

# STATE OF COLORADO

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Executive Director and Chief Medical Officer

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

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Colorado Department  
of Public Health  
and Environment

May 25, 2011

Wesley Weaver, Registered Agent  
Weaver General Construction Company  
3679 South Huron Street, Suite 404  
Englewood, Colorado 80110

Certified Mail Number: 7007 0220 0001 0162 1894

**RE: Expedited Settlement Agreement, Number: ES-110524-1  
CDPS Permit No: COR-03F048**

Dear Mr. Weaver:

Enclosed for your records you will find Weaver General Construction Company ("Weaver") 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 the enclosed ESA, Weaver must, within fifteen (15) calendar days, submit a certified or cashier's check for the amount specified in the ESA to the Water Quality Control Division in order for this matter to be resolved.

If you have any questions, please don't hesitate to contact me at (303) 692-3176 or by electronic mail at [joseph.campbell@state.co.us](mailto:joseph.campbell@state.co.us).

Sincerely,

Joe Campbell  
Water Quality Protection Section  
WATER QUALITY CONTROL DIVISION

cc: Eagle County Health Department  
Enforcement File  
ec: Natasha Davis, EPA Region VIII  
Gary Beers, Permits Unit, CDPHE  
Nicole Owens, Engineering Section, CDPHE  
Dick Parachini, Watershed Program, CDPHE  
Michael Beck, Financial Services Unit, CDPHE

*Enclosure(s)*



Colorado Department of Public Health & Environment  
Water Quality Control Division

## EXPEDITED SETTLEMENT AGREEMENT

Number: ES-110524-1

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

1. Weaver 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. Weaver is conducting construction activities for improvements to the Edwards WWTF Solid Processing Facility, located in or near the Town of Edwards, Eagle County, Colorado (the "Project").
3. Weaver failed to comply with the provisions of its Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (the "Permit"), Certification Number COR-03F048, as described in the attached inspection report.
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 \$6,375.00.
5. By accepting this ESA, Weaver neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. Weaver 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.
7. Weaver agrees to the terms and conditions of this ESA. Weaver 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, Weaver waives: (1) the right to contest the findings 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 Weaver 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.



## Stormwater Inspection Report

<b>Permittee:</b> Weaver General Construction Co.	<b>Cert. No.</b> COR03F048	<b>Date(s):</b> September 2, 2010
<b>Facility:</b> Edwards WWTP Solids Processing Facilities Improvements	<b>Industrial Type:</b> Construction	<b>Receiving Water:</b> Eagle River
<b>Facility Address:</b> 3101 Lake Creek Village Drive, Edwards, CO		
<b>Persons present:</b> Joshua Greene (Project Superintendent, Weaver General Construction Co.) and Randy Bruggeman (Assistant Superintendent, Weaver General Construction)		
<b>Legally Responsible Person(s)/Title(s):</b> Tom Baughman (Project Manager, Weaver General Construction)	<b>Inspector(s):</b> Matt Czahor (WQCD) and Nicole Rolfe (WQCD)	

### Inspection Findings

The Water Quality Control Division (Division) inspector held a closing conference at the conclusion of the inspection. During the closing conference, the inspector reviewed the inspection findings with the facility representative and instructed the representative to correct all findings. Pursuant to all provisions of the Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (the Permit), the findings below must be corrected.

### Records Review

Note: The permit certification effective date was 5/12/2009 and the date that ground disturbing activities began was 5/26/2009 as provided by Joshua Greene during the inspection.

Note: In a communication with the permittee prior to the inspection, the Division inspector requested that a copy of the Stormwater Management Plan (SWMP) and inspection records be provided to Division personnel at the inspection. A copy of the SWMP and a copy of the inspection records were provided to the Division inspector on 9/2/2010 during the inspection.

Note: It was noted that on September 3, 2010, through correspondence with the Division's Engineering Section, the permittee notified the 24 Hour Environmental Release Line to report the discharge of sewage waste. On September 3, 2010, the permittee constructed a temporary earth berm to contain the leaking sewage. The week of September 13, 2010, Edwards WWTP fixed the leaking grit chamber.

1. A copy of the SWMP was retained onsite. The SWMP was reviewed and found to be inadequate for the following reasons:
  - a) The SWMP Site Description did not adequately describe the estimates of the total area of the site, and the area and location expected to be disturbed by clearing, excavation, grading or other construction activities as required by Part I. C. 1.c of the permit. The SWMP contained two different statements describing the area expected to be disturbed by clearing, excavation, grading or other construction activities. Specifically, one section of the SWMP described the total disturbed area at approximately 1 acre and a different section of the SWMP described the total disturbed area at 3.47 acres. The SWMP site description must be updated to adequately describe the total area expected to be disturbed by clearing, excavation, grading or other construction activities.
  - b) The SWMP Site Description did not include an estimate of the percentage of vegetative ground cover that existed prior to construction as required by Part I.C. 1.e of the permit. The SWMP site description must be updated to include this information.
  - c) The SWMP Site Description did not locate and describe the allowable sources of non-stormwater discharge at the site as required by Part I.C.1.g of the permit. The SWMP did not locate and describe the conditional discharge of construction dewatering to the ground. The SWMP site description must be updated to include this information.

