

**Expedited Settlement Offer Worksheet
Findings and Alleged Violations**

*Consult instructions regarding eligibility criteria
and procedures prior to use*

CGP version: June 2019

2016 ADEC CGP



LEGAL NAME AND MAILING ADDRESS OF OPERATOR		Telephone Number	NPDES Permit Number			
1	Granite Construction Company 11471 Lang Street Anchorage, AK 99515	907-344-2593	AKR10FX43			
		Inspector Name:				
		Inspector Agency:				
		Entrance Interview Conducted:				
		Exit Interview Conducted:				
		Exit Interview given to:		Date:		
LOCATION AND ADDRESS OF SITE						
2	Seward Hwy MP 75-90 Rd Materials Site RV Park 355 Wyatt's Windy Rd Girdwood, AK 99587					
FACILITY DESCRIPTION / CONTACT NAMES						
3		Name of Site Contact (ESO Worksheet recipient):	David Laster			
		Name of Authorized Official (40 CFR 122.22):	David Laster			
		Inspection Date:				
		Start Construction Date:	9/15/2018			
		Estimated Completion Construction Date:	9/30/2020			
		If Unpermitted, Number of Months Unpermitted:				
		Name of Receiving Water Body (Indicate whether 303(d) listed):	Turnagain Arm Cook Inlet, Placer River, Place River Overflow, Explorer Creek & Unnamed Wetlands			
		Acres Disturbed Acres for Whole Common Plan:	23.50			
	Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?					
PERMIT COVERAGE		AK CGP Citation	RCA*	No. of Deficiencies	Penalty Amount	Total
4	Operator discharged stormwater without a permit on one or more days during _____ months (# of months with an unauthorized discharge equals number of violations)	CWA 301			X \$600.00	\$0
	USE OF CATIONIC TREATMENT CHEMICALS (WHERE APPLICABLE)					
5	A permittee who uses an Active Treatment System must submit the following project information to the DEC at least 14 days prior to the start of operation of an active treatment system at the project location. (4.6.1.6 A permittee is prohibited from using cationic polymers, except for the use of chitosan as part of an Active Treatment System in compliance with Part 4.6.3.3)	4.3.3			\$300.00	\$0
POST NOTICE OF PERMIT COVERAGE						
6	A Sign/notice not posted as required. (If no sign/notice posted, leave element B blank.)	5.10.2			\$300.00	\$0
	B Sign/Notice was missing one or more elements required by the Permit. (Count each omission under B as one violation.)	5.10.2.1-5.10.2.2			X \$60.00	\$0

	PERMIT COVERAGE	Findings	AK CGP Citation	RCA*	No. of Deficiencies	Penalty Amount	Total
	SWPPP REVIEW						
7	No SWPPP prepared at time of inspection. (If no SWPPP, leave elements 8 - 21 blank)		5.1			\$6,000.00	\$0
8	SWPPP prepared after construction start (# of months = # of violations with a maximum penalty of \$6,000). NOTE that elements 9 - 21 only apply to the months when the operator had a SWPPP. The maximum penalty for all SWPPP violations is \$6,000.		5.2.1		X	\$1,000.00	\$0
9	A SWPPP does not identify the permittee(s) for the site and any subcontractors that may work on the site, including the areas where the subcontractors may be or are expected to conduct activities covered by this permit.		5.3.1			\$600.00	\$0
	B SWPPP does not identify stormwater contacts		5.3.2			\$300.00	\$0
10	SWPPP does not include:						
	A Description of the nature of construction activities.		5.3.4			\$120.00	\$0
	B The size of the property including support activities described in Part 1.4.2.3 (in acres) and the total area expected to be disturbed by excavation, grading, or other construction activities (in acres)		5.3.4.3			\$120.00	\$0
	C Describe and identify the location of any storm water discharge associated with support activities described in Part 1.4.2.3.		5.3.8			\$600.00	\$0
	D A description of the intended sequence and timing of activities that disturb soils at the site;		5.3.4.2		X	\$300.00	\$0
	E Identification of all potential sources of pollutants that may reasonably be expected to affect the quality of the storm water discharges from the site		5.3.4.5			\$300.00	\$0
	F Public Emergencies: Required information for public emergency situations. NOTE that operator has 30 days to complete SWPPP after commencing construction.	1.4.5.1.1 Submits a Notice of Intent (NOI) and SWPPP (if project disturbs five or more acres in accordance with Part 2.1) to the Department in accordance with Part 2.3 and 2.4 within 30 calendar days of initiating construction activities.	1.4.5.1.1			\$300.00	\$0
11	Site Map						
	A Legible site map (or set of maps for large projects) not included in SWPPP.		5.3.5			\$600.00	\$0
	B Site map does not include all elements required by the Permit. (Count each omission as one violation up to \$600.)		5.3.5.1-5.3.5.18		X	\$60.00	\$0
12	SWPPP does not:						
	A Identify all authorized sources of nonstorm water discharges listed in Part 1.4.3 of this permit, except for flows from firefighting activities that are combined with storm water discharges associated with construction activity at the site. The SWPPP must also describe the good housekeeping measures used to control or reduce non-storm water discharges		5.3.9			\$600.00	\$0
	B Describe and document the location of all control measures that will be installed and maintained to meet the requirements in Parts 3.0 and 4.0. (Count one violation for each missing control measure up to a maximum of \$900.)		5.3.6			\$300.00	\$0

