



COLORADO

Department of Public
Health & Environment

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

February 22, 2016

Nicholas A. Varra
Varra Buildings, Inc.
48642 WCR 29
Nunn, CO 80648

Certified Mail Number: 7014 2870 0000 7699 5221

**RE: Expedited Settlement Agreement, Number ES-160218-1
Bellmore Farms Industrial Project & North 40 Project / CDPS Permit Certification #s
COR03K442, COR03N547**

Dear Mr. Varra:

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

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

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

Sincerely,

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

Enclosure(s): Expedited Settlement Agreement ES-160218-1

cc: Enforcement File

ec: Michael Boeglin, EPA Region VIII
Trevor Jiricek, Weld County Department of Public Health & Environment
Aimee Konowal, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Doug Camrud, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Lillian Gonzalez, Permits Section, CDPHE
Mike Harris, Clean Water Enforcement Unit, CDPHE
Tania Watson, Data Management, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE
Rik Gay, Clean Water Compliance Unit, CDPHE
Megan Shirley, Clean Water Compliance Unit, CDPHE





Colorado Department of Public Health & Environment
Water Quality Control Division

EXPEDITED SETTLEMENT AGREEMENT

Number: ES-160218-1

The Colorado Department of Public Health and Environment (“Department”), through the Water Quality Control Division (“Division”), issues this Expedited Settlement Agreement (“ESA”), pursuant to the Division’s authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control Act (the “Act”) §§25-8-101 to 803, C.R.S., and its implementing regulations, with the express consent of Varra Buildings, Inc. (“Varra Buildings”). The Division and Varra Buildings may be referred to collectively as “the Parties.”

1. Varra Buildings 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. Varra Buildings is conducting land disturbing activities at the Bellmore Farms Industrial project, located in or near the Town of Nunn, Weld County, Colorado (the “Bellmore Farms Project”).
3. Varra Buildings is conducting land disturbing activities at the North 40 project, located in or near the Town of Nunn, Weld County, Colorado (the “North 40 Project”).
4. Varra Buildings failed to submit requested reports and/or documents as described in the attached inspection report and correspondence regarding the Bellmore Farms Project (Attachment A) and, therefore, failed to comply with Part II.B.2 of its Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (“Permit”), Certification Number COR03K442.
5. Varra Buildings conducted land disturbing activities at the North 40 Project without a stormwater permit in violation of §25-8-501(1), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.3(1)(a), 61.3(2) and 61.4(3). Varra Buildings also failed to submit requested reports and/or documents as described in the attached inspection report and correspondence regarding the North 40 Project (Attachment B) and, therefore, failed to comply with Part II.B.2. of the Permit, Certification Number COR03N547.
6. 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 \$14,250.00.
7. By accepting this ESA, Varra Buildings neither admits nor denies the violations or deficiencies specified herein and in the attached inspection reports and correspondence (Attachment A and Attachment B).
8. Varra Buildings certifies that all deficiencies identified in the attached inspection reports have been corrected and that the Bellmore Farms Project and the North 40 Project are currently in full compliance with the terms and provisions of the Permit. Additionally, Varra Buildings 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 Bellmore Farms Project and the North 40 Project.
9. Varra Buildings agrees to the terms and conditions of this ESA. Varra Buildings 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, Varra Buildings waives: (1) the

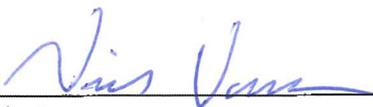
right to contest the finding(s) specified herein and in the attached inspection report; and (2) the opportunity for a public hearing pursuant to §25-8-603, C.R.S.

