



## COLORADO

Department of Public  
Health & Environment

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

August 19, 2015

InCorp Services, Inc, Registered Agent  
Lomas-Somerset Meadows, LLC  
36 South 18<sup>th</sup> Avenue, Suite D  
Brighton, CO 80601

Certified Mail Number: 7014 2870 0000 7699 5818

**RE: Service of Notice of Violation/Cease and Desist Order, Number: SO-150817-1**

To InCorp Services, Inc:

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

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

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

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



Should you or representatives of Lomas-Somerset Meadows, LLC desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO, please do not hesitate to contact Eric Mink 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  
Jerry Blehm, EH Director, Larimer County Health Department  
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, Data Management, CDPHE  
Nathan Moore, Clean Water Compliance Unit, CDPHE  
Rik Gay, Clean Water Compliance Unit, CDPHE





# COLORADO

## Department of Public Health & Environment

### WATER QUALITY CONTROL DIVISION

NOTICE OF VIOLATION / CEASE AND DESIST

NUMBER: SO-150817-1

IN THE MATTER OF:      LOMAS-SOMERSET MEADOWS, LLC  
   CDPS PERMIT NO. COR-030000  
   CERTIFICATION NO. COR-03M456  
   LARIMER COUNTY, COLORADO

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

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the violations cited herein, Lomas-Somerset Meadows, LLC ("Lomas-Somerset Meadows") was a California limited liability company in good standing and registered to conduct business in the State of Colorado.
2. Lomas-Somerset Meadows 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. Lomas-Somerset Meadows initiated construction at the Thompson Crossing II Project with a total project area of approximately 87 acres and a planned disturbance area of approximately 60 acres of land at or near 40°23'52.87" N and 104°58'4.85" W, in Larimer County, Colorado (the "Project").
4. Construction activities at the Project include ground disturbing activities associated with the development of single family residences.
5. On July 1, 2014, the Division received an application from Lomas-Somerset Meadows for Project coverage under the Colorado Discharge Permit System ("CDPS") General Permit, Number COR-030000, for Stormwater Discharges Associated with Construction Activity (the "Permit").
6. On July 8, 2014, the Division provided Lomas-Somerset Meadows with Certification Number COR-03M456 authorizing Lomas-Somerset Meadows to discharge stormwater from the construction activities associated with the Project to various waters of the State of Colorado, under the terms



and conditions of the Permit. Certification Number COR-03M456 became effective July 8, 2014 and was set to expire on June 30, 2012, but has been administratively continued pending Permit reissuance.

7. The Big Thompson River and South Platte River are “state waters” as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(102).
8. Pursuant to 5 CCR 1002-61, §61.8, Lomas-Somerset Meadows must comply with all the terms and conditions of the Permit, and violations of such terms and conditions may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.

#### Deficient and/or Incomplete Stormwater Management Plan

9. Pursuant to Part I.B. of the Permit, Lomas-Somerset Meadows is required to prepare and maintain a Stormwater Management Plan (“SWMP”) in accordance with good engineering, hydrologic and pollution control practices. The SWMP is required to identify all potential sources of pollution, which may be reasonably expected to affect the quality of stormwater discharges associated with construction activity from the Project. In addition, the plan is required to describe and ensure the implementation of Best Management Practices (“BMPs”) at the Project, which will be used to reduce the pollutants in stormwater discharges associated with construction activity.
10. Pursuant to Part I.C. of the Permit, the Project’s SWMP shall include, at a minimum, the following items:
  - a. Site Description - The SWMP shall clearly describe the construction activity, including:
    - i. The nature of the construction activity.
    - ii. The proposed sequence for major activities.
    - iii. Estimates of the total area of the site and the area of the site that is expected to undergo clearing, excavation or grading.
    - iv. A summary of any existing data used in the development of the construction plans or SWMP that describe the soil or existing potential for soil erosion.
    - v. A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
    - vi. The location and description of all potential pollution sources, including ground surface disturbance, vehicle fueling, storage of fertilizers or chemicals, etc.
    - vii. The location and description of any allowable sources of non-stormwater discharge, such as springs, landscape irrigation return flow, construction dewatering and concrete washout.
    - viii. The name of the receiving water(s) and the size, type and location of any outfall or, if the discharge is to a municipal separate storm sewer, the name of that system, the location of the storm sewer discharge, and the ultimate receiving water(s).
  - b. Site Map - The SWMP shall include a legible site map(s), showing the entire site, identifying:
    - i. Construction site boundaries.
    - ii. All areas of ground surface disturbance.
    - iii. Areas of cut and fill.
    - iv. Areas used for storage of building materials, equipment, soil or waste.
    - v. Locations of dedicated asphalt or concrete batch plants.

