



# COLORADO

Department of Public  
Health & Environment

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

January 20, 2016

The Corporation Company, Registered Agent  
Martin Marietta Materials, Inc.  
1675 Broadway, Suite #1200  
Denver, CO 80202

Certified Mail Number: 7014 2870 0000 7699 5214

**RE: Expedited Settlement Agreement, Number EI-160120-1  
Specification Aggregates / Permit Number: COG500479**

Dear Sir or Madam:

Enclosed for your records you will find Martin Marietta Materials, Inc.'s copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was changed in order to place the correct ESA Number on the final document. The ESA is now fully enforceable and constitutes a final agency action.

As specified in paragraph ten of the enclosed ESA, Martin Marietta Materials, Inc. must, within fifteen (15) calendar days, submit a certified or cashier's check for the amount specified in paragraph four of the ESA to the Water Quality Control Division in order for this matter to be resolved.

If you have any questions, please do not hesitate to contact Andrea Beebout at 303.692.6498 or by electronic mail at [andrea.beebout@state.co.us](mailto:andrea.beebout@state.co.us).

Sincerely,

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

Enclosure(s): Expedited Settlement Agreement ES-160120-1

cc: Enforcement File

ec: Michael Boeglin, EPA Region VIII  
Jim Rada, Jefferson County Public Health  
Aimee Konowal, Watershed Section, CDPHE  
Michael Beck, Grants and Loans Unit, CDPHE  
Amy Zimmerman, Engineering Section, CDPHE  
Kelly Jacques, Field Services Section, CDPHE  
Erin Scott, Permits Section, CDPHE  
Mike Harris, Clean Water Enforcement Unit, CDPHE  
Tania Watson, Data Management, CDPHE  
Nathan Moore, Clean Water Compliance Unit, CDPHE  
Joe Campbell, Clean Water Compliance Unit, CDPHE





Colorado Department of Public Health & Environment  
Water Quality Control Division

## EXPEDITED SETTLEMENT AGREEMENT

Number: EI-160120-1

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

1. Martin Marietta 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. Martin Marietta owns and/or operates Specification Aggregates an active sand and gravel mining, crushing, and washing operation located in or near the City of Golden, Jefferson County, Colorado (the “Facility”).
3. Martin Marietta, as described in the attached inspection report, failed to comply with the provisions of its Colorado Discharge Permit System General Permit for Sand and Gravel Mining and Processing (the “Permit”), Certification Number COG500479.
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 \$ 10,500.00 .
5. By accepting this ESA, Martin Marietta neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. Martin Marietta certifies that all deficiencies identified in the attached inspection report have been corrected and that the Facility is currently in full compliance with the terms and provisions of the Permit. Additionally, Martin Marietta 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 Facility.
7. Martin Marietta agrees to the terms and conditions of this ESA. Martin Marietta 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, Martin Marietta 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 Martin Marietta 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. Martin Marietta agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, Martin Marietta shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for the amount specified in paragraph 4 above, to:

Andrea Beebout  
 Colorado Department of Public Health and Environment  
 Water Quality Control Division  
 Mail Code: WQCD-CWE-B2  
 4300 Cherry Creek Drive South  
 Denver, Colorado 80246-1530

11. Notwithstanding paragraph 5 above, the violations described in this ESA will constitute part of Martin Marietta'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 Martin Marietta. Martin Marietta agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon Martin Marietta 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 MARTIN MARIETTA MATERIALS, INC.:**

Roselyn Bar 12/7/15  
 Signature Date

ROSELYN BAR Executive Vice President, General Counsel & Secretary  
 Name (printed) Title

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

Patrick J. Pfaltzgraff 12/1/16  
 Patrick J. Pfaltzgraff Nicole Rowan Date  
 WATER QUALITY CONTROL DIVISION



