



## COLORADO

Department of Public  
Health & Environment

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

July 27, 2015

John A. Murray, Registered Agent  
Integrating Technology & Standards, Inc.  
1700 Lincoln Street, Suite 1300  
Denver, Colorado 80203

Certified Mail Number: 7014 2870 0000 7699 5801

**RE: Service of Notice of Violation/Cease and Desist Order/Order for Civil Penalty,  
Number: IO-150723-1**

Dear Mr. Murray:

Integrating Technology & Standards, Inc. is hereby served with the enclosed Notice of Violation / Cease and Desist Order / Order for Civil Penalty (the "NOV/CDO/OCP"). The NOV/CDO/OCP is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §§25-8-602, 25-8-605, and 25-8-608 C.R.S., of the Colorado Water Quality Control Act, (the "Act"). The Division bases the NOV/CDO/OCP upon findings that Integrating Technology & Standards, Inc. has violated the Act and/or permit regulations promulgated pursuant to the Act and/or a discharge permit, as described in the enclosed NOV/CDO/OCP.

Pursuant to §25-8-603, C.R.S., Integrating Technology & Standards, Inc. is required, within thirty (30) calendar days of receipt of this NOV/CDO/OCP, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation. Additionally, pursuant to the authority given to the Division by §25-8-608, C.R.S., the Division has imposed a civil penalty as outlined in the attached NOV/CDO/OCP. Payment of the imposed civil penalty should be made in accordance with the methods referenced in the Order for Civil Penalty.

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

Should you or representatives of Integrating Technology & Standards, Inc. desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO/OCP, please do not hesitate to contact Eric Mink of this office by phone 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  
Joe Malinowski, EH Division Director, Boulder Public Health  
Nicole Rowan, Watershed Section, CDPHE  
Michael Beck, Grants and Loans Unit, CDPHE  
Doug Camrud, Engineering Section, CDPHE  
Kelly Jacques, Field Services Section, CDPHE  
Lillian Gonzalez, Permits Section, CDPHE  
Mike Harris, Clean Water Enforcement Unit, CDPHE  
Tania Watson, Compliance Assurance, CDPHE





# COLORADO

## Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

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### NOTICE OF VIOLATION / CEASE AND DESIST ORDER / ORDER FOR CIVIL PENALTY

NUMBER: IO-150723-1

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IN THE MATTER OF:            **INTEGRATING TECHNOLOGY & STANDARDS, INC.**  
   **d/b/a IRON WOMAN CONSTRUCTION &**  
   **ENVIRONMENTAL SERVICES, INC.**  
   **CDPS PERMIT NO. COG070000**  
   **CERTIFICATION NO. COG074732**  
   **BOULDER COUNTY, COLORADO**

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Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority is implemented through the Department's Water Quality Control Division (the "Division"), and pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order / Order for Civil Penalty:

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the alleged violations identified herein, Integrating Technology & Standards, Inc. ("Integrating Technology & Standards") was a Montana corporation registered to conduct business in the State of Colorado.
2. Integrating Technology & Standards is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
3. On June 13, 2006, Integrating Technology & Standards registered the trade name "Iron Woman Construction & Environmental Services, Inc." with the Colorado Secretary of State.
4. On April 3 and April 10, 2014, the Division received an application from Iron Woman Construction & Environmental Services, Inc. for Colorado Discharge Permit System ("CDPS") coverage for the Compass Filing #1 Subdivision project, which included planned construction dewatering discharges associated with excavation and sewer line installation with a project center point located at approximately 40.0148N, 105.0555W in Boulder County, Colorado (the "Project").



5. The Project is subject to CDPS General Permit Number COG070000, for Construction Dewatering Discharges (the "Permit"). The current version of the Permit became effective September 1, 2013 and is set to expire August 31, 2018.
6. On April 18, 2014, the Division provided Iron Woman Construction & Environmental Services, Inc. Certification Number COG074732, thereby authorizing Integrating Technology & Standards to discharge treated wastewater from construction dewatering activities associated with the Project through Outfalls 001A, 001AU and 002AU to Coal Creek, and Outfalls G001AU and G002AU to groundwater, under the terms and conditions of the Permit (the "Certification"). The Certification became effective on April 18, 2014 and remained in effect until Integrating Technology & Standards requested termination of the Certification, which was approved by the Division effective June 1, 2015.
7. Pursuant to 5 CCR 1002-61, §61.8, Integrating Technology & Standards must comply with all terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.

