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Colorado Department
of Public Health
and Environment

July 18, 2014

Sean Timmins, Asst. PM
Archer Western Construction LLC
2121 Avenue J Ste 103
Arlington, TX 76006
stimmins@walshgroup.com

Re: Facility Inspection /**Compliance Advisory**
Archer Western Construction LLC - Southern Delivery System Raw Water Pump Stations - Juniper Pump Station
CDPS Permit No. COR03K714
CDPS Permit No. COG074473

Dear Mr. Timmins:

An inspection of the above-referenced facility was conducted by the Water Quality Control Division (the division) on July 1, 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) and CDPS General Permit for Construction Dewatering (COG070000) (the permits) must be consistent with all requirements, and terms and conditions of the permits. Therefore, the division expects Archer Western Construction LLC (the permittee) to correct all findings identified in the enclosed inspection reports and return the facility to compliance with the permit. A violation of the terms and conditions specified in this permit may be subject to civil and criminal liability pursuant to sections 25-8-601 through 612, C.R.S.. Correcting a permit violation does not remove the original violation.

Compliance determination

The division evaluated the inspection findings against the division's Stormwater Enforcement Response Guide and has determined that, at this time, the findings identified in the enclosed inspection report **do not** meet the criteria for a formal enforcement response. However, while an enforcement action is not currently pending for this facility based on the enclosed inspection findings, the identified findings could be included in a future enforcement response if new information, including new or ongoing violations, is discovered at a later date.

Because the findings identified in the enclosed inspection report do not currently warrant formal enforcement, the permittee **is not** required to submit a written response to the enclosed inspection report.

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

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

Sincerely,

Megan Shirley
Environmental Protection Specialist
Compliance Unit
WATER QUALITY CONTROL DIVISION

cc: Joan Armstrong, Pueblo County
File Copy

Stormwater Inspection Report

Permittee: Archer Western Construction LLC
Cert. No. COR03K714
Report Date: July 18, 2014
Inspection Date: July 1, 2014
Facility: Southern Delivery System Raw Water Pump Stations - Juniper Pump Station
Receiving Water: Arkansas River

Facility Address: Juniper Road and Rocky Canyon Road, Pueblo County, CO 81005

Persons Present: Eric Mariconda/Archer Western Construction; Megan Shirley/WQCD

Legally Responsible Person / Title: Sean Timmins / Asst. PM

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 July 1, 2014 during the inspection.

Note 2: The permit certification effective date was June 11, 2013. The date that construction started and land-disturbing activities began at the site was October 15, 2013 as provided by Eric Mariconda/Asst. Project Superintendent.

1. A copy of the SWMP was retained onsite. The division inspector reviewed the SWMP and found it to be inadequate for the following reasons:
 - a) The Site Description section did not adequately describe items listed below as required by Part I.C.1 of the permit. Specifically, a description of pre-existing vegetation variety was included but did not specify the pre-construction vegetative density percentage. The SWMP shall clearly describe the construction activity, and include:
 - The pre-construction percent vegetated ground coverThe division expects the permittee to update the Site Description section of the SWMP to include all items required by the permit.
 - b) The Site Map section of the SWMP did not identify all items required by Part I.C.2 of the permit. Specifically, the locations of ground surface disturbance were not identified, stockpiles located near excavations were not designated and the silt fence used for controlling run-on to the construction staging area was not identified on the map. The SWMP shall include a legible site map(s), showing the entire site and identify:

- All areas of ground surface disturbance
- The areas used for soil stockpiles
- The locations of all structural control measures

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

2. Inspection records were available for review during the inspection. Upon review, the inspection records were found to be inadequate. Inspection records from April 10, 2014 through June 19, 2014 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, inspections were not documented in accordance with Part I.D.b.2 of 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:

- Description of corrective action(s), 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.