- d) The SWMP Site Map did not identify the current construction site boundary as required by Part I.C.2.a of the permit. The site map must be updated to include this information.
- e) The SWMP Site Map did not identify all areas of ground surface disturbance as required by Part I.C.2.b of the permit. The SWMP site map must be updated to include this information.
- f) The SWMP Site Map did not identify areas of cut and fill as required by Part I.C.2.c of the permit. The SWMP site map must be updated to include this information.
- g) The SWMP Site Map did not identify areas used for storage of building materials, equipment, soil or waste as required by Part I.C.2.d of the permit. The SWMP site map must be updated to include this information.
- h) The SWMP Site Map inadequately located all structural BMPs as required by Part I.C.2.f of the permit. The site map was not updated to show the relocation of the vehicle tracking pad. The site map locates the vehicle tracking pad adjacent to and east of the head works; however the vehicle tracking pad was not in this location. The site map was not updated to show the relocation of the silt fence. The site map locates the silt fence just east of the head works; however the silt fence was not in this location. The SWMP site map must be updated to locate current structural BMPs being implemented on the site.
- i) The SWMP Stormwater Management Controls inadequately described all practices implemented at the site to minimize impacts from significant materials, specifically fuels, as required by Part I.C.3.c.4 of the permit. The SWMP contained two different statements describing the practices implemented at the site to minimize impacts from fuels that could contribute pollutants to runoff. Specifically, one section of the SWMP states the fuel will be stored within a secondary containment vessel of equal and/or greater capacity. A different section of the SWMP states an earthen dike will be constructed around the perimeter of the fuel storage area. It was noted during the inspection, that neither of these practices were implemented on site. All provisions of the SWMP must be implemented and the SWMP must be updated to adequately describe the practices implemented at the site to minimize impacts from significant materials, specifically fuels.
- j) The SWMP Stormwater Management Controls did not identify spill response procedures as required by Part I.C.3.c.4 of the permit. The SWMP must be updated to include this information.
- k) The SWMP Stormwater Management Controls included an inadequate section for Vehicle Tracking Control implemented at the site, as required by Part I.C.3.c.6 of the permit. The SWMP states a vehicle tracking pad will be installed to control potential sediment discharges from vehicle tracking. However, it was stated by Joshua Greene that the facility implements street sweeping, in addition to the vehicle tracking pad, as a practice to control potential sediment discharges from vehicle tracking. The SWMP does not identify street sweeping as a practice to control potential sediment discharges from vehicle tracking. The SWMP must be updated to include all practices implemented at the site to control potential sediment discharges from vehicle tracking.
- l) The SWMP Stormwater Management Controls included an inadequate section for Waste Management and Disposal, Including Concrete Washout, as required by Part I.C.3.c.7 of the permit. The SWMP states that concrete washout waste will be captured in a portable container designated for this waste. In addition, the SWMP states that a concrete washout sign will be installed adjacent to this location. However, it was noted during the inspection that concrete washout waste was not captured by a portable container and a concrete washout sign was not posted. Concrete washout waste was discharged to the ground east of the scum room (see photo 16). The SWMP does not identify installation and implementation specifications for the concrete washout. All provisions of the SWMP must be implemented. The SWMP must be updated to include current practices implemented at the site to control stormwater pollution from concrete washout activities. Additionally, the SWMP must be updated to include installation and implementation specifications for the concrete washout.

- m) The SWMP Stormwater Management Controls did not describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of uncontaminated groundwater to the ground as required by Part I.C.3.c.8 of the permit. The SWMP must be updated to include this information.
- n) The SWMP section for Inspection and Maintenance states erosion control measures will be inspected daily during construction. Inspection records were reviewed in the office. The daily inspection frequency established by the SWMP was exceeded on 226 occasions. All provisions of the SWMP must be implemented and the SWMP must be updated to include current practices and procedures for inspection and maintenance.

### Facility Inspection

Notes: All BMPs mentioned in the below findings must be installed according to installation and implementation specifications outlined in the SWMP. These specifications must be developed in accordance with good engineering, hydrologic and pollution control practices.