10. This ESA is subject to the Division's "Public Notification on Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and Varra Buildings 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.
11. 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.
12. Varra Buildings agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, Varra Buildings 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 6 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

13. Notwithstanding paragraph 7 above, the violations described in this ESA will constitute part of Varra Buildings' 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 Varra Buildings. Varra Buildings agrees not to challenge the use of the cited violations for any such purpose.
14. This ESA, when final, is binding upon Varra Buildings 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 VARRA BUILDINGS, INC.:

 1-08-2016
Signature Date

Nick Varra Owner / Developer
Name (printed) Title

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

 Date: 2/18/16
Nicole Rowan, P.E.
Clean Water Program Manager
WATER QUALITY CONTROL DIVISION



COLORADO

Department of Public
Health & Environment

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

September 29, 2014

CERTIFIED NO: 7012- 2920- 0000- 4116- 4870

Nicholas Varra, Owner
Varra Buildings Inc
48645 WCR 29
Nunn, CO 80648
varrabuildings@aol.com

Re: Facility Inspection / Compliance Advisory
Varra Buildings Inc – Bellmore Farms Industrial
CDPS Permit No. COR03K442

Mr. Varra:

An inspection of the above-referenced facility was conducted by the Water Quality Control Division (the division) on August 21, 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 Varra Buildings Inc (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 has not yet determined if the findings associated with the inspection meet the division's Stormwater Enforcement Response Guide. The division will review the permittee response for further clarification and determination. 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.
- b. 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 the revised Stormwater Management Plan to address all findings included in the inspection report. This should also include all project inspection reports that have been completed from the time of the division inspection until the submittal date.
- c. 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: Select, by COB October 13, 2014.

- d. 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.
- e. 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,

A handwritten signature in blue ink, appearing to read "M. Shirley". The signature is fluid and cursive, with the first name "Megan" and last name "Shirley" clearly distinguishable.

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

cc: File Copy

Stormwater Inspection Report

Permittee: Varra Buildings Inc **Cert#** COR03K442 **Report Date:** September 29,
Inspection Date: August 21, 2014
Facility: Bellmore Farms Industrial **Rec. Water(s)** Spring Creek
Facility Address: WCR 100 and Lonetree Dr, Nunn, Weld County
Persons Present: Nick Varra/Varra Buildings, Adam Bagley/All Terrain Environmental Company, Megan Shirley, Maura McGovern/WQCD
Legally Responsible Person / Title: Nicholas Varra / Owner **Inspector:** Megan Shirley

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 August 21, 2014 during the inspection.
- Note 2: The permit certification effective date was April 23, 2013. The date that construction started and land-disturbing activities began at the site was August 2, 2012 and the area of disturbance at the time of the inspection was 12 acres as provided by Nick Varra, Owner.

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 all items required by Part I.C.2 of the permit. Specifically, the following items were observed during the field inspection but were not indicated on the site map:
 - i. Several parcels on the north side of the jobsite, and the parcel in the south corner containing the retention pond, were still disturbed and were not indicated as such.
 - ii. Several parcels that had been stabilized by warehouse buildings and gravel parking lots, or had been rented for commercial use were not indicated.
 - iii. The map did not specify where the storage of all equipment, stockpiles, construction waste, and building materials was located.
 - iv. The map did not locate all structural and non-structural control measures including silt fence and seeding.

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, equipment, soil stockpiles, or construction waste
- 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.

- b) The Stormwater Management Controls section did not identify all items required by Part I.C.3 of the permit. Specifically the following observations were made during the inspection as not being properly or completely documented:
- i. The location in the plan for SWMP administrator was blank.
 - ii. Straw wattles are identified in the SWMP but no information is provided about where they will be installed and how they will be used.
 - iii. The phases of construction were described but corresponding control measures were not discussed.
 - iv. No information was provided for waste management including dumpsters, portable toilets, etc.

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

- The position/title or individual responsible for implementing and maintaining the SWMP
- All structural erosion and sediment control measures implemented at the site
- The relationship between the phases of construction and the implementation / maintenance of both structural and non-structural control measures
- 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.

- c) The Final Stabilization and Long-term Stormwater Management section did not adequately describe items required by Part I.C.4 of the permit. Specifically, the stabilization methods used onsite are not consistent with what is in the SWMP. The SWMP quotes the general permit language for stabilization about 70% vegetation density, but the site was observed as actually being stabilized with crushed stone base.

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 July 21, 2012 through August 19, 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, maintenance procedures were not identified in the inspection description.

