



COLORADO

Department of Public
Health & Environment

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

October 7, 2015

CCS Global Solutions, Inc., Registered Agent
NMMS Twin Peaks, LLC
36 South 18th Avenue, Suite D
Brighton, CO 80601

Certified Mail Number: 7014 2870 0000 7699 5368

RE: Service of Notice of Violation/Cease and Desist Order, Number: SO-151007-1

Dear Sir or Madam:

NMMS Twin Peaks, 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 NMMS Twin Peaks, 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., NMMS Twin Peaks, 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 NMMS Twin Peaks, 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 me by phone at (303) 692-6498 or by electronic mail at andrea.beebout@state.co.us.

Sincerely,



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

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Joe Malinowski, 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
Tania Watson, Data Management, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE
Megan Shirley, Clean Water Compliance Unit, CDPHE



COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

NOTICE OF VIOLATION / CEASE AND DESIST ORDER

NUMBER: SO-151007-1

IN THE MATTER OF: NMMS TWIN PEAKS, LLC
 CDPS PERMIT NO. COR030000
 CERTIFICATION NO. COR03M455
 BOULDER 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 alleged violations identified herein, NMMS Twin Peaks, LLC ("NMMS") was a California corporation in good standing and registered to conduct business in the State of Colorado.
2. NMMS 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 or about July 14, 2014, NMMS initiated construction activities of a commercial development on the Village at the Peaks Project within the City of Longmont, Boulder County, Colorado ("Project").
4. On July 1, 2014, the Division received an application from NMMS for coverage under the Colorado Discharge Permit System ("CDPS") General Permit Number COR030000, for Stormwater Discharges Associated with Construction Activity ("Permit") for a planned disturbance of 58.1 acres of land within the Project.
5. On July 8, 2014, the Division provided NMMS with Certification Number COR03M455 authorizing NMMS to discharge stormwater from construction activities associated with the Project to waters of the State of Colorado, including, but not limited to, Saint Vrain Creek and the South Platte River under the terms and conditions of the Permit. Certification Number COR03M455 became effective July 8, 2014 and will remain in effect until Permit reissuance or until NMMS inactivates permit coverage.

6. On April 14, 2015, the Division received a modification application from NMMS to exclude Lots 2-1 and 3-1, totaling 12.5 acres, from Permit coverage. The Division granted the modification request on April 20, 2015.
7. Pursuant to 5 CCR 1002-61, §61.8, NMMS must comply with all the 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.
8. On November 11, 2014 and April 23, 2015, a representative from the Division (“Inspector”) conducted on-site inspections of the Project pursuant to the Division’s authority under §25-8-306, C.R.S., to determine NMMS’s compliance with the Water Quality Control Act and the Permit. During the inspections, the Inspector interviewed Project representatives, reviewed the Project’s stormwater management system records, and performed a physical inspection of the Project.
9. On May 27, 2015, a representative from the City of Longmont Public Works & Natural Resources department (“Representative”) conducted an on-site inspection of the Project.

Deficient and/or Incomplete Stormwater Management Plan

10. Pursuant to Part I.B. of the Permit, NMMS is required to prepare and maintain a Stormwater Management Plan (“SWMP”) in accordance with good engineering, hydrologic, and pollution control practices. The SWMP shall identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the Project. In addition, the SWMP shall describe the Best Management Practices (“BMPs”) that will be used to reduce the pollutants in the stormwater discharges associated with construction activity at the Project.
11. Pursuant to Part I.C. of the Permit, the SWMP shall include, at minimum, the following items:
 - a. Site Description - The SWMP shall clearly describe the construction activity, including:
 - i. The nature of the construction activity at the site.
 - ii. The proposed sequence for major activities.
 - iii. Estimates of the total area of the mine site, and the area and location expected to be disturbed by clearing, excavation, grading, or other construction activities.
 - iv. A summary of any existing data used in the development of the site 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 disturbing activities, vehicle fueling, storage of fertilizers or chemicals, etc.
 - vii. The location and description of any anticipated allowable sources of non-stormwater discharge at the site, such as uncontaminated 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(s). If the stormwater discharge is to a municipal separate storm sewer system, 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 as applicable.
 - 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 responsible for developing, implementing, maintaining, and revising the SWMP.
 - ii. Identification for 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 project 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, as applicable, 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 both structural and non-structural stormwater management controls. 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. Such procedures or significant materials could include: exposed storage of building materials; paints and solvents; fertilizers or chemicals; waste material; and equipment maintenance or fueling procedures.
 - (5) Dedicated Concrete or Asphalt Batch Plants - The SWMP shall clearly describe and locate all practices implemented at the site to control stormwater pollution from dedicated concrete or 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 all areas of vehicle tracking. Practices 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 BMPs, etc.
 - (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 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 identified in the SWMP, in good and effective operating condition.
12. During the November 11, 2014 inspection, the Inspector reviewed the Project's SWMP and identified the following deficiencies, as described in paragraphs 12(a-g) below:
- a. The SWMP did not identify and describe the vegetation present prior to construction activities.
 - b. The SWMP did not identify and describe all potential pollutant sources. Specifically, building demolition materials, crushed asphalt piles, building materials for vertical building and finishing were observed onsite by the inspector but were not included in the SWMP.
 - c. Two sections of the SWMP conflicted on whether construction dewatering would be required. During the inspection, it was confirmed that dewatering had taken place on the northeast corner of the Project, however construction dewatering activities were not identified consistently in the SWMP.
 - d. The site map included with the SWMP did not identify all areas of ground surface disturbance. Additionally, the SWMP site map did not identify the storage location of all building materials and equipment associated with construction activities or the location of

asphalt crushing and material storage.

- e. The site map included with the SWMP did not consistently identify the locations of all structural control measures. Specifically, the SWMP did not consistently identify the locations of grade cuts or surface roughening that were observed onsite during the inspection.
 - f. The SWMP did not identify and describe all stormwater controls implemented at the Project to reduce the potential of pollutants in stormwater discharges. Specifically, the SWMP did not describe grade cuts, asphalt crushing controls, asphalt drive lanes and designated haul routes used for tracking control. In addition, the maximum capacity for concrete washouts varied throughout the SWMP.
 - g. The SWMP did not describe the installation and implementation specifications for each control measure identified in the SWMP. Specifically, the SWMP did not describe specifications for sand bags used for inlet protection or grade cuts used along the perimeter of the Project.
13. During the April 23, 2015 inspection, the Inspector reviewed the Project's SWMP and identified the following deficiencies, as described in paragraphs 13(a-e) below:
- a. The site map included with the SWMP did not identify all areas of ground surface disturbance. Specifically, the site map did not differentiate between areas of ground disturbance and areas which have been built upon with building foundations, roads and/or curb and gutter. Additionally, the SWMP site map did not identify the storage location of all building materials and equipment associated with construction activities.
 - b. The site map included with the SWMP did not consistently identify the locations of all BMPs implemented at the Project to reduce the potential of pollutants in stormwater discharges. Specifically, the site map did not identify the locations of all inlet protection control measures, silt fence, or grade cuts observed onsite during the inspection.
 - c. The SWMP did not identify and describe all stormwater controls implemented at the Project to reduce the potential of pollutants in stormwater discharges. Specifically, the SWMP did not describe silt fence and grade differentials implemented onsite as inlet protection.
 - d. The SWMP did not describe the installation and implementation specifications for each control measure identified in the SWMP and/or observed onsite by the Inspector. Specifically, the SWMP did not describe specifications for the dandy product rubber wattles used for inlet protection or the wheel wash.
 - e. The installation and implementation specification for the grade cut control measure included in the SWMP was not designed according to good engineering, hydrologic and pollution control practices. Specifically, the specification did not indicate the minimum grade cut depth behind the back of curb or the width of the cut between the curb and disturbance needed to provide sufficient capture area for settling of sediment and debris.
14. The Division has determined that NMMS failed to prepare and maintain a complete and accurate SWMP for the Project.

15. NMMS's failure to prepare and maintain a complete and accurate SWMP for the Project constitutes violations of Parts I.B. and I.C. of the Permit.

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

16. Pursuant to Part I.D.6.(a) of the Permit, for active sites where construction has not been completed, NMMS is required to make a thorough inspection of the Project's stormwater management system at least once every fourteen (14) calendar days and within twenty-four (24) hours after the end of any precipitation or snowmelt even that causes surface erosion.
17. Pursuant to Part I.D.6.(b)(2) of the Permit, NMMS is required to keep a record of inspections that describes the name(s) and title(s) of personnel making the inspection, any corrective actions taken, the dates the corrective actions were taken, and any measures taken to prevent future violations, including requisite changes to the SWMP. Additionally, after adequate corrective action 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.
18. During the November 11, 2014 inspection, the Inspector reviewed the available inspection records for the period from July 14, 2014 through November 8, 2014 and identified the following deficiencies, as described in Paragraphs 18(a-d) below:
 - a. Inspections were not conducted between the following time periods: August 8, 2014 and August 24, 2014; August 24, 2014 and September 11, 2014; September 22, 2014 and October 13, 2014. These periods exceed the minimum fourteen day interval between inspections.
 - b. The title of the inspector was not included on all reports.
 - c. The name of the inspector was missing on the November 3, 2014 inspection record.
 - d. The signature at the end of the inspection reports does not include a certification statement indicating the site is in compliance with the Permit to the best of the signer's knowledge and belief.
19. During the April 23, 2015 inspection, the Inspector reviewed the available inspection records for the period from November 8, 2014 through April 21, 2015 and identified the following deficiencies, as described in Paragraphs 19(a-b) below:
 - a. Inspections were not conducted between March 27, 2015 and April 16, 2015. This period exceeds the minimum fourteen day interval between inspections.
 - b. The title of the inspector was not included on all reports.
20. The Division has determined that NMMS failed to properly perform and document inspections of the stormwater management system at the Project.
21. NMMS's failure to properly perform and document its inspections constitutes violations of Parts I.D.6.(a) and I.D.6.(b)(2) of the Permit.

