



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2014 JAN -7 PM 1:13

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2014-0007

IN THE MATTER OF:

DOHN CONSTRUCTION, INC.

RESPONDENT

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)
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)

FINAL ORDER

Pursuant to 40 C.F.R. §22.13(b) and 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 7th DAY OF January, 2014.

Elyana R. Sutin
Regional Judicial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 8
1595 Wynkoop Street
Denver, Colorado 80202

2013 NOV 19 PM 2:24

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-08-2014-0007, NPDES Permit No. COR03K161

FILED
EPA REGION VIII
HEARING CLERK

This Expedited Settlement Agreement (Agreement) is entered into between the U.S. Environmental Protection Agency (EPA), and Dohn Construction, Inc. (Respondent), a Colorado corporation and a "person" within the meaning of section 502(5) of the Clean Water Act (Act), 33 U.S.C. § 1362(5).

In the Matter of: Dohn Construction, Inc.

Docket No: CWA-08-2014-0007

The EPA finds that Respondent failed to comply with the National Pollutant Discharge Elimination System (NPDES) storm water permit cited above, which was issued pursuant to section 402 of the CWA, 33 U.S.C. § 1342, and that Respondent is responsible for the deficiencies specified in the attached Expedited Settlement Offer Deficiencies Form (Form), which is incorporated by reference. The EPA also finds, and Respondent admits, that the EPA is authorized to assess administrative penalties for NPDES permit violations pursuant to section 309 of the Act, 33 U.S.C. § 1319, and 40 C.F.R. part 22, and that the Regional Judicial Officer for EPA Region 8 has jurisdiction to issue a Final Order incorporating this Consent Agreement (Agreement) under section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and 40 C.F.R. § 22.13(b). Respondent neither admits nor denies the deficiencies specified in the Form.

This Agreement settles the EPA's civil penalty claims against Respondent for the violation(s) specified in the Form. The 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, any permit issued under the Act, or of any other federal statute or regulation. The EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. The EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed by the Regional Judicial Officer, unless a petition to set aside the Order approving this Agreement is filed by a commenter pursuant to section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), or a hearing is requested under section 309(g)(5) of the Act, 33 U.S.C. § 1319(g)(5).

The parties enter into this Agreement in order to settle civil penalty liability for the violations described in the Form for a penalty of \$5,200.00. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the statements in the Form; (2) participate in 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 THE EPA:

[Signature of Gwenette C. Campbell]

Date: 11/19/13

Gwenette C. Campbell, Unit Chief
NPDES Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

[Signature of James Eppers]

Date: 11/19/13

James Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

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 all violations cited in the Form. Respondent also certifies that, within ten (10) days of the Agreement becoming effective (the effective date is thirty (30) days from the date it is signed by the Regional Judicial Officer), Respondent shall submit a bank, cashiers or certified check, with the case name and docket number noted, for the amount specified above payable to the Treasurer, United States of America, to:

APPROVED BY RESPONDENT:

[Signature of Douglas A Dohn]

Name of individual signing (printed)

President

Title of individual signing (printed)

[Signature]

Signature

Date: 11-15-13

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

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

_____ Date: _____

Hon. Elyana R. Sutin
Regional Judicial Officer

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street, Denver, CO 80202-1129**

**PUBLIC NOTICE OF PROPOSED EXPEDITED SETTLEMENT AGREEMENT AND
OPPORTUNITY TO COMMENT**

Action: The EPA is providing notice of the opportunity to comment on a proposed expedited settlement agreement. The agreement relates to alleged violations of a Clean Water Act (CWA) storm water permit at the Windsor Meadows Apartments in Windsor, Colorado which is being constructed by Dohn Construction, Inc. (DCI). The corporate address of DCI is 2642 Midpoint Drive, Fort Collins, Colorado 80525.

Summary: The EPA is authorized by section 309(g)(2) of the CWA, 33 U.S.C. § 1319(g)(2), and by 40 C.F.R. §§ 22.13(b) and 22.38, to issue an order assessing a civil administrative penalty for violations of certain CWA requirements, after providing (1) an opportunity for the person to be assessed the penalty (Respondent) to request a hearing to contest the penalty, and (2) notification to the public of its rights to submit written comments and to participate in any hearing. The deadline for the public to submit comments is forty days after issuance of this notice.

The EPA and DCI have agreed to enter into an expedited settlement agreement to resolve the EPA's claims that DCI violated the requirements listed below. DCI has agreed to pay a civil penalty of \$5,200.00 to resolve its civil penalty liability for these claims. Pursuant to section 309(g)(4) of the CWA, the EPA hereby notifies the public of the opportunity to comment on this proposed penalty assessment.

EPA Docket Number for proposed expedited settlement: **CWA-08-2014-0007**

Alleged violations: (1) Failure to update the site map with the location of building materials, equipment storage, port-o-lets and waste storage; (2) Failure to conduct required self-inspections after storm events from March 24, 2013 until the date of the EPA's inspection on September 11, 2013; and (3) Failure to implement and maintain stormwater controls to minimize discharges of sediment and other pollutants into waters of the United States.