**COLORADO**  
Department of Public  
Health & Environment

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

June 16, 2015

CERTIFIED NO: 7007-0220-0001-0163-5792

David Hagerman, Vice President  
Martin Marietta Materials, Inc  
10170 Church Ranch Way, Suite 201  
Westminster, Colorado 80021

Re: Facility Inspection /**Compliance Advisory**  
Martin Marietta Materials, Inc - Spec Aggregate Quarry  
CDPS Permit No. COG500479

Dear Mr. Hagerman,

An inspection of the above-referenced facility was conducted by the Water Quality Control Division (the division) on May 7, 2015. The inspection procedure consisted of two parts: a review of records, and an on-site facility inspection. Findings associated with the inspection are detailed in the enclosed inspection report.

The division expects Martin Marietta Materials, Inc to correct the findings noted in the enclosed inspection report and submit an explanation on how each finding was corrected. Pursuant to Part II.B.2 of the Colorado Discharge Permit System General Permit for Sand and Gravel Mining and Processing (and Other Nonmetallic Minerals Except Fuel) (the stormwater discharge permit), Martin Marietta Materials, Inc must submit the requested materials to the Colorado Department of Public Health and Environment, WQCD-P-B2, 4300 Cherry Creek Drive South, Denver, CO 80246-1530, Attn: Joe Campbell, by **July 1, 2015**.

Note: All applications, reports, and other information requested by the Division must be signed in accordance with the provisions of sections 61.4(1)(e) and (f) of Regulation No. 61, and must contain the following certification statement:

"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."

This Compliance Advisory is intended to advise Martin Marietta Materials, Inc of possible violations of the Colorado Water Quality Control Act, its implementing regulations and permits, so that it may take appropriate steps to avoid or mitigate formal enforcement action. This Compliance Advisory does not constitute a Notice of Violation or Cease and Desist



Order and is not subject to appeal. However, the issuance of this Compliance Advisory does not limit or preclude the Division from pursuing its enforcement options.

If you have any questions, please call me at (303) 692-2356 or email at [joseph.campbell@state.co.us](mailto:joseph.campbell@state.co.us).

Sincerely,



Joe Campbell  
Environmental Protection Specialist  
Clean Water Compliance Unit  
WATER QUALITY CONTROL DIVISION

cc: File Copy  
ec: Walt Wright, [walter.wright@martinmarietta.com](mailto:walter.wright@martinmarietta.com)

## Stormwater Inspection Report

<b>Permittee:</b> Martin Marietta Materials, Inc	<b>Cert. No.</b> COG500479	<b>Date(s):</b> May 7, 2015 <b>Time In:</b> 9:30 AM <b>Time Out:</b> 2:00 PM
<b>Facility:</b> Spec Aggregate Quarry	<b>Industrial Type:</b> Sand and Gravel	<b>Receiving Water(s):</b> Apex and Lena Gulch - Clear Creek
<b>Facility Address:</b> 18401 West Colfax Avenue, Golden, Jefferson County, Colorado 80401		
<b>Persons present:</b> Joe Campbell (WQCD); Walt Wright, Keith Buescher (Martin Marietta)		
<b>Legally Responsible Person(s)/Title(s):</b> David Hagerman (Vice President)		<b>Inspector:</b> Joe Campbell (CDPHE - Water Quality Control Division)

### 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 representatives. The inspector communicated the division's expectation that the facility representatives initiate corrective actions, immediately, for all alleged inspection findings, in accordance with the provisions of the Colorado Discharge Permit System General Permit for Discharges Associated with Sand and Gravel Mining and Processing Operations (the permit).

**Note 1:** The primary industrial activity that takes place at the site is quarrying of virgin stone which is sent to a crusher for associated sorting and hauling. The permit certification effective date was January 1, 2011 and administratively extended on July 1, 2013.

**Note 2:** Permit requirements are contained in Parts I, and II of the permit and in the permit certification (certification) COG500479 (page 1 of the permit), which specifies any site specific requirements, limitations, and sampling frequency.