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 along the field office perimeter (refer to photograph(s) 01).
 - Control Measure Observation: A straw wattle control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
 - Control Measure Finding: An installation and implementation specification for straw wattle was provided in the SWMP, but was not consistently implemented. Specifically,
 - The straw wattle was not installed according to the installation and specification detail provided in the SWMP.
 - The end of the straw wattle was folded over rather than installed in a manner to capture and pond runoff to facilitate sediment removal.
 - Stormwater runoff from this area is discharged as follows: Surface runoff flows into natural drainage swales which eventually discharge into the Arkansas River. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Arkansas River
 - 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.
2. It was noted during the inspection that control measures were not implemented to manage pollutant contributions to stormwater from sediment from stockpiles located on the east, west, and south side of the pump station location on the jobsite (refer to photograph(s) 02 – 05).
 - Control Measure Observation: The SWMP identified a stockpile perimeter 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 stockpile perimeter control was provided in the SWMP, but was not implemented. Specifically,
 - No control measures were observed surrounding any of the stockpiles onsite or within 10 feet of the toe of the stockpile slope.
 - The SWMP identifies silt fence, erosion bales, or earthen berm control measures to be used for stockpile sediment control.
 - The SWMP identifies the above listed control measures must be installed completely surrounding the stockpiles and located within 10 feet of the toe of the stockpile slope.
- Stormwater runoff from this area is discharged as follows: Surface runoff flows into natural drainage swales and eventually discharges into the Arkansas River. Additional control measures were not implemented down gradient of this location.
- Result: There was a potential discharge of pollutants to the following state water(s): Arkansas River
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:
 - Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.

3. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located at the intersection of Rock Canyon Road and Juniper Road and at the entrance to the construction staging area on the north side of the project. (refer to photograph(s) 06 – 07).

- Control Measure Observation: A vehicle tracking pad control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
- Control Measure Finding: An installation and implementation specification for a vehicle tracking pad was provided in the SWMP, but was not consistently implemented. Specifically,
 - Vehicle tracking pads were in need of maintenance to control vehicle tracking from construction disturbance.
 - Vehicle tracking pads did not appear to have the required depth, 9” minimum, required by the detail provided.
- Stormwater runoff from this area is discharged as follows: Surface runoff flows into natural drainage swales and eventually discharges into the Arkansas River. Additional control measures were not implemented down gradient of this location.
- Result: There was a potential discharge of pollutants to the following state water(s): Arkansas River
- Expectations: The division expects the permittee to design and implement control measures as required by the permit and make the following corrections:

- Maintain all erosion and sediment control practices and other protective practices in good and effective operating condition.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
4. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located at the south corner of the northern construction staging area (refer to photograph(s) 08).
- 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 was provided in the SWMP but the control measure was not in accordance with good engineering, hydrologic and pollution control practice as required by the permit. Specifically,
 - The silt fence had not been installed at adjoining runs to overlap and prevent bypass of potential pollutants.
 - Stormwater runoff from this area is discharged as follows: Surface runoff flows into natural drainage swales and eventually discharges into the Arkansas River. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Arkansas River
 - Expectations: The division expects the permittee to design and implement control measures as required by the
 - Install control measures following good engineering, hydrologic and pollution control practices to prevent pollution or degradation of state waters and document in the SWMP.
 - Implement control measures consistent with the installation and implementation specifications provided in the SWMP.
5. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas located at the outfall on the southwest side of the intersection of Rock Canyon Road and Juniper Road (refer to photograph(s) 09).
- Control Measure Observation: A straw wattle control measure was implemented to manage stormwater runoff from the location and pollutant source noted above; however the control measure was inadequate.
 - Control Measure Finding: An installation and implementation specification for straw wattle was provided in the SWMP, but was not consistently implemented. Specifically,
 - The straw wattle installed had holes and tears and was in need of maintenance and/or replacing.
 - Stormwater runoff from this area is discharged as follows: Surface runoff flows into natural drainage swales and eventually discharges to the Arkansas River. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Arkansas River

- 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.
6. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from concrete washout located at the eastern construction staging area (refer to photograph(s) 10 – 11).
- Control Measure Observation: A concrete washout containment 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 was provided in the SWMP but the control measure was not in accordance with good engineering, hydrologic and pollution control practice as required by the permit. Specifically,
 - The concrete washout was not installed in accordance with the specifications provided in the SMWP; the required stakes were missing from the straw wattles to securely hold them in place.
 - The straw wattle berms were in need of maintenance from concrete washout that had been spilled on top of them and outside the boundary.
 - Straw wattle is not designed to remove dissolved pollutants that may be present in runoff associated with concrete washout material.
 - Stormwater runoff from this area is discharged as follows: Surface runoff flows into natural drainage swales and eventually discharges into the Arkansas River. Additional control measures were not implemented down gradient of this location.
 - Result: There was a potential discharge of pollutants to the following state water(s): Arkansas River
 - 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.
 - 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.
 - The practices used for concrete washout must ensure that these activities do not result in contribution of pollutants associated with the washing activity to stormwater runoff.