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, inspections were not conducted every 14 days at a minimum. The only documentation of inspections was on the SWMP calendar which showed only precipitation events and follow-up inspections. Inspections appeared to correspond only with major construction activities and phasing. Using the calendar provided in the SWMP, the following inspections are missing from the SWMP records:

08/04/2012	04/17/2013	11/07/2013	05/25/2014
08/18/2012	May 2013	December 2013	06/28/2014
09/01/2012	June 2013	01/03/2014	07/03/2014
09/15/2012	07/02/2013	01/17/2014	07/17/2014
11/12/2012	07/30/2013	02/14/2014	08/12/2014
December 2012	08/19/2013	02/28/2014	
January 2013	09/02/2013	03/14/2014	
02/16/2013	09/16/2013	04/17/2014	
March 2013	October 2013	05/01/2014	

There were also missing inspections during the winter months (as noted in the above table for the entire months included). No winter exclusion was documented within the SWMP, and conditions at the locations of the site would not meet the criteria for such an exclusion.

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

c) Inspections were not performed and/or documented as required by Part I.D.6.b of the permit. Specifically, the inspections did not meet the requirements below. The inspection documentation provided was insufficient and only provided the date of the inspection and the time that the

precipitation event began. Inspection records either noted “no damage” or repairs as necessary. The scope of inspection records noted below was not met. A certification statement as required in Part 1.D.b.2.viii of the permit was not included.

The permit requires that construction site perimeter, all disturbed areas, material and/or waste storage areas that are exposed to precipitation, discharge locations, and locations where vehicles access the site shall be inspected for evidence of, or the potential for, pollutants leaving the construction site boundaries, entering the stormwater drainage system, or discharging to state waters. All erosion and sediment control practices identified in the SWMP shall be evaluated to ensure that they are maintained and operating correctly. The division expects the permittee to conduct inspections within the timeframes required by 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:

- The inspection date.
- Name(s) and title(s) of personnel making the inspection.
- Location(s) of discharges of sediment or other pollutants from the site.
- Location(s) of BMPs that need to be maintained.
- Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location.
- Location(s) where additional BMPs are needed and not in place at the time of inspection.
- Deviations from the minimum inspection schedule as provided in Part I.D.6.a.
- 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;
- 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, it was unclear if maintenance was performed as required due to the lack of documentation. Where inspections indicate “no damage,” there is no signed certification statement included to certify the inspection and maintenance was completed as required as required by Part I.D.b.2.viii of the permit. Inspections that indicated repairs were made to silt fence do not consistently provide the dates that corrective actions were completed, and they also do not include the previously reference signed compliance statement.

The permit requires that:

- 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 inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located on the west side of the retention pond (refer to photograph(s) 01 - 02).
 - 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.
 - Control Measure Finding: An installation and implementation specification for silt fence was provided in the SWMP, but was not consistently implemented. Specifically,
 - The silt fence was in need of maintenance due to several sections that were torn down and detached from the stakes.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows southeast into the adjacent retention pond which ultimately discharges to Spring Creek. Additional inadequate control measures were implemented down gradient of this location. (Reference finding #3).
 - Result: There was an improbable discharge of pollutants to the following state water(s): Spring 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 sediment from disturbed areas located along the drainage swales throughout the jobsite (refer to photograph(s) 03 - 13).
 - Control Measure Observation: The SWMP identified a seeding control measure for the location and pollutant source noted above; however the control measure had not been implemented.