- 2. It was noted during the inspection that BMPs were not implemented to manage stormwater runoff from the area east of and adjacent to the head works (see photo 1). Residual sediment was observed on the concrete slab in this area. Stormwater runoff from this area discharges to the south and eventually to the Eagle River located approximately 250 feet to the south. As a result, there was potential to discharge sediment to the Eagle River. BMPs must be implemented for all potential pollutant sources.
- 3. It was noted during the inspection that BMPs were not implemented to manage the portable toilets located east of and adjacent to the head works (see photo 2). The portable toilets were positioned on an impervious surface and within the flow line. Stormwater runoff from this area discharges to the south and eventually to the Eagle River located approximately 250 feet to the south. If the portable toilets were to spill or leak, there is potential to discharge pollutants to the south and eventually to the Eagle River. BMPs must be implemented for all potential pollutant sources.
- 4. It was noted during the inspection that there was an ongoing spill of sewage waste from the leaking grit channel into the open excavation located east of and adjacent to the head works and primary clarifier (see photo 3). Sewage waste was observed leaking into the open excavation (see photo 4). As a result, there was an unpermitted discharge of sewage waste to the ground and the potential to discharge pollutants to groundwater.
- 5. It was noted during the inspection that a spill occurred in the area north of the job trailer (see photo 5) and in the area north of the bulk storage of fuel area (see photo 6). There was potential for the spill to discharge to the south and southeast and eventually to the Eagle River. The SWMP did not identify spill response procedures. The SWMP must identify spill response procedures for all areas or procedures where potential spills can occur. All spills must be cleaned up in accordance with the spill response procedures identified in the SWMP.
- 6. It was noted during the inspection that the bulk storage of fuel did not have secondary containment (see photo 6) as required by Part I. D.1.c of the permit. The SWMP states the fuel will be stored within a secondary containment vessel of equal and/or greater capacity. A different section of the SWMP states an earthen dike will be constructed around the perimeter of the fuel storage area. However, it was noted during the inspection that the fuel was not stored in secondary containment, nor was an earthen dike was not constructed around the fuel storage area. As a result, there was potential to discharge pollutants to the south and southeast and eventually to the Eagle River. All provisions of the SWMP must be implemented. Bulk storage structures for petroleum products and any other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering State waters.
- 7. It was noted during the inspection that inadequate BMPs were implemented to manage stormwater runoff from the areas of disturbance located along the eastern side of the project boundary. Silt fence was installed down gradient of

this area along the eastern side of the project boundary. The silt fence was not installed according to the installation and an implementation specification outlined in the SWMP and was not maintained in good and effective operating condition. The silt fence was not trenched, stakes were on the wrong side of the silt fence, the silt fence was knocked over, and the silt fence was not properly joined (see photos 7, 8, 9, and 10). In addition, the silt fence was installed directly at the toe of the disturbed area resulting in a lack of ponding volume upgradient from the fence (see photo 8). As a result, there was potential to discharge sediment to the south and east and eventually to the Eagle River. All BMPs must be implemented according to installation and implementation specifications outlined in the SWMP, and must be inspected and maintained in good and effective operating condition.

8. It was noted during the inspection that inadequate BMPs were implemented to manage stormwater runoff from the areas of disturbance located along the northeastern section of the project boundary. Silt fence was installed down gradient of this area along the northeast side of the project boundary. The silt fence was not installed according to the installation and an implementation specification outlined in the SWMP and was not maintained in good and effective operating condition. The silt fence was not trenched, material was placed on the silt fence, the silt fence was falling over, the silt fence was not installed on the contour, the silt fence was installed in an area of concentrated flow, and the silt fence was not properly joined (see photos 11, 12, 13, 14, and 15). As a result, there was potential to discharge sediment to the north and northeast to adjacent wetlands. All BMPs must be implemented according to installation and implementation specifications outlined in the SWMP, and must be inspected and maintained in good and effective operating condition.
9. It was noted during the inspection that inadequate BMPs were implemented to ensure that concrete washout activities do not result in the contribution of pollutants to stormwater runoff. It was noted during the inspection that concrete washout waste was discharged to the ground east of the scum room. The SWMP did not identify installation and implementation specifications for the concrete washout. The concrete washout was not installed following good engineering, hydrologic and pollution control practices. There was evidence that concrete washout waste as discharged to the ground outside of the concrete washout area (see photo 16). As a result there was potential to contribute pollutants from the concrete washout waste to stormwater runoff that discharges to the south and east and eventually to the Eagle River. All BMPs must be implemented according to installation and implementation specifications outlined in the SWMP. All installation and implementation specifications outlined in the SWMP must follow good engineering, hydrologic and pollution control practices.

