



COLORADO

Department of Public
Health & Environment

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

June 18, 2015

Kevin L. Reimer, Registered Agent
River Trail Investment, LLC
236 Main Street
Grand Junction, CO 81501

Certified Mail Number: 7012 1640 0000 0801 9342

**RE: Expedited Settlement Agreement Offer
River Trail Subdivision / CDPS Permit Certification # COR-03D372**

Dear Mr. Reimer,

Enclosed for your records is River Trail Investment, LLC's copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was revised to reflect the correct ESA Number.

As specified in paragraph ten of the enclosed ESA, River Trail Investment, LLC must, within fifteen calendar days, submit a certified or cashier's check for the amount specified in paragraph four of the ESA to the Water Quality Control Division in order to resolve the matter.

If you have any questions, please do not hesitate to contact me at 303.692.6498 or andrea.beebout@state.co.us.

Sincerely,

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

Enclosures: Expedited Settlement Agreement (ESA) ES-150618-2

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Monique Mull, Mesa County Health Department
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans, CDPHE
Amy Zimmerman, Engineering Section, CDPHE
Heather Drissel, Field Services Unit 2, CDPHE
Lillian Gonzalez, Permits Unit 1, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE
Tania Watson, Data Management, CDPHE





Colorado Department of Public Health & Environment
Water Quality Control Division

EXPEDITED SETTLEMENT AGREEMENT

Number: ES-150618-2

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

1. River Trail is a “person” as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
2. River Trail is conducting construction activities to build River Trail Subdivision, located in or near the City of Grand Junction, Mesa County, Colorado (the “Project”).
3. River Trail, as described in the attached inspection report, failed to comply with the provisions of its Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (“Permit”), Certification Number COR-03D327.
4. The parties enter into this ESA in order to resolve the matter of civil penalties associated with the violation(s) alleged herein and in the attached inspection report for a penalty of \$ 8,000.00.
5. By accepting this ESA, River Trail neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. River Trail certifies that all deficiencies identified in the attached inspection report have been corrected and that the Project is currently in full compliance with the terms and provisions of the Permit. Additionally, River Trail has attached to this ESA: (1) a written description detailing how the deficiencies were corrected; and (2) representative photographs documenting the current conditions and the associated BMPs implemented at the Project.
7. River Trail agrees to the terms and conditions of this ESA. River Trail agrees that this ESA constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., and is an enforceable requirement of the Act. By signing the ESA, River Trail waives: (1) the right to contest the finding(s) specified herein and in the attached inspection report; and (2) the opportunity for a public hearing pursuant to §25-8-603, C.R.S.
8. This ESA is subject to the Division’s “Public Notification of Administrative Enforcement Actions Policy,” which includes a thirty-day public comment period. The Division and River Trail each reserve the right to withdraw consent to this ESA if comments received during the thirty-day period result in any proposed modification to the ESA.

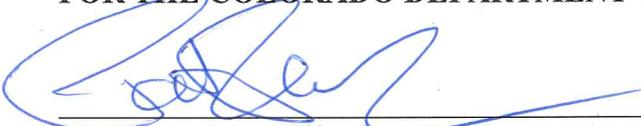
9. This ESA constitutes a final agency order or action upon the date when the Executive Director or his designee signs the ESA and effectively imposes the civil penalty.
10. River Trail agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, River Trail shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for the amount specified in paragraph 4 above, to:

Andrea Beebout
 Colorado Department of Public Health and Environment
 Water Quality Control Division
 Mail Code: WQCD-CWE-B2
 4300 Cherry Creek Drive South
 Denver, Colorado 80246-1530
11. Notwithstanding paragraph 5 above, the violations described in this ESA will constitute part of River Trail's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against River Trail. River Trail agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon River Trail and its corporate subsidiaries or parents, their officers, directors, employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this ESA.