- vi. Locations of all structural BMPs.
  - vii. Locations of all non-structural BMPs.
  - viii. Locations of springs, streams, wetlands and other surface waters.
- c. Stormwater Management Controls - The SWMP must include a description of all stormwater management controls that will be implemented as part of the construction activity to control pollutants in stormwater discharges, including:
- i. SWMP Administrator - The SWMP shall identify a specific individual(s), position or title that is responsible for developing, implementing, maintaining and revising the SWMP.
  - ii. Identification of Potential Pollutant Sources - The SWMP shall identify and describe those sources determined to have the potential to contribute pollutants to stormwater discharges.
  - iii. BMPs for Stormwater Pollution Prevention - The SWMP shall identify and describe appropriate BMPs that will be implemented at the facility to reduce the potential of pollution sources to contribute pollutants to stormwater discharges. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP.
    - (1) Structural Practices for Erosion and Sediment Control - The SWMP shall clearly describe and locate all structural practices implemented at the site to minimize erosion and sediment transport. Practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions and temporary or permanent sediment basins.
    - (2) Non-Structural Practices for Erosion and Sediment Control - The SWMP shall clearly describe and locate all non-structural practices implemented at the site to minimize erosion and sediment transport. Description must include interim and permanent stabilization practices, and site-specific scheduling for implementation of the practices. Non-structural practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees and preservation of mature vegetation.
    - (3) Phased BMP Implementation - The SWMP shall clearly describe the relationship between the phases of construction and the implementation and maintenance of BMPs. The SWMP must identify the stormwater management controls to be implemented during the project phases, which can include, but are not limited to, clearing and grubbing, road construction, utility and infrastructure installation, vertical construction, final grading and final stabilization.
    - (4) Materials Handling and Spill Prevention - The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials that could contribute pollutants to runoff.
    - (5) Dedicated Concrete or Asphalt Batch Plants - The SWMP shall clearly describe and locate BMPs to control stormwater pollution from dedicated concrete batch plants or dedicated asphalt batch plants.
    - (6) Vehicle Tracking Control - The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking.
    - (7) Waste Management and Disposal, Including Concrete Washout - The SWMP

shall clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes, including concrete washout activities.

- (8) Groundwater and Stormwater Dewatering - The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater from excavations, wells, etc.
  - d. Final Stabilization and Long-Term Stormwater Management - The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site, and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.
  - e. Inspection and Maintenance - The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
11. During the April 21, 2015 inspection, the Inspector reviewed the Project's SWMP and identified that the SWMP did not clearly identify all items required by Part I.C. of the Permit, as described in Paragraphs 11(a-d) below:
  - a. The site description section of the SWMP failed to provide the estimated percent of vegetative cover prior to construction.
  - b. The site description section of the SWMP failed to provide a description of all potential sources of non-stormwater discharge, specifically concrete washouts.
  - c. The SWMP site map failed to identify the locations of all springs, streams, wetlands and other surface waters, specifically the spring on the northwest side of the project.
  - d. The stormwater management control section of the SWMP failed to require that maintenance of control measures occur as soon as possible, immediately in most cases.
12. The Division has determined that Lomas-Somerset Meadows failed to prepare and maintain a complete and accurate SWMP for the Project.
13. Lomas-Somerset Meadows' failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violation(s) of Part I.B. and Part I.C. of the Permit.

#### **Failure to Perform and/or Document Inspections of Stormwater Management System**

14. Pursuant to Part I.D.6.a. of the Permit, for active sites where construction has not been completed, Lomas-Somerset Meadows is required to make a thorough inspection of the Project's stormwater management system at least every 14 calendar days.
15. Pursuant to Part I.D.6.b.2. of the Permit, inspection reports must include a signed statement indicating that corrective action(s) have been taken and the site is in compliance with the Permit.
16. Pursuant to Part I.D.8. of the Permit, where site inspections note the need for BMP maintenance, the repair, replacement or installation of new BMPs must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants.

17. During the April 21, 2015 inspection, the Inspector reviewed the available inspection records for the Project for the period from January 15, 2015 - April 20, 2015. The Inspector determined that Lomas-Somerset Meadows failed to perform an inspection of the stormwater management system at least once every 14 calendar days for timeframes listed in the table below.

Inspection Date	Previous Inspection Date	Days Between Inspections
1/15/2015	12/30/2014	16
2/23/2015	2/2/2015	21
4/17/2015	4/2/2015	15

18. During the April 21, 2015 inspection, the Inspector reviewed the available inspection records and determined that Lomas-Somerset Meadows failed to meet the compliance statement requirements by either not completing compliance certifications or not signing compliance certifications when they were included. See table below.

Inspection Date	Compliance Statement Failure
1/15/2015	No Compliance Certification
1/26/2015	Compliance Certification Not Signed
2/2/2015	No Compliance Certification
2/23/2015	Compliance Certification Not Signed
3/9/2015	Compliance Certification Not Signed
3/25/2015	No Compliance Certification
3/31/2015	No Compliance Certification
4/2/2015	No Compliance Certification
4/17/2015	No Compliance Certification
4/20/2015	No Compliance Certification

19. During the April 21, 2015 inspection, the Inspector reviewed the available inspection records and it was determined that a BMP at the Project was identified as being in need of maintenance or replacement but the applicable corrective actions were not completed in accordance with Part I.D.8. of the Permit. The table below identifies the timeframe associated with the corrective action.

Date Corrective Action Identified	Date Corrective Action Completed	Days to Completion
2/2/2015	2/9/2015	7

20. Lomas-Somerset Meadows' failure to properly perform and document inspections of the Project's stormwater management system constitutes violation(s) of Parts I.D.6.a., I.D.6.b.2. and I.D.8. of the Permit.