- Control Measure Finding: An installation and implementation specification for seeding was provided in the SWMP, but was not consistently implemented. Specifically,
 - The SWMP required soils in areas that had completed their disturbance phase to be seeded or stabilized within 14 days of completion. The calendar included with the SWMP indicates that the silt fence was removed from the jobsite to prepare for seeding on 06/24/2014 and the swales were not prepared for seeding until 08/19/2014. The swales had not been seeded at the time of the inspection. This exceeds the 14 day stabilization period required in the SWMP.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows along the swales going southeast into the onsite retention pond. This ultimately discharges to Spring Creek. Additional inadequate control measures were implemented down gradient of this location. (Reference finding #3).
 - Result: There was an improbable discharge of pollutants to the following state water(s): Spring 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.
 - 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 stormwater runoff from sediment from disturbed areas located at the southeast corner of the jobsite (refer to photograph(s) 14 - 19).
- Control Measure Observation: A retention pond control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
 - Control Measure Finding: An installation and implementation specification for a retention pond and outfall was provided in the SWMP, but was not consistently implemented. Specifically,
 - No outfall was established for the retention pond. The specifications provided for the pond indicate a stabilized outfall or weir.
 - An outfall location was determined but should be established with appropriate control measures to remove pollutants and slow flow if the pond does discharge.
 - Stormwater runoff from this area is discharged as follows: Surface runoff from this location flows south through the Town of Nunn. The flow ultimately discharges into Spring Creek. Additional control measures were not implemented down gradient of this location.
 - Result: Given the capacity of the retention pond onsite, there was an improbable discharge of pollutants to the following state water(s): Spring Creek
 - Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:

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



Photograph 1: Silt fence west of retention pond needs to be maintained/reinstalled



Photograph 2: Silt fence west of retention pond needs to be maintained/reinstalled



Photograph 3: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 4: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 5: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 6: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 7: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 8: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 9: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 10: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 11: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 12: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 13: Drainage swales not seeded according to the narrative and specification in the SWMP



Photograph 14: Outfall location from retention pond not installed with control measures as specified in the SWMP



Photograph 15: Outfall location from retention pond not installed with control measures as specified in the SWMP



Photograph 16: Retention pond in southeast corner of the jobsite, looking northeast



Photograph 17: Retention pond in southeast corner of the jobsite, looking northwest



Photograph 18: Retention pond in southeast corner of the jobsite, looking north



Photograph 19: Retention pond in southeast corner of the jobsite, looking southwest



COLORADO
Department of Public
Health & Environment

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

November 5, 2014

Certified 7012-2920-0000-4116-4900

Nicholas Varra, Owner
Varra Buildings Inc
48645 WCR 29
Nunn, CO 80648

varrabuildings@aol.com

RE: Facility Inspection / Compliance Advisory
CDPS Permit Certification - COR03K442

Mr. Varra:

A previous compliance advisory sent to you dated September 29th, 2014 required that you respond with the associated information to the division by **COB October 13, 2014**. As of the date of this notification, no response has been received by the division.

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 shall furnish to the division, within the time frame specified by the division, any information which the division may request to determine compliance with this permit. A violation of the terms and conditions specified in this permit, including failure to provide information in accordance with Part II.B.2, may be subject to civil and criminal liability and penalties pursuant to sections 25-8-601 through 612, C.R.S.

The inspected entity must submit the response and additional information previously requested, 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 21, 2014.

This Compliance Advisory is intended to advise the permittee 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.



Please contact me if you have any questions at 303-692-6421 or megan.shirley@state.co.us.

Regards,



Megan Shirley
Environmental Protection Specialist
Water Quality Control Division
Clean Water Compliance Unit

cc: File Copy

**Stormwater Inspection Report
Follow Up - Bellmore Farms Industrial**

Permittee: Varra Buildings Inc **Cert#** COR03K442 **Report Date:** June 29, 2015
Inspection Date: June 4, 2015

Facility: Bellmore Farms Industrial **Rec. Water(s)** Spring Creek

Facility Address: WCR 100 and Lonetree Dr, Nunn, Weld County

Persons Present: Nick Varra/Varra Buildings

Legally Responsible Person / Title: Nicholas Varra / Owner **Inspector:** Rik Gay

Inspection Findings

The Water Quality Control Division (division) inspector held a closing conference at the conclusion of the follow up 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 and supporting documents were not provided to the division inspector. The inspection records were provided during the inspection.
- Note 2: A previous inspection of this facility was conducted by the division on August 21, 2014. The final inspection report was provided to Nick Varra on September 29, 2014.
- Note 3: As a copy of the SWMP was not provided to the inspector, photographs were taken of key elements of the SWMP (see Photograph log) that was on site for comparison to the SWMP provided from the previous inspection.
- Note 4: The permit certification effective date was April 23, 2013. As noted on the initial inspection, the date that construction started and land-disturbing activities began at the site was August 2, 2012. The area of disturbance at the time of the inspection was 3 acres as provided by Nick Varra.
- Note 5: 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. However, this does not allege that the original findings were not addressed. A response was required by the division but was never received from the permittee.