	PERMIT COVERAGE	Findings	AK CGP Citation	RCA*	No. of Deficiencies		Penalty Amount	Total
	For each specific erosion and sediment control identified in the SWPPP, include all information required by the Permit. (Count 1 violation for each control with incomplete information.)		5.3.6			X	\$100.00	\$0
	C Describe and document the specific controls to be implemented to meet the requirements in Parts 3.0 and 4.0. (Count one violation for each missing control measure up to a maximum of \$900.)		5.3.6			x	\$300.00	\$0
	For each specific control measure identified in the SWPPP, include all information required by the Permit (sequence of measures and made operational BMP specifications and maintenance, etc. (Count each control with incomplete information as 1 violation.)		5.3.6.1 - 5.3.6.10			X	\$100.00	\$0
	E Document for projects affected beyond the control of the permittee that delay initiation and/or completion of vegetative stabilization: document the circumstances that prevent meeting the deadlines required in Parts 4.5.1.1 and/or 4.5.1.2 and the proposed schedule for initiating and completing stabilization.		4.5.1.3.2.3				\$300.00	\$0
13	A SWPPP does not describe the procedures for Inspection, Maintenance and Corrective Action.		5.4, 5.3.6.10, 5.8.2.8, 5.8.2.9				\$600.00	\$0
	B Description of Inspection, Maintenance and Corrective Action procedures does not include all information required by the Permit. (Count each applicable omission as one violation.)		5.4, 5.3.6.10, 5.8.2.8, 5.8.2.9			X	\$120.00	\$0
14	SWPPP does not include documentation that required personnel were, or will be, trained in accordance with Permit requirements.		5.2.3, 5.3.6.11, 5.8.2.6, 5.8.2.7				\$300.00	\$0
15	Threatened and Endangered Species Act documentation is not included in SWPPP.		5.7				\$600.00	\$0
16	SWPPP not signed and certified.		5.10.4				\$600.00	\$0
17	Copy of NOI, permit and acknowledgement letter from DEC must be retained at the construction site or other location easily accessible during normal business hours (Count each omission as one violation.)		5.10.1.1			X	\$300.00	\$0
18	Copy of the current SWPPP is not at the site or other location easily accessible during normal business hours.		5.10.3.1				\$600.00	\$0
19	A SWPPP (including site map) has not been updated/modified as required by the Permit. (Count each omission as one violation.)		5.9.1			X	\$60.00	\$0
	B SWPPP modifications log does not show dates, name of person authorizing the change, and a brief summary of changes for all SWPPP modifications (e.g., adding new control measures, changes in project design, or storm events that cause for the replacement of control measures). Deadlines for SWPPP Modifications. Revisions to the SWPPP must be completed within seven days of the inspection that identified the need for a SWPPP modification or within seven days of substantial modifications to the construction plans or changes in site conditions. (Count each omission as 1 violation.)		5.9.2 & 5.9.3			X	\$60.00	\$0
20	INSPECTIONS							
	A Number of Inspections required if performed every 7 days:							
	B Number of Inspections required if performed every 14 days:							
	D Number of inspections required under a reduced frequency							
	E TOTAL number of required inspections							
	F TOTAL number of inspections conducted/documentated							