PUBLIC COMMENTS

Written comments on the expedited settlement agreement are encouraged and will be accepted at the address listed below for a period of forty (40) days after the publication of this notice. Written comments submitted by the public as well as information submitted by Respondent will be available for public review, subject to the provisions of law restricting the disclosure of confidential information. Any person submitting written comments has a right to participate in a hearing, if one is held. The complaint is available for review between 9:00 a.m. and 4:00 p.m. at the address listed below and on the internet at: <http://yosemite.epa.gov/oa/rhc/epaadmin.nsf>.

Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Telephone: (303) 312-6765

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the expedited settlement agreement or other documents in this proceeding (such as the regulations in 40 C.F.R. part 22, which establish procedures for the hearing), or to comment upon the proposed penalty assessment or upon any other aspect of the matter, should contact the Regional Hearing Clerk identified above.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

OCT 23 2013

Ref: 8ENF-W-NP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brett Brown
Dohn Construction, Inc.
2642 Midpoint Drive
Fort Collins, CO 80525

Re: NPDES Permit No. COR03K161 Inspection Report and Notice of Proposed Expedited Settlement Agreement

Dear Mr. Brown:

The United States Environmental Protection Agency (EPA) inspected the Windsor Meadows Apartments construction site located at 1500 Tipton Drive, in Windsor, Colorado, on September 11, 2013, for compliance with Clean Water Act (CWA) storm water control requirements. The inspection indicated that Dohn Construction, Inc. (DCI), owner/operator of this construction site, had violated the Colorado Department of Public Health and Environment General Permit for Stormwater Discharges Associated with Construction Activity (the Permit) by failing to conduct self-inspections, and failing to implement and maintain stormwater controls to minimize discharges of sediment and other pollutants.

A copy of the EPA's inspection report is attached. The inspectors discussed their observations and concerns with Brett Brown, Field Operations Manager with DCI, during the exit interview.

Section 309 of the CWA, 33 U.S.C. § 1319, gives the EPA the authority to obtain civil penalties for violations of the Permit. The EPA is offering to settle its civil penalty claims for the cited violations through an Expedited Settlement Agreement. The enclosed Expedited Settlement Agreement and Expedited Settlement Agreement Instructions explain the process in detail. The proposed settlement amount for the violations is \$5,200.00. **Signing and returning the Expedited Settlement Agreement and providing a check for the amount of the penalty will resolve this civil penalty claim for the violations noted.** If DCI does not sign and return the Expedited Settlement Agreement within 30 days of receipt, the EPA's offer of this expedited settlement will be automatically withdrawn, and the EPA may file an enforcement action for the violations cited above and any other violations, which can include penalties of up to \$37,500 per day per violation.

Before signing the Expedited Settlement Agreement, DCI must correct all the deficiencies identified in the enclosed Expedited Settlement Offer Worksheet Deficiencies Form. The

Expedited Settlement Agreement includes a certification that DCI has made these corrections. The 30-day period for making corrections is the same as the 30-day period for signing and returning the Expedited Settlement Agreement. No later than the date it returns the signed Expedited Settlement Agreement, DCI should provide the EPA with a report detailing the specific actions it has taken to correct the deficiencies. With this report, DCI should provide, at a minimum, (1) a copy of its Storm Water Management Plan (SWMP) for this construction site, (2) copies of all reports of DCI's self-inspections for the site conducted after the EPA's inspection, and (3) photographs of stormwater controls at the site that have been implemented in accordance with the SWMP.

Please send the signed Expedited Settlement Agreement to:

U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202
Attn: Emilio Llamozas (8ENF-W-NP)

Please review the enclosed information carefully. If you have any questions regarding this letter, the inspection report, the Expedited Settlement Agreement, or any other matters regarding compliance with the CWA, please contact Emilio Llamozas at 303-312-6407. Any questions from counsel, if any, for DCI, should be directed to Eduardo Quintana, Enforcement Attorney, at 303-312-6924. Thank you for your attention to this matter.

Sincerely,



Gwenette C. Campbell, Unit Chief
NPDES Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

Enclosures: 1) Inspection Report, Photo Log, 3560 Form
2) Expedited Settlement Agreement
3) Expedited Settlement Agreement Instructions
4) Expedited Settlement Offer Worksheet Deficiencies Form

cc: Nathan Moore, CDPHE
Mike Harris, CDPHE





United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Section A: National Data System Coding (i.e. PCS)

Transaction Code 1 <input type="text" value="N"/> 2 <input type="text" value="5"/>	NPDES 3 <input type="text" value="C"/> <input type="text" value="O"/> <input type="text" value="R"/> <input type="text" value="0"/> <input type="text" value="3"/> <input type="text" value="K"/> <input type="text" value="1"/> <input type="text" value="6"/> <input type="text" value="1"/>	yr/mo/day 11 12 <input type="text" value="1"/> <input type="text" value="3"/> <input type="text" value="0"/> <input type="text" value="9"/> <input type="text" value="1"/> <input type="text" value="1"/>	Inspection Type 17 18 <input type="text" value="I"/>	Inspector 19 <input type="text" value="R"/>	Fac Type 20 <input type="text" value="2"/>
Remarks 21 <input type="text" value="S"/> <input type="text" value="E"/> <input type="text" value="E"/> <input type="text" value="A"/> <input type="text" value="T"/> <input type="text" value="T"/> <input type="text" value="A"/> <input type="text" value="C"/> <input type="text" value="H"/> <input type="text" value="E"/> <input type="text" value="D"/> <input type="text" value="R"/> <input type="text" value="E"/> <input type="text" value="P"/> <input type="text" value="O"/> <input type="text" value="R"/> <input type="text" value="T"/>					
Inspection Work Days 67 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 69	Facility Self-Monitoring Evaluation Rating 70 <input type="text" value=""/>	BI 71 <input type="text" value=""/>	QA 72 <input type="text" value=""/>	Reserved 73 <input type="text" value=""/> <input type="text" value=""/> 74 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 75 <input type="text" value=""/> 80	