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

22. Pursuant to Part I.B.3. of the Permit, NMMS must implement the provisions of the Project's SWMP as written and updated, from commencement of construction activity until final stabilization is complete.
23. Pursuant to Part I.D.2. of the Permit, NMMS 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 at the Project to prevent pollution of State waters.
24. Pursuant to Part I.D.7. of the Permit, all erosion and sediment control practices and other protective measures identified in the SWMP must be maintained in effective operating condition. BMPs 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 BMPs, are considered to be no longer operating effectively and must be addressed.
25. During the November 11, 2014 inspection, the Inspector identified the following deficiencies related to BMP selection, design, installation, implementation and/or maintenance at the Project, as described in Paragraphs 25 (a-k) below:
 - a. No control measures were implemented to manage pollutant contributions from an asphalt waste pile on the west side of the Project. As a result of this deficiency, there was a potential for asphalt wastes to comingle with stormwater and be discharged offsite. Additional inadequate control measures were implemented down gradient of this location (refer to paragraphs 25b and 25k) and stormwater flowed towards a storm sewer inlet adjacent to the asphalt operations, eventually draining to Dry Creek.
 - b. A sand bag control measure implemented as inlet protection to manage pollutant contributions from the nearby asphalt crushing measures was not selected according to good engineering, hydrologic and pollution control practices. Specifically, the sand bags were not consistently overlapped to prevent gaps between sand bags, leading to a potential for polluted stormwater to bypass the control measure. In addition, sand bags can easily break and become an additional pollutant source. No additional control measures were implemented down gradient of the inlet and stormwater flowed through the inlet and associated storm sewer system, eventually draining to Dry Creek.
 - c. A straw wattle control measure implemented to manage pollutant contributions from disturbed areas located in front of the emergency egress fence was not installed or maintained according to good engineering, hydrologic and pollution control practices. Specifically, the straw wattle was installed on an impervious surface and could not be properly staked down or trenched as required by Project SWMP specifications. As a result of this deficiency, there was a high potential for polluted stormwater to bypass the control measure. No additional control measures were implemented down gradient of this location and stormwater flowed generally east towards City of Longmont MS4 inlets, eventually draining to Dry Creek.
 - d. No vehicle tracking control measures were implemented at the entrance to the concrete washout area and CSI staging area at the Project despite Project SWMP specifications requiring all egress points on the jobsite to have a stabilized construction entrance to prevent tracking of sediment from construction traffic. As a result of this deficiency, there

was a potential for contaminated stormwater to discharge offsite. No additional control measures were implemented down gradient of the egress points and stormwater flowed generally southeast to the City of Longmont MS4, eventually discharging to Dry Creek.

- e. A concrete washout area was implemented; however it was not installed according to good engineering, hydrologic, or pollution control practices. Specifically, the concrete washout area did not have a vehicle tracking pad at the access and concrete waste was observed outside of the washout area despite Project SWMP specifications requiring vehicle tracking control at the entrance of the pit and maintenance activities to remove washout waste and concrete outside of the washout area. No control measures to remove dissolved pollutants were implemented down gradient of the concrete washout and stormwater flowed generally southeast towards inlets, eventually draining to Dry Creek.
- f. Silt fence implemented to manage pollutant contributions from disturbed areas on the northeast corner of the Project was not installed or maintained according to good engineering, hydrologic and pollution control practices. Specifically, the silt fence joints were not wrapped in fabric and rotated 180 degrees around one another and the silt fence fabric was not entrenched and backfilled as required by Project SWMP specifications. In addition, several areas of the silt fence were in need of maintenance due to tears in the fabric, pulling of fabric away from stakes, and/or more than six inches of sediment buildup. As a result of these deficiencies, the effectiveness of the silt fence was reduced and there was a potential for polluted stormwater to bypass the control measure. Additional inadequate control measures were implemented down gradient of the silt fence (refer to paragraph 25g) and stormwater flowed generally north to Dry Creek.
- g. A straw wattle control measure implemented to manage pollutant contributions from disturbed areas on the northeast corner of the Project was not installed or maintained according to good engineering, hydrologic and pollution control practices. Specifically, the straw wattle was not trenched in or staked down as required by Project SWMP specifications. As a result of this deficiency, there was a potential for polluted stormwater to bypass the straw wattle and discharge offsite. No additional control measures were implemented down gradient of this location and stormwater flowed generally north to Dry Creek.
- h. A straw wattle control measure implemented as inlet protection on the north end of the Project was not installed or maintained according to good engineering, hydrologic and pollution control practices. Specifically, the straw wattle was not trenched in or staked down as required by Project SWMP specifications. In addition, the straw wattle was in need of maintenance due to holes and tearing. As a result of these deficiencies, there was a potential for polluted stormwater to bypass the control measure and be discharged offsite. No additional control measures were implemented down gradient of the inlet and stormwater flowed through the inlet and associated storm sewer system, eventually draining to Dry Creek.
- i. Concrete waste was discharged directly to the ground without containment near the Regal Theater building foundation. Project SWMP specifications require that concrete waste be contained in a concrete washout area. As a result of this deficiency, there was a potential for concrete waste to comingle with stormwater and discharge offsite. No control measures to remove dissolved pollutants were implemented down gradient of the concrete waste and stormwater flowed generally east towards the Project perimeter.

- j. A temporary masonry mixing station located near the Regal Theater building foundation did not have secondary containment. Secondary containment control measures for the masonry mixing station were not described in the Project SWMP. As a result, masonry waste was observed on the ground and had the potential to comingle with stormwater and discharge offsite. No control measures to remove dissolved pollutants were implemented down gradient of the masonry station and stormwater flowed generally northeast towards the Project perimeter.
 - k. A grade cut control measure implemented along the Project perimeter was not installed or maintained according to good engineering, hydrologic, or pollution control practices. Specifically, the grade cut was inconsistently installed and in many areas would not provide adequate ponding based on its height and width and the contributing drainage area. No additional control measures were implemented down gradient of the grade cut and stormwater flowed generally to low points within the site and/or offsite of the Project.
26. During the April 23, 2015 inspection, the Inspector identified the following deficiencies related to BMP selection, design, installation, implementation and/or maintenance at the Project, as described in Paragraphs 26 (a-l) below:
- a. Silt fence implemented to manage pollutant contributions from disturbed areas on the southwest quadrant of the Project was not installed or maintained according to good engineering, hydrologic and pollution control practices. Specifically, the silt fence joints were not wrapped in fabric and rotated 180 degrees around one another, the fabric was not pulled tight and attached to stakes to prevent sagging, and the silt fence was not entrenched and backfilled as required by Project SWMP specifications. In addition, the silt fence was not consistently installed at the edge of the disturbed area to manage sediment contributions. As a result of these deficiencies, there was a potential for polluted stormwater to bypass the control measure. Additional inadequate control measures were implemented down gradient of the silt fence (refer to paragraphs 26h and 26j) and stormwater flowed generally south to the City of Longmont MS4 curb inlets, eventually draining to Dry Creek.
 - b. The concrete washout area located in the southeast quadrant of the Project was not installed according to good engineering, hydrologic, or pollution control practices. Specifically, the concrete washout area did not have a vehicle tracking pad at the access and concrete waste was observed outside of the washout area and berm despite Project SWMP specifications requiring vehicle tracking control at the entrance of the pit and maintenance activities to remove washout waste and concrete outside of the washout area. No control measures to remove dissolved pollutants were implemented down gradient of the concrete washout area and stormwater flowed within the Project boundaries to City of Longmont MS4 drop inlets, eventually draining to Dry Creek.
 - c. Two masonry stations located in the northwest and southwest quadrants of the site were not implemented and maintained according to good engineering, hydrologic, and pollution control practices. Specifically, the containment boundary was built out of wooden 2x4's instead of earthen berms as required by Project SWMP specifications. In addition, maintenance was needed to replace sections of the boundary where spills could result and masonry waste/materials were observed spilled outside of the containment area. As a result of these deficiencies, there was a potential for masonry wastes to pollute stormwater and be discharged offsite of the Project. No control measures to remove dissolved pollutants were implemented down gradient of the masonry stations. Stormwater

from the masonry stations flowed within the Project boundaries to City of Longmont MS4 drop inlets, eventually draining to Dry Creek.