Site Photographs: Edwards WWTP Improvements

Photograph date: September 2, 2010

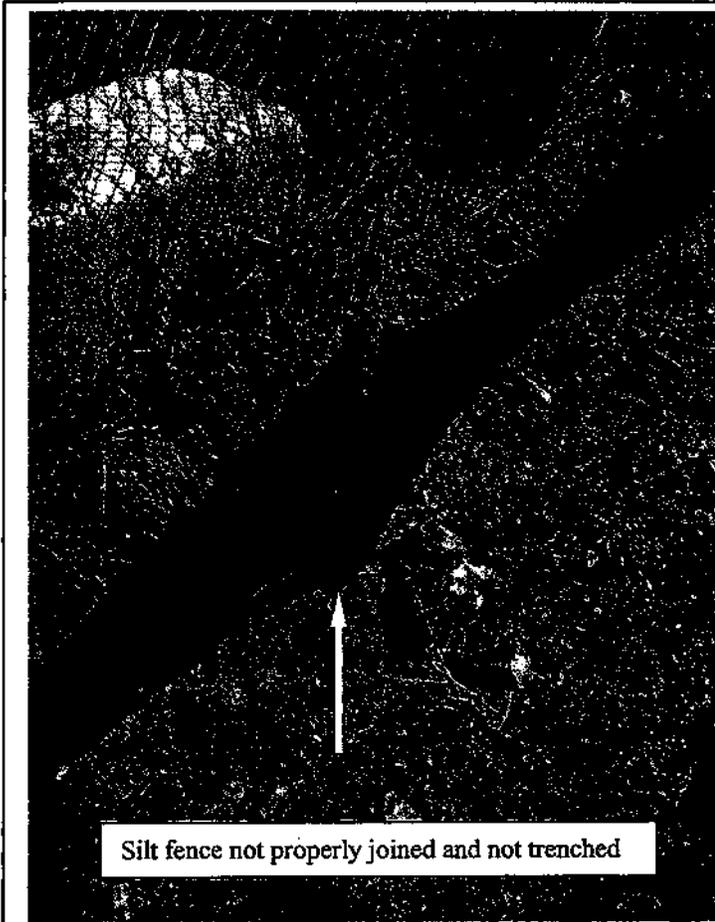


Photo 13—Northeast project area adjacent to wetlands

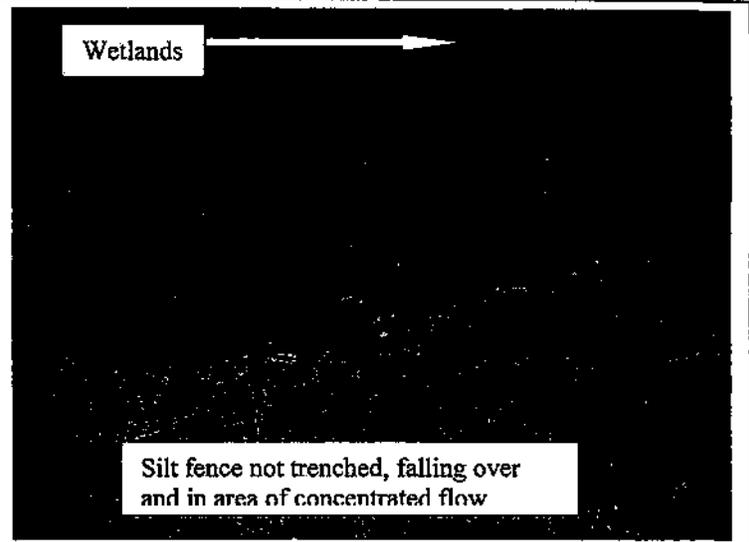


Photo 14—North/northeast project area adjacent to wetlands

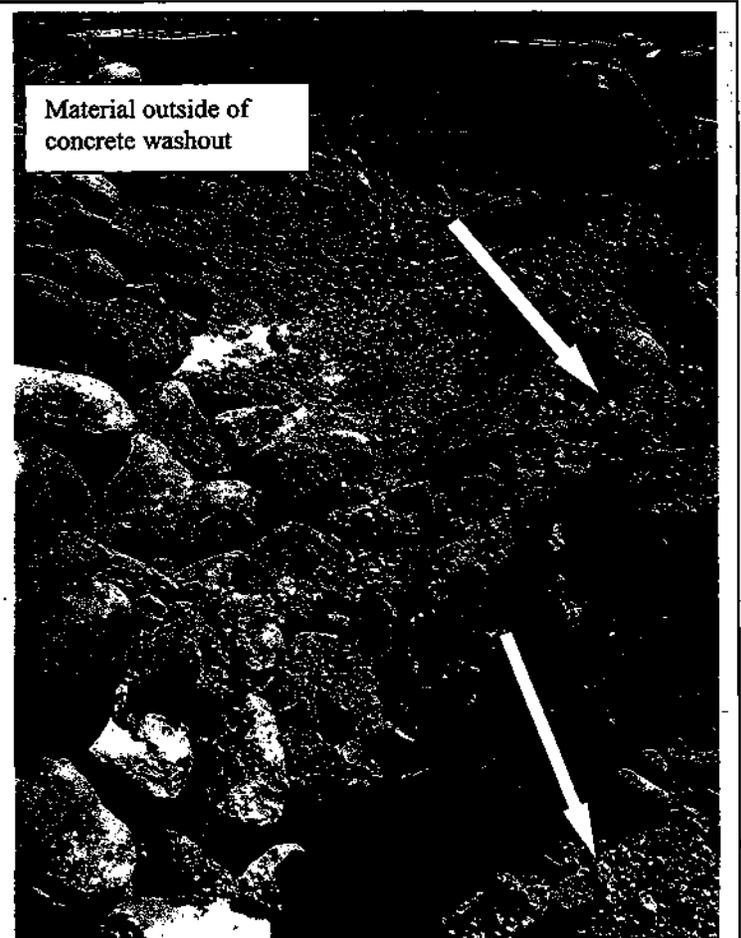


