



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2011 JUN 30 AM 11:31

Region 8
1595 Wynkoop Street
Denver, Colorado 80202

FILED
EPA REGION VIII
HEARING CLERK

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-08-2011-0019 NPDES No. COR10DX0F

Alliance Construction Solutions of Wyoming, LLC ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 69197-9000

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

In the Matter of: Alliance Construction Solutions of Wyoming, LLC

Docket No: CWA-08-2011-0019

Respondent failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.


EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

This Agreement is binding on the parties signing below and effective forty (40) days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$4,650.00. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).


APPROVED BY EPA:

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.


Darcy O'Connor
Chief, NPDES Enforcement Unit
Technical Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

Date: 6/22/11

Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective (thirty (30) days from the date it is signed by the Regional Judicial Officer), Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to:


Mike Risner, Director
David Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

Date: 6/23/11

APPROVED BY RESPONDENT:

Name (print): Jack Martin

Title (print): PM

Signature: [Handwritten Signature] Date: 6/9/11

Having determined that this Agreement is authorized by law,
IT IS SO ORDERED:

[Handwritten Signature] Date 6.30.11

Elyana R. Sutin
Regional Judicial Officer

**Expedited Settlement Offer Worksheet
Deficiencies Form**
Consult instructions regarding eligibility criteria
and procedures prior to use

version 10.3.4



LEGAL NAME AND MAILING ADDRESS OF OPERATOR		Telephone Number	NPDES Permit Number
1	Jack Martin, Project Manager Alliance Construction Solutions of Wyoming, LLC 1013 East Lincolnway Cheyenne, WY 82001	307.433.1095	COR10DX0F
		Inspector Name: David Gwisdalla Inspector Agency: US EPA Entrance Interview Conducted: Yes Exit Interview Conducted: Yes Exit Interview given to: Scott Seaford / Safety & Health Officer Exit Interview time: 16:25 Date: 04/25/2011	
LOCATION AND ADDRESS OF SITE			
2	Fort Carson - Training Support Center 6710 Specker Avenue, Building 2010 Ft Carson, CO 80913		

FACILITY DESCRIPTION / CONTACT NAMES			
Name of Site Contact (ESO Worksheet recipient):		Jack Martin, Project Manager	
Name of Authorized Official (40 CFR 122.22):		Bill Joyner, President	
Inspection Date:		04/25/2011	
Start Construction Date:		06/20/2010	
Estimated Completion Construction Date:		11/01/2011	
If Unpermitted, Number of Months Unpermitted:		N/A	
Name of Receiving Water Body (Indicate whether 303(d) listed):		Fountain Creek	
Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:		9.00	10.00
Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?		No	

PERMIT COVERAGE	Findings	Citation Reference**	R C A*	No. of Deficiencies	Dollar Amount	Total	
3 Operator unpermitted for _____ months (# months unpermitted equals number of violations)		CWA 301			\$500.00 =		
SWPPP REVIEW							
4 SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)		CGP 3.1.A			\$5,000.00 =		
5 SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 3.1.A			\$75.00 =		
6 SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...		CGP 3.1.B			\$250.00 =		
7 SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		CGP 3.3.A			\$500.00 =		
8 SWPPP does not have site description, as follows:	Inspection report finding number 1: "The site map provided did not address the Storm Water General Permit requirement to include the location of stabilization practices on the site map."						
A Nature of activity in description		CGP 3.3.B.1			\$100.00 =		
B Intended sequence of major activities		CGP 3.3.B.2			\$100.00 =		
C Total disturbed acreage		CGP 3.3.B.3			\$100.00 =		
D General location map		CGP 3.3.B.4			\$100.00 =		
E Site map		CGP 3.3.C			\$500.00 =		
F Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		CGP 3.3.C.1-8		1	X	\$50.00 =	\$50
G Location/description industrial activities, like concrete or asphalt batch plants		CGP 3.3.D				\$500.00 =	
9 SWPPP does not:							
A Describe all pollution control measures (e.g. BMPs)		CGP 3.4.A			\$750.00 =		
B Describe sequence for implementation		CGP 3.4.A			\$250.00 =		
C Detail operator(s) responsible for implementation		CGP 3.4.A			\$250.00 =		
10 SWPPP does not describe interim stabilization practices		CGP 3.4.B			\$250.00 =		