**Failure to Submit Discharge Monitoring Reports**

8. Pursuant to Part I.B.2. of the Permit, Integrating Technology & Standards was required to monitor the permitted discharge for defined effluent parameters at specified frequencies and report the results of such monitoring on a Discharge Monitoring Report ("DMR") form.
9. Pursuant to Part I.E.1. of the Permit, Integrating Technology & Standards was required to report all monitoring results on a monthly basis using Division approved DMRs. Integrating Technology & Standards was required to ensure the DMRs are mailed to the Division so that they are received by no later than the 28<sup>th</sup> day of the month following the monitoring period. The Permit specifies that if no discharge occurs during the reporting period, "No Discharge" shall be reported on the DMR.
10. Division records establish that Integrating Technology & Standards failed to submit DMRs for Outfalls 001A, 001AU, 002AU, G001AU and G002AU to the Division by no later than the 28<sup>th</sup> day of the month following the monitoring period, for the reporting periods in the table below.

Integrating Technology & Standards, Inc. LATE DMRs		
DISCHARGE MONITORING PERIOD	OUTFALL NUMBER	DMR RECEIPT DATE
April 1-30, 2014	001A, 001AU, 002AU	August 14, 2014
May 1-31, 2014	001A, 001AU, 002AU, G001AU, G002AU	August 14, 2014
June 1- 30, 2014	001A, 001AU, 002AU, G001AU, G002AU	August 14, 2014

11. Division records establish that Integrating Technology & Standards failed to submit DMRs to the Division for Outfalls G001AU and G002AU for the reporting period of April 2014, and for Outfalls 001A, 001AU, 002AU, G001AU and G002AU for the reporting periods of October 2014 through May 2015.

- Integrating Technology & Standards' failure to submit DMRs to the Division by the 28<sup>th</sup> day of the month following the monitoring period constitutes violations of Part I.E.1. of the Permit.

### NOTICE OF VIOLATION

- Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined Integrating Technology & Standards has violated the following sections of the Permit:

**Part I.E.1. of the Permit** which states in part, "Reporting of the data gathered in compliance with Part I.B.2. shall be on a **monthly** basis...Monitoring results shall be summarized for each calendar month and reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1). The permittee must submit these forms either by mail, or by using the Division's Net-DMR services (when available). DMRs **must be** received by the Division no later than the 28<sup>th</sup> day of the month following the monitoring period...If no discharge occurs during the reporting period, "No Discharge" shall be reported on the DMR...The Discharge Monitoring report forms shall be filled out accurately and completely in accordance with requirements of this permit and the instructions on the forms."

### REQUIRED CORRECTIVE ACTION

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

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

Furthermore, the Division hereby orders Integrating Technology & Standards to comply with the following specific terms and conditions of this Order:

- Within thirty (30) calendar days of receipt of this Order, Integrating Technology & Standards shall submit all delinquent DMRs as well as records of its effluent discharge monitoring at the Facility for the period from October 2014 through May 2015. The records shall include all laboratory data reports, all field measurement reports, and all calibration and maintenance records, including all other information required to be retained by Part I.E.5. of the Permit. The records shall also include all discharge logs required to be maintained by Part I.C.1. of the Permit.
- Within thirty (30) calendar days of receipt of this Order, Integrating Technology & Standards shall review the requirements of the Permit with its staff responsible for ensuring compliance with the terms and conditions of the Permit. The review shall focus on, but not be limited to the following: 1) the effluent limitations imposed by the Permit; 2) the effluent monitoring requirements of the Permit; 3) the record keeping requirements of the Permit; 4) the reporting requirements of the Permit, including the instruction for proper completion and submittal of DMRs required by the Permit; and 5) the noncompliance notification procedures required by the Permit. Within forty-five (45) calendar days of receipt of this Order, Integrating Technology & Standards shall submit a written certification to the Division stating that it has completed the review of the Permit with its responsible staff.