- d. Straw wattles implemented as inlet protection to manage pollutant contributions from disturbed areas throughout the Project were not installed or maintained according to good engineering, hydrologic, or pollution control practices. Specifically, the wattles were not consistently entrenched, backfilled, or staked as required by Project SWMP specifications. In addition, the wattles were in need of maintenance to repair holes, tears, and remove accumulated sediment. In addition to being incorrectly installed and/or poorly maintained, certain inlets were surrounded by concrete waste or were being used as storage areas for fuel and building materials. As a result of these deficiencies, there was a significant potential for polluted stormwater to be discharged offsite. No additional control measures were implemented down gradient of the inlets, and stormwater flowed within the associated storm sewer system, eventually draining to Dry Creek.
- e. Surface roughening was observed in the northeast quadrant of the Project; however, it was not implemented according to good engineering, hydrologic, or pollution control practices. Specifically, a sheepsfoot roller was used to create the surface roughening and it did not provide the correct orientation of tracking on the slope, or the necessary depth for the furrows. Project SWMP specifications required furrows 2 to 6 inches deep and approximately 6 inches apart. As implemented, the surface roughening was not an effective control measure and instead had the potential to contribute additional sediment erosion. Additional inadequate control measures were implemented down gradient of this location (refer to paragraph 26f) and stormwater from this area of the Project flowed north, discharging to Dry Creek.
- f. Silt fence implemented as a perimeter control measure on the north and northeast quadrant boundaries of the Project was not installed or maintained according to good engineering, hydrologic, or pollution control practices. Specifically, the fabric was not consistently entrenched, backfilled, and secured to the stakes as required by Project SWMP specifications. In many locations silt fence was observed to have significant sagging and/or sediment buildup, which significantly decreases the ability of the silt fence to act as an effective control measure. In addition, sediment was observed on the down gradient side of the silt fence without additional control measures less than 50 feet from Dry Creek. No additional control measures were implemented down gradient of any portion of the silt fence and stormwater flowed directly north and into to Dry Creek.
- g. A wheel wash control measure was implemented to manage sediment contributions on the southeast quadrant of the Project; however, it was not designed according to good engineering, hydrologic or pollution control practices. Specifically, the sediment trap for the wheel wash did not have adequate containment features such as excavated and/or compacted berms to allow for adequate ponding time. In addition, the aggregated tracking pad/outfall of the sediment trap was installed on top on an unprotected inlet (refer to paragraph 26d) and was in need of maintenance to remove significant staining from hydraulic fluids. As a result of this deficiency, there was a probability for polluted stormwater to be discharged offsite. Stormwater and wheel wash water from this location discharged into the associated City of Longmont MS4 inlet, eventually discharging to Dry Creek.
- h. A grade cut control measure was implemented along the perimeter of the southwest, southeast, and northeast quadrants of the Project; however, it was not installed or

maintained according to good engineering, hydrologic, or pollution control practices. Specifically, soils were accumulating against the back of the curb, reducing ability of the curb to pond water, therefore rendering the control measure ineffective. Project SWMP specifications require the removal of sediment and soils when built up to 2/3 the capacity of the control. In addition, even after removal of accumulated sediment, the grade cut was not of an adequate height or width to act as an effective perimeter control measure for the contributing disturbed areas. Additional inadequate control measures were implemented down gradient of these locations (refer to paragraphs 26d, 26j, and 26k) and stormwater from these locations flowed to various City of Longmont MS4 curb inlets, eventually discharging to Dry Creek.

- i. A vehicle tracking pad was implemented at the southeast quadrant egress of the Project, however it was not being maintained according to good pollution control practices. Specifically, the aggregate was filled with sediment and was no longer operating effectively, as evidenced by significant sediment tracking offsite on public roadways. Project SWMP specifications require rock to be reapplied or re-graded as necessary to maintain capacity and for the removal of any tracked sediment on a daily basis. As a result of these deficiencies, there was a potential for polluted stormwater to discharge offsite. Additional inadequate control measures were implemented down gradient of this location (refer to paragraph 26j) and stormwater flowed to curb inlets outside of the Project, eventually draining through the associated storm sewer system, and discharging to Dry Creek.
- j. Rubber wattles were implemented as curb inlet protection along the public roadway outside the southeast quadrant of the Project; however, the rubber wattles were not selected, installed or maintained according to good engineering, hydrologic or pollution control practices. Specifically, the rubber wattles were installed on combination inlets with a grate and curb throat. The rubber wattles are unable to wrap fully around this type of inlet and as a result, stormwater can easily bypass the control measure and enter the storm sewer system without treatment. In addition, many of the wattles were in need of maintenance to remove accumulated sediment and debris. Several inlets were surrounded by disturbed areas but had no backside protection to prevent polluted stormwater and sediment from overtopping the inlet and entering the storm sewer system without treatment. No additional control measures were implemented down gradient of the inlets and stormwater flowed through the City of Longmont MS4, eventually draining to Dry Creek.
- k. Silt fence implemented as drop inlet protection throughout the northeast, northwest, and southeast quadrants was not installed or maintained according to good engineering, hydrologic, and pollution control practices. Specifically, the fabric was not consistently entrenched, backfilled, and secured as required by Project SWMP specifications. In several instances, the fabric was sagging and/or collapsing and sediment had accumulated against the fabric. These deficiencies would likely result in a failure of the control measure and a subsequent discharge of polluted stormwater directly to the City of Longmont MS4. Stormwater entering the City of Longmont MS4 flows north, eventually discharging to Dry Creek.
- l. Concrete waste was observed on the ground without containment through the Project despite Project SWMP specifications requiring all waste generate from concrete activities to be contained within a concrete washout and/or disposed of properly offsite. As a result of this deficiency, there was a potential for stormwater to comingle with concrete wastes and discharge offsite without treatment. No control measures to remove dissolved pollutants

were implemented down gradient of the concrete waste and stormwater flowed towards inlets throughout the Project, eventually discharging to Dry Creek.

27. During the May 27, 2015 City of Longmont inspection, the Representative observed two pumps discharging stormwater associated with construction activity. At both locations, the end of the pump hose was placed directly into the inlet without the use of any control measures to remove pollutant contributions. Photographs taken by the representative show sediment laden waters along with other potential sources of pollution such as fuel containers and pumps without secondary containment. Both inlets are a part of the City of Longmont MS4 and drain directly to Dry Creek without additional down gradient control measures.
28. The Division has determined that NMMS has failed to select, design, install, implement and/or maintain BMPs for all potential pollutant sources at the Project, following good engineering, hydrologic, and pollution control practices.
29. NMMS's failure to select, design, install, implement and/or maintain BMPs at the Project constitutes violations of Parts I.B.3., I.D.2., and I.D.7. of the Permit.

NOTICE OF VIOLATION

30. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified the Division has determined that NMMS has violated the following sections of the Permit:

Part I.B.2. of the Permit, which states, "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.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."

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

Part I.D.2. of the Permit, which states in part, "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.D.7. of the Permit, which states in part, "All erosion and sediment control practices and other protective measures identified in the SWMP must be maintained in effective operating condition."

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 of I.D.6.b below, at least once every 14 calendar days.”

Part I.D.6.(b)(2) of the Permit, which states in part, “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: ... iv)Location(s) of BMPs that need to be maintained; ... viii) 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.”

REQUIRED CORRECTIVE ACTION

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

31. 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 NMMS to comply with the following specific terms and conditions of this Order:

32. NMMS 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, NMMS 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.
33. NMMS 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, NMMS shall submit a written certification to the Division stating that all such inspection are being conducted and documented in accordance with the terms and conditions of the Permit.
34. NMMS shall immediately implement necessary measures to ensure that 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, designed, installed, implemented, and maintained following good engineering, hydrologic, and pollution control practices. Within thirty (30) calendar days of receipt of this Order, NMMS shall evaluate and modify all BMPs at the Project to ensure the BMPs meet the installation and implementation requirements specified in the Project’s complete and up-to-date SWMP. Within forty-five (45) calendar days of receipt of this Order, NMMS shall submit photographs to the Division documenting the current conditions at the site and the associated BMPs implemented at the Project.
35. Within ninety (90) calendar days of receipt of this Order, NMMS shall develop and implement a construction stormwater training program. The program shall include:

- a. A stormwater training course prepared and presented by a qualified third party. The stormwater training shall be attended by all of NMMS's project managers, superintendents, and construction foremen involved in the design and/or construction of projects. The stormwater training shall include, at a minimum, the following topics: 1) the importance of, and principles of, erosion and sediment control; 2) stormwater regulations and permit requirements; 3) the proper development and utilization of SWMPs; 4) the proper selection and implementation of erosion and sediment controls; and 5) the proper use of permanent water quality features and/or stormwater BMPs;
 - b. A requirement and schedule for an annual refresher course for all of NMMS's project managers, superintendents, and construction foremen involved in the design and/or construction projects; and
 - c. A method for recording and/or tracking the training status of NMMS's project managers, superintendents, and construction foremen involved in the design and/or construction of projects.
36. The construction stormwater training program prescribed in paragraph 35 shall be in effect for a period of three (3) years after the effective date of this Order and apply to all Colorado construction projects for which NMMS is an owner, operator, and/or permit holder.