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

21. Pursuant to Part I.C.3.c. of the Permit, Lomas-Somerset Meadows is required to implement BMPs to reduce the potential of pollution sources from contributing pollutants to stormwater discharges, including minimizing erosion and sediment transport from the Project. The Permit specifies that structural site management practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps,

subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions and temporary or permanent sediment basins. The Permit specifies that non-structural site management practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees and preservation of mature vegetation.

22. Pursuant to Part I.D.2. of the Permit, Lomas-Somerset Meadows is required to select, design, install, implement and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. The BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity at the Project.
23. Pursuant to Part I.B.3. of the Permit, Lomas-Somerset Meadows is required to implement the provisions of the Project's SWMP as written and updated, from commencement of construction activity until final stabilization is complete.
24. During the April 21, 2015 inspection, the Inspector identified the following deficiencies related to BMP installation and maintenance at the Project, as described in Paragraphs 24(a-r) below:
  - a. The Inspector observed that control measures were not implemented to prevent stormwater runoff from entering the culvert basin and roadside ditch, located at the northeast corner of the site and identified in Inspection Report Photograph 1 (see Exhibit A). No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows through the roadside ditch and discharges to the Big Thompson River.
  - b. The Inspector observed that inadequate control measures were implemented to prevent stormwater runoff from entering the culvert basin and roadside ditch, located along County Road 3 and identified in Inspection Report Photographs 3 and 4 (see Exhibit A). No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows through the roadside ditch and discharges to the Big Thompson River.
  - c. The Inspector observed that control measures were not implemented to reduce erosion and/or the flow velocity of stormwater runoff from the bottom culvert outlet, located along County Road 3 and identified in Inspection Report Photograph 5 (see Exhibit A). No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows through the roadside ditch and discharges to the Big Thompson River.
  - d. The Inspector observed inadequate silt fence control measures implemented to manage stormwater runoff from southern portion of the project resulting in a discharge of pollutants to the Big Thompson River, as identified in Inspection Report Photographs 7-26 (see Exhibit A). Common industry standards state that silt fences are not designed for concentrated flows and define a maximum drainage area of one-quarter (0.25) acre per 100 feet of silt fence. However, the silt fence control measures were installed in an area of concentrated flows and the maximum drainage area was estimated to be 2.67 acres per 100 feet of silt fence (40 acres and 1,500 feet of silt fence). Additional control measures were not implemented down gradient of the area. Stormwater from this area of the Project flows south to the Big Thompson River.

- e. The Inspector observed that control measures were not implemented to manage pollutant contributions from chemical waste from the portable toilets located behind the house in the northeast section of the project. Specifically, the portable toilet was not secured to the ground in order to prevent tipping, per common industry standards. An additional silt fence control measure was implemented down gradient of the portable toilet but this control measure was inadequate to manage pollutant contributions from the portable toilet. Stormwater from this area of the Project flows south to the Big Thompson River.
- f. The Inspector observed a silt fence control measure located at the northeast corner of the site and identified in Inspection Report Photograph 27 (see Exhibit A). The silt fence was not implemented and maintained according to the SWMP or common industry standards. The silt fence control measure contained holes or tears, and was not joined at the posts and rotated 180 degrees so no gaps existed. These deficiencies impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows east and south to the Big Thompson River.
- g. The Inspector observed a silt fence control measure located at the northeast portion of the site and identified in Inspection Report Photograph 29 (see Exhibit A). The silt fence was not implemented and/or maintained according to the SWMP or common industry standards. The silt fence control measure was not properly anchored in a trench, which produced a gap between the ground and the silt fence. This deficiency impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows east and south to the Big Thompson River.
- h. The Inspector observed a silt fence control measure located at the northeast portion of the site and identified in Inspection Report Photograph 30 (see Exhibit A). The silt fence was not implemented and/or maintained according to the SWMP or common industry standards. The silt fence control measure was not properly staked allowing the silt fence to sag. This deficiency impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows east and south to the Big Thompson River.
- i. The Inspector observed a silt fence control measure located at the east side of the site and identified in Inspection Report Photograph 31 (see Exhibit A). The silt fence was not maintained according to common industry standards. The silt fence control measure contained holes or tears. These deficiencies impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows east and south to the Big Thompson River.
- j. The Inspector observed a silt fence control measure located at the east side of the site and identified in Inspection Report Photograph 32 (see Exhibit A). The silt fence was not implemented and/or maintained according to common industry standards. The silt fence control measure contained a gap in the joint. This deficiency impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows east and south to the Big Thompson River.