## ORDER FOR CIVIL PENALTY

17. Pursuant to §25-8-608(1), C.R.S. any person who violates any provision of the Colorado Water Quality Control Act, or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs.
18. Based upon the Findings of Fact and Notice of Violation above, the Executive Director, through his designee (hereinafter the "Executive Director"), has determined that a civil penalty is appropriate and warranted in this matter. Therefore, the Executive Director hereby imposes a civil penalty in the amount of Four Thousand Two Hundred Fifty Dollars (\$4,250.00) against Integrating Technology & Standards for the violations that occurred from June 2014 through May 2015. The civil penalty was determined in accordance with the procedures outlined in the Division's Civil Penalty Policy (May 1, 1993). A copy of the civil penalty calculation is attached hereto as Exhibit A and is incorporated herein by reference.
19. If Integrating Technology & Standards does not contest the findings and penalty assessment set out above, the civil penalty shall be paid within sixty (60) calendar days of the date of this Notice of Violation / Cease and Desist Order / Order for Civil Penalty. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

Eric 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

Integrating Technology & Standards shall include with the payment a cover letter referencing the number of this Order.

## NOTICES AND SUBMITTALS

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

Eric 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  
Telephone: (303) 692-2312  
Email: eric.mink@state.co.us



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

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

### **OBLIGATION TO ANSWER AND REQUEST FOR HEARING**

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

Section 25-8-603, C.R.S. and 5 CCR 1002, §21.11 also provide that the recipient of a Notice of Violation may request the Division to conduct a public hearing to determine the validity of the Notice, including the Findings of Fact. Such request shall be filed in writing with the Division and include the information specified in 5 CCR 1002, §21.4(B)(2). Absent a request for hearing, the validity of the factual allegations and the Notice of Violation shall be deemed established in any subsequent Department proceeding. The request for hearing, if any, shall be filed no later than thirty (30) calendar days after issuance of this action. The filing of an answer does not constitute a request for hearing.

### **APPEAL OF CIVIL PENALTY**

Pursuant to 5 CCR 1002, §21.12(B) and 5CCR 1002, §21.4 (A)(3)(b), an appeal of the determination of the civil penalty by the Executive Director shall be made in writing to the Division. Requests for such an appeal should be made in accordance with 5 CCR 1002, §21.12(B), shall be filed no later than thirty (30) calendar days after issuance of this action, and shall include the information specified in 5 CCR 1002, §21.4(B)(2).

### **FALSIFICATION AND TAMPERING**

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



### POTENTIAL CRIMINAL PENALTIES

You are also advised that any person who recklessly, knowingly, intentionally or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order / Order for Civil Penalty, the State has not waived its right to bring an action for penalties under §25-8-609, C.R.S., and may bring such action in the future.

### RELEASE OR DISCHARGE NOTIFICATION

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

### EFFECT OF ORDER

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

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

Issued at Denver, Colorado, this 23<sup>rd</sup> day of July, 2015.

### FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Patrick J. Pfaltzgraff, Director  
WATER QUALITY CONTROL DIVISION

# Exhibit A

## WASTEWATER PENALTY COMPUTATION WORKSHEET

<b>Entity Name:</b> Integrating Technology & Standards d/b/a Iron Woman Construction & Environmental Services, Inc.	<b>Permit Number:</b> COG070000 <b>Certification Number:</b> COG074732
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### Part I - Administrative Violations Penalty Determination