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 all items required by Part I.C.2 of the permit. Specifically, [the location of seeding in ditches and the detention pond was not indicated on the map](#). The SWMP shall include a legible site map(s), showing the entire site and identify:

- o 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.

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

- i. [the location in the plan for SWMP administrator was blank](#)
- ii. [the phases of construction were described but corresponding BMPs were not discussed](#)
- iii. [no information was provided for waste management including dumpsters, portable toilets, etc.](#)

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

- o The position/title or individual responsible for implementing and maintaining the SWMP
- o All structural erosion and sediment control measures implemented at the site
- o The relationship between the phases of construction and the implementation / maintenance of both structural and non-structural control measures
- o 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.

c) The Final Stabilization and Long-term Stormwater Management section did not adequately describe items required by Part I.C.4 of the permit. Specifically, [the stabilization methods used onsite are not accurate with what is in the SWMP. The SWMP quotes permit language, but the site is actually being stabilized with crushed stone base.](#)

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 August 19, 2014 through June 3, 2015 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, [maintenance procedures were not identified in the inspection description](#).

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, inspections from August 19, 2014 through April 6, 2015 were not conducted every 14 days at a minimum. During that period the longest span between inspections was 60 days (2/2/2015 - 4/6/2015).

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

c) [Inspections were not performed and/or documented as required by Part I.D.6.b of the permit](#). Specifically, the inspection documentation provided was inadequate as it did not provide all of the required information (refer to finding 2.c of the original inspection report).

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:

- The inspection date.
- Name(s) and title(s) of personnel making the inspection.
- Location(s) of discharges of sediment or other pollutants from the site.

- Location(s) of BMPs that need to be maintained.
- Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location.
- Location(s) where additional BMPs are needed and not in place at the time of inspection.
- Deviations from the minimum inspection schedule as provided in Part I.D.6.a.
- 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;
- 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, it was unclear if maintenance was performed as required as there were no corrective action completion dates.

The permit requires that:

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

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

SITE INSPECTION

Note 6: 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 7: 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 stormwater runoff from sediment from disturbed areas located at the southeast corner of the jobsite (refer to photographs 1 & 2).
 - Control Measure Observation: A retention pond control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
 - An emergency excavation had been dug to draw down the water level in the pond. No control measure had been installed to prevent the discharge of sediment in the discharge.
 - Control Measure Finding: An installation and implementation specification for a retention pond and outfall was provided in the SWMP, but was not consistently implemented. Specifically,
 - No outfall was established for the retention pond. The specifications provided for the pond indicate a stabilized outfall or weir.
 - Stormwater runoff from this area is discharged as follows: Discharge flows south through the Town of Nunn stormwater conveyance ditches and ultimately discharges into Spring Creek. Additional control measures were not implemented down gradient of this location.
 - Result: There was a discharge of pollutants to the following state water: Spring 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.
- Implement control measures consistent with the installation and implementation specifications provided in the SWMP.



Photograph 1: Looking south. Discharge point from detention basin in Lot 11.



Photograph 2: Looking north. Discharge point from detention basin in Lot 11.



COLORADO
Department of Public
Health & Environment

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

July 1, 2015

CERTIFIED NO: 7012-2920-0000-4116-3835

Nick Varra, Owner
Varra Buildings, Inc.
48645 WCR 29
Nunn, CO 80648

varrabuilding@aol.com

Re: Facility Inspection / Compliance Advisory
Varra Buildings, Inc. – North 40
CDPS Permit No. COR03N547

Mr. Varra:

An inspection of the above-referenced facility was conducted by the Water Quality Control Division (the division) on June 4, 2015. 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 Varra Buildings, Inc. (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.