Photo 16—Concrete washout area located east of scum room

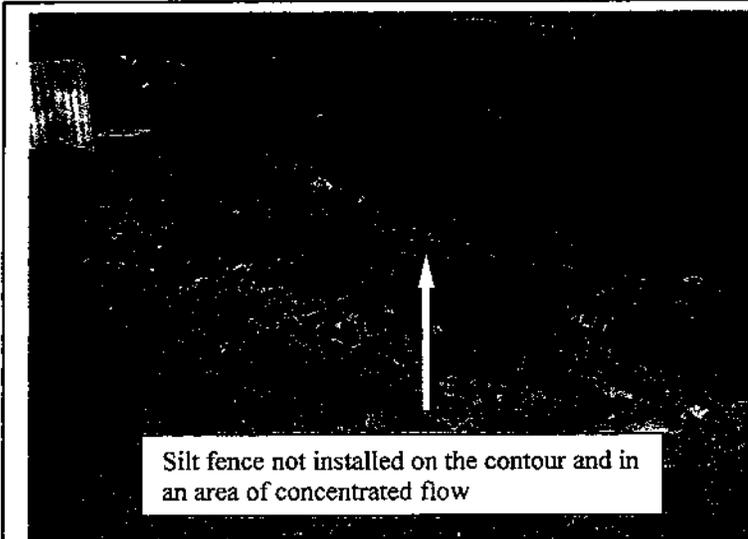


Photo 15—North/northeast project area adjacent to wetlands

Site Photographs: Edwards WWTP Improvements

Photograph date: September 2, 2010

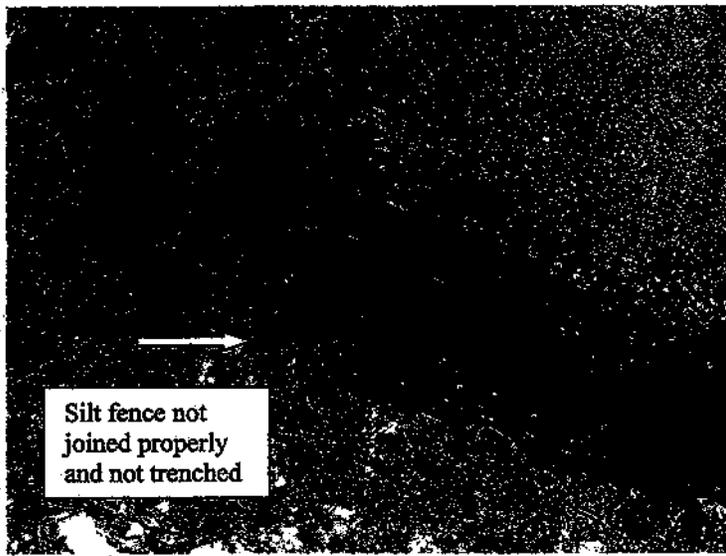


Photo 9—Area north of construction trailer along eastern side of project boundary