**Note 3:** In a communication with Martin Marietta Materials, Inc prior to the inspection, the division requested that a copy of the Stormwater Management Plan (SWMP), supporting documents and inspection records be provided to division personnel at the inspection. A copy of the SWMP was provided to division personnel on May 7, 2015 during the inspection.

### Records Review

1. **Part I.C.1 - Stormwater Management Plan (SWMP).** A copy of the SWMP was retained onsite. The division inspectors reviewed the SWMP and found it to be inadequate for the following reasons:

- a) The Site Map section in the SWMP did not identify all items required by the permit. Specifically, the following items were not identified on the SWMP site map, but were present at the site:
- Access and Haul roads;
  - Non-structural control measures (including vegetated areas);
  - Areas used for recycling of asphalt or concrete;
  - Springs, streams, wetlands and other surface waters;
  - Mine drainage or any other process water; and
  - All areas of soil disturbance.

The SWMP site map must be updated to include all items required by Part I.C.1.a of the discharge permit.

- b) The SWMP did not address potential pollutant sources or materials inventory at the site (Description of Potential Pollutant Sources/Material Inventory section). The SWMP must identify potential sources of pollutants (activities and materials) at the site, and assess the potential of these sources to contribute pollutants to stormwater discharges associated with mining activities. The SWMP must also describe appropriate control measures to reduce the potential of these identified sources to contribute pollutants

to stormwater discharges. At a minimum, each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff:

- Loading and unloading operations;
- Crushing facilities or significant dust and particulate generating activities;
- On-site waste disposal activities;
- Areas used for recycling of asphalt or concrete; and
- Disturbed areas.

In each case where stormwater pollution potential exists, appropriate preventative measures must be taken and documented. The SWMP must be updated to include this information as required by Part I.B.2.b of the permit.

c) The SWMP did not provide a description of stormwater quality controls appropriate for the site (Stormwater Quality Controls section). Specifically, the SWMP did not address the following minimum components, including a schedule to implement such controls:

- Erosion and Sediment Controls: The SWMP must describe the control measures that will be used to reduce erosion and prevent sediment transport to state waters. These should include structural (such as silt fences, sediment ponds, drop structures, check dams) and non-structural (such as mulching and revegetation) practices. The SWMP did not discuss the erosion control blankets utilized on the large soil stockpile on the northeast portion of the facility or the straw bales utilized at Lena Gulch Outlet #1. The SWMP must be updated to include this information as required by Part I.C.1.c.3 of the permit.
- Identification of Discharges other than Stormwater: The stormwater conveyance system on the site must be evaluated for the presence of discharges other than stormwater, such as mine drainage, spoil springs, sanitary waste, or process water of any kind. The SWMP must include a description of the results of any evaluation for the presence of discharges other than stormwater, the method used, the date of the evaluation, and the on-site drainage points that were directly observed during the evaluation. The SWMP must be updated to include this information as required by Part I.C.1.c.7 of the permit.

2. **Part I.C.4 - Inspections.** Inspection records were available for review during the inspection. Inspections were reviewed for 2012 - 2014 and no findings were identified.

## Site Inspection Field Findings

**Note 4:** As required by Part I.C.2 of the permit, 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 sources associated with sand and gravel mining and processing activity 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 site.