ACCEPTED BY RIVER TRAIL INVESTMENTS, LLC:

	
	
Signature	Date
Name (printed)	Title

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

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



November 12, 2014

CERTIFIED NO: 7012- 2920- 0000- 4116- 4931

Kevin Reimer, Mgr
River Trail Investment LLC
236 Main St
Grand Junction, CO 81501

Kevin.reimer@bresnan.net

Re: Facility Inspection / Compliance Advisory
River Trail Investment LLC — River Trail Subdivision
CDPS Permit No. COR03D327

Mr. Reimer:

An inspection of the above-referenced facility was conducted by the Water Quality Control Division (the division) on October 15, 2014. The inspection procedure consisted of two parts, a review of records and an on-site facility inspection. Findings identified during the inspection are detailed in the enclosed inspection report.

This correspondence documents:

1. The division's expectations for correcting the inspection findings.
2. The division's determination on whether the findings meet established criteria for formal enforcement.
3. If the division requires a response to the inspection report.

Corrective Action

All discharges authorized by the Colorado Discharge Permit System (CDPS) General Permit for Stormwater Discharges Associated with Construction Activity (COR030000) (the permit) must be consistent with all requirements, and terms and conditions of the permit. Therefore, the division expects River Trail Investment LLC (the permittee) to correct all findings identified in the enclosed inspection report and return the facility to compliance with the permit. A violation of the terms and conditions specified in this permit may be subject to civil and criminal liability pursuant to sections 25-8-601 through 612, C.R.S.. Correcting a permit violation does not remove the original violation.

Compliance Determination

The division evaluated the inspection findings against the division's Stormwater Enforcement Response Guide and has determined that the findings identified in the enclosed inspection report meet the criteria for a formal enforcement response. The following discussion provides the



division's expectation for the inspected entity's response to the inspection report, and information regarding response adequacy and future division communication.

- a. Consistent with section 61.8(3) of 5 CCR 1002-61 (Regulation No. 61) and Part II.B.2 of the CDPS General Permit for Stormwater Discharges Associated with Construction Activity, the inspected entity must submit a response to the Division that documents the corrective action(s) implemented for each finding identified in the enclosed inspection report. Unless specifically requested by the Division, the inspected entity is not required to submit a copy of the revised Stormwater Management Plan with the response.
- b. Consistent with section 61.8(3) of 5 CCR 1002-61 (Regulation No. 61) and Part II.B.2 of the CDPS General Permit for Stormwater Discharges Associated with Construction Activity, the inspected entity must submit information to demonstrate that the detention pond used at the project site is an adequate control measure. In accordance with Part I.D.2, this requires information regarding design, installation, implementation, and maintenance of the control measures in accordance with good engineering, hydrologic, and pollution control practices. The information shall demonstrate that the control measure is adequately designed to provide control of potential pollutant sources associated with construction activity to prevent pollution or degradation of State Waters.
- c. Also consistent with section 61.8(3) of 5 CCR 1002-61 (Regulation No. 61) and Part II.B.2 of the CDPS General Permit for Stormwater Discharges Associated with Construction Activity, the inspected entity must submit to the division any previous versions of the Stormwater Management Plan that are believed to provide information that is noted as missing or inadequate in this inspection report.
- d. The inspected entity is encouraged to provide any additional information they feel should be considered by the division with respect to any finding identified in the enclosed inspection report. The division will evaluate this information, and may modify the Compliance Determination if the information demonstrates the finding was not accurate.

The inspected entity must submit the response and additional requested information to the Colorado Department of Public Health and Environment, WQCD-P-B2, 4300 Cherry Creek Drive South, Denver, CO 80246-1530, Attn: Megan Shirley, by COB November 26, 2014.

- e. Following receipt and review of the inspected entity's response (as identified in a. above), the division will identify whether all inspection findings were adequately addressed and whether there is, or is not, evidence of continuing noncompliance and potential for continued penalty liability for ongoing violations. The division intends to communicate this determination, in writing, within 30 days following the receipt of an inspected entity's response, or will provide a revised schedule if additional time is required to complete the division evaluation. If the division determines the inspection findings have not been adequately addressed, the division response will provide notification of the continued noncompliance and the need for corrective action.



- f. The division's standard enforcement response process includes the issuance of a Notice of Violation/Cease and Desist Order. The division has an internal time control goal of 180 days to issue a formal enforcement action for identified noncompliance meeting the established criteria for formal enforcement. If the division determines that it will not meet its internal time control goal, the division will provide written notification to the permittee within 180 days of the date of the inspection. If, at any time, the division determines that it will forego a formal enforcement response for the identified noncompliance, the division will provide written notification to the permittee at the time that decision is made.