- k. The Inspector observed a silt fence control measure located at the east side of the site and identified in Inspection Report Photographs 33 and 34 (see Exhibit A). The silt fence was not implemented and maintained according to common industry standards. The silt fence control measure contained holes or tears, and was not joined at the posts and rotated 180 degrees so no gaps existed. These deficiencies impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows east and south to the Big Thompson River.
- l. The Inspector observed a silt fence control measure located at the southeast corner of the site and identified in Inspection Report Photographs 36 and 37 (see Exhibit A). The silt fence was not implemented and/or maintained according to the SWMP or common industry standards. The silt fence control measure was not properly staked allowing the silt fence to sag. This deficiency impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows east and south to the Big Thompson River.
- m. The Inspector observed a silt fence control measure located at the southeast portion of the site and identified in Inspection Report Photograph 38 (see Exhibit A). The silt fence was not implemented and/or maintained according to the SWMP or common industry standards. The silt fence control measure was not properly staked allowing the silt fence to sag. This deficiency impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows south to the Big Thompson River.
- n. The Inspector observed a silt fence control measure located at the south side of the site and identified in Inspection Report Photographs 39 and 40 (see Exhibit A). The silt fence was not implemented and/or maintained according to the SWMP or common industry standards. The silt fence control measure was not properly staked allowing the silt fence to sag. This deficiency impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows south to the Big Thompson River.
- o. The Inspector observed a silt fence control measure located at the south side of the site and identified in Inspection Report Photograph 41 (see Exhibit A). The silt fence was not implemented and/or maintained according to the SWMP or common industry standards. The silt fence control measure was not properly staked allowing the silt fence to sag. This deficiency impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows south to the Big Thompson River.
- p. The Inspector observed a silt fence control measure located at the south side of the site and identified in Inspection Report Photograph 42 (see Exhibit A). The silt fence was not implemented and/or maintained according to the SWMP or common industry standards. The silt fence control measure was not properly staked allowing the silt fence to sag. This deficiency impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down

gradient of this area. Stormwater from this area of the Project flows south to the Big Thompson River.

- q. The Inspector observed a silt fence control measure located at the central portion of the site and identified in Inspection Report Photographs 43 and 44 (see Exhibit A). The silt fence was not implemented and/or maintained according to the SWMP or common industry standards. The silt fence control measure was not properly staked allowing the silt fence to sag. This deficiency impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows south to the Big Thompson River.
  - r. The Inspector observed a silt fence control measure located at the west side of the site and identified in Inspection Report Photograph 45 (see Exhibit A). The silt fence was not implemented and maintained according to common industry standards. The silt fence control measure was not joined at the posts and rotated 180 degrees so no gaps existed. These deficiencies impaired the ability of the silt fence to provide an effective mechanism to manage stormwater runoff. No additional control measures were implemented down gradient of this area. Stormwater from this area of the Project flows west and south to the Big Thompson River.
25. The Division has determined that Lomas-Somerset Meadows failed to implement and/or maintain functional BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic and pollution control practices.
26. Lomas-Somerset Meadows' failure to implement and/or maintain functional BMPs to protect stormwater quality during construction activities at the Project constitutes violations of Part I.C.3.c., Part I.D.2. and Part I.B.3. of the Permit.

### NOTICE OF VIOLATION

27. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that Lomas-Somerset Meadows has violated the following sections of the Permit:

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

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

**Part I.D.6.a. of the Permit**, which states in part, "The permittee shall, at a minimum, make a

thorough inspection, in accordance with the requirements in I.D.6.b. below, at least once every 14 calendar days ... For sites or portions of sites that meet the following criteria, but final stabilization has not been achieved due to vegetation cover that has not become established, the permittee shall make a thorough inspection of their stormwater management system at least once every month.”

**Part I.D.6.b.2. of the Permit**, “After adequate corrective actions(s) has been taken, ... the report shall contain a signed statement indicating the site is in compliance with the permit to the best of the signer’s knowledge and belief.”

**Part I.D.8. of the Permit**, which states in part, “Where BMPs have failed, resulting in noncompliance with Part I.D.2., they must be addressed as soon as possible, immediately in most cases, to minimize discharge of pollutants.”

**Part I.C.3.c. of the Permit**, which outlines in part that BMPs for Stormwater Pollution Prevention shall address erosion and sediment control, including “structural practices implemented at the site to minimize erosion and sediment transport” and “non-structural practices implemented at the site to minimize erosion and sediment transport,” as well as phased BMP implementation, materials handling and spill prevention, dedicated concrete or asphalt batch plants, vehicle tracking control, waste management and disposal, including concrete washout, and groundwater and stormwater dewatering.

**Part I.D.2. of the Permit**, which states, “Facilities must select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of State waters.”

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

### **REQUIRED CORRECTIVE ACTION**

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

28. 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 Lomas-Somerset Meadows to comply with the following specific terms and conditions of this Order:

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

30. Lomas-Somerset Meadows shall immediately begin conducting and documenting inspections of the Project's stormwater management system pursuant to the provisions outlined in the Permit. Within thirty (30) calendar days of receipt of this Order, Lomas-Somerset Meadows shall submit a written certification to the Division stating that all such inspections are being conducted and documented in accordance with the terms and conditions of the Permit.
31. Lomas-Somerset Meadows shall immediately implement necessary measures to ensure that adequate BMPs are in place to control pollutant discharges from the Project. This includes ensuring that all disturbed areas at the Project are stabilized and/or protected with a system/series of erosion and sediment control practices, and that all BMPs at the site are selected, installed, implemented and maintained following good engineering, hydrologic, and pollution control practices. Within thirty (30) calendar days of receipt of this Order, Lomas-Somerset Meadows shall evaluate and modify all existing BMPs at the Project to ensure the BMPs meet the design requirements specified in the Project's complete and up-to-date SWMP. Within forty-five (45) calendar days of receipt of this Order, Lomas-Somerset Meadows shall submit photographs to the Division documenting the current conditions at the site and the associated BMPs implemented at the Project.