1. It was noted during the inspection that control measures were not implemented to manage tracking of sediment offsite from the main exit of the facility onto West Colfax Avenue (See Photographs 1 - 3).
  - Pollutant Source: Sediment from disturbed areas.
  - Control Measure Observation: Control measures were not implemented to control stormwater run-off from the above listed pollutant source. Specifically, tracking of sediment offsite from the disturbed areas onsite was observed along West Colfax Avenue.
  - Stormwater runoff from this area is discharged as follows: Stormwater runoff flows south and west off of West Colfax Avenue and directly to Lena Gulch. No additional control measures were implemented down gradient of this location to manage runoff from the pollutant sources.
  - Result: There was a potential discharge of pollutants to the following State Water(s): Lena Gulch
  - 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.
    - Practices must be implemented for all areas of potential vehicle tracking, and can include: minimizing site access; street sweeping or scraping; tracking pads; graveled parking areas; requiring that vehicles stay on paved areas on-site; wash racks; contractor education; and/or sediment control measures, etc.
2. It was noted during the inspection that inadequate control measures were implemented to manage sediment from disturbed areas on the eastern portion of the facility (See Photographs 4 - 5).
  - Pollutant Source: Sediment from disturbed areas.
  - Control Measure Observation: A sediment basin and drainage swale control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate. Specifically,
    - Retention Pond #3 was over 1/3 full of sediment and was past its useful storage capacity for sediment. Additionally, the rock lined drainage swale at the outlet of the sediment basin was clogged with sediment.

- Control Measure Finding: An installation and implementation specification for a sediment basin was provided in the SWMP, but was not implemented. Specifically,
    - As stated in the installation and implementation detail in the SWMP (Urban Storm Drainage Criteria Manual, Volume 3) sediment is to be dredged from the basin, as needed to maintain control measure effectiveness, typically when the design storage volume is no more than one-third filled with sediment.
  - Stormwater runoff from this area is discharged as follows: Stormwater runoff flows east through a riprap lined drainage swale and directly to Lena Gulch. No additional control measures were implemented down gradient of this location to manage runoff from the pollutant sources.
  - Result: There was a potential discharge of pollutants to the following State Water(s): Lena Gulch
  - Expectations: The division expects the permittee to design and implement control measures, as required by the permit, and make the following corrections:
    - Maintain all control measures used to achieve the effluent limits required by this permit in effective operating condition.
    - 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 sediment from disturbed areas along the main exit of the facility onto West Colfax Avenue (See Photographs 6-10).
- Pollutant Source: Sediment from disturbed areas and tracking.
  - Control Measure Observation: A straw bale control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate. Specifically,
    - The straw bale control measure was utilized in an area of concentrated flow and were installed on an impervious surface (i.e. not staked or trenched in).
  - Control Measure Finding: An installation and implementation specification for a straw bale control measure was provided in the SWMP, but was not implemented. Specifically,
    - As stated in the installation and implementation detail in the SWMP (Urban Storm Drainage Criteria Manual, Volume 3) straw bales are not to be utilized within an area of concentrated flow and are to be staked and trenched into the ground.
  - Stormwater runoff from this area is discharged as follows: Stormwater runoff flows north and directly to Lena Gulch. No additional control measures were implemented down gradient of this location to manage runoff from the pollutant sources.
  - Result: There was a discharge of pollutants to the following State Water(s): Lena Gulch
  - Expectations: The Division expects the permittee to design and implement control measures, as required by the permit, and make the following corrections:

- Select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
- Design control measures following good engineering, hydrologic and pollution control practices to prevent pollution or degradation of state waters and document in the SWMP.
- Stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants.



**Photograph 1:** Vehicle tracking offsite onto West Colfax Avenue (looking back north onsite)



**Photograph 2:** Vehicle tracking offsite onto West Colfax Avenue



**Photograph 3:** Vehicle tracking offsite onto West Colfax Avenue



**Photograph 4:** Retention Pond #3. Over 1/3 full of sediment.



**Photograph 5:** Discharge point of Retention Pond #3. Rock lined swale with sediment deposition.



**Photograph 6:** Stormwater drainage from the eastern portion of the facility flowing south to Lena Gulch.



**Photograph 7:** Inadequate straw bale control measure installed on an impervious surface. Downgradient of Photo #6.



**Photograph 8:** Discharge of pollutants offsite and into state waters (Lena Gulch). Downgradient of Photo #7.



**Photograph 9:** Sediment in culvert further downgradient towards Lena Gulch.



**Photograph 10:** Discharge of pollutants to Lena Gulch.