This Compliance Advisory is intended to advise the inspected entity of alleged violations of the Colorado Water Quality Control Act, its implementing regulations and permits so that appropriate steps can be taken to avoid or mitigate formal enforcement action or to correct our records (if applicable). This Compliance Advisory does not constitute a Notice of Violation or Cease and Desist Order and is not subject to appeal. The issuance of this Compliance Advisory does not limit or preclude the division from pursuing its enforcement options concerning the above violation(s). The division will evaluate the facts associated with the above-described violation(s) and if a formal enforcement action is deemed necessary, the inspected entity may be issued a Notice of Violation / Cease and Desist Order that may include the assessment of penalties.

If you have any questions, please call me at 303-692-6421.

Sincerely,



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

cc: Mark Barslund, 5-2-1 Drainage Authority
File Copy



Stormwater Inspection Report

Permittee: River Trail Investment LLC **Cert#** COR03D327 **Report Date:** November 12, 2014

Facility: River Trail Subdivision **Rec. Water(s)** Beswick Drain - Colorado River

Facility Address: 3141 D Road Grand Junction 81506, Mesa County

Persons Present: Gus Reeves/Senergy Builders; Mark Barslund, Tom McGee/City of Grand Junction; Megan Shirley/WQCD

Legally Responsible Person / Title: Kevin Reimer / Mgr **Inspector:** Megan Shirley

Inspection Began: 10/15/2014 1:39 PM

Inspection Completed: 10/15/2014 4:08 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 October 20, 2014, five days after the inspection.
- Note 2: The permit certification effective date was February 12, 2008. The date that construction started and land-disturbing activities began at the site was April 1, 2013 and the area of disturbance at the time of the inspection was 2.6 acres as provided by Kevin Reimer, Owner.

1. A copy of the SWMP was not retained onsite. The division inspector reviewed the SWMP and found it to be inadequate for the following reasons:
 - a) In accordance with Part I.D.5.b, a copy of the SWMP must be retained onsite unless another location, specified by the permittee, is approved by the division.
 - b) The Site Description section did not adequately describe items listed below as required by Part I.C.1 of the permit. Specifically:
 - i. The SWMP does not provide the pre-existing percent density of vegetation on the site.

- ii. Concrete washout if discharged to ground must be identified as required in the permit in the SWMP.

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

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

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

- c) 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 are still disturbed (i.e. those that have not been built on and sold).
- ii. The location of the building materials, stockpiles, and construction wastes were not identified on the site map.
- iii. The detention pond designed for the subdivision was not identified 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, soil stockpiles, and construction waste
- 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.

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

- i. The SWMP did not describe or locate the inlet control measures, or Dandy Products that were observed in the inlets on the jobsite.
- ii. The SWMP does not provide information regarding sweeping or controls implemented to maintain vehicle tracking on the jobsite.
- iii. The SWMP did not identify how concrete washout would be finally disposed of offsite.

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

- 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

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

e) 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. The installation details and specifications for the Dandy Products used as inlet protection were not provided in the SWMP.

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

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

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

- i. The SWMP references landscape plans for final stabilization practices for the area, but landscape plans were not included in the SWMP for review.

The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.

The division expects the permittee to update the final stabilization and long-term stormwater management section to include all items as required by the permit.

2. Inspection records were available for review during the inspection. Upon review, the inspection records were found to be inadequate. Inspection records from April 14, 2014 through October 7, 2014 were reviewed by the inspector.

a) The Inspection and Maintenance section did not describe inspection and maintenance procedures as required by Part I.C.5 of the permit. Specifically:

- i. Information was not provided on the inspection procedures or the maintenance procedures used at the site.

The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control measures in good and effective operating

procedures. The division expects the permittee to update the inspection and maintenance section to include all items as required by the permit.

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

i. Inspections were not consistently conducted at the minimum 14 day frequency. The table below identifies the dates of inspections and days in between.