	Violation Type	Adjustment	Amount in Dollars
Line 1	<b>Administrative Violations (Delinquent and/or Late DMRs)</b>	\$500 + 0%	\$4,250.00
	<p><i>Calculation:</i> Integrating Technology &amp; Standards, Inc. d/b/a Iron Woman Construction &amp; Environmental Services, Inc. (“Integrating Technology &amp; Standards”) failed to submit DMRs for Outfalls 001A, 001UA, 002UA, G001UA and G002UA to the Division by no later than the 28<sup>th</sup> day of the month following the monitoring period, for the reporting period of June 2014 (i.e., DMRs were submitted late). Integrating Technology &amp; Standards failed to submit DMRs for Outfalls 001A, 001UA, 002UA, G001UA and G002UA to the Division for the reporting periods of October 2014 through May 2015.</p> <p>In accordance with Part III.B.2. (a)(i) of the Water Quality Control Division’s <i>Civil Penalty Policy (May 1, 1993)</i>, penalties for delinquent, late or improperly completed DMRs will be \$250 per DMR if the correctly completed DMR is submitted prior to the issuance of the NOV and \$500 per DMR thereafter. In cases where the permittee has been issued a previous NOV for late or incomplete DMRs, or where the Division has a long history of correspondence with the permittee regarding these types of violations, the penalty for each report may be increased by one hundred percent per occurrence. The amount of the increase will be based on the period during which these violations have occurred and the severity of the violations.</p> <p>The Division has issued the following Compliance Advisories to Integrating Technology &amp; Standards citing failure to submit DMRs:</p> <ul style="list-style-type: none"> <li>• Compliance Advisory dated July 16, 2014 for delinquent DMRs for the April 2014 reporting period for Outfalls 001A, 001AU, 002AU, G001AU and G002AU.</li> <li>• Compliance Advisory dated August 13, 2014 for delinquent DMRs for the May 2014 reporting period for Outfalls 001A, 001AU, 002AU, G001AU and G002AU.</li> <li>• Compliance Advisory dated January 14, 2015 for delinquent DMRs for the October 2014 reporting period for Outfalls 001A, 001AU, 002AU, G001AU and G002AU.</li> <li>• Compliance Advisory dated February 12, 2015 for delinquent DMRs for the November 2014 reporting period for Outfalls 001A, 001AU, 002AU, G001AU and G002AU.</li> <li>• Compliance Advisory dated March 12, 2015 for delinquent DMRs for the December 2014 reporting period for Outfalls 001A, 001AU, 002AU, G001AU and G002AU.</li> <li>• Compliance Advisory dated April 9, 2015 for delinquent DMRs for the January 2015 reporting period for Outfalls 001A, 001AU, 002AU, G001AU and G002AU.</li> <li>• Compliance Advisory dated May 14, 2015 for delinquent DMRs for the February 2015 reporting period for Outfalls 001A, 001AU, 002AU, G001AU and G002AU.</li> <li>• Compliance Advisory dated June 11, 2015 for delinquent DMRs for the March 2015 reporting period for Outfalls 001A, 001AU, 002AU, G001AU and G002AU.</li> </ul>		

	<p>In calculating the administrative penalty for the delinquent DMR violations occurring within the last year, the Division assessed a \$250 penalty for the June 2014 DMR that was correctly completed and submitted prior to the issuance of the NOV, and \$500 penalty per monitoring period for the other delinquent DMRs. The Division conservatively chose not to increase the penalty by the allowed 100% per occurrence, despite the history of correspondence addressing missing DMRs.</p> <p style="text-align: center;">(1 Monitoring Period x \$250.00) + (8 Monitoring Periods x \$500.00) = \$4,250.00</p>	
<b>Line 2</b>	<b>Administrative Violation Total</b>	<b>\$4,250.00</b>

## Part II- Economic Benefit Consideration

		Amount in Dollars
<b>Line 3</b>	<b>Economic Benefit</b>	<b>\$0.00</b>
	<p><b>Delinquent and/or Late DMRs:</b> Integrating Technology &amp; Standards avoided the cost of submitting several DMRs; however, the economic benefit of the avoided cost was conservatively determined to be relatively insignificant.</p> <p>Additionally, Integrating Technology &amp; Standards possibly avoided the cost of sampling and analyzing the Project's discharge quality as required by the Permit and the Certification. The Division conservatively estimates the cost of obtaining and processing a sample (including collection, paperwork, lab delivery, calculations, etc.) to be \$40/sample, and the cost of laboratory analysis for the missing parameters to typically range from \$15 to \$50 per parameter; however, the Division conservatively chose not to include an economic benefit for these avoided costs.</p>	

## Part III - Final Penalty

		Amount in Dollars
<b>Line 4</b>	<b>Total Civil Penalty: (Line 2 + Line 3)</b>	<b>\$4,250.00</b>