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Windsor Meadows Apartments Dohn Construction, Inc. 1500 Tipton Drive Windsor, CO 80550	Entry Time/Date 9/11/13 2:00 PM	Permit Effective Date 2/12/2013
	Exit Time/Date 9/11/13 3:42 PM	Permit Expiration Date 6/30/2012 Administratively Extended
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Numbers Dave Stringer / Superintendent / Dohn Construction, Inc. / 970-566-0260 Brett Brown / Field Operations Manager / Dohn Construction, Inc. / 970-566-1294 Jennifer Chavies / Project Manager / Dohn Construction, Inc. / 970-490-1855	Other Facility Data (e.g., SIC, NAICS, and other descriptive information) Latitude: 40.489088 ° N Longitude: -104.927416 ° W SIC: 1522	
Name, Address of Responsible Official/Title/Phone and Fax Number Brett Brown / Field Operations Manager / 970-566-1294 Dohn Construction, Inc. 2642 Midpoint Drive Ft. Collins, CO 80525	General Permit Number: COR030000 Contacted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input checked="" type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> MS4
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Compliance Schedule	<input type="checkbox"/> Pollution Prevention	
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water	
<input type="checkbox"/> Effluent/Receiving Waters	<input checked="" type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow	
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

(This area is currently blank for findings and comments.)

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Emilio Llamozas <i>Emilio Llamozas</i>	EPA 1595 Wynkoop St Denver, CO 80202 303-312-6407	9/30/12
Natasha Davis <i>Natasha Davis</i>	EPA 1595 Wynkoop St Denver, CO 80202 303-312-6225	9-30-13
Signature QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
Seth Draper <i>Seth Draper</i>	EPA 1595 Wynkoop St Denver, CO 80202 303-312-6763	9-30-13

INSTRUCTIONS

Section A: National Data System Coding (i.e., PCS)

Column 1: Transaction Code: Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

Columns 3-11: NPDES Permit No. Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. (Use the Remarks columns to record the State permit number, if necessary.)

Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

Column 18: Inspection Type*. Use one of the codes listed below to describe the type of inspection:

A Performance Audit	U IU Inspection with Pretreatment Audit	! Pretreatment Compliance (Oversight)
B Compliance Biomonitoring	X Toxics Inspection	@ Follow-up (enforcement)
C Compliance Evaluation (non-sampling)	Z Sludge - Biosolids	{ Storm Water-Construction-Sampling
D Diagnostic	# Combined Sewer Overflow-Sampling	} Storm Water-Construction-Non-Sampling
F Pretreatment (Follow-up)	\$ Combined Sewer Overflow-Non-Sampling	= Storm Water-Non-Construction-Sampling
G Pretreatment (Audit)	+ Sanitary Sewer Overflow-Sampling	~ Storm Water-Non-Construction-Non-Sampling
I Industrial User (IU) Inspection	& Sanitary Sewer Overflow-Non-Sampling	Storm Water-MS4-Sampling
J Complaints	\ CAFO-Sampling	- Storm Water-MS4-Non-Sampling
M Multimedia	= CAFO-Non-Sampling	> Storm Water-MS4-Audit
N Spill	2 IU Sampling Inspection	
O Compliance Evaluation (Oversight)	3 IU Non-Sampling Inspection	
P Pretreatment Compliance Inspection	4 IU Toxics Inspection	
R Reconnaissance	5 IU Sampling Inspection with Pretreatment	
S Compliance Sampling	6 IU Non-Sampling Inspection with Pretreatment	
	7 IU Toxics with Pretreatment	

Column 19: Inspector Code. Use one of the codes listed below to describe the *lead agency* in the inspection.

A — State (Contractor)	O — Other Inspectors, Federal/EPA (Specify in Remarks columns)
B — EPA (Contractor)	P — Other Inspectors, State (Specify in Remarks columns)
E — Corps of Engineers	R — EPA Regional Inspector
J — Joint EPA/State Inspectors—EPA Lead	S — State Inspector
L — Local Health Department (State)	T — Joint State/EPA Inspectors—State lead
N — NEIC Inspectors	

Column 20: Facility Type. Use one of the codes below to describe the facility.

- 1 — Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
- 2 — Industrial. Other than municipal, agricultural, and Federal facilities.
- 3 — Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
- 4 — Federal. Facilities identified as Federal by the EPA Regional Office.
- 5 — Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

Columns 21-66: Remarks. These columns are reserved for remarks at the discretion of the Region.

Columns 67-69: Inspection Work Days. Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

Column 70: Facility Evaluation Rating. Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

Column 71: Biomonitoring Information. Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

Column 72: Quality Assurance Data Inspection. Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

Columns 73-80: These columns are reserved for regionally defined information.

Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

Section C: Areas Evaluated During Inspection

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

Section D: Summary of Findings/Comments

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

*Footnote: In addition to the inspection types listed above under column 18, a state may continue to use the following wet weather and CAFO inspection types until the state is brought into ICIS-NPDES: K: CAFO, V: SSO, Y: CSO, W: Storm Water 9: MS4. States may also use the new wet weather, CAFO and MS4 inspections types shown in column 18 of this form. The EPA regions are required to use the new wet weather, CAFO, and MS4 inspection types for inspections with an inspection date (DTIN) on or after July 1, 2005.

Colorado NPDES Storm Water Inspection - Construction

NATIONAL DATABASE INFORMATION	
Inspection Date: 9/11/13	Inspection Type: Stormwater Construction
Entry Time: 2:00 pm	Exit Time: 3:42pm
NPDES ID Number: COR03K161	
Inspector: Emilio Llamozas	EPA/State/Contractor
Inspector: Natasha Davis	EPA/State/Contractor

Facility Location Information: <i>(Name/Location/ Mailing Address)</i>	
Site/Facility Location: Windsor Meadows Apartments 1500 Tipton Drive Windsor, CO 80550	Mail Report to: Brett Brown Dohn Construction, Inc. 2642 Midpoint Drive Fort Collins, CO 80525

Contact Information:		
	Name(s)/Title	Telephone
Facility Contacts: <i>(indicate primary lead and present during inspection)</i>	Dave Stringer / Superintendent / Dohn Construction, Inc. / Primary lead during the inspection	970-566-0260
	Brett Brown / Field Operations Manager / Dohn Construction, Inc. / present during inspection	970-566-1294
	Jennifer Chavies / Project Manager / Dohn Construction, Inc. / present during inspection	970-490-1855
Person/Company meeting definition of "Operator"	Dohn Construction, Inc.	970-490-1855
Authorized Official(s) (Per NOI or SWMP?)	Dave Stringer / Superintendent / Dohn Construction, Inc.	970-566-0260

Permit Information			
Is the permit on site and available? Yes		Date NOI Submitted: 2/8/13	
Effective Date: 2/12/13		Expiration Date: 6/30/12 Administratively Extended	
Construction Start Date: March 2013	Percent complete: 60%	Estimated Completion Date: 2/10/14	
Disturbed Area: 6.39 acres	Total Project Area: 6.39 acres	Latitude: 40.489088 °N	Longitude: -104.927416 °W
Receiving Water(s): City of Windsor MS4, Cache La Poudre River			
If applicable, is waiver certification & approval on file? NA			
Regulatory Inspector's source of information: NOI, SWMP and site representative			

Site Information:							
Nature of Project	Residential	Commercial/Industrial	Roadway	Private	Federal	State/Municipal	Other
Construction Stage	Clearing/Grubbing	Rough Grading	Infrastructure	Building Const.	Final Grading	Final Stabilization	

Colorado NPDES Storm Water Inspection - Construction

Site Description and Inspection Details:

The inspection was conducted at Windsor Meadows Apartments (the site) to determine Dohn Construction, Inc. compliance with Colorado's general permit for stormwater discharges associated with construction activity. The inspection was unannounced. At approximately 2:00 pm, the Environmental Protection Agency (EPA) inspectors, Emilio Llamozas and Natasha Davis, met with Dave Stringer, Dohn Construction, Inc.'s Superintendent for the Windsor Meadows Apartments. The EPA inspectors presented their credentials and had an opening conference to explain the purpose of the inspection. The inspectors started the inspection by reviewing the Stormwater Management Plan (SWMP) and site self-inspections. Brett Brown and Jennifer Chavies with Dohn Construction, Inc. joined the inspection during the records review portion.

The inspectors inspected the entire site. According to the Notice of Intent (NOI), the site was approximately 6.39 acres with 6.39 acres of land disturbed. The project consisted of grading the area and extending new potable water, sanitary sewer and storm sewer for the Windsor Meadows Apartments. Construction of the project commenced in March 2013. Photos were taken of the disturbed area (photos 744, 749, 750, 753-762 and 765). The storm inlets discharge to the City of Windsor municipal separate stormwater sewer system (photos 751, 752, 768, 769 and 773), which discharges to the Cache La Poudre River. The site had records for self-inspections conducted from March 5, 2013 to July 28, 2013, which were reviewed. Preliminary findings were discussed during the closeout meeting with Dave Stringer, Brett Brown and Jennifer Chavies.

SWMP Review

<u>General</u>		<u>Notes:</u>
Is a copy of the SWMP onsite (Date)? Part I.D.5.b.	Y	A copy of the SWMP was onsite and was dated February 5, 2013.
SWMP completed prior to NOI submission? Part I.D.5.a.	Y	The SWPPP was dated February 5, 2013. The NOI was submitted on February 8, 2013.
SWMP administration identified? Part I.C.3.a.	Y	

<u>Site Description</u>		<u>Notes:</u>
Site description including the function of the project? Part I.C.1.	Y	
Nature/sequence of site activities? Part I.C.1.a. and b.	Y	
Total area of site and total area to be disturbed? Part I.C.1.c.	Y	
Description of soils or existing potential for soil erosion? Part I.C.1.d.	Y	
Description of existing vegetation and percent ground cover? Part I.C.1.e.	Y	