### NOTICES AND SUBMITTALS

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

Colorado Department of Public Health and Environment  
Water Quality Control Division / WQCD-CWE-B2  
Attention: Eric Mink  
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.

### **FALSIFICATION AND TAMPERING**

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

### **POTENTIAL CIVIL AND CRIMINAL PENALTIES**

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

### **RELEASE OR DISCHARGE NOTIFICATION**

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

### **EFFECT OF ORDER**

Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder, or to make any discharge into state waters. Nothing herein contained shall be construed to preclude other individuals, cities, towns, counties or

duly constituted political subdivisions of the state from the exercise of their respective rights to suppress nuisances or to preclude any other lawful actions by such entities or the State.

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

Issued at Denver, Colorado, this 17<sup>th</sup> day of August, 2015.

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



Patrick J. Pfaltzgraff, Director  
WATER QUALITY CONTROL DIVISION

## Stormwater Inspection Report COR03M456 – Thompson Crossing II

Report Date: May 11, 2015

Permittee: Lomas - Somset Meadows, LLC

Cert#: COR03M456

Legally Responsible Person: Todd Kurtin

Facility: Thompson Crossing II

Receiving Water: Big Thompson River

Address: 1/4 mile south of Ronald Reagan and LCR 3

MS4/County: Larimer County

Persons Present: Tom Donkle, Chad Holman / Gerrard

Inspector: Rik Gay

Inspection Began: 4/21/15 10:00 AM

Inspection Completed: 4/21/15 2:00 PM

### Inspection Findings

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

### RECORDS REVIEW

Note 1: In a communication with the permittee prior to the inspection, the division inspector requested an additional copy of the Stormwater Management Plan (SWMP), supporting documents and inspection records be provided to division personnel at the inspection. The copy of the SWMP, supporting documents and inspection records were provided to the division inspector on April 24, 2015 during the inspection.

Note 2: The permit certification effective date was July 8, 2014. The date that construction started and land-disturbing activities began at the site was August 1, 2014 and the area of disturbance at the time of the inspection was 59 acres as provided by Tom Donkle.

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. The pre-construction percent vegetated ground cover was not included.
    - ii. A description of concrete washout management as a potentially allowable source of non-stormwater discharge was not addressed as required by the permit.

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

- The pre-construction percent vegetated ground cover
- Anticipated sources of allowable non-stormwater discharge at the site

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

- b) The Site Map section of the SWMP did not identify items listed below as required by Part I.C.2 of the permit. Specifically,
- i. The location of the spring in the northwest side the project area was not identified on the Site Map.

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

- The locations of springs, streams, wetlands and other surface waters.

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 and describe control measures listed below as required by Part I.C.3 of the permit. Specifically,
- i. The position/title or individual responsible for implementing and maintaining the SWMP was not identified.
  - ii. The silt fence detail did not describe or illustrate how to wrap joints between rolls of silt fence to prohibit bypass od sediment.
  - iii. Silt fence maintenance was not addressed.
  - iv. The silt fence detail did not specify the effective treatment area for the control measure.
    - 1. The permittee's failure to identify the extent of the disturbed area and the treatment capacity of silt fence is indicative of a failure to conduct an evaluation of the appropriateness of control measures for the pollutant sources at the site. This information and evaluation is essential to identify whether implementation of the control measure is in accordance with good engineering, hydrologic and pollution control practices, particularly in determining if the tributary drainage area per length of silt fence was adequate, which is a required factor for meeting the Design Standard for BMPs in Part I.D.2 of the permit. The Division expects the permittee to update the SWMP in accordance with the requirements of the permit.

- v. The spill response procedure was inadequate as it didn't include reporting information found in Part II.A.3 "Noncompliance Notification" section of the permit.
- vi. Portable sanitary facilities were not identified as a potential pollutant source and did not have implementation and maintenance details for the control measure observed during the inspection.

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

- o The position/title or individual responsible for implementing and maintaining the SWMP
- o All structural erosion and sediment control measures implemented at the site
- o All practices implemented at the site to minimize impacts from procedures or significant materials that have the potential to contribute pollutants to stormwater runoff

The division expects the permittee to update the Stormwater Management Controls 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 January 15, 2015 through April 20, 2015 were reviewed by the inspector.

- a) The Inspection and Maintenance section did not adequately describe inspection and maintenance procedures as required by Part I.C.5 of the permit. Specifically, the maintenance description directs that "*control measures determined, upon inspection, to be in need of repair shall be maintained before the next anticipated storm event*". That guidance is inconsistent with the permit which directs that maintenance of control measures will occur as soon as possible, immediately in most cases, to minimize the discharge of pollutants.

The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control measures in good and effective operating procedures. The division expects the permittee to update the inspection and maintenance section to include all items as required by the permit.

