title of the person completing the inspection was not included on any of the inspection reports.

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:

- Name(s) and **title(s)** of personnel making the inspection.

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

## SITE INSPECTION

Note 4: 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 5: The findings identified below provide specific observations of field deficiencies. It remains the permittee's responsibility to ensure that all permit requirements, terms and conditions are met for the entire construction site.

Note 6: The permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of stormwater to storm drain systems or other water courses within their jurisdiction. Therefore, this report is encompassing of state permit requirements only and American West Construction LLC is still required to meet all requirements of the City and County of Denver discharge permit associated with these construction activities.

1. It was noted during the inspection that straw wattles associated with the previously permitted construction activities remain in place along the boundaries of the project site and periodically through the site (refer to photograph(s) 01 - 19).
  - Control Measure Observation: A straw wattle control measure was implemented to manage stormwater runoff from the location noted above; however the control measure was inadequate.
    - The straw wattle observed during the inspection was not installed per the specifications provided in the SWMP.
    - The wattles were in need of maintenance due to tearing and holes in the materials.
    - AWC submitted an inactivation notice to the division on 06/13/13 that certified that all ground surface disturbing activities at the site had been completed and temporary control measures removed.
  - Control Measure Finding: An installation and implementation specification for straw wattle was provided on sheet 24 of the SWMP erosion control details, but was not consistently implemented. Specifically:
    - The specification provided in the SWMP requires that straw wattles be entrenched a minimum of three inches into the ground.
    - The specification requires two stakes crossed at each end of the wattle with a minimum of three stakes between the ends.
    - Wattles must be tightly abutted with no gaps.
    - Sediment removal shall be performed continuously to ensure proper function.

- In accordance with good engineering, hydrologic, and pollution control practices and common industry standards, the specification for straw wattles from the Urban Storm Drainage Criteria Manual requires that straw wattles be removed at the end of construction. If disturbed areas exist after removal, they shall be covered with top soil, seeded and mulched, or otherwise stabilized.
- Stormwater runoff from this area is discharged as follows: Surface runoff from these locations flows southwest and eventually discharges to Third Creek. 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): Third Creek
- Expectations: The division expects:
  - All stormwater discharges associated with construction activities be authorized by an active discharge permit.
  - If straw wattles are not removed from the site, the contractor ensure that the presence of the wattles on site do not cause erosion as a result of changes to engineered drainage patterns or other causes.
  - If permit coverage is obtained for the site, 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.
    - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
    - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

2. It was noted during the inspection that rock socks/Dandy products associated with previously permitted construction activities remain in place throughout the concrete channels in the pond (refer to photograph(s) 20 - 30).

- Control Measure Observation: A rock sock/dandy product control measure was implemented to manage stormwater runoff from the location noted above; however the control measure was inadequate.
  - The rock socks/dandy products observed were not installed in accordance with common industry standards.
  - The rock socks/dandy products observed were in need of maintenance to remove accumulated sediment around the control measures.
  - AWC submitted an inactivation notice to the division on 06/13/13 that certified that all ground surface disturbing activities at the site had been completed and temporary control measures removed.

- Control Measure Finding: An installation and implementation specification for rock socks/dandy products observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically:
  - In accordance with good engineering, hydrologic, and pollution control practices and common industry standards, the specification for rock socks from the Urban Storm Drainage Criteria Manual requires that when rock socks are used as curb checks they should be installed at approximately 30 degrees from the perpendicular in the opposite direction to flow.
  - The checks should be installed flush against the curb with a minimum spacing of five feet.
  - Sediment accumulated upstream of the rock socks shall be removed as needed to maintain functionality of the control measure, typically when depth of accumulated sediments is approximately one-half the height of the rock sock.
  - The Urban Storm Drainage Criteria Manual specification for rock socks indicates that rock socks should be removed when the upstream area of disturbance has been stabilized. Once they are removed any areas of remaining disturbance shall be covered with topsoil, seeded and mulched, or otherwise stabilized.
- Stormwater runoff from this area is discharged as follows: Surface runoff from these locations flows southwest and eventually discharges to Third Creek. 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): Third Creek
- Expectations: The division expects:
  - All stormwater discharges associated with construction activities be authorized by an active discharge permit.
  - If permit coverage is obtained for the site, 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.
    - 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.

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 the channel on the southeast side of the water quality pond (refer to photograph(s) 31 - 33).

- Control Measure Observation: The SWMP identified a seed and mulch and erosion control blanket control measure for the location and pollutant source noted above; however the control measure had not been implemented.