Inspection Date	Next Inspection Date	Days Between Inspections
04/14/14	05/01/14	17
05/15/14	05/30/14	15
06/13/14	06/30/14	17
06/30/14	07/15/14	15
07/15/14	07/30/14	15
07/30/14	08/14/14	15
08/28/14	09/24/14	27

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

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

- i. The title of the inspector was not included on the reporting form.
- ii. There was no compliance statement or signature to indicate that when corrective actions had been completed, or in a case where no corrective actions were noted, the site had returned to compliance with the permit.

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 After adequate corrective action(s) has been taken, or where a report does not identify any incidents requiring corrective action, the report shall contain a signed statement

indicating the site is in compliance with the permit to the best of the signer's knowledge and belief.

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

- d) Maintenance of control measures was not performed and/or documented as required by Part I.D.8 of the permit. Specifically:
- i. Any maintenance required or performed on the site was not documented. Corrective actions were not included and dates of maintenance were not noted. Because there was no documentation of these actions on the inspection reports, it cannot be determined what time frame these actions were completed in.

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.

Note 5: Findings that are indicated as being inadequate for the expected contributing drainage area are supported by information provided in the photographs referenced by the numbered finding. These are found at the end of the inspection report. Drainage area was calculated using the drawings provided to the inspector (sheet C3 - River Trail Subdivision Stormwater Management Plan).

1. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater runoff from construction materials waste located west of Green River Drive on lot 57 (refer to photograph(s) 01 - 02).
 - Control Measure Observation: Control measures were not implemented to control stormwater runoff from the location and pollutant source noted above.
 - Paint spills were observed around a house that was undergoing finishing activities on lot 57.
 - Control Measure Finding: An installation and implementation specification for spill response and materials handling was provided in the SWMP, but was not implemented. Specifically,
 - The SWMP requires that all spills shall be cleaned-up as soon as possible (page 10, Materials Handling and Spill Prevention).
 - The SWMP also requires that all wastes be appropriately and promptly disposed of (page 9, Good Housekeeping).
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally south to the City of Grand Junction MS4 curb inlets at Snake River Drive. These inlets flow to the detention pond located off the southeast corner of the subdivision and discharge into Preston Drain adjacent to the project. Additional control measures for this pollutant source were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado River
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:

- Control measures must be implemented to manage stormwater runoff from all potential pollutant sources.
 - All site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.
2. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from construction materials waste located west of Green River Drive on the west side of lot 52 (refer to photograph(s) 03).
- Control Measure Observation: Control measures were not implemented to control stormwater runoff from the location and pollutant source noted above.
 - A vehicle fluid spill was observed on the sediment and had not been cleaned-up and properly disposed of.
 - Control Measure Finding: An installation and implementation specification for spill prevention and response procedures was provided on page 9 under the Spill Prevention and Response Procedures in the SWMP, but was not implemented. Specifically,
 - The SWMP requires that the release of equipment fluid be stopped, contained, and cleaned-up as soon as possible.
 - All contaminated soils and spent clean up materials shall be containerized and appropriately disposed of.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally south to the City of Grand Junction MS4 curb inlets at Snake River Drive. These inlets flow to the detention pond located off the southeast corner of the subdivision and discharge into Preston Drain adjacent to the project. Additional control measures for this pollutant source were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado River
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Control measures must be implemented to manage stormwater runoff from all potential pollutant sources.
 - All site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.
3. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater from sediment from stockpiles located on disturbed lots on both sides of Green River Drive (refer to photograph(s) 04 - 07).
- Control Measure Observation: Control measures were not implemented to control stormwater runoff from the location and pollutant source noted above.