- b) Inspections were not conducted consistent with minimum schedules required by Part I.D.6.a of the permit. Specifically, some inspections were performed at greater than the minimum of 14 days between inspections. Refer to table below:

<u>Inspection Date</u>	<u>Days from Previous Inspection</u>
1/15/15	16
2/23/15	21
4/17/15	15

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

- c) Inspections were not performed and/or documented as required by Part I.D.6.b of the permit. Specifically, the site in compliance certifications were either missing from the reports, or when they were included they were not signed.

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

- o The inspection date.
- o Name(s) and title(s) of personnel making the inspection.
- o Location(s) of discharges of sediment or other pollutants from the site.
- o Location(s) of control measures that need to be maintained.
- o Location(s) of control measures that failed to operate as designed or proved inadequate for a particular location.
- o Location(s) where additional control measures are needed and not in place at the time of inspection.
- o Deviations from the minimum inspection schedule as provided in Part I.D.6.a.
- o Description of corrective action for items iii, iv, v, and vi, above, dates corrective action(s) taken, and measures taken to prevent future violations, including requisite changes to the SWMP, as necessary and;
- o After adequate corrective action(s) has been taken, or where a report does not identify any incidents requiring corrective action, the report shall contain a signed statement indicating the site is in compliance with the permit to the best of the signer's knowledge and belief.

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

- d) Maintenance of control measures was not performed and/or documented as required by Part I.D.8 of the permit. Specifically, maintenance was not completed for 7 days for silt fence repairs identified during the 2/2/15 inspection.

The permit requires that:

- o Where site inspections note the need for maintenance or replacement, control measures must be maintained in accordance with the SWMP and Part I.D.7 of the

permit. Control measures that are not adequately maintained in accordance with good engineering, hydrologic and pollution control practices, including removal of collected sediment outside the acceptable tolerances of the control measure, are considered to be no longer operating effectively.

- Repair, replacement, or installation of new control measures determined necessary during site inspections to address ineffective or inadequate control measures must be conducted in accordance with Part I.D.8 of the permit. Control measures considered to no longer be operating effectively resulting in noncompliance with the permit must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants.
- SWMP updates required as a result of deficiencies in the SWMP noted during site inspections shall be made in accordance with Part I.D.5.c of the permit.

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

## SITE INSPECTION

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

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

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

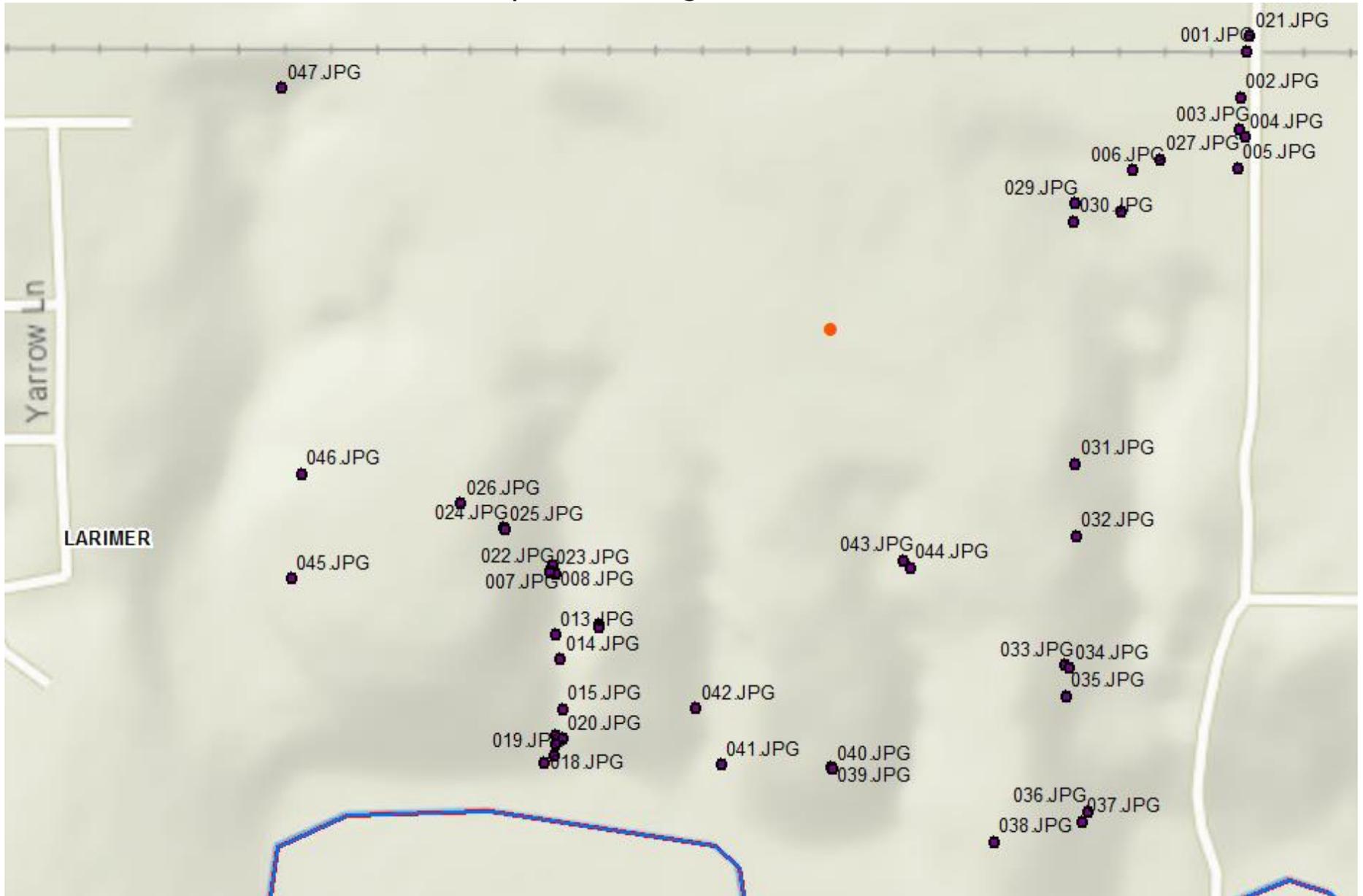
1. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located adjacent to the roadside ditch on CR3 (refer to photographs 1 - 5).
  - Control Measure Observation: Control measures were not implemented to control stormwater runoff from the location and pollutant source noted above.
  - Control Measure Finding: Control measures were not implemented to manage stormwater runoff from the above listed pollutant source as required by the permit. Specifically,
    - Control measures were not implemented to prevent sediment from entering the roadside ditch / drainage way.
  - Stormwater runoff from this area is discharged as follows: Runoff collected in the roadside ditch discharges to the Big Thompson River where CR3 crosses the river (0.33 miles distant). Additional control measures were not implemented down gradient of this location.
  - Result: There was a potential discharge of pollutants to the following state water: Big Thompson River
  - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
    - Control measures must be implemented to manage stormwater runoff from all potential pollutant sources.