- Control measures were not implemented along the channel for final stabilization.
  - AWC submitted an inactivation notice to the division on 06/13/13 that certified that uniform vegetative cover had been established with an individual plant density of at least 70% of the pre-disturbance levels. This area did not meet the 70% pre-disturbance vegetative requirement and therefore did not meet the requirements for permit termination.
  - Control Measure Finding: An installation and implementation specification for seed and mulch and for erosion control blankets were provided in section 02212 and on sheet 24 of the SWMP respectively, but was not implemented. Specifically,
    - The SWMP indicates that all disturbed areas will be seeded and mulched with a native seed mix at the completion of grading and blanketed when slopes are steeper than 4:1.
  - Stormwater runoff from this area is discharged as follows: Surface runoff from these locations flows southwest and eventually discharges to Third Creek. 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): Third Creek
  - Expectations: The division expects:
    - All stormwater discharges associated with construction activities must be authorized by an active discharge permit.
    - If permit coverage is obtained for the site, design and implement control measures as required by the permit and make the following corrections:
      - Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit.
      - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
4. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located on the northwest side of the project site (refer to photograph(s) 34 - 36).
- Control Measure Observation: A permanent gravel maintenance road control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
    - It was observed during the inspection that the gravel from the road was significantly eroded away and in need of maintenance and repair.
    - AWC submitted an inactivation notice to the division (on 06/13/13) that certified that permanent erosion reduction methods had been employed, including gravel/hardened maintenance roads, and that the site was stabilized.

- Control Measure Finding: An installation and implementation specification for a permanent maintenance road observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
    - The permit requires that final stabilization be composed of uniform vegetative cover or equivalent permanent, physical erosion reduction methods.
    - The memo from the division on final stabilization alternatives indicates that compacted and stabilized unpaved driving surfaces such as gravel roads must follow good engineering practices to prevent concentrated flow. The surface must be designed, graded, compacted, and otherwise prepared in such a way as to minimize erosion (e.g. prevent rill erosion).
  - Stormwater runoff from this area is discharged as follows: Surface runoff from these locations flows southwest and eventually discharges to Third Creek. 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): Third Creek
  - Expectations: The division expects:
    - All stormwater discharges associated with construction activities must be authorized by an active discharge permit.
    - If permit coverage is obtained for the site, 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.
      - 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 along the bottom of the entire pond (refer to photograph(s) 37 - 40).
- Control Measure Observation: The SWMP identified a seed and mulch control measure for the location and pollutant source noted above; however the control measure had not been implemented.
    - It was observed during the inspection that the ponds was not stabilized along the bottom, but only on the slopes and sides.
    - AWC submitted an inactivation notice to the division on 06/13/13 that certified that uniform vegetative cover had been established with an individual plant density of at least 70% of the pre-disturbance levels. This area did not meet that requirement and therefore did not meet the requirements for permit termination.

- Control Measure Finding: An installation and implementation specification for seed and mulch and for erosion control blankets were provided in section 02212 and on sheet 24 of the SWMP respectively, but was not implemented. Specifically,
  - The SWMP identified that the entire project area, other than where surfaces had been directly constructed upon (i.e. concrete or grouted rip rap) should be seeded and mulched and stabilized to a uniform cover of 70 % pre-disturbance vegetation.
- Stormwater runoff from this area is discharged as follows: Surface runoff from these locations flows southwest and eventually discharges to Third Creek. 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): Third Creek
- Expectations: The division expects:
  - All stormwater discharges associated with construction activities be authorized by an active discharge permit.
  - If permit coverage is obtained for the site, 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.
    - 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.



**Photograph 1:** Straw wattle not installed per specification, maintenance needed to remove sediment



**Photograph 2:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 3:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 4:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 5:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 6:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 7:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 8:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 9:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 10:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 11:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 12:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 13:** Straw wattle still in place and not removed per termination requirements, not installed per specification and maintenance needed



**Photograph 14:** Straw wattle still in place and not removed per termination requirements, not installed per specification and maintenance needed



**Photograph 15:** Straw wattle still in place and not removed per termination requirements, not installed per specification and maintenance needed



**Photograph 16:** Straw wattle still in place and not removed per termination requirements, maintenance needed



**Photograph 17:** Straw wattle still in place and not removed per termination requirements, not installed per specification and maintenance needed



**Photograph 18:** Straw wattle still in place and not removed per termination requirements, not installed per specification and maintenance needed



**Photograph 19:** Straw wattle still in place and not removed per termination requirements, not installed per specification and maintenance needed