- Soil stockpiles were observed on the jobsite and no control measures were present.
 - Control Measure Finding: Control measures were not implemented to manage stormwater runoff from the above listed pollutant source as required by the permit. Specifically,
 - The SWMP identifies that silt fence will be used on the site to detain sediment from disturbed areas from leaving the site (Page 8, Structural Source Controls).
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally south to the City of Grand Junction MS4 curb inlets at Snake River Drive. These inlets flow to the detention pond located off the southeast corner of the subdivision and discharge into Preston Drain adjacent to the project. Additional inadequate control measures were implemented down gradient of this location (reference finding 6).
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado River
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Control measures must be implemented to manage stormwater runoff from all potential pollutant sources.
 - 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.
4. It was noted during the inspection that inadequate control measures were implemented to manage stormwater runoff from sediment from disturbed areas located at all disturbed lots on the east and west sides of Green River Drive (refer to photograph(s) 08 - 22).
- Control Measure Observation: A dandy bag inlet protection control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
 - Sediment was observed overtopping the sidewalk from disturbed areas.
 - Several disturbed lots were observed with no additional, up-gradient control measures implemented.
 - The areas of disturbance and expected sediment transport exceed the capacity of the inlet protection control measure.
 - Control Measure Finding: An installation and implementation specification for Dandy Bag inlet protections observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
 - According to the manufacture specification for the Dandy Bag product, the flow rate for the product is 250 gal/min/ft² (actual flow rate would be expected to be much lower once sediment was present) and the capacity is 1/3 full of sediment. In accordance with good engineering, hydrologic, and pollution control practices, sediment controls must meet the typical control measure specifications for the acceptable drainage area.

- The approximate total calculated drainage area from disturbed surfaces, without additional up-gradient control measures, is estimated at 14.35 acres as determined using the scale and drawing provided during the time of the inspection (sheet C3). A drainage area standard was not included in the SWMP, however even very conservative estimations would identify that the drainage area present would easily exceed the flow rate for which treatment could be provided without bypass and without exceeding the sediment capacity of the control measure. As an example, comparable linear control measures, such as silt fence, have an industry accepted design standard of 100 lineal feet of sediment control measure per 0.25 acres of drainage area.
- Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally south to the City of Grand Junction MS4 curb inlets at Snake River Drive. These inlets flow to the detention pond located off the southeast corner of the subdivision and discharge into Preston Drain adjacent to the project. Additional inadequate control measures were implemented down gradient of this location (reference finding 6).
- Result: There was a potential discharge of pollutants to the following state water(s): Colorado River
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Control measures 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.

In accordance with good engineering, hydrologic, and pollution control practices; inlet protection is implemented for control of sediment and other pollutants that have been deposited on impervious surfaces. Inlet protection does not provide a mechanism for pollutant removal from disturbed areas without additional, up-gradient sediment control measures. Specifically, the inlet protection does not contain sufficient capacity to allow for settling of sediment and does not provide filtering for the expected runoff volumes. Therefore, all runoff from disturbed areas should be directed through at least one up-gradient control measure designed and implemented for treatment of runoff from disturbed areas prior to entering curb and area drain inlets.

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 on paved surfaces along Green River Drive, Crystal River Drive, and Snake River Drive (refer to photograph(s) 23 - 29).
 - Control Measure Observation: The SWMP identified a vehicle tracking pad control measure for the location and pollutant source noted above; however the control measure had not been implemented.
 - Tracking of sediment onto impervious surfaces was observed during the inspection.
 - No control measures to manage tracking were present as required by the SWMP.
 - Control Measure Finding: An installation and implementation specification for a vehicle tracking pad was provided in the SWMP, but was not implemented. Specifically,

- The SWMP requires that a vehicle tracking pad be implemented to reduce off-site tracking of sediment onto public roadways (page 8, structural source controls).
 - All entry into and exit from the site shall be directed through a vehicle tracking pad (page 8, structural source controls).
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows generally south to the City of Grand Junction MS4 curb inlets at Snake River Drive. These inlets flow to the detention pond located off the southeast corner of the subdivision and discharge into Preston Drain adjacent to the project. Additional adequate control measures were implemented down gradient of this location (i.e. the dandy sacks that are intended to capture sediment deposited on impervious surfaces).
 - Result: There was a potential discharge of pollutants to the following state water(s): Colorado River
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Facilities must 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.
 - 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.
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 detention pond adjacent to the development area off of the southeast corner of the property (refer to photograph(s) 30 - 33).
- Control Measure Observation: A detention pond control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
 - The detention pond for the subdivision was not identified on the site map or in the SWMP.
 - Control measures were not observed at the outfall of the detention pond, therefore the pond did not contain a mechanism for pollutant removal.
 - Inspections were not being performed to evaluate the effectiveness of the pond, identify discharges, or determine if maintenance is required.
 - Ground water was seeping through the detention pond and had filled the bottom portion. This compromises the designed capacity of the pond to handle the drainage area from the subdivision as intended. Adequate control measures were not implemented up-gradient of the detention pond (reference finding 4).
 - Control measures were not implemented between the detention pond and the receiving water, the Preston Ditch.