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 at the lower southern limit of the project (refer to photo point map found at the beginning of the photograph section in this report for specific locations which reference photographs 7 - 26).
- Control Measure Observation: A perimeter silt fence control measure was implemented to manage stormwater runoff from the locations and pollutant source noted above, however the control measure was inadequate. Specifically,
    - Surface runoff from approximately 40 acres of disturbed area drained south to the perimeter silt fence. The upper 1/3 of the project had a slope of < 5.0%, the slope on the lower portion of the project was > 5.0%.
  - Control Measure Finding: An installation and implementation specification was provided in Appendix A - *Local Requirements - Design Criteria and Construction Specifications, Town of Johnstown, April 2004* of the SWMP but the control measure specification (refer to records review finding 1.c.iii above) was not in accordance with good engineering, hydrologic and pollution control practice as required by the permit. Specifically,
    - The silt fence had not been installed per common industry standards (Urban Drainage and Flood Control District Volume 3, spec SF-1) and good engineering, hydrologic and pollution control practices, including:
      - The maximum recommended tributary drainage area per 100 lineal feet of silt fence, installed along the contour, is approximately 0.25 acres with a disturbed slope length of up to 150 feet and a tributary slope gradient no steeper than 3:1.
      - Silt fence is not designed to receive concentrated flow or to be used as a filter fabric.
  - Stormwater runoff from this area is discharged as follows: Surface runoff from the project flowed general south to the southern discharge point from the project as identified in photographs 7-9. From that point, discharge was to the Big Thompson River, 145 yards to the south. Additional control measures were not implemented down gradient of this location.
  - Result: There was a discharge of pollutants to the following state water: Big Thompson River
  - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
    - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
    - Control measures implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of State waters.
    - 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 sanitary material waste located at the east side of project directly behind the upper house (refer to photograph 6).
- Control Measure Observation: Control measures were not implemented to control stormwater runoff from the location and pollutant source noted above.
  - Control Measure Finding: An installation and implementation specification for portable toilets observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
    - Portable Toilet was not secured to prevent tipping.
  - Stormwater runoff from this area is discharged as follows: Runoff is to the drainage along the east side of the project. Additional control measures (silt fence) were implemented down gradient of this location. However, these down gradient controls were implemented as part of a treatment train and are dependent on the control measure identified as inadequate in this finding. As a result, the overall system of control measures was inadequate to manage pollutant contribution from the pollutant source referenced above.
  - Result: There was a potential discharge of pollutants to the following state water: Big Thompson River
  - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
    - Control measures must be implemented to manage stormwater runoff from all potential pollutant sources.
    - All site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.
4. It was noted during the inspection that inadequate control measures were implemented to manage stormwater runoff from sediment from disturbed areas located in various locations around the perimeter of the project (refer to photo point map found at the beginning of the photograph section in this report for specific locations which reference photographs 27 - 46).
- Control Measure Observation: A perimeter silt fence control measure was implemented to manage stormwater runoff from the locations and pollutant source noted above; however the control measure was inadequate. Specifically, the following issues were observed:
    - Installation was not per industry standards.
    - Maintenance was required to prevent bypass.