11	SWPPP does not describe permanent stabilization practices		CGP 3.4.B			\$250.00	=	
12	SWPPP does not describe a schedule to implement stabilization practices		CGP 3.4.B			\$250.00	=	
13	Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		CGP 3.4.C.1-3			\$250.00	=	
14	SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		CGP 3.4.D			\$500.00	=	
15	SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed		CGP 3.4.E			\$500.00	=	
16	SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit		CGP 3.4.F			\$500.00	=	
17	SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust		CGP 3.4.G			\$500.00	=	
18	SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials		CGP 3.4.H			\$250.00	=	
19	SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		CGP 3.4.I			\$500.00	=	
20	SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP		CGP 3.5			\$500.00	=	
21	SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		CGP 3.5			\$500.00	=	
22	Endangered Species Act documentation is not in SWPPP		CGP 3.7			\$500.00	=	
23	Historic Properties (Reserved)							
24	Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)		CGP 3.8			\$250.00	=	
25	SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)		CGP 3.9			\$750.00	=	
26	SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		CGP 3.9			\$250.00	=	
27	Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		CGP 3.10.G			\$500.00	=	
28	SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)	Inspection report finding number 2: "The site map was not updated based upon changing site conditions. For example: a) Portions of the perimeter fence were removed but not noted on the site map; and b) One vehicle track-out pad on the east side of the site was removed in preparation for asphalt placement; it was still illustrated on the site map as of April 25, 2011."	CGP 3.11.C	2	X	\$50.00	=	\$100
29	Copy of SWPPP not retained on site		CGP 3.12.A			\$500.00	=	
	A SWPPP not made available upon request		CGP 3.12.C			\$500.00	=	
30	SWPPP not signed/certified		CGP 3.12.D			\$500.00	=	
Subtotal SWPPP Deficiencies								\$150

INSPECTIONS									
31	Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).		CGP 3.10.A, 3.10.B				\$250.00	=	
	No inspections conducted and documented (if True, then leave elements 32-39 blank)						True or False		
	Number of Inspections expected if performed every 7 days:	44		Yes					
	Number of Inspections expected if performed bi-weekly:	22							
	If known, number of days of rainfall of >0.5"								
32	Inspections not conducted by qualified personnel		CGP 3.10.D				\$50.00	=	
33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		CGP 3.10.E.				\$50.00	=	
34	All pollution control measures not inspected to ensure proper operation		CGP 3.10.E.				\$50.00	=	
35	Discharge locations are not observed and inspected		CGP 3.10.E.				\$50.00	=	
36	For discharge locations that are not accessible, nearby locations are not inspected		CGP 3.10.E.				\$50.00	=	
37	Entrance/exit not inspected for off-site tracking		CGP 3.10.E.				\$50.00	=	
38	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)		CGP 3.10.G				\$50.00	=	
39	Inspection reports not properly signed/certified (count each failure to sign/certify as 1 violation)		CGP 3.10.G				\$50.00	=	
Subtotal Inspections Deficiencies									\$0
AVAILABILITY OF RECORDS									
40	Sign/notice not posted		CGP 3.12.B				\$250.00	=	
	A Does not contain copy of complete NOI		CGP 3.12.B				\$50.00	=	
	B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign		CGP 3.12.B				\$50.00	=	
Subtotal Records Deficiencies									\$0