Colorado NPDES Storm Water Inspection - Construction

Identification including location of potential sources of pollution? Part I.C.1.f.	Y		
Location/description industrial activities, or concrete/asphalt batch plants? Part I.C.1.f.	N/A		
Name of Receiving water(s) or MS4 listed? Part I.C.1.h.	Y		
Site Map		Notes:	
Is there a site map? Part I.C.2.	Y		
Areas of ground surface disturbance? Part I.C.2.b.	Y		
Location of building materials, equipment storage, and waste storage on site map (on-site or off-site)? Part I.C.2.d.		N	The site map did not have the location of the building materials, equipment storage, all port-o-lets and waste storage.
Location of asphalt and concrete batch plants? Part I.C.2.e.	N/A		
Location of structural BMPs identified in the SWMP on site map (see page 5)? Part I.C.2.f.	Y		
Location of non-structural BMPs identified in the SWMP on site map (see page 5)? Part I.C.2.g.	Y		
Location of surface water (including wetlands) on site map within the project boundary? Part I.C.2.h.	N/A		

SWMP Review			
Controls to Reduce Pollutants		Notes:	
Does the SWMP include a description of all BMPs, sequence of BMPs? Part I.C.3.c.	Y		
Does the SWMP describe and locate structural practices? Part I.C.3.c.1.	Y		
Non-structural practices? Part I.C.3.c.2.	Y		

Colorado NPDES Storm Water Inspection - Construction

SWMP Review		
<u>Controls to Reduce Pollutants</u>	Notes:	
Phase BMP implementation? Part I.C.3.c.3.	Y	
Material handling and spill prevention? Part I.C.3.c.4.	Y	
Dedicated concrete or asphalt batch plants? Part I.C.3.c.5.	N/A	
Vehicle tracking control? Part I.C.3.c.6.	Y	
Waste management and disposal? Part I.C.3.c.7.	Y	
Concrete washout? Part I.C.3.c.7.	Y	
Groundwater and stormwater dewatering? Part I.C.3.c.8.	N/A	
Final stabilization practices? Part I.C.4.	Y	
Locations and descriptions of allowable non-storm water discharges? Part I.C.1.g.	Y	
Pollution prevention measures for non-storm water discharges? Part I.C.3.b.	Y	
Identify pollutant sources from areas other than construction? Part I.C.3.b.	Y	
Describe controls for pollutants from non-construction activities? Part I.C.3.b.	N/A	

INSPECTIONS		
<u>(SWMP & Implementation)</u>	Notes:	
Does the SWMP identify the inspection schedule? Part I.D.6.a.	Y	The SWMP list states that site self inspections will be performed every 14 days and within 24 hours after a storm event that causes erosion.
Are the inspections conducted at the minimum frequency? Part I.D.6.b.1.	N	The permit requires inspections every 14 days and within 24 hours after a storm event that causes erosion. There were three missed self-inspections based on the requirement that inspections be performed every 14 days. The missed self-inspections

Colorado NPDES Storm Water Inspection - Construction

<u>INSPECTIONS</u> <u>(SWMP & Implementation)</u>		Notes:
		<p>occurred on the following dates: 08/12/13, 08/26/13 and 09/09/13.</p> <p>The NOAA precipitation maps show that a rain event greater than 0.5 inches in 24 hours is considered a 100 year storm event. A review of the rainfall recorded at the Windsor 0.8 SWSW station from the NOAA website was conducted. The weather station's rain-gage reported eight 0.5 inches precipitation events from 03/01/13 to 09/11/13 (3/23/13 at 0.55 inches, 4/16/13 at 0.97 inches, 05/01/13 at 0.98 inches, 06/29/13 at 0.86 inches, 07/14/13 at 0.51 inches, 07/19/13 at 0.66 inches, 08/04/13 at 2.62 inches, and 09/10/13 at 0.98 inches).</p> <p>There were seven missed self-inspections based on the requirement that inspections be performed within 24 hours after a storm event that causes erosion. These missed self-inspections occurred on the following dates: 03/24/13, 04/17/13, 05/02/13, 06/30/13, 07/20/13, 08/05/13 and 09/11/13.</p>
Inspections include all disturbed areas? Part I.D.6.b.1.	Y	
Inspections include storage areas exposed to rain? Part I.D.6.b.1.	Y	
Inspections include all BMPs? Part I.D.6.b.1.	Y	
Inspections include discharge locations? Part I.D.6.b.2.iii.	Y	
Inspections include entrances/exits? Part I.D.6.b.2.iii.	Y	
Does the inspection form have the required items? Part I.D.6.b.2.	Y	
Inspection signed and certified by authorized personnel? Part I.D.6.b.2.viii.	Y	
SWMP and site map revised when BMPs added/modified within 72 hours after inspection reveals problems? Are the changes dated? Part I.D.5.d.1.	Y	The site map has been revised when BMPs were added or modified.