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.



Varra Buildings, Inc. – North 40
July 1, 2015

- 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. 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.
- c. 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. For any finding for which the inspected entity disagrees with a division observation of the adequacy of a control measure based on site-specific pollutant removal capability or capacity to provide retention or detention of flows, the response should contain relevant site-specific information to demonstrate compliance with Part I.D.2. This information may include, but is not limited to, volume of control measures, drainage area, expected stormwater flows and volumes based on soil types and land use, retention time, and the expected pollutant concentrations in discharge based on the design.

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: Rik Gay, by COB July 15, 2015. Per the signatory requirements in Part I.F. 1, the response shall be signed and certified for accuracy by the permittee in a cover letter containing the paragraph below:

“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.”

- d. 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

Varra Buildings, Inc. – North 40
July 1, 2015

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.

- e. 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 Varra Buildings, Inc. of potential 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 potential violation(s). The Division will evaluate the facts associated with the potential violation(s) and if a formal enforcement action is deemed necessary, you 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 303-692-3575.

Regards,



Rik Gay
Environmental Protection Specialist
Clean Water Compliance Unit
WATER QUALITY CONTROL DIVISION

cc: File Copy

ATTACHMENT B
Stormwater Inspection Report
North 40

Permittee: Varra Buildings, Inc.	Report Date: July 1, 2015
Legally Responsible Person: Nick Varra	Cert#: COR03N547
Facility: North 40	Title: Owner
Address: WCR 100 and Lonetree Dr, Nunn CO	Receiving Water: Spring Creek
Persons Present: Nick Varra / Varra Buildings	MS4/County: Weld
Inspector: Rik Gay	
Inspection Began: 6/4/15 11:00 AM	Inspection Completed: 6/4/15 12:30 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 June 8, 2015, four days after the inspection. A photograph of the hand written notes on the site map was taken the day of the inspection.

Note 2: The permit certification effective date was April 1, 2015. The date that construction started and land-disturbing activities began at the site was June 19, 2014 and the area of disturbance at the time of the inspection was 50 acres. Date determined from Google Earth indicating that ground disturbing activity had already occurred by the date indicated. Disturbed acreage also determined by aerial photography.

1. In accordance with the Colorado Water Quality Control Act (Act) and the Colorado Discharge Permit System Regulations 5-CCR 1002-61, CDPS discharge permit coverage is required for stormwater discharges associated with construction activities to surface waters of the State. Specifically, construction activities that disturb one acre or greater, or are part of a larger common plan of development disturbing one acre or greater, require either a discharge permit or an R-Factor waiver. Failure to obtain either a permit or waiver prior to commencement of construction activities is a violation of the Act subject to potential civil or criminal penalties. Permit application is required at least ten calendar days prior to the commencement of construction activities

2. 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 did not adequately describe items listed below as required by Part I.C.1 of the permit. Specifically,
- i. The site description was for a utility project in the Town of Nunn, not for the North 40 project.
 - ii. The proposed sequence of activities was for a utility project in the Town of Nunn, not for the North 40 project.
 - iii. Total acreage estimates provided were for a Town of Nunn project and not the North 40 project.
 - iv. The pre-construction percent density of vegetated ground cover was not described.
 - v. Sediment associated with ground disturbing activity as a potential pollutant was not described.
 - vi. Concrete washout as an allowable non-stormwater discharge was not described.
 - vii. A detention basin is indicated on the site map, however no outfall or overflow for stormwater discharges from the construction site from the basin is described.

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

- The nature of the construction activity.
- The proposed sequence of major activities.
- The estimate of the total acreage of the site, the estimated disturbed acreage, and locations and areas to be disturbed.
- The summary of the soil data or existing erosion potential data used in the development of the site construction plans or SWMP.
- The pre-construction percent vegetated ground cover.
- All potential pollutant sources including ground disturbing activities.
- Anticipated sources of allowable non-stormwater discharge at the site, including concrete wash out.
- The size, type, and location of outfalls.