NOTICES AND SUBMITTALS

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

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
Telephone: (303) 692-6498
Email: andrea.beebout@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.

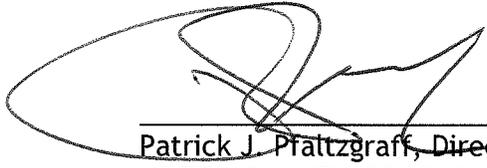
EFFECT OF ORDER

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 7th day of October, 2015.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Patrick J. Praltzgraff, Director
WATER QUALITY CONTROL DIVISION

Stormwater Inspection Report

Permittee: NMMS Twin Peaks LLC	Report Date: December 16, 2014
Legally Responsible Person: Sanford Sigal	Cert#: COR03M455
Facility: Village at the Peaks	Title: Owner
Address: 1250 S Hover Rd, Longmont 80501	Receiving Water: St. Vrain Creek - South Platte River
Persons Present: Steve Wilson/NMML; David Jacobs/McCarty Excavation; Megan Shirley, Kendra Kelly/WQCD	MS4/County: City of Longmont
Inspector: Megan Shirley	
Inspection Began: 11/11/14 9:30 AM	Inspection Completed: 11/11/14 1:30 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 November 11, 2014 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 50 acres as provided by Steve Wilson/NMML.

1. A copy of the SWMP was retained onsite. The division inspector reviewed the SWMP and found it to be inadequate for the following reasons:
 - a) The Site Description section did not adequately describe items listed below as required by Part I.C.1 of the permit. Specifically;
 - i. Information was not provided regarding the vegetation present prior to construction activities.
 - ii. All pollutant sources observed onsite were not identified including, building demolition materials, crushed asphalt piles, building materials for vertical building and finishing, etc.

- iii. Two sections of the SWMP conflict on whether construction dewatering is required. It was confirmed during the inspection, that construction dewatering took place on the northeast corner of the jobsite. The construction dewatering activity should be identified consistently in the SWMP.

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

- The pre-construction percent vegetated ground cover
- All potential pollutant sources were not identified and
- 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 all items required by Part I.C.2 of the permit. Specifically;

- i. The site map did not identify which areas of the site were disturbed.
- ii. The location of all soil stockpiles, building materials, and wastes onsite were not identified on the site map.
- iii. The location of asphalt crushing and material storage were not identified on the map.
- iv. The grade cuts that are used to contain stormwater onsite are not identified on the site map.
- v. Surface roughening was observed on disturbed areas but was not identified on the map.

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

- All areas of ground surface disturbance
- The areas used for soil stockpiles, building materials, and construction waste
- The location of the dedicated asphalt plant
- The locations of all structural control measures
- The locations of all non-structural control measures

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

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

- i. Grade cuts were consistently used throughout the site for perimeter control but were not discussed or identified as structural control measures in the SWMP.
- ii. Information was not provided to discuss the asphalt crushing and reuse that was taking place onsite. Control measures for these materials were not discussed.
- iii. The SWMP indicated that vehicle tracking pads would be implemented at all entrances. It was observed during the inspection that asphalt drive lanes and designated haul routes are being used instead of vehicle tracking pads but were not discussed in the SWMP.
- iv. Concrete washouts are identified several times throughout the SWMP but consistent requirements for maintenance were not listed. For example some sections of the SWMP say the washouts will be managed at 2/3 of the capacity, others say at 75% of capacity.

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

- All structural erosion and sediment control measures implemented at the site
- The dedicated asphalt crushing plant
- All practices implemented at the site to control potential discharges from vehicle tracking
- All practices implemented at the site to control stormwater pollution from all construction site wastes
- All practices implemented at the site to control stormwater pollution from dewatering

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

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

- i. Sand bags used as inlet protection were not identified in the SWMP.
- ii. A specification was not provided for the grade cuts used along the site perimeter.

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

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

2. Inspection records were available for review during the inspection. Upon review, the inspection records were found to be inadequate. Inspection records from July 14, 2014 through November 8, 2014 were reviewed by the inspector.

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

i. The following dates exceeded the 14 day minimum inspection requirement:

1. 8/8/14 - 8/24/14, 16 days
2. 8/24/14 - 9/11/14, 18 days
3. 9/22/14 - 10/13/14, 21 days

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

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

- i. The title of the inspector was not included on all reports.
- ii. The name of the inspector was missing on 11/3/14.
- iii. The inspection conducted on 7/14/14 was signed on 7/11/14.
- iv. The signature at the end of the inspection reports does not meet the requirements of the compliance statement certifying that the site has returned to compliance.

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

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

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

- i. A compliance statement was not included to indicate when corrective actions were completed.
- ii. The information in the inspection reports does not consistently describe how corrective actions were handled and when they were completed.

The permit requires that:

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

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

SITE INSPECTION

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

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

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

1. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater runoff from asphalt waste pile located at the asphalt crushing operations on the west side of the project (refer to photograph(s) 01 - 03).
 - Control Measure Observation: Control measures were not implemented to control stormwater runoff from the location and pollutant source noted above. Specifically;
 - The asphalt crushing operations were not identified as a pollutant source in the SWMP. Control measures for this pollutant source were also not identified in the SWMP.
 - Control measures were not implemented around the asphalt crushing operation or stockpiles.
 - Control Measure Finding: Control measures were not implemented to manage stormwater runoff from the above listed pollutant source as required by the permit.
 - The SWMP shall identify and describe those sources determined to have the potential to contribute pollutants to stormwater discharges, including dedicated asphalt batch plants.
 - These sources must be controlled through control measure selection and implementation.
 - All potential pollutants shall have a control measure implemented to prevent the discharge of pollutants to state waters.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows towards an existing storm sewer inlet adjacent to the asphalt operations which eventually discharges to Dry Creek. Additional inadequate control measures were implemented down gradient of this location (refer to finding number 2 and number 11).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - 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.
 - 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.
 - Update the SWMP when new control measures are installed or control measures are replaced.
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 inlet near the asphalt crushing operations (refer to photograph(s) 04 - 05).
- Control Measure Observation: A sand bag control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate. Specifically,
 - Sand bags are not an adequate inlet control measure. The sand bags are designed to pond water not to allow flow-through and filtering/removal of sediment. Sand bags can easily break and become an additional pollutant source.
 - According to common industry standards designed in accordance with good engineering, hydrologic, and pollution control practices, when used as a sediment control, sand bags must meet the typical inlet control specifications for the acceptable drainage area, 100 lineal feet of inlet protection per 0.25 acres of drainage area.
 - Control Measure Finding: An installation and implementation specification for sand bags observed in the field during the inspection was not provided in the SWMP as required by the permit.
 - The sand bag control measure was not designed in accordance with good engineering, hydrologic, and pollution control practices.
 - The SWMP documented the use of rock socks or sediment control logs for inlet protection, not sand bags.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows through the associated storm sewer inlet and discharges to Dry Creek. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - 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 inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located in front of the fence at the site emergency egress point (refer to photograph(s) 06 - 07).
 - Control Measure Observation: A straw wattle control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate. Specifically,
 - The straw wattle was not staked down or trenched as required because it was installed on an impervious surface rather than a pervious surface.
 - The straw wattle, in the installation observed, would allow for bypass of pollutants and could easily be carried away with runoff.
 - Control Measure Finding: An installation and implementation specification for straw wattle was provided in the SWMP, but was not consistently implemented.
 - The specification provided (SC-2) requires that straw wattles be trenched into the ground a minimum of 1/3 the diameter of the wattle.
 - The specification also requires that the wattle be staked on each end and at four foot centers.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally east to the City of Westminster MS4 and is eventually discharged. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
4. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located at the entrance to the concrete washout area and CSI staging area (refer to photograph(s) 08 - 09).
 - Control Measure Observation: Control measures were not implemented to control stormwater runoff from the location and pollutant source noted above. Specifically,
 - A vehicle tracking control was not in place to manage tracking from the jobsite out to the public roadway.
 - Control Measure Finding: An installation and implementation specification for a vehicle tracking pad was provided in the SWMP, but was not implemented.