Colorado NPDES Storm Water Inspection - Construction

<u>INSPECTIONS</u>			
<u>(SWMP & Implementation)</u>			Notes:
Is the SWMP implementation adequate? Part 1.D.5.a.	Y		

SWMP Implementation (Site review)							
<u>Structural and Stabilization Practices</u>							
List and describe structural and stabilization practices							
	SWMP/Site Map			Used On-Site			Comments
Silt Fence (perimeter)	Y			Y			The silt fence was knocked down at several points around the perimeter of the construction site (photos 749, 753, 754, 755, and 759). The silt fence was in need of maintenance.
Storm drain inlet protection		N			N		There were inlets close to the construction site that did not have BMP controls (photos 751, 752, 768, 769 and 773). Stormwater with sediment from the construction site was entering the inlets at the time of the inspection (photos 766 to 773).
Straw Wattles	Y			Y			The silt fence on the northeastern boundary of the site was removed and replaced with straw wattles. However, wattles were not staked or trenched into the ground (photos 760, 761 and 762).
Rock Socks	Y			Y			One rock sock had a hole and the rocks were spilling out of the bag. Sediment had accumulated around the rock socks and needed to be cleaned out (photos 746 and 747).
Rip rap	Y				N		Not observed on-site during the inspection.
Vehicle track-out pad	Y			Y			The VTP was no longer in use and a fence had been place around it (photo 756). However, there was sediment erosion from the vehicle track-out pad area onto the road.

Colorado NPDES Storm Water Inspection - Construction

Street cleaning		N			N		Tipton Drive had excessive sediment from vehicle track-out (photos 744 and 758). When it started raining during the inspection, sediment from the site washed down the gutters and into the storm drains (photos 766 to 773). These storm drains did not have BMP controls.
Good housekeeping & waste disposal practices	Y				Y		
Equipment/maintenance area	Y				Y		
Concrete washout area	Y				Y		The concrete washout area was almost to capacity and needed to be cleaned out (photo 765).
Port-o-lets	Y				Y		The site had three port-o-lets; however, only one of them was listed on the site map.
Existing vegetation	Y				Y		
Mulching	Y				N		Not observed on-site during the inspection.
Sod stabilization	Y				N		Not observed on-site during the inspection.
Dewatering practices			NA			NA	Dewatering has not occurred at the site.
Stormwater outlet protection		N			N		There was a stormwater outlet on western section of site that did not have BMPs (photos 750 and 770). When it started raining during the inspection, stormwater with sediment was discharge from this outlet into the Millfleet Drive and into the storm water inlet (photos 770, 771, 772 and 773).

SWMP Implementation (Site Review)	
<u>Structural and Stabilization Practices</u>	
Any unprotected/exposed slopes/areas without vegetation mulch or matting after construction activity has ceased? Part I.C.4.a.	The site was under active construction; therefore, stabilization practices had not occurred at this time period.

Colorado NPDES Storm Water Inspection - Construction

<p>Are stabilization practices properly applied in a timely manner and adequately maintained? Part I.C.4.b.</p>	<p>The site was under active construction; therefore, stabilization practices had not occurred at this time period.</p>
<p>Are structural controls properly installed and maintained? Part I.D.2. and 7.</p>	<p>See table above concerning structural and stabilization practices.</p>

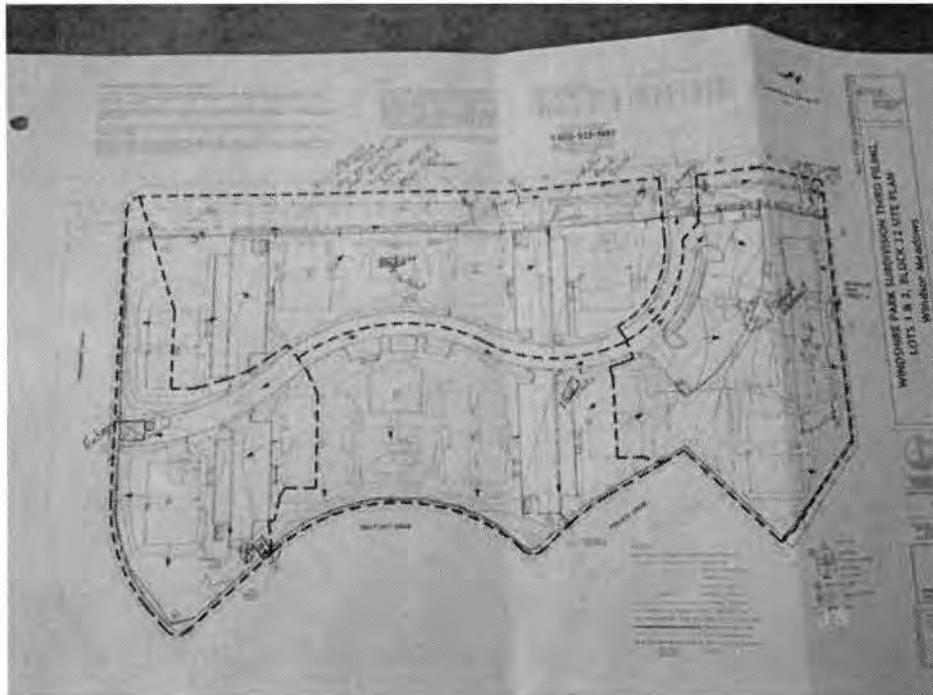
Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 742
Inspection Date 9/11/2013
Photographer N. Davis
Description The site trailer sign at Windsor Meadow Apartments.



Photo Number 743
Inspection Date 9/11/2013
Photographer N. Davis
Description The site map.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 744
Inspection Date 9/11/2013
Photographer N. Davis
Description Overview of site. Photo is facing northwest. Note excessive sediment in road.