**Photograph 20:** Rock sock overtopped with sediment, maintenance needed



**Photograph 21:** Rock sock overtopped with sediment, maintenance needed



**Photograph 22:** Rock sock overtopped with sediment, maintenance needed



**Photograph 23:** Rock sock not installed per specification, temporary control remaining



**Photograph 24:** Dandy product sock not installed per specification, temporary control remaining



**Photograph 25:** Dandy product sock not installed per specification, temporary control remaining



**Photograph 26:** Rock sock not installed per specification, temporary control remaining



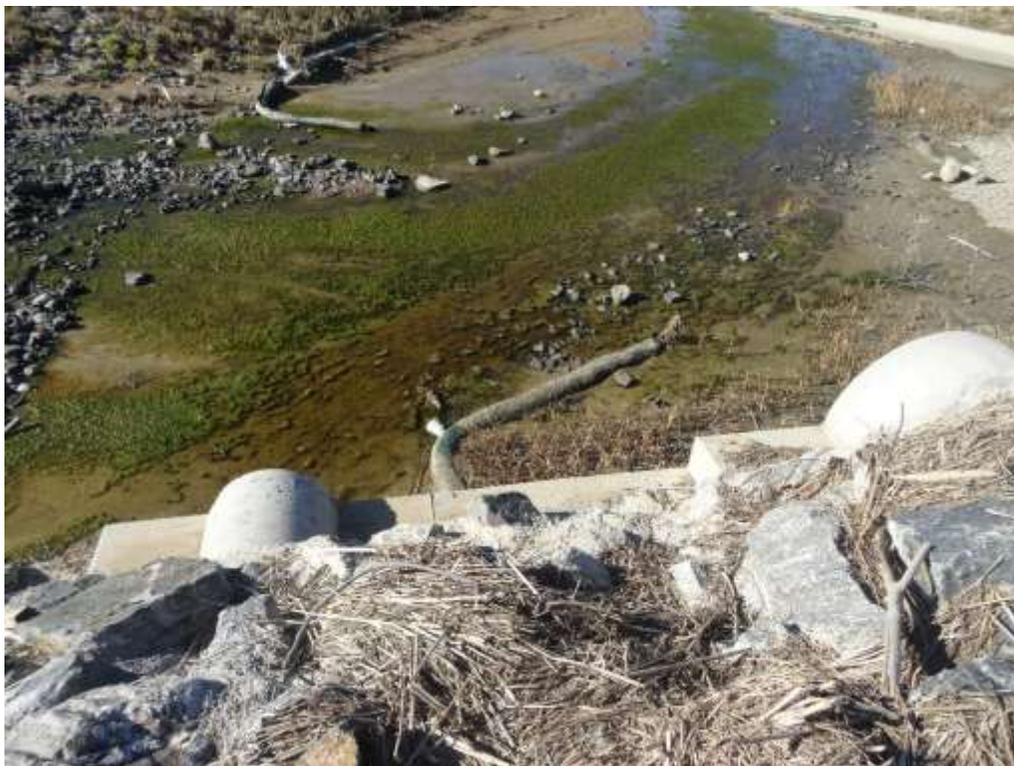
**Photograph 27:** Sediment overtopping four sided erosion log inlet protection



**Photograph 28:** Rock sock overtopped by sediment, maintenance needed



**Photograph 29:** Rock sock overtopped by sediment, maintenance needed



**Photograph 30:** Rock sock not installed per specification, temporary control remaining



**Photograph 31:** Channel not stabilized as required in the SWMP



**Photograph 32:** Channel not stabilized as required in the SWMP



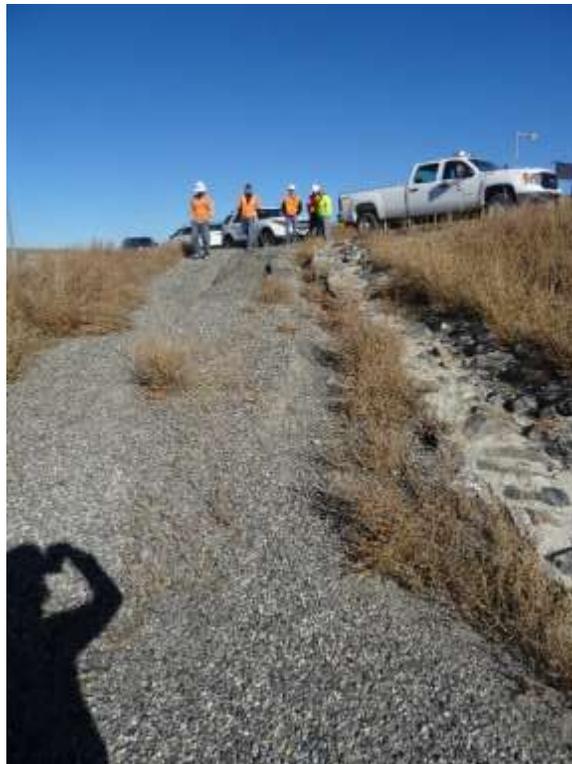
**Photograph 33:** Channel not stabilized as required in the SWMP



**Photograph 34:** Rill erosion along gravel maintenance road



**Photograph 35:** Rill erosion along gravel maintenance road



**Photograph 36:** Rill erosion along gravel maintenance road



**Photograph 37:** Bottom of pond not stabilized as required in the SWMP, only concrete pans



**Photograph 38:** Bottom of pond not stabilized as required in the SWMP



**Photograph 39:** Bottom of pond not stabilized as required in the SWMP, only concrete pans



**Photograph 40:** Bottom of pond not stabilized as required in the SWMP