- Control Measure Finding: An installation and implementation specification was provided in Appendix A - *Local Requirements - Design Criteria and Construction Specifications, Town of Johnstown, April 2004* of the SWMP but the control measure specification (refer to records review finding 1.c.iii above) was not in accordance with good engineering, hydrologic and pollution control practice as required by the permit. Specifically,
  - The silt fence had not been installed per common industry standards (Urban Drainage and Flood Control District Volume 3, spec SF-1) and good engineering, hydrologic and pollution control practices, including:
    - Silt fence is not designed to receive concentrated flow or to be used as a filter fabric.
    - Silt fence installed as perimeter control, should be installed in a way that will not produce concentrated flows.
    - Silt fence fabric shall be anchored to the stakes using 1” heavy duty staples or nails with 1” heads and placed 3” apart along the fabric down the stake.
    - When joining sections of fence, posts shall be joined, rotated 180 degrees and driven into the ground so that no gaps exist in silt fence.
    - Repair or replace silt fence when there are signs of wear, such as sagging, tearing, or collapse.
  - The silt fence had not been maintained per the permit
    - Where control measures have failed or require maintenance resulting in noncompliance, they must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants.
- Stormwater runoff from this area is discharged as follows: Generally, runoff from the site is to the south but some limited runoff is to the east and west project boundaries. All drainage ways eventually discharge to the Big Thompson River. Additional control measures were not implemented down gradient of this location.
- Result: There was a potential discharge of pollutants to the following state water: Big Thompson River
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
  - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
  - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.

### Thompson Crossing II - Photo Points





Photograph 1: CR3 Roadside ditch, NE corner of project, no control measures.



Photograph 2: CR3 Roadside ditch, NE corner of project, flow path to the south (yellow arrow).



Photograph 3: CR3 Roadside ditch, culvert outlet basin from photograph 1, inadequate/no control measures.



Photograph 4: See photograph 3, reverse view.



Photograph 5: CR3 Roadside ditch, bottom culvert outlet, minimal sediment deposition.



Photograph 6: Northeast area of project behind house, portable toilet not secured to the ground.



Photograph 7: Southern boundary of project at low point fill, inadequate control measures resulting in a discharge.



Photograph 8: See photograph 7.



Photograph 9: Photo 1 of 4, sediment flow path from project lower limit to the Big Thompson River.



Photograph 10: Photo 2 of 4, sediment flow path from project lower limit to the Big Thompson River.



Photograph 11: Photo 3 of 4, sediment flow path from project lower limit to the Big Thompson River.



Photograph 12: Photo 4 of 4, sediment flow path from project lower limit to the Big Thompson River.



Photograph 13: Bottom of the upper end of the draw looking north to the fill area.



Photograph 14: Bottom of the lower end of the draw looking south to river.



Photograph 15: In the floodplain adjacent to the river looking south.



Photograph 16: In the floodplain adjacent to the river looking north.



Photograph 17: Tree line adjacent to the river looking southwest.



Photograph 18: Standing on riverbank looking northeast.



Photograph 19: In tree line adjacent to the river looking southwest.



Photograph 20: In tree line adjacent to the river looking southwest.



Photograph 21: NE corner of project looking southwest, upper contributing area to discharge point.



Photograph 22: At the crest of the slope to the discharge point looking northwest.



**Photograph 23:** At the crest of the slope to the discharge point looking east north east.



**Photograph 24:** Flow path to the discharge from the northwest, looking southeast.



Photograph 25: Flow path to the discharge from the northwest, looking northwest.



Photograph 26: Flow path to the discharge from the northwest, looking southeast.



Photograph 27: Silt fence not installed per specification (joint). Refer to photo point map for location.



Photograph 28: Silt fence not installed per specification (joint). Refer to photo point map for location.



Photograph 29: Silt fence not installed per specification (gap under fence). Refer to photo point map for location.



Photograph 30: Silt fence not maintained per specification (staking). Refer to photo point map for location.



**Photograph 31:** Silt fence not maintained per specification (holes). Refer to photo point map for location.



**Photograph 32:** Silt fence not installed per specification (joint). Refer to photo point map for location.



**Photograph 33:** Silt fence not maintained per specification (holes, staking). Refer to photo point map for location.



**Photograph 34:** Silt fence not installed per specification (joint). Refer to photo point map for location.



**Photograph 35:** Silt fence not maintained per specification (holes, staking). Refer to photo point map for location.



**Photograph 36:** Silt fence not maintained per specification (staking). Refer to photo point map for location.



**Photograph 37:** Silt fence not maintained per specification (staking). Refer to photo point map for location.



**Photograph 38:** Silt fence not maintained per specification (staking). Refer to photo point map for location.

Facility: Thompson Crossing II

Permit#: COR03M456

Date: April 21, 2015



**Photograph 39:** Silt fence not maintained per specification (staking). Refer to photo point map for location.



**Photograph 40:** Refer to photograph 39.

Facility: Thompson Crossing II

Permit#: COR03M456

Date: April 21, 2015



Photograph 41: Silt fence not maintained per specification (staking). Refer to photo point map for location.



Photograph 42: Silt fence not maintained per specification (staking). Refer to photo point map for location.



Photograph 43: Silt fence not maintained per specification (staking). Refer to photo point map for location.



Photograph 44: Silt fence not maintained per specification (staking, joints). Refer to photo point map for location.



Photograph 45: Silt fence not installed per specification (joints). Refer to photo point map for location.



Photograph 46: Silt fence not installed per specification (concentrated flow). Refer to photo point map for location.