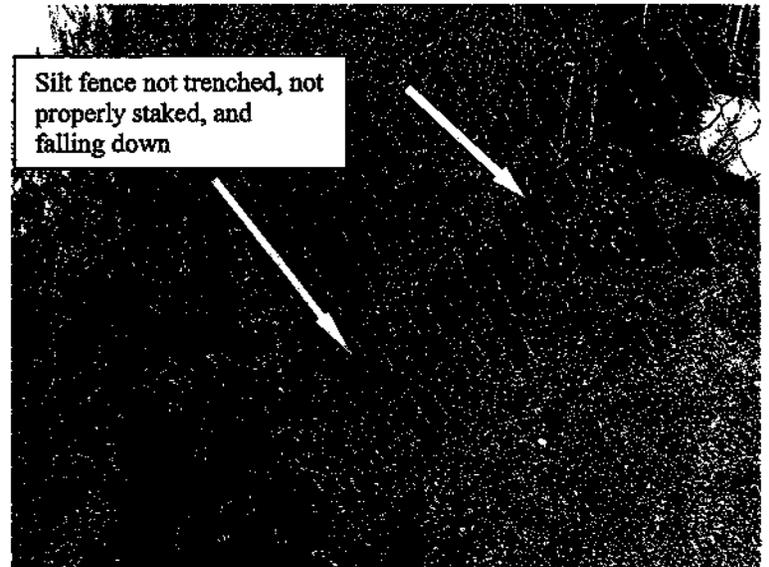


Photo 10—Eastern project boundary, north of construction trailer



Photo 11—Northeast project area adjacent to wetlands tributary to the Eagle River