- The SWMP requires that all egress points on the jobsite have a stabilized construction entrance to prevent tracking of sediment from construction traffic.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally southeast and to the City of Westminster MS4. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Practices must be implemented for all areas of potential vehicle tracking, and can include: minimizing site access; street sweeping or scraping; tracking pads; graveled parking areas; requiring that vehicles stay on paved areas on-site; wash racks; contractor education; and/or sediment control measures, etc.
5. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from concrete waste located at the concrete washout area (refer to photograph(s) 10 - 13).
- Control Measure Observation: A concrete washout area control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate. Specifically,
 - Concrete waste was observed outside the berms of the washout.
 - The washout also was not installed according to the specification provided. Specifically the berms were not at the required height.
 - Control Measure Finding: An installation and implementation specification for a concrete washout area was provided in the SWMP, but was not consistently implemented.
 - The specification in the SWMP (MM-1) requires the washout to have 12 inch compacted berms around the perimeter of the washout.
 - The specification also requires a vehicle tracking control or other stable surface installed at the entrance of the washout.
 - Concrete washout shall be discharged only to the designated concrete washout area.
 - Concrete waste shall be disposed of off of the jobsite at a proper disposal facility.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this locations flows generally southeast and into the associated storm sewer system. Additional inadequate control measures were implemented down gradient of this location (refer to finding number 11).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:

- Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - The discharge of concrete washout waste must not leave the site as surface runoff or to surface waters.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
6. 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 northeast corner of the jobsite near Dry Creek (refer to photograph(s) 14 - 37).
- Control Measure Observation: A silt fence control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate. Specifically,
 - The silt fence was not staked in properly, joints were not overlapped properly, and the fabric was not entrenched and backfilled as required.
 - The silt fence was also in need of maintenance in several areas due to tears and sediment build-up.
 - The current installation and lack of maintenance on the silt fence can result in potential bypass of the control measure and subsequent discharge of pollutants.
 - Control Measure Finding: An installation and implementation specification for silt fence was provided in the SWMP, but was not consistently implemented.
 - The specification provided for silt fence (SC-1) in the SWMP states that the maximum tributary drainage area per 100 lineal feet of silt fence is approximately 0.25 acres, which has been exceed and shown in the associated photos.
 - The geotextile fabric should be buried in a six inch by four inch trench and then compacted to secure the fence to the ground and prevent bypass of pollutants.
 - Silt fence joints should be wrapped in fabric and then rotated 180 degrees around one another before being staked into the ground so no gaps exist.
 - Silt fence shall be repaired when any holes, tears, or slumping is observed. This involves replacing the damaged sections with a new section.
 - Sediment accumulated along the silt fence shall be removed as needed to maintain BMP effectiveness, but at least before it reaches a depth of six inches.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally north to Dry Creek (less than 50 feet in some areas). Additional inadequate control measures were implemented down gradient of this location (refer to finding number 7).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek

- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

- 7. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located at the northeast corner of the site near Dry Creek (refer to photograph(s) 38 - 42).
 - Control Measure Observation: A straw wattle control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate. Specifically,
 - The straw wattle was not trenched in or staked down according to the specification provided in the SWMP.
 - The current installation of the wattle could result in potential bypass of the control measure and discharge of pollutants.
 - Control Measure Finding: An installation and implementation specification for straw wattle was provided in the SWMP, but was not consistently implemented.
 - The specification in the SWMP states that the maximum tributary drainage area per 100 lineal feet of straw wattle is approximately 0.25 acres, which has been exceeded and shown in the associated photos.
 - The specification provided (SC-2) requires that straw wattles be trenched into the ground a minimum of 1/3 the diameter of the wattle.
 - The specification also requires that the wattle be staked on each end and at four foot centers and that they be installed a minimum of six inches into the ground.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally north to Dry Creek. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - 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.

- Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
8. 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 inlet near the new Sam's Club location (refer to photograph(s) 43 - 44).
- Control Measure Observation: A straw wattle control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate. Specifically,
 - The straw wattle was not staked or trenched as required in the specification.
 - The wattle was also in need of maintenance due to damage including holes and tearing.
 - Control Measure Finding: An installation and implementation specification for a straw wattle inlet protection was provided in the SWMP, but was not consistently implemented.
 - The specification provided (SC-2) requires that straw wattles be trenched into the ground a minimum of 1/3 the diameter of the wattle.
 - The specification also requires that the wattle be staked on each end and at four foot centers.
 - Straw wattles that are damaged should be replaced.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows into the associated storm sewer inlet and discharges to Dry Creek. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
9. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from concrete waste located at the Regal Theater building foundation (refer to photograph(s) 45 - 50).
- Control Measure Observation: A concrete washout control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate. Specifically,
 - Concrete waste was observed disposed to the ground and not in the designated concrete washout containment.

- Control Measure Finding: An installation and implementation specification for a concrete washout area was provided in the SWMP, but was not consistently implemented.
 - The SWMP requires that concrete washout and waste be contained in a concrete washout area and not allowed to mix with stormwater runoff.
 - Concrete waste shall then be properly disposed of offsite.
- Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally east through the jobsite. Additional inadequate control measures were implemented down gradient of this location (refer to finding number 11).
- Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - The discharge of concrete washout waste must not leave the site as surface runoff or to surface waters.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

10. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater from masonry waste located at the mixing stations near the Regal Theater location (refer to photograph(s) 51 - 54).

- Control Measure Observation: Control measures were not implemented to control stormwater runoff from the location and pollutant source noted above. Specifically,
 - Control measures such as secondary containment were not implemented for the temporary masonry mixing stations onsite.
 - Masonry waste was observed on the ground. Materials were not contained properly (i.e. drums were filling with precipitation with no proper containment).
- Control Measure Finding: Control measures were not implemented to manage stormwater runoff from the above listed pollutant source as required by the permit.
 - The SWMP shall identify and describe those sources determined to have the potential to contribute pollutants to stormwater discharges, temporary mixing stations.
 - These sources must be controlled through BMP selection and implementation, including secondary containment or equivalent adequate protection.
 - All potential pollutants shall have a control measure implemented to prevent the discharge of pollutants to state waters.
- Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally northeast across the site. Additional inadequate control measures were implemented down gradient of this location (refer to finding number 11).

- Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
- 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.
 - 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.
 - Update the SWMP when new control measures are installed or control measures are replaced.

11. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located along the project perimeter (refer to photograph(s) 55 - 56).

- Control Measure Observation: A grade cut control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate. Specifically,
 - Grade cuts used as perimeter containment were not being maintained including the removal of sediment and debris built up along the control measure.
 - The grade cuts were not consistently installed in regards to height of the cuts and acceptable drainage capacity. The disturbed area tributary to the curb cut, in some areas, was beyond the ponding capacity of the height of the cut.
- Control Measure Finding: An installation and implementation specification for grade cuts observed in the field during the inspection was not provided in the SWMP as required by the permit.
 - Grade cuts were not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices and common industry standards.
- Stormwater runoff from this area is discharged as follows: Surface runoff flows generally to low points across the site and towards the project perimeter. Additional control measures were not implemented down gradient of this location.
- Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - 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.
- Update the SWMP when new control measures are installed or control measures are replaced.



Photograph 1: Crushed asphalt stockpiles looking south, not identified in the SWMP or the map



Photograph 2: Asphalt crushing operations looking west, control measures and source not identified in SWMP



Photograph 3: Asphalt crushing operations looking west, control measures and pollutant source not identified in SWMP



Photograph 4: Inlet protection using sandbags; not in accordance with good engineering, hydrologic, and pollution control practices.



Photograph 5: Sandbags not properly overlapped or placed, potential for bypass



Photograph 6: Straw wattle at emergency exit not trenched or staked into the ground



Photograph 7: Straw wattle at emergency exit not trenched or staked into the ground



Photograph 8: Access point without tracking controls implemented, looking from jobsite out



Photograph 9: Access point without tracking controls implemented, looking from outside to jobsite



Photograph 10: Concrete washout not installed per the specification provided in the SWMP



Photograph 11: Concrete waste observed around the washout area and not deposited inside the control



Photograph 12: Concrete waste observed around the washout area and not deposited inside the control



Photograph 13: Concrete waste observed around the washout area and not deposited inside the control



Photograph 14: Silt fence not trenched in and material pulling away from stakes, slumping conditions



Photograph 15: Geotextile not consistently trenched in, sediment build-up greater than six inches



Photograph 16: Sediment build-up against silt fence greater than six inches, fence is being pushed over



Photograph 17: Sediment built up greater than six inches along silt fence, joints not wrapped properly



Photograph 18: Joints in silt fence not wrapped properly, silt fence not consistently trenched in and staked



Photograph 19: Sediment build-up against silt fence greater than six inches, fence is being pushed over



Photograph 20: Silt fence not buried in a six inch by four inch trench and then compacted to secure the fence to the ground.



Photograph 21: Silt fence not properly buried in a six inch by four inch trench and then compacted to secure the fence to the ground.