		PERMIT COVERAGE	Findings	AK CGP Citation	RCA*	No. of Deficien- cies		Penalty Amount	Total
21	A	All required inspections were not conducted and timely documented. (If NO inspections were conducted and documented, then leave elements 24-28 blank)						True or False	
	B	Inspections not performed and timely documented. (Count each failure to inspect and document as one violation.)		6.1 & 6.2			X	\$300.00	\$0
22		Inspections not conducted by qualified personnel. (Count each inspection conducted without qualified personnel as one violation.)		6.3			X	\$60.00	\$0
23		Areas to be inspected: Failed to inspect all required areas as identified in the Permit. (Count each omission as one violation.)		6.4.1			X	\$60.00	\$0
24		Site inspection report does not include all information required by the Permit. (Count each omission as one violation.)		6.7			X	\$60.00	\$0
25	A	Inspection reports not properly signed in accordance with Appendix A, Part 1.12. (Count each failure to sign/certify as one violation.)		6.7.2			X	\$60.00	\$0
	B	Copies of inspection reports have not been retained onsite or readily available at a designated alternate location during the life of the construction activity.		9.4 & 9.4.4				\$600.00	\$0
		BEST MANAGEMENT PRACTICES							
26		General Maintenance Requirements:							
	A	Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective actions are performed within the timeframes required by the Permit). (Count each failure to timely maintain each control as one violation.)	1. 10/3/2019 - Fabric used on steep slopes for erosion control/soil stabilization had come loose and blown part way over had not been maintained in operating condition	4 & 8.2		1	X	\$300.00	\$300
	B	Failure to update Corrective Action Log and/or complete a Corrective Action report when required in accordance with Permit requirements. (Count each missing/deficient report as 1 violation.)		8.3 & 8.4			X	\$300.00	\$0
		Control measures are not properly selected, installed or maintained:							
27		Failure to provide a 25-ft natural buffer at stream crossings and around the edge of any waters of the U.S. (Count each failure as one violation.)	1. 9/13/2019 - Stockpile adjacent with no buffer to Shelley Pond 2. 10/3/2019 - Stockpile adjacent with no buffer to Shelley Pond	4.2.3		2	X	\$600.00	\$1,200
28		Failure to direct stormwater to vegetated areas to maximize infiltration to reduce pollutant discharges (unless infeasible). (Count each failure as one violation.)		4.1.3.6			X	\$600.00	\$0
29		Failure to appropriate protection measures (e.g. filter berms, perimeter controls, temporary diversion dikes, etc.) to minimize the discharge of sediment prior to entry into storm water inlets located on site or immediately downstream of the site (Count each failure as one violation.)							
	A	If Common Drainage is 10+ acres		4.3			X	\$1,200.00	\$0
	B	If Common Drainage is less than 10 acres	1. 9/13/2019 - Gravel bed adjacent to unnamed tributary with no protective measures causing turbid discharges in into tributary	4.3		1	X	\$600.00	\$600
30		Failure to minimize sediment trackout in accordance with Permit requirements. (Count each failure as one violation.)	1. 10/3/2019 - Trucks tracking sediment into Shelley Pond, vehicle tire tracks entering pond, where vehicles turn around	4.3.5		1	X	\$600.00	\$600
31		Failure to properly stabilize or cover soil stockpiles, protect with sediment measures. Locate soil stockpiles away from storm water inlets, water bodies, and conveyance channels, if possible. (Count each failure as one violation.)		4.3.6			X	\$600.00	\$0
32		Failure to minimize dust through appropriate application of water or other dust suppression techniques. (Count each failure as one violation.)		4.3.5			X	\$600.00	\$0