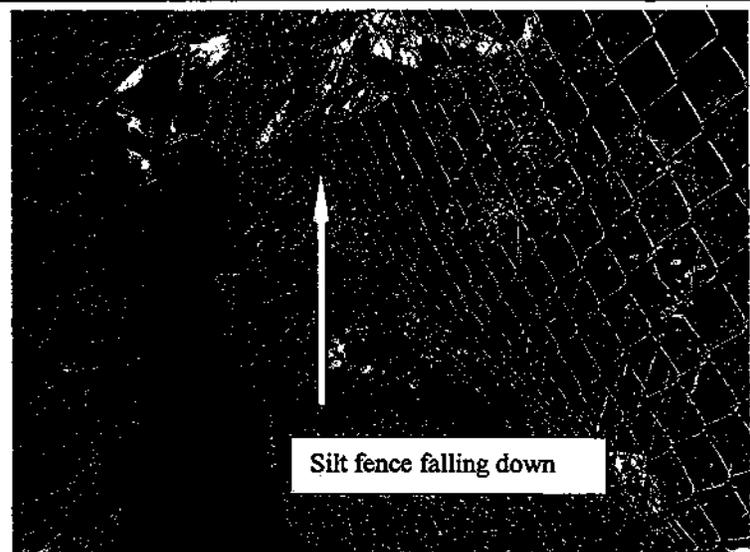


Photo 12—Northeast project area adjacent to wetlands

Site Photographs: Edwards WWTP Improvements

Photograph date: September 2, 2010

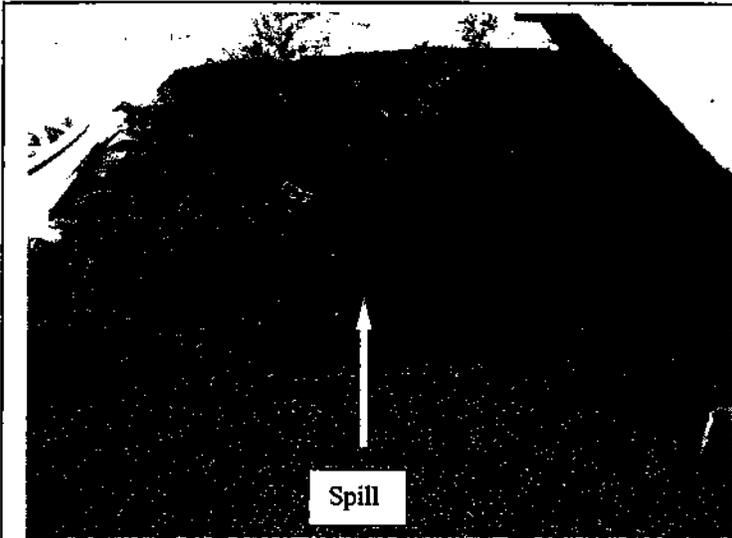


Photo 5—Area north of construction trailer

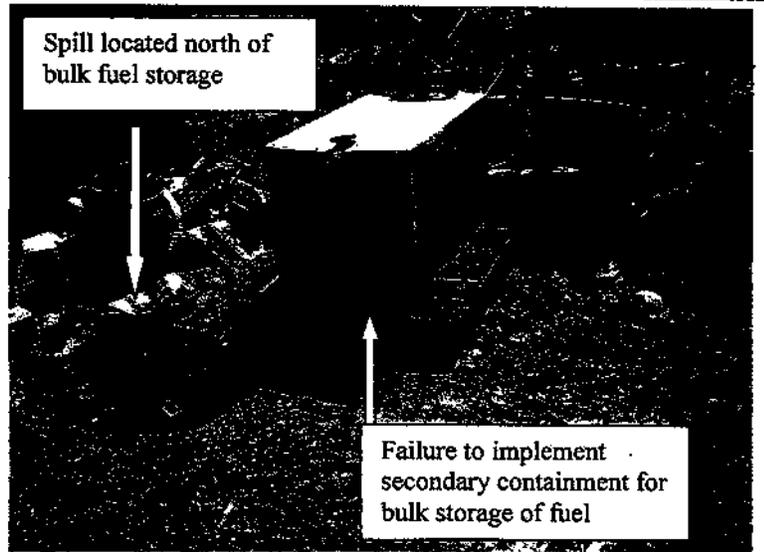


Photo 6—Area north of construction trailer

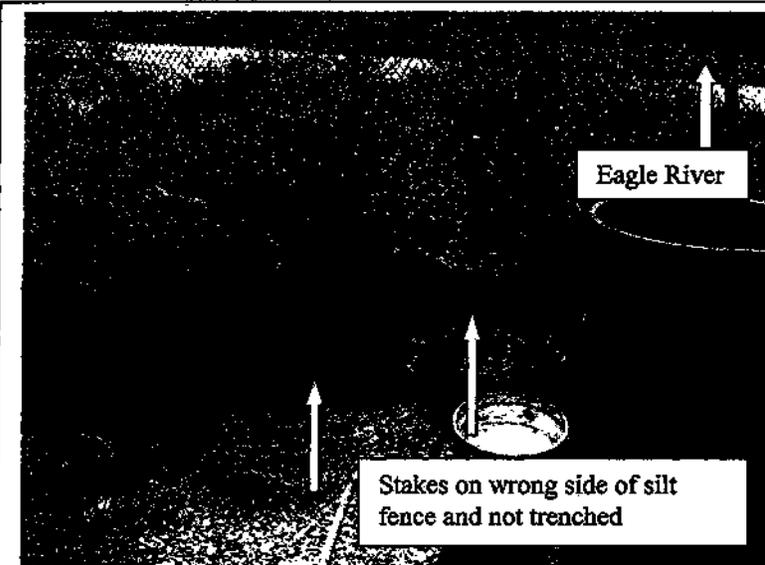


Photo 7—Southeastern project boundary, southeast of construction trailer



Photo 8—Eastern project boundary located east of construction trailer