Photograph 22: Sediment built up greater than six inches, not buried in a trench consistently



Photograph 23: Sediment built up greater than six inches, not buried in a trench consistently



Photograph 24: Sediment built up greater than six inches, not buried in a trench consistently



Photograph 25: Silt fence not maintained, joints not wrapped properly to prevent bypass



Photograph 26: Potential bypass through silt fence and straw wattle



Photograph 27: Location of potential bypass relative to Dry Creek directly north, less than 50 feet



Photograph 28: Silt fence not buried in a six inch by four inch trench and then compacted to secure the fence to the ground and prevent bypass of pollutants



Photograph 29: Silt fence not buried in a six inch by four inch trench and then compacted to secure the fence to the ground and prevent bypass of pollutants



Photograph 30: Silt fence not trenched into the ground as required, sediment build up greater than 6"



Photograph 31: Silt fence joints not wrapped as required to prevent bypass



Photograph 32: Silt fence joint not wrapped as required to prevent bypass, large gap where arrow points



Photograph 33: Silt fence joint not wrapped as required to prevent bypass, large gap where arrow points



Photograph 34: Silt fence looking west, not consistently trenched or installed as required



Photograph 35: Sediment built up along fence, maintenance needed



Photograph 36: Sediment built up along fence, bulging along the back from sediment build-up



Photograph 37: Silt fence along northeast corner, Dry Creek directly north of the site and disturbance



Photograph 38: Straw wattle not installed per specification, not trenched and overlapped properly



Photograph 39: Straw wattle not trenched in, rocks pushing on wattle and pulling it loose



Photograph 40: Straw wattle not trenched in as required per specification



Photograph 41: Straw wattle not trenched in per spec, stakes not in ground at depth required



Photograph 42: Straw wattle not trenched in per spec, stakes not in ground at depth required



Photograph 43: Straw wattle not trenched and installed as required in the specification. Wattle is tearing and in need of maintenance



Photograph 44: Wattle not consistently staked and trenched as required per specification



Photograph 45: Concrete waste deposited to ground, not disposed of in designated washout



Photograph 46: Concrete waste deposited to ground, not disposed of or contained in designated concrete washout



Photograph 47: Concrete waste deposited to ground, not disposed of in designated washout



Photograph 48: Concrete waste deposited to ground, not disposed of in designated washout



Photograph 49: Concrete waste deposited to ground, not disposed of in designated washout



Photograph 50: Concrete waste deposited to ground, not disposed of in designated washout



Photograph 51: Grout mixing station without secondary containment



Photograph 52: Grout mixing station without containment, waste materials present on the ground



Photograph 53: Open drums with mixing/waste materials not protected or contained



Photograph 54: Grout mixing station looking south, no containment for the pollutant source



Photograph 55: Grade cut not implemented at consistent height, not maintained as sediment builds up



Photograph 56: Grade cut not implemented at consistent height, not maintained as sediment builds up

Stormwater Inspection Report

Permittee: NMMS Twin Peaks LLC	Report Date: June 1, 2015
Legally Responsible Person: Sanford Sigal	Cert#: COR03M455
Facility: Village at the Peaks	Title: Owner
Address: 1250 S Hover Rd Longmont	Receiving Water: St. Vrain Creek - South Platte River
Persons Present: Dave Jacobs/McCarty; Jon Allen/City of Longmont	MS4/County: Boulder
Inspector: Megan Shirley	
Inspection Began: 4/23/15 10:00 AM	Inspection Completed: 4/23/15 1:20 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 23, 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 50 acres as provided by Dave Jacobs.
- Note 3: All numbered findings that are [in blue text](#) within this report are repeat findings that were previously identified in some variation during the first inspection of this facility conducted on November 11, 2014. However, this does not allege that the original findings were not addressed. A response was not required by the division after the first inspection.

1. A copy of the SWMP was retained onsite. The division inspector reviewed the SWMP and found it to be inadequate for the following reasons:
 - a) The Site Map section of the SWMP did not identify items listed below as required by Part I.C.2 of the permit. Specifically,

- i. The site map did not identify which areas of the project are disturbed and which have been built upon with building foundations, road, curb and gutter, etc.
- ii. The site map did not identify all areas that are being used for storage of various materials and equipment associated with the construction activities
- iii. All structural control measures were not consistently identified on the site map.
 1. The inlet protection control measures used for all inlets onsite were not identified on the site map.
 2. All locations of silt fence were not identified on the site map.
 3. All locations of a grade cut used as perimeter control were not shown on the site map.

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

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

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

- b) The Stormwater Management Controls section did not identify control measures listed below as required by Part I.C.3 of the permit. Specifically,
- i. Silt fence and grade differentials implemented as inlet protection were not discussed in the SWMP.

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

- All structural erosion and sediment control measures implemented at the site

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

- c) The Stormwater Management Controls section did not adequately describe the installation and implementation specifications for items observed during the field inspection and listed below as required by Part I.C.3.c of the permit. Specifically,
- i. Specifications were not provided for the dandy product rubber wattles used for inlet protection onsite.
 - ii. A specification was not provided for the wheel wash.
 - iii. The specification provided for the grade cut containment detail was not designed in accordance with good engineering, hydrologic, or pollution control practices. The detail

did not indicate the minimum grade cut depth behind the back of curb or the width of the cut between the curb and disturbance needed to provide sufficient capture area for settling of sediment and debris.

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

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

2. Inspection records were available for review during the inspection. Upon review, the inspection records were found to be inadequate.

Inspection records from November 8, 2014 through April 21, 2015 were reviewed by the inspector.

- a) **Inspections were not conducted consistent with minimum schedules required by Part I.D.6.a of the permit.** Specifically, an inspection was conducted on 3/27/15 and a subsequent inspection was conducted on 4/16/15, 20 days later. This exceeds the 14 day minimum inspection schedule.

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

- b) Inspections were not performed and/or documented as required by Part I.D.6.b of the permit. Specifically, the title of the inspector is not included on the inspection reports.

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

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

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

SITE INSPECTION

Note 4: As required by Part I.D.2 of the permit all control measures mentioned in the following findings must be:

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

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

1. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located in the southwest quadrant of the site (refer to photograph(s) 01 - 03).
 - Control Measure Observation: A silt fence control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - The silt fence was not installed as required by the specification provided in the SWMP.
 - The bottom of the silt fence was not adequately trenched in and backfilled.
 - The geotextile material was not pulled tight and properly secured to stakes to prevent sagging of the material.
 - End sections and joints were not properly wrapped and secured.
 - Silt fence was not consistently installed on the outside limit of the disturbed area to manage all potential pollutants from sediment from disturbed areas.
 - Control Measure Finding: An installation and implementation specification for silt fence was provided in the SWMP, but was not consistently implemented. Specifically,
 - Per the specification provided in the SWMP, at least 10 inches of silt fence shall be buried in a trench (4" x 6") and backfilled.
 - Silt fence shall be pulled tight as it is anchored to stakes to prevent sagging. Fence should be secured to stakes with heavy duty staples or nails at 3" intervals down the stake.
 - Silt fence shall be repaired or replaced when signs of sagging or collapse are observed.
 - Joints and end sections shall be wrapped in geotextile 180 degrees prior to being staked into the ground.

- Silt fence shall be installed at the outer limits of disturbance. Any disturbance outside the control measure should be removed or additional controls implemented.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally south to the associated curb inlets within the City of Longmont MS4. Flows ultimately discharge north of the site to Dry Creek. Additional inadequate control measures were implemented down gradient of this location (refer to finding 9 and 11).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
2. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from construction materials waste located in the center of the site near lot 11 (refer to photograph(s) 04).
- Control Measure Observation: A spill prevention and response plan control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - A hydraulic spill was observed on the ground, maintenance is needed to remove the spill per the requirements outlined in the SWMP.
 - Control Measure Finding: An installation and implementation specification for a spill prevention and response plan was provided in the SWMP, but was not consistently implemented. Specifically,
 - The SWMP requires that in the event of a spill, the spill be stopped, cleaned up, and the contaminated materials removed from site.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows within the site to inlets associated with the City of Longmont MS4. Flows from this storm sewer system discharge to Dry Creek. Additional inadequate control measures were implemented down gradient of this location (refer to finding 5 and 12).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - All site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

3. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from concrete washout located in the southeast quadrant of the site at the concrete washout area (refer to photograph(s) 05).
- Control Measure Observation: A concrete washout control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - The concrete washout was not installed consistent with the specification provided in the SWMP.
 - A tracking pad was not implemented in front of the concrete washout leading into the pit.
 - Maintenance was needed to remove washout and waste from around the outside of the washout area and berm area.
 - Control Measure Finding: An installation and implementation specification for a concrete washout area was provided in the SWMP, but was not consistently implemented. Specifically,
 - Per the specification provided in the SWMP, a vehicle tracking control (per the vehicle tracking pad detail) should be installed at the entrance of the pit.
 - Maintenance shall be conducted to remove washout water and wasted pieces of concrete and other debris from the surface surrounding the washout area.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows within the site to inlets associated with the City of Longmont MS4. Flows from this storm sewer system discharge to the north of the site into Dry Creek. Additional inadequate control measures were implemented down gradient of this location (refer to finding 5 and 12).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - The discharge of concrete washout waste must not leave the site as surface runoff or to surface waters.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
4. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from masonry waste located at the two masonry stations staged in the northwest and southwest quadrants of the site (refer to photograph(s) 06 - 14).