	PERMIT COVERAGE	Findings	AK CGP Citation	RCA*	No. of Deficien- cies		Penalty Amount	Total
33	Failure to minimize disturbances of "steep slopes". (Count each failure as one violation.)		4.1.3.4			X	\$600.00	\$0
34	Failure to preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. (unless infeasible). (Count each failure as one violation.)		4.1.3.8			X	\$600.00	\$0
35	Failure to minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates it be compacted.(Count each failure as one violation.)		4.1.3.7			X	\$600.00	\$0
36	Failure to install appropriate protection measures (e.g. filter berms, perimeter controls, temporary diversion dikes, etc.) to minimize the discharge of sediment prior to entry into storm water inlets located on site or immediately downstream of the site. . (Count each failure as one violation.)		4.3.1			X	\$600.00	\$0
37	Failure to use erosion controls and velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream water (Count each failure as one violation.)		4.2.5.4			X	\$600.00	\$0
38	Failure to properly design or locate sediment basin or similar impoundment in accordance with Permit requirements. (Count each failure as one violation.)		4.3.8			X	\$1,200.00	\$0
39	Failure to comply with Permit requirements for use of treatment chemicals. (Count each failure as one violation.)		4.6			X	\$200.00	\$0
40	Failure to initiate and complete stabilization measures within the deadlines required by the Permit. (Count each failure as one violation.)		4.5.1			X	\$600.00	\$0
41	Final Stabilization Criteria not achieved as required.		4.5.1.3 4.5.1.4				\$1,200.00	\$0
42	Other needed control measures not properly selected or installed. (Each omission is 1 violation.)		4			X	\$600.00	\$0
	Pollution Prevention Requirements							
43	Failure to provide effective controls for fueling and maintenance areas. (Count each failure as one violation.)		4.8.2			X	\$600.00	\$0
44	Failure to effectively minimize the discharge of pollutants from washing of equipment, vehicles and wheel wash-down. (Count each failure as one violation.) NOTE that discharges of soaps, solvents or detergents to a storm drain or receiving water are not eligible for an ESA.		4.8.1			X	\$600.00	\$0
45	Failure to implement appropriate controls to prevent/minimize the discharge of pollutants from construction waste. (Count each failure as one violation.) NOTE that any nonallowable, non-stormwater discharges to a storm drain or receiving water are not eligible for an ESA.		4.8.6			X	\$600.00	\$0

	PERMIT COVERAGE	Findings	AK CGP Citation	RCA*	No. of Deficien- cies	Penalty Amount	Total
46	Failure to provide effective controls for concrete washout. NOTE that nonallowable, non-stormwater discharges to a storm drain or water are not eligible for an ESA.		4.8.4			\$1,000.00	
47	Failure to provide effective controls for washing applicators/containers for paint and other materials. (Count each failure as one violation.) NOTE that nonallowable, non-stormwater discharges to a storm drain or receiving water are not eligible for an ESA.		4.8.4		X	\$600.00	\$0
48	Failure to comply with requirements for application of fertilizers.		4.8.5			\$600.00	\$0
49	Failure to comply with Permit requirements for construction dewatering in order to minimize the discharge of pollutants. (Count each failure as 1 violation.) Use of waters of the US as part of the treatment area is not eligible for an ESA.		4.4		X	\$600.00	\$0
SMALL BUSINESS EVALUATION							
50	Is the Owner/Operator a Small Business?					Yes or No	No
	<i>A 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.						
							Total Expedited Settlement:
							\$2,700
53	ADJUSTMENT FOR A REPEAT VIOLATOR:						
	Repeat Violator: To adjust the settlement amount for Repeat Violators, multiple the Total Expedited Settlement Amount by the appropriate Escalation Factor. To do that, enter either 0.25 or 0.5 into Column G, as appropriate. <u>If this is not a Repeat Violator, leave this row blank.</u>				X	\$2,700.00	\$0

FINAL TOTAL EXPEDITED SETTLEMENT FOR REPEAT VIOLATOR:

\$2,700

*RCA: Requires Corrective Action