Photograph 1: Straw wattle not installed according to spec and does not facilitate containment of stormwater



Photograph 2: Stockpiled materials in the eastern construction staging area with no control measures



Photograph 3: Stockpiles from excavation on southern side of site with no control measures



Photograph 4: Stockpiles from excavation on western side of site with no control measures



Photograph 5: Stockpiles in the eastern construction staging area without control measures



Photograph 6: Vehicle tracking pad into the northern construction staging area in need of maintenance



Photograph 7: Vehicle tracking pad into eastern construction area in need of maintenance and additional rock



Photograph 8: Silt fence does not adjoin in accordance with good engineering, hydrologic, and pollution control practices to prevent bypass of sediment and debris



Photograph 9: Straw wattle has holes and tears and is in need of maintenance



Photograph 10: Straw wattle berm not staked down according to specification



Photograph 11: Concrete washout spilled outside of straw wattle and berm area

Construction Dewatering Inspection Report

Permittee: Archer Western Construction, LLC

Cert. No. COG074473

Date: 07/18/14

Facility: Southern Delivery System Raw Water
Pump Stations – Juniper Station

Industrial Type: Construction
Dewatering

Receiving Water: Arkansas River

Facility Address: Juniper Road and Rocky Canyon Road, Pueblo County, CO 81005

Persons Present: Eric Mariconda/Archer Western Construction; Megan Shirley/WQCD

Legally Responsible Person/Title: Sean Timmins/Asst. PM

Inspector: Megan Shirley

Inspection Findings

The Water Quality Control Division (Division) Inspector held a closing conference at the conclusion of the inspection on July 1, 2014. Pursuant to all provisions of the Colorado Discharge Permit System General Permit for Construction Dewatering (the permit), the numbered findings listed below must be corrected.

Note 1: Permit requirements are contained in Parts I and II of the permit and also contained in the permit certification (certification) COG074473 (page 1 of the permit), which specifies any site specific requirements, limitations, and sampling frequency.

1. It was noted during the inspection that inadequate control measures were implemented to manage pollutant contributions to stormwater from sediment from disturbed areas and construction dewatering located at the construction dewatering diversion (refer to photograph(s) 01 – 02).

- **Pollutant Source:** Sediment from dewatering activities.
- **Control Measure Observation:** A filter bag, straw wattle, and piped diversion 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 the filter bag, straw wattle, and piped diversion treatment train observed in the field during the inspection was not provided in the Discharge Log as required by the permit. Specifically,
 - The dewatering diversion was in need of maintenance in accordance with good engineering, hydrologic, and pollution control practices. The straw wattles had sediment accumulated to more than one-half the original height of the feature.
 - The piped diversion section of the train was not installed in accordance with good engineering, hydrologic, and pollution control practices. The pipes were not tightly connected and groundwater from the dewatering operation was able to bypass the piped system and come in contact with construction activities and pollutant sources.
 - The filter bag used needs to be sized according to pump rate and type of sediment in the dewatering discharge.
 - The filter bag needs to be replaced when it can no longer efficiently filter sediment, pass water at a reasonable rate, or when it is full of sediment.

- The construction dewatering is discharged as follows: The groundwater is directed through a pump and pipe system to a filter bag and straw wattle ponding and filtration feature. Through gravitational flow the groundwater is then diverted into a culvert bypass and into a piped carrying system. The piped system outfalls to an existing storm sewer drain on the south end of the project site where it outfalls directly to the Arkansas River.
- Result: There was a potential discharge of pollutants to the following State Water: Arkansas River
- Expectations: The division expects the permittee to implement pollutant control practices, as required by the permit (Part I.C.2), and make the following corrections:
 - Pollutant control practices must be implemented to meet the effluent limitations contained in the permit. The pollutant control practices must be selected, designed, installed, implemented and maintained in accordance with good engineering, hydrologic, pollution control practices, and the manufacturer's specifications including installation and implementation specifications, where applicable.
 - Include installation, maintenance, and implementation specifications for pollutant control practices in the Discharge Log as is required by the permit.



Photograph 1: Sediment built up on straw wattles and filter bag, in need of maintenance.



Photograph 2: Arrow points to groundwater dewatering bypassing the piped system to the designated outfall; water is running onto site and into construction activities.