- Control Measure Observation: A masonry station containment control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - The containments were not installed per the specification provided in the SWMP.
 - Wood 2x4's were used to build the containment rather than earthen berms as required.
 - Maintenance was needed to replace sections of the containment boundary where potential spills could result.
 - Materials were observed spilled to the ground surrounding the masonry containment area. Maintenance was needed to clean/remove these spills.
 - Drums staged in these locations were observed to be full of water and waste. Drums were near capacity and did not allow sufficient freeboard to ensure they did not overflow from precipitation events.
 - General housekeeping was not implemented in this area to manage pollutants and prevent contamination of state waters.
- Control Measure Finding: An installation and implementation specification for masonry station containment was provided in the SWMP, but was not consistently implemented. Specifically,
 - The specification provided in the SWMP indicates that earthen berms measuring 1'6" x 6" will be implemented to create the perimeter containment around the masonry stations.
 - The containment shall be lined with plastic sheeting.
 - Maintenance shall be conducted when material is built up within the containment or spilled outside of the containment.
 - Water drums are to be stored within the lined pit area.
- Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows onsite to inlets associated with the City of Longmont MS4. Runoff from this storm sewer system flow north of the site and discharge to Dry Creek. Additional control measures for this pollutant source were not implemented down gradient of this location. The inlet protections implemented onsite are designed to filter sediment and debris. These controls are not designed to filter dissolved pollutants that are expected to be present in masonry washout and waste.
- Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - The discharge of concrete washout waste must not leave the site as surface runoff or to surface waters.

- Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
 - Update the SWMP when new control measures are installed or control measures are replaced.
5. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located at inlets within the job site in the northeast, southeast, and southwest quadrants of the site (refer to photograph(s) 15 - 23).
- Control Measure Observation: A straw wattle inlet protection control measure was implemented to manage stormwater runoff from the locations and pollutant source noted above, however the control measure was inadequate. Specifically,
 - Straw wattles observed as inlet protection control measures were not installed per the specification provided in the SWMP.
 - Wattles were not consistently entrenched, backfilled, or staked as required in the specification.
 - Wattles were in need of maintenance to repair holes and tears as well as remove accumulated soils and sediment.
 - Controls were not consistently implemented on the back side of the inlet boxes to prevent soil transport over top of the inlet and into the throat.
 - Concrete waste was observed surrounding an inlet that should be removed immediately.
 - Construction materials were observed stored on an inlet including a fuel jug, and piping adhesive.
 - Control Measure Finding: An installation and implementation specification for straw wattle was provided in the SWMP, but was not consistently implemented. Specifically,
 - Per the specification provided in the SWMP, straw wattles should be entrenched a minimum of one third the diameter of the wattle.
 - Stakes should be implemented in the straw wattles at 4 foot maximum intervals. Stakes should be installed 6 inches into the ground.
 - At the end of a run of straw wattle, the wattle should overlap the next run a minimum of one foot.
 - Straw wattles shall be backfilled on the uphill side of the wattle and compacted to prevent undercutting and bypass of stormwater.
 - Where straw wattles are observed to have damage, repairs or replacement of the control measure should be initiated immediately.
 - Sediment accumulated upstream of straw wattles should be removed as needed to maintain functionality of the control measure, typically when depth of accumulated sediment or soils is approximately $\frac{1}{2}$ the height of the wattle.

- Stormwater runoff from this area is discharged as follows: Surface runoff from these locations flows into the associated inlets that are part of the City of Longmont MS4. Flows from this storm sewer flow north of the site and discharge into Dry Creek. Additional control measures were not implemented down gradient of this location.
- Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
 - Update the SWMP when new control measures are installed or control measures are replaced.

6. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located on the north side of the site, specifically in the northeast quadrant bordering Dry Creek (refer to photograph(s) 24 - 36).

- Control Measure Observation: A silt fence control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - The silt fence observed during the inspection was not installed per the specification.
 - The geotextile material was not consistently entrenched and backfilled as required.
 - The silt fence was not secured to the stakes as required. Significant sagging of the geotextile was observed.
 - Joints were not wrapped per the detail in the SWMP.
 - Sediment had accumulated along the silt fence and needs to be removed.
 - Soils were observed deposited on the down gradient side of the fence without additional controls prior to Dry Creek.
- Control Measure Finding: An installation and implementation specification for silt fence was provided in the SWMP, but was not consistently implemented. Specifically,
 - Per the specification provided in the SWMP, at least 10 inches of silt fence shall be buried in a trench (4" x 6") and backfilled.
 - Silt fence shall be pulled tight as it is anchored to stakes to prevent sagging. Fence should be secured to stakes with heavy duty staples or nails at 3" intervals down the stake.
 - Silt fence shall be repaired or replaced when signs of sagging or collapse are observed.

- Joints and end sections shall be wrapped in geotextile 180 degrees prior to being staked into the ground.
 - Sediment accumulated upstream of the silt fence shall be removed as needed to maintain functionality of the control measure, typically when the depth of accumulated sediment is approximately six inches.
 - Silt fence shall be installed at the outer limits of disturbance. Any disturbance outside the control measure should be removed or additional controls implemented.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows directly north and discharges to Dry Creek. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - 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.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
7. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located in the northeast corner of the site bordering Dry Creek (refer to photograph(s) 37 - 38).
- Control Measure Observation: A surface roughening control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - Surface roughening had not been installed per the specification provided in the SWMP.
 - A sheep's foot was used to create the soil roughening observed, and did not provided the right orientation of tracking on the slope, nor the necessary depth for the furrows.
 - Surface roughening is in need of maintenance to restore functionality or if ineffective then replace with an adequate control measure.
 - Control Measure Finding: An installation and implementation specification for surface roughening was provided in the SWMP, but was not consistently implemented. Specifically,
 - Surface roughening should be installed with heavy equipment suitable for creating adequate furrows in the soils.

- Furrows should be 2-4 inches deep at 6 inch maximum spacing. Roughened rows should run perpendicular to the slope contours.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows north of the site and discharges to Dry Creek. Additional inadequate control measures were implemented down gradient of this location (refer to finding 6).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
8. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located in the southeast quadrant of the site at the wheel wash (refer to photograph(s) 39 - 41).
- Control Measure Observation: A wheel wash control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - The sediment trap and rip rap outfall coming off the wheel wash were in need of maintenance. Significant staining from hydraulic fluids was observed in this location.
 - Soils piled behind the wheel wash are encroaching on the inlet that does not have adequate protection (refer to finding 5).
 - The sediment trap that tires are washed into was not designed in accordance with good engineering, hydrologic, or pollution control practices. The walls of the pond were not consistently installed (e.g. compacted berms, excavated walls, etc.).
 - Control Measure Finding: An installation and implementation specification for a wheel wash observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
 - The wheel wash observed in the field was not in accordance with good engineering, hydrologic, and pollution control practices.
 - Stormwater runoff from this area is discharged as follows: Surface runoff as well as wheel wash water from this location flow into the associated inlet that is part of the City of Longmont MS4. This storm sewer system flows north of the site and discharges into Dry Creek. Additional inadequate control measures were implemented down gradient of this location (refer to finding 5).
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek

- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - 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.

9. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located along the perimeter of the site in the southwest, southeast, and northeast quadrants (refer to photograph(s) 42 - 51).

- Control Measure Observation: A grade cut control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - The grade cut control observed during the inspection was not consistently installed or maintained per the specification provided in the SWMP.
 - Soils were accumulated along the back of the curb within the grade cut control location making the control ineffective. Maintenance is needed to remove this soil and restore capacity of the control measure.
 - As visually observed during the inspection, the grade cut controls were not of adequate height or width to act as a sufficient perimeter control. The capture area was inadequate to treat stormwater runoff from the contributing disturbed areas.
- Control Measure Finding: An installation and implementation specification was provided in the SWMP but was not in accordance with good engineering, hydrologic and pollution control practice as required by the permit (refer to records review finding 1.c.iii above). Specifically,
 - Per the specification provided in the SWMP, sediment and soils should be removed from the grade cut when built up to 2/3 the capacity of the control.
 - In accordance with good engineering, hydrologic, and pollution control practices; the grade cut control measure must be installed at a consistent minimum depth and width based on the contributing area to effectively act as a perimeter control and sediment settling mechanism.
- Stormwater runoff from this area is discharged as follows: Surface runoff from these locations flow to various curb inlets associated with the City of Longmont MS4. Flows from this storm sewer system flow north of the site and discharge to Dry Creek. Additional inadequate control measures were implemented down gradient of this location (refer to finding 5, 11, and 12).
- Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek

- **Expectations:** The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - 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.

10. 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 site egress in the southeast quadrant of the site (refer to photograph(s) 52 - 54).

- **Control Measure Observation:** A vehicle tracking pad control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - The tracking pad was in need of maintenance to roughen or add additional rock.
 - Sediment was observed tracking onto public roadways outside the site. Significant sediment accumulation was present on the tracking pad.
- **Control Measure Finding:** An installation and implementation specification for a vehicle tracking pad was provided in the SWMP, but was not consistently implemented. Specifically,
 - Per the specification provided in the SWMP, rock shall be reapplied or re-graded as necessary so the stabilized entrance maintains capacity.
 - Sediment that is tracked onto a paved roadway is to be removed throughout the day and at the end of the day by shoveling or sweeping.
- **Stormwater runoff from this area is discharged as follows:** Surface runoff from this location flows to the associated curb inlets outside the site. Flows from this storm sewer head north of the site and discharge to Dry Creek. Additional inadequate control measures were implemented down gradient of this location (refer to finding 11).
- **Result:** There was a potential discharge of pollutants to the following state water(s): Dry Creek
- **Expectations:** The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

- 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.