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

- b) The Site Map section of the SWMP did not identify items listed below as required by Part I.C.2 of the permit. Specifically,

- i. Construction site boundaries were not indicated
- ii. Ground surface disturbance was not indicated.
- iii. The fill / stockpile along the eastern boundary was not indicated.

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

- o The construction site boundaries
- o All areas of ground surface disturbance
- o All areas of cut and fill

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 control measures listed below as required by Part I.C.3 of the permit. Specifically,
- i. A section was provided for the name and contact information for the SWMP administrator on the site plan, however no information was provided.
 - ii. The SWMP sheet indicates that “Stormwater detention is not provided as part of this project.” However, the site map shows that Outlot A is designated as a detention pond which was visually confirmed during the inspection.
 - iii. The relationship between the phases of construction and implementation of structural and non-structural control measures was not clearly demonstrated.
 - iv. Practices implemented at the site to minimize impacts from procedures or significant materials that have the potential to contribute pollutants to stormwater runoff were not clearly described.

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

- o The position/title or individual responsible for implementing and maintaining the SWMP.
- o All structural erosion and sediment control measures implemented at the site.
- o The relationship between the phases of construction and the implementation / maintenance of both structural and non-structural control measures.
- o All practices implemented at the site to minimize impacts from procedures or significant materials that have the potential to contribute pollutants to stormwater runoff.

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

- d) The Stormwater Management Controls section did not 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, the details for the outlet of the detention pond were not included.

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.

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

Inspection records from April 9, 2015 through June 3, 2015 were reviewed by the inspector.

- a) Inspections were not performed and/or documented as required by Part I.D.6.b of the permit. Specifically, no corrective actions were indicated as required on any of the reports and the site in compliance statement is missing from all inspections.

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 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.

- b) It could not be determined if maintenance of control measures was performed and/or documented as required by Part I.D.8 of the permit. Specifically, no incidences of required maintenance or corrective actions were noted in the report.

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 inadequate control measures were implemented to manage pollutant contributions to stormwater runoff from sediment from disturbed areas located at Outlot A (refer to photographs 1 & 2).
 - Control Measure Observation: A detention basin control measure was implemented to manage stormwater runoff from the location and pollutant source noted above, however the control measure was inadequate. Specifically,
 - The basin did not have an outlet or stable overflow structure.
 - Nearly the entire 50 acre site contributes stormwater flows associated with construction activities to the detention basin and subsequently to the southeast corner overflow of the pond during high flows.
 - Evidence of surface erosion was observed at the overflow location demonstrated that discharges from the detention basin had previously occurred.
 - Control Measure Finding: Installation details were provided in the SWMP but were not in accordance with good engineering, hydrologic and pollution control practice as required by the permit. Specifically,
 - At a minimum, stormwater detention basins require a hardened overflow at the discharge point to prevent erosion of the basin slopes.
 - Stormwater runoff from this area is discharged as follows: Discharge was to the CDOT right-of-way which directed runoff to Spring 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: Spring Creek

- 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.
 - Design control measures following good engineering, hydrologic and pollution control practices to prevent pollution or degradation of state waters and document in the SWMP.
- 2. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from stockpiles located along the southern end of the east project boundary (refer to photograph 3).
 - 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,
 - Accumulated sediment exceeded maintenance criteria.
 - Control Measure Finding: An installation and implementation specification for silt fence was provided in the SWMP, but was not consistently implemented. Specifically,
 - Once sediment deposition reaches 50% of the height of the silt fence it is to be removed.
 - Stormwater runoff from this area is discharged as follows: Discharge was to the CDOT right-of-way which directed runoff to Spring 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: Spring 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.



Photograph 1: Planned discharge point from detention basin in Outlot A, no outfall or stabilized overflow implemented



Photograph 2: See photograph #1. Soil surface demonstrates evidence that flows had occurred at this location, identifying the occurrence of a discharge.



Photograph 3: Southern end of the east silt fence. Excess sediment accumulation.