- Control Measure Finding: An installation and implementation specification for the detention pond observed in the field during the inspection was not provided in the SWMP as required by the permit. Specifically,
 - The SWMP specifically indicates that the drainage of stormwater from the site flows directly to the Preston Ditch running along the east edge of the project and is discharged without detention directly to the Colorado River.
 - The pond was not designed in accordance with good engineering, hydrologic, and pollution control practices. Specifications for the pond were not provided and the pond cannot function at the intended capacity due to the groundwater accumulation.
 - The pond does not meet the requirements of a best management practice per the permit (Part I.D.2) as it was not implemented in the SWMP or being maintained by the permittee.
- Stormwater runoff from this area is discharged as follows: The detention pond discharges directly to the Preston Ditch, east of the pond outfall. 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): Colorado River
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Facilities must select, install, implement, and maintain appropriate control measures, following good engineering, hydrologic and pollution control practices.
 - Control measures implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of State waters.
 - Design control measures following good engineering, hydrologic and pollution control practices to prevent pollution or degradation of state waters and document in the SWMP.
 - Update the SWMP when new control measures are installed or control measures are replaced.



Photograph 1: Paint spilled on sediment on lot 57, not managed as required in the SWMP



Photograph 2: Paint spilled on sediment on lot 57, not managed as required in the SWMP



Photograph 3: Vehicle fluid spill on lot 52, not managed as required in the SWMP



Photograph 4: Stockpiles without control measures, not managed as required in the SWMP



Photograph 5: Stockpiles without control measures, not managed as required in the SWMP



Photograph 6: Stockpiles without control measures, not managed as required in the SWMP



Photograph 7: Stockpiles without control measures, not managed as required in the SWMP



Photograph 8: Inlet with a dandy sack, southeast of lot 51



Photograph 9: Inlet with dandy sack south of lot 63



Photograph 10: Inlet with dandy sack north of lot 73



Photograph 11: Disturbed area to the northeast of the curb inlets, arrow indicates location of inlets



Photograph 12: Disturbed area to the northwest of the curb inlets, arrow indicates location of inlets



Photograph 13: Disturbed area to the south of the curb inlets, arrow indicates location of inlets



Photograph 14: Disturbed area to the south of the curb inlets, arrow indicates location of inlets



Photograph 15: Disturbed area to the east of the curb inlets, arrow indicates location of inlets



Photograph 16: Disturbed area to the east of the curb inlets, arrow indicates location of inlets



Photograph 17: Disturbed area to the north of the curb inlets, arrow indicates location of inlets



Photograph 18: Disturbed area to the northeast of the curb inlets, arrow indicates location of inlets



Photograph 19: Disturbed area to the northwest of the curb inlets, arrow indicates location of inlets



Photograph 20: Disturbed area to the northwest of the curb inlets, arrow indicates location of inlets



Photograph 21: Disturbed area to the northeast of the curb inlets, arrow indicates location of inlets



Photograph 22: Disturbed area to the northeast of the curb inlets, arrow indicates location of inlets



Photograph 23: Tracking from lot 63 onto Green River Drive



Photograph 24: Tracking from Lot 51-52 onto Green River Drive



Photograph 25: Tracking from lot 74 onto Snake River Drive



Photograph 26: Tracking from lot 73 onto Snake River Drive



Photograph 27: Tracking from lot 52 onto Green River Drive



Photograph 28: Vehicle tracking marks without a vehicle tracking pad as required in the SWMP



Photograph 29: Tracking onto Crystal River Drive



Photograph 30: Detention pond southeast of the subdivision, looking northwest, groundwater present



Photograph 31: Detention pond southeast of the subdivision, looking northwest, groundwater present



Photograph 32: Detention pond southeast of the subdivision, looking south, no control measures at outfall, looking towards the Colorado River along the trees in the background



Photograph 33: Detention pond southeast of the subdivision, looking southeast towards Preston Drain