11. 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 curb inlets in the southeast quadrant of the site along the public roadways (refer to photograph(s) 55 - 63).

- Control Measure Observation: A dandy rubber wattle inlet protection control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - The rubber wattles were in need of maintenance to remove accumulated sediment near the throat of the inlets.
 - Controls were not in place at the back of the inlet box to prevent sediment from disturbed areas from behind the boxes from overtopping the inlet and entering the inlet throat.
 - The dandy wattles do not provide adequate control for the combination inlets with the grate and curb throat. The control does not extend fully around the inlet allowing significant bypass of stormwater without treatment.
- Control Measure Finding: An installation and implementation specification for dandy rubber wattles observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
 - Failure to maintain and inappropriate application of the control measure resulted in potential bypass of sediment laden stormwater without appropriate treatment.
- Stormwater runoff from this area is discharged as follows: Surface runoff from this locations flows into the associated curb inlets to the City of Longmont MS4. This storm sewer system discharges north of the site to Dry Creek. Additional control measures were not implemented down gradient of this location.
- Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - 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.
 - Update the SWMP when new control measures are installed or control measures are replaced.

12. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located in the northeast, northwest, and southeast quadrants of the site (refer to photograph(s) 64 - 76).
- Control Measure Observation: A silt fence inlet protection control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - The silt fence observed during the inspection was not installed per the specification.
 - The geotextile material was not consistently entrenched and backfilled as required.
 - The silt fence was not secured to the stakes as required. Significant sagging of the geotextile was observed.
 - Joints were not wrapped per the detail in the SWMP.
 - Sediment had accumulated along the silt fence, adjacent to the inlet grates and needs to be removed.
 - Control Measure Finding: An installation and implementation specification for silt fence was provided in the SWMP, but was not consistently implemented. Specifically,
 - Per the specification provided in the SWMP, at least 10 inches of silt fence shall be buried in a trench (4" x 6") and backfilled.
 - Silt fence shall be pulled tight as it is anchored to stakes to prevent sagging. Fence should be secured to stakes with heavy duty staples or nails at 3" intervals down the stake.
 - Silt fence shall be repaired or replaced when signs of sagging or collapse are observed.
 - Joints and end sections shall be wrapped in geotextile 180 degrees prior to being staked into the ground.
 - Sediment accumulated upstream of the silt fence shall be removed as needed to maintain functionality of the control measure, typically when the depth of accumulated sediment is approximately six inches. This includes sediment between the silt fence and inlet grate.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from these locations flow into the associated inlets that are part of the City of Longmont MS4. Flows from this storm sewer system head north of the site and discharge into Dry Creek. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.

- 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.
- Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

13. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from concrete washout and waste located in the southwest, southeast, and northwest quadrants of the site (refer to photograph(s) 77 - 80).

- Control Measure Observation: A concrete washout and waste management plan control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - Concrete washout and significant amounts of concrete waste (excess from foundations, curbs, forms, etc.) were observed on the ground on the site and not managed in accordance with the requirements in the SWMP.
 - Maintenance is needed to remove and dispose of the waste.
- Control Measure Finding: An installation and implementation specification for a concrete washout area and waste management plan was provided in the SWMP, but was not consistently implemented. Specifically,
 - Per the specification provided in the SWMP, all waste generated from concrete activities must be contained within a concrete washout.
 - Any solid waste accumulation from construction activities will be disposed of properly offsite.
- Stormwater runoff from this area is discharged as follows: Surface runoff from these locations flows through the site to inlets that contribute to the City of Longmont MS4. Flows from this storm sewer flow north of the site and discharge to Dry Creek. Additional control measures for this pollutant source were not implemented down gradient of this location. The inlet protections implemented onsite are designed to filter sediment and debris. These controls are not designed to filter dissolved pollutants that are expected to be present in concrete washout and waste.
- Result: There was a potential discharge of pollutants to the following state water(s): Dry Creek
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - The discharge of concrete washout waste must not leave the site as surface runoff or to surface waters.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.



Photograph 1: Silt fence not installed or maintained per the specification provided in the SWMP



Photograph 2: Silt fence not installed or maintained per the specification provided in the SWMP



Photograph 3: Silt fence not installed or maintained per the specification provided in the SWMP



Photograph 4: Hydraulic fluids on the ground, not maintained per specifications provided in SWMP



Photograph 5: Concrete washout area not installed or maintained as required by the SWMP



Photograph 6: Masonry containment not installed or maintained as required in the SWMP



Photograph 7: Masonry containment not installed or maintained as required in the SWMP



Photograph 8: Masonry containment not installed or maintained as required in the SWMP



Photograph 9: Masonry containment not installed or maintained as required in the SWMP



Photograph 10: Masonry containment not installed or maintained as required in the SWMP



Photograph 11: Masonry containment not installed or maintained as required in the SWMP



Photograph 12: Masonry containment not installed or maintained as required in the SWMP



Photograph 13: Masonry containment not installed or maintained as required in the SWMP



Photograph 14: Masonry containment not installed or maintained as required in the SWMP



Photograph 15: Straw wattle inlet protection not installed or maintained as required by the SWMP. Controls were not implemented on the back side of the inlet box.



Photograph 16: Straw wattle inlet protection not installed or maintained as required by the SWMP



Photograph 17: Straw wattle inlet protection not installed or maintained as required by the SWMP



Photograph 18: Straw wattle inlet protection not installed or maintained as required by the SWMP, concrete waste surrounding this inlet grate and on the grate



Photograph 19: Straw wattle inlet protection not installed or maintained as required by the SWMP



Photograph 20: Straw wattle inlet protection not installed or maintained as required by the SWMP



Photograph 21: Straw wattle inlet protection not installed or maintained as required by the SWMP



Photograph 22: Straw wattle inlet protection not installed or maintained as required by the SWMP



Photograph 23: Straw wattle inlet protection not installed or maintained as required by the SWMP, fuel and building materials stored on inlet



Photograph 24: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 25: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 26: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 27: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 28: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 29: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 30: Silt fence not installed or maintained per the specification provided in the SMWP, Dry Creek on left



Photograph 31: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 32: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 33: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 34: Silt fence not installed or maintained per the specification provided in the SMWP, Dry Creek on left



Photograph 35: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 36: Silt fence not installed or maintained per the specification provided in the SMWP



Photograph 37: Surface roughening not installed or maintained as required in the SWMP



Photograph 38: Surface roughening not installed or maintained as required in the SWMP



Photograph 39: Wheel wash not installed or maintained in accordance with good engineering, hydrologic, or pollution control practices



Photograph 40: Wheel wash not installed or maintained in accordance with good engineering, hydrologic, or pollution control practices, hydraulic fluid spills leading to inlet



Photograph 41: Wheel wash not installed or maintained in accordance with good engineering, hydrologic, or pollution control practices, spoils pile encroaching on inlet without adequate controls



Photograph 42: Grade cut perimeter control not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices



Photograph 43: Grade cut perimeter control not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices



Photograph 44: Grade cut perimeter control not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices



Photograph 45: Grade cut perimeter control not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices



Photograph 46: Grade cut perimeter control not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices



Photograph 47: Grade cut perimeter control not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices



Photograph 48: Grade cut perimeter control not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices



Photograph 49: Grade cut perimeter control not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices



Photograph 50: Grade cut perimeter control not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices



Photograph 51: Grade cut perimeter control not installed or maintained in accordance with good engineering, hydrologic, and pollution control practices



Photograph 52: Tracking observed exiting the site onto public roadway



Photograph 53: Tracking pad in need of maintenance per the specification provided in the SMWP



Photograph 54: Tracking pad in need of maintenance per the specification provided in the SMWP



Photograph 55: No control at the back of inlet box for overtopped soils



Photograph 56: No control at the back of inlet box for overtopped soils



Photograph 57: No control at the back of inlet box for overtopped soils



Photograph 58: Rubber wattle inadequate for application



Photograph 59: Rubber wattle inadequate for application



Photograph 60: Rubber wattle not maintained, sediment and debris accumulation should be removed



Photograph 61: Rubber wattle not maintained, sediment and debris accumulation should be removed



Photograph 62: Rubber wattle not maintained, sediment and debris accumulation should be removed



Photograph 63: Rubber wattle not maintained, sediment and debris accumulation should be removed



Photograph 64: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 65: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 66: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 67: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 68: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 69: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 70: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 71: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 72: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 73: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 74: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 75: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 76: Silt fence inlet protection not installed or maintained per the specification provided in the SWMP



Photograph 77: Concrete waste not managed in accordance with the requirements in the SWMP



Photograph 78: Concrete waste not managed in accordance with the requirements in the SWMP



Photograph 79: Concrete waste not managed in accordance with the requirements in the SWMP



Photograph 80: Concrete washout waste not managed in accordance with the requirements in the SWMP