Site Photographs: Edwards WWTP Improvements

Photograph date: September 2, 2010

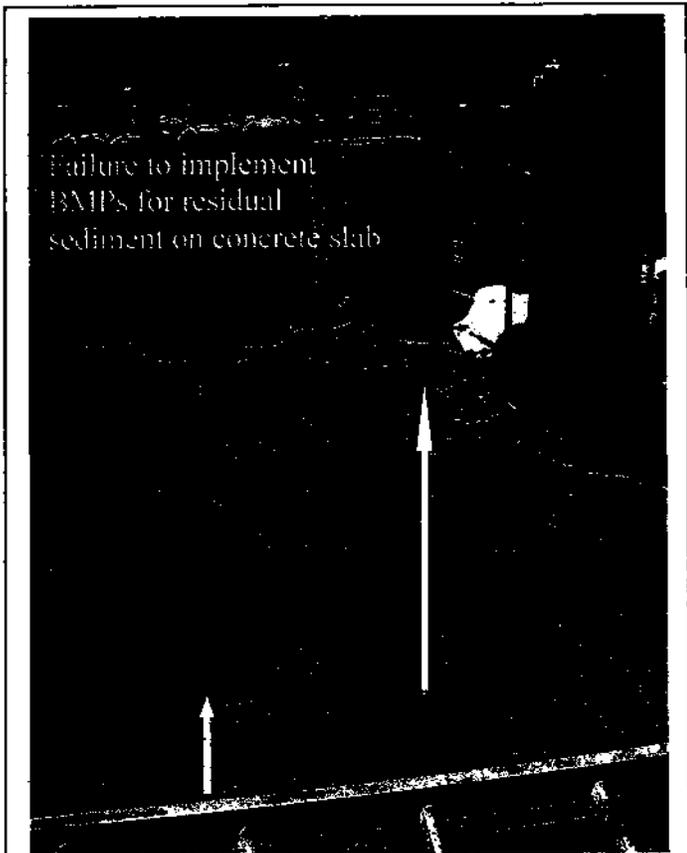


Photo --Area east of and adjacent to the head works

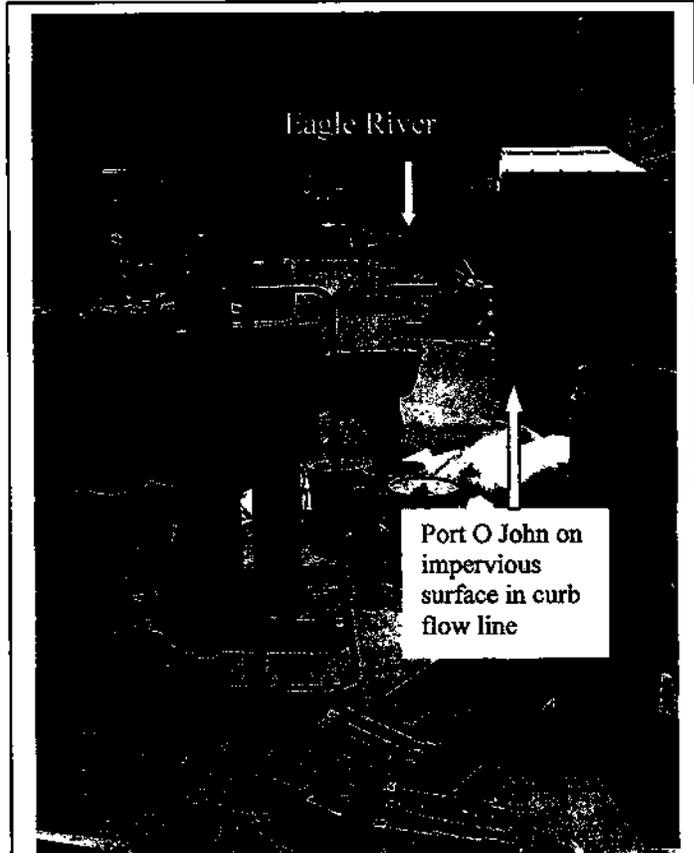


Photo 2—Area east of and adjacent to the head works

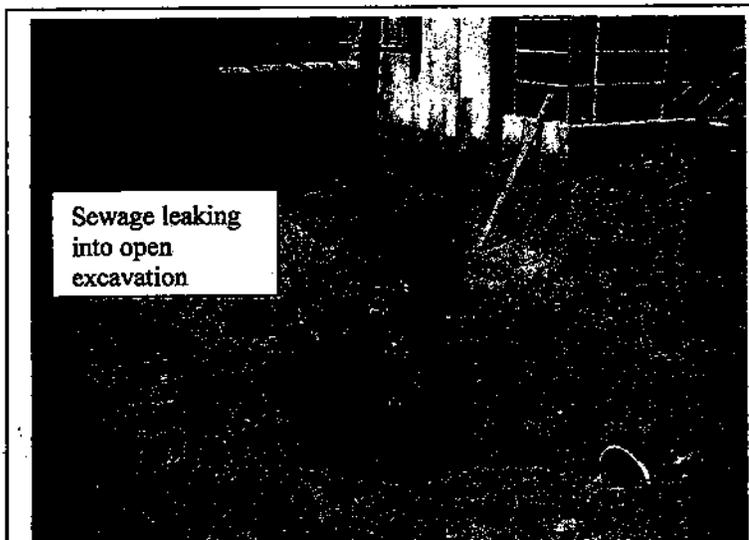


Photo 3—Area east of adjacent to the head works and primary clarifier

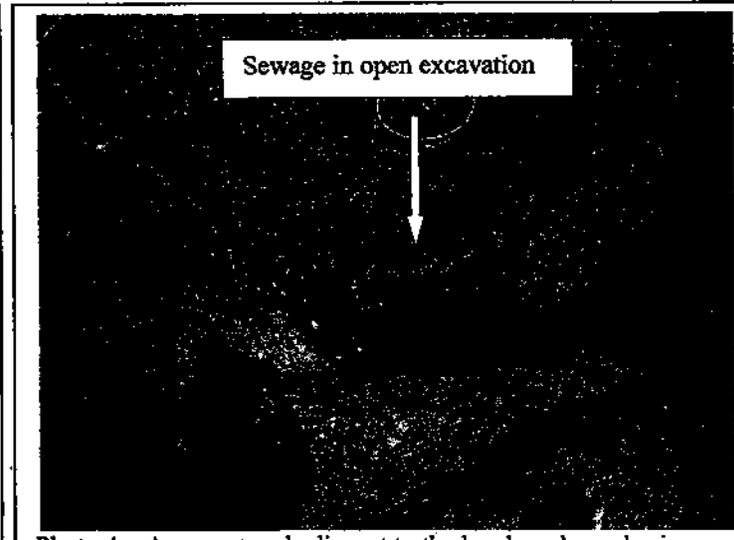


Photo 4—Area east and adjacent to the head works and primary clarifier