BEST MANAGEMENT PRACTICES									
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		CGP 3.13.F				\$500.00	=	
42	Control measures are not properly: A Selected, installed and maintained	Inspection report finding number 3; items [without photo numbers]: "a) On the northeast corner of the property, the silt fence adjacent to an off-site culvert was not properly staked and needed maintenance; b) Silt fence surrounding the soil stock pile needed maintenance due to soil falling against the side of the silt fence; c) The erosive velocity control practices in the primary flow channel do not appear to be effective;... f) The check dam used in the primary flow channel was ineffective and in need of repair; g) An erosion log at the discharge location was ineffective at minimizing sediment discharge due to the site's concentrated flows; h) Inlet protection was not observed on the site's one active inlet; and i) Outfall protection was not used at a culvert's outfall on the northwest corner of the site, which channelizes a majority of the flow through the site."	CGP 3.13.A		8	X	\$500.00	=	\$4,000
	B Maintenance not performed prior to next anticipated storm event (count each failure to select, install, maintain each BMP as one violation)		CGP 3.6.B				\$250.00	=	
43	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CGP 3.13.B				\$500.00	=	
44	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)	Inspection report finding number 3; item [without photo numbers], "d) An open container was observed in the materials storage area, which needed to be better managed."	CGP 3.13.C		1	X	\$500.00	=	\$500
45	Stabilization measures are not initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation *Exceptions: (a) Snow or frozen ground conditions (b) Activities will be resumed within 14 days (c) Arid or Semi-arid areas (<20 inches per		CGP 3.13.D				\$500.00	=	
46	Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained A Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		CGP 3.13.E.1				\$1,000.00	=	
			CGP 3.13.E.2				\$1,000.00	=	
			CGP 3.6.C				\$500.00	=	
47	Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above) A Sediment not removed from sediment trap when design capacity reduced by 50% or more		CGP 3.13.E.3				\$500.00	=	
			CGP 3.6.C				\$500.00	=	
Subtotal BMP Deficiencies									\$4,500

SMALL BUSINESS EVALUATION

48	Is the Owner/Operator a Small Business?	Per Mr. Scott Seaford, the Site Health and Safety Manager, the company has less than 100 employees.		Yes		
<p>A <i>small business</i> is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.</p>						

Total Expedited Settlement: **\$4,650**

* Requires Corrective Action

** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>



Alliance
CONSTRUCTION SOLUTIONS
OF WYOMING

9 June 2011

United States Environmental Protection Agency
Attn: David Gwisdalla (8ENF-W-NP)
Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

RECEIVED

JUN 14 2011

Office of Enforcement,
Compliance & Environmental Justice

SUBJECT: Fort Carson Training Support Center Project – Drywall and Acoustical Ceiling Damage

Dear Mr. Gwisdalla,

Alliance Construction Solutions of Wyoming (ACSW) is in receipt of your Inspection Report (COR10DX0F) and Notice of Proposed Expedited Settlement Agreement date May 12, 2011. ACSW takes exception to the following items;

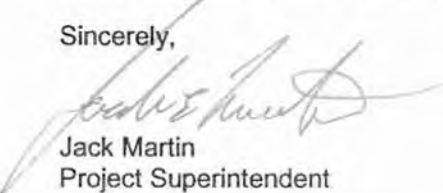
- Finding 1. Temporary stabilization measures noted as missing on the project site map at the time of this inspection were shown on the site map at the time of inspection. Final stabilization measures have been shown in the project SWPPP book since project construction began.
- Finding 2. This finding states that the project site map was not being updated. The project site map has been updated as required throughout the duration of the project. Items a and b noted as missing from the map were removed the day prior to this inspection.

The following deficiencies have been corrected as noted;

- Finding 3a - re-installed and re-staked 4.26.11
- 3b - soil stockpile removed 5.3.11
- 3c - velocity control rock and straw waddle check dams added 4.26.11
- 3d - new VTC constructed 4.27.11
- 3f - check dams added 4.26.11
- 3g - existing erosion control log removed and re-installed and one additional erosion control log added 4.26.11
- 3h - inlet protection added 4.29.11
- 3l - rip rap added at the outfall 4.29.11

Please find attached the completed Expedited Settlement Agreement.

Sincerely,


Jack Martin
Project Superintendent

Alliance Construction Solutions of Wyoming
1013 East Lincolnway
Cheyenne, WY 82011
(C): 970-631-5008
(T): 307-433-1095
(F): 307-433-1096

Your Partner in Construction Services

1013 E. Lincolnway • Cheyenne, WY 82001 • 307.433.1095 • Fax 307.433.1096
Loveland 970.663.9700 • Denver 303.813.0035 • www.allianceconstruction.com

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT/FINAL ORDER** in the matter of **ALLIANCE CONSTRUCTION SOLUTIONS OF WYOMING, LLC.; DOCKET NO.: CWA-08-2011-0019**. The documents were filed with the Regional Hearing Clerk on June 30, 2011.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, David Janik, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on June 30, 2011, to:

Jack Martin
Alliance Construction Solutions of Wyoming, LLC.
1013 East Lincoln Way
Cheyenne, WY 82001

And e-mailed to:

Elizabeth Whitsel
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

June 30, 2011



Tina Artemis
Paralegal/Regional Hearing Clerk