Photo Number 745
Inspection Date 9/11/2013
Photographer N. Davis
Description Outfall from eastern side of the site goes to the culvert under Tipton Drive. Photo is facing north.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 746
Inspection Date 9/11/2013
Photographer N. Davis
Description Rock socks and sediment in outfall downstream from photo 745. Photo is facing north. Note one rock sock had a hole and the rocks were spilling out of the bag. Sediment had accumulated around the rock socks and needed to be cleaned out.



Photo Number 747
Inspection Date 9/11/2013
Photographer N. Davis
Description Receiving water downstream of from photo 746. Photo is facing south.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 748
Inspection Date 9/11/2013
Photographer N. Davis
Description Stockpiles on southern section of site with silt fence along the perimeter of the site. Photo is facing east.



Photo Number 749
Inspection Date 9/11/2013
Photographer N. Davis
Description Silt fence on southwestern section of site was knocked down.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 750
Inspection Date 9/11/2013
Photographer N. Davis
Description Stormwater outlet on western section of site. Note this outlet does not have BMPs. Photo is facing east.



Photo Number 751
Inspection Date 9/11/2013
Photographer N. Davis
Description Overview of inlets on Millfleet Drive. Photo is facing southwest. These inlets did not have BMPs.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 752
Inspection Date 9/11/2013
Photographer N. Davis
Description Close up of inlets in photo 751. Photo is facing west.



Photo Number 753
Inspection Date 9/11/2013
Photographer N. Davis
Description Damaged silt fence on the western perimeter along Millfleet Drive.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 754
Inspection Date 9/11/2013
Photographer N. Davis
Description Damaged silt fence on the western perimeter along Millfleet Drive.



Photo Number 755
Inspection Date 9/11/2013
Photographer N. Davis
Description Damaged silt fence on the western perimeter along Millfleet Drive. Note construction materials were placed on silt fence.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 756
Inspection Date 9/11/2013
Photographer N. Davis
Description Vehicle track-out pad onto Millfleet Drive. Photo is facing east. Note this vehicle access area was fenced off.



Photo Number 757
Inspection Date 9/11/2013
Photographer N. Davis
Description Vehicle access road from Tipton Drive to Windshire Dr. Note sediment track-out in road. Photo is facing northeast.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 758
Inspection Date 9/11/2013
Photographer N. Davis
Description Vehicle access road from Tipton Drive to Windshire Dr. Note excessive sediment track-out in road. Photo is facing south.



Photo Number 759
Inspection Date 9/11/2013
Photographer N. Davis
Description Damaged silt fence on the northern perimeter along Windshire Drive. Note concrete washout remnants in background.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 760
Inspection Date 9/11/2013
Photographer N. Davis
Description Eastern perimeter of site facing south. The silt fence was removed in this section of the site and replaced with straw wattles. However, wattles were not staked or trenched into the ground.



Photo Number 761
Inspection Date 9/11/2013
Photographer N. Davis
Description The silt fence was removed in the eastern section of the site and replaced with straw wattles. However, wattles were not staked or trenched into the ground.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 762
Inspection Date 9/11/2013
Photographer N. Davis
Description The silt fence was removed in the eastern section of the site and replaced with straw wattles. However, wattles were not staked or trenched into the ground.



Photo Number 763
Inspection Date 9/11/2013
Photographer N. Davis
Description Outfall from eastern side of the site. Note stormwater with sediment. Photo is facing northwest.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 764
Inspection Date 9/11/2013
Photographer N. Davis
Description Swale along 15th Street facing south. The culvert under Tipton Street is in the back of the photo. Note stormwater with sediment.



Photo Number 765
Inspection Date 9/11/2013
Photographer N. Davis
Description The concrete washout area on the southern section of the site. Note concrete washout area was almost at capacity with the berms. Photo is facing south.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 766
Inspection Date 9/11/2013
Photographer N. Davis
Description Stormwater with sediment coming from construction entrance at the corner of Windshire Drive and Tipton Drive. Photo is facing northeast.



Photo Number 767
Inspection Date 9/11/2013
Photographer N. Davis
Description Stormwater with sediment shown in photo 766 flowing down Windshire Drive and the corner of Millfleet Drive. Photo is facing southwest.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 768
Inspection Date 9/11/2013
Photographer N. Davis
Description Stormwater with sediment shown in photos 766 and 767 flowing down Windshire Drive to the stormwater inlet. Photo is facing southwest.



Photo Number 769
Inspection Date 9/11/2013
Photographer N. Davis
Description Close up of inlet shown in photo 768.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 770

Inspection Date 9/11/2013

Photographer N. Davis

Description Stormwater drainage area on west side of the site that drains towards the Windshire Pool Parking lot. Note sediment in stormwater. Photo is facing southeast.



Photo Number 771

Inspection Date 9/11/2013

Photographer N. Davis

Description Stormwater drainage area on west side of the site that drains towards the Windshire Pool Parking lot. Note sediment in stormwater. Photo is facing south.



Photographs for Windsor Meadows Apartments COR03K161

Inspection Type: Stormwater Construction

Photo Number 772
Inspection Date 9/11/2013
Photographer N. Davis
Description Stormwater with sediment shown in photos 770 and 771 flowing down Millfleet Drive. Photo is facing southwest.



Photo Number 773
Inspection Date 9/11/2013
Photographer N. Davis
Description Stormwater with sediment shown in photos 770, 771 and 772 flowing down Millfleet Drive to stormwater inlet. Photo is facing southwest.



EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

INSTRUCTIONS

The United States Environmental Protection Agency (EPA) has authority under Section 309 of the Clean Water Act to pursue civil penalties for violations of the storm water regulations. The EPA encourages the expedited settlement of certain violations of storm water requirements, such as the violations cited in the Expedited Settlement Agreement (Agreement) for which these instructions are provided.

You may resolve this matter quickly by: (1) correcting all deficiencies identified by the EPA in the *Expedited Settlement Offer Worksheet Deficiencies Form*; (2) detailing your corrective actions in a written report; (3) signing the original Agreement; and (4) submitting your penalty payment by check with case name and docket number noted.

Within THIRTY (30) DAYS from your receipt of the Agreement, you must send the original, signed Agreement, which includes a certification that you will submit your penalty payment within TEN (10) days from the date you receive notice from the EPA that the Agreement is effective, and the report detailing your corrective actions via certified mail, to:

U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Attn: Emilio Llamozas (8ENF-W-NP)

Within TEN (10) days from the date you receive notice from the EPA that the Agreement is effective, you must send your original check with the case name and docket number noted and a copy of the Agreement, via certified mail, to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Please retain copies of the signed agreement, the report detailing your corrective actions and the penalty check for your own records.

You may contact the person listed above and request an extension. The EPA will consider whether to grant an extension on a case-by-case basis. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations) you must provide such information to the EPA as soon as possible but no later than THIRTY (30) days from your receipt of the Agreement.

If you choose to sign and return the Agreement, you waive your opportunity for a hearing and to appeal pursuant to Section 309 of the Clean Water Act. If you choose not to sign and return the Agreement, or contact the EPA, within THIRTY (30) days, the Agreement will be automatically withdrawn, without prejudice to the EPA's ability to file an enforcement action for the violations alleged herein or any other violations. The EPA may choose to pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to a maximum penalty of \$37,500 per day per violation. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations.

If you choose to sign and return the Agreement, the EPA will sign and file the Agreement with the Regional Judicial Officer. The EPA will also public notice the proposed Agreement, giving the public 40 days to submit comments. Barring any adverse comments during that time frame, the EPA will request that the Regional Judicial Officer sign the final order.

**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	Brett Brown Dohn Construction, Inc. 2642 Midpoint Drive Fort Collins, CO 80525	970-566-1294	COR03K161	
		Inspector Name:	Emilio Llamozas	
		Inspector Agency:	US EPA	
		Entrance Interview Conducted:	Yes	
		Exit Interview Conducted:	Yes	
		Exit Interview given to:	Brett, Brown, Dave Stringer and Jennifer	
		Exit Interview time:	15:42	Date: 09/11/2013
LOCATION AND ADDRESS OF SITE				
2	Windsor Meadows Apartments 1500 Tipton Drive Windsor, CO 80550			

FACILITY DESCRIPTION / CONTACT NAMES				
Name of Site Contact (ESO Worksheet recipient):		Brett Brown		
Name of Authorized Official (40 CFR 122.22):				
Inspection Date:		09/11/2013		
Start Construction Date:		03/01/2013		
Estimated Completion Construction Date:		02/10/2014		
If Unpermitted, Number of Months Unpermitted:		N/A		
Name of Receiving Water Body (Indicate whether 303(d) listed):		City of Windsor MS4		
Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:		6.39		6.39
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 =	
SWMP REVIEW						
4 SWMP not prepared (If no SWMP, leave elements 5 - 30 blank)		CO CGP I.B.1			\$5,000.00 =	
5 SWMP prepared but prepared after construction start (# of months = # of violations)		CO CGP I.D.5.a			\$75.00 =	
6 SWMP does not identify all potential sources of pollution to include: port-a-lets, fuel tanks, staging areas, waste containers, chemical storage areas, concrete washout, paints, solvents, etc.		CO CGP I.B.2.a, I.C.1.f, & I.C.3.b			\$250.00 =	
7 SWMP does not identify all operators for the project site and the areas of the site over which each operator has control		CO CGP N/A			\$500.00 =	
8 SWMP does not have site description, as follows:	The site map did not have the location of the building materials, equipment storage, all port-o-lets and waste storage.					
A Nature of activity in description		CO CGP I.C.1.a			\$100.00 =	
B Intended sequence of major activities		CO CGP I.C.1.b			\$100.00 =	
C Total disturbed acreage		CO CGP I.C.1.c			\$100.00 =	
D General location map		CO CGP N/A			\$100.00 =	
E Site map		CO CGP I.C.2			\$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)		CO CGP I.C.2 a - h	Yes	4	\$50.00 =	\$200
G Location/description industrial activities, like concrete or asphalt batch plants	CO CGP I.C.2.e, I.C.3.b.11, & I.C.3.c.5			\$500.00 =		

9	SWMP does not:								
	A Describe all pollution control measures (e.g. BMPs)		CO CGP I.B.2.b, I.C.3, & I.C.3.c				\$750.00	=	
	B Describe sequence for implementation		CO CGP I.C.3.c.3				\$250.00	=	
	C Detail operator(s) responsible for implementation		CO CGP I.C.3.a				\$250.00	=	
10	SWMP does not describe interim stabilization practices		CO CGP I.C.3.c.2				\$250.00	=	
11	SWMP does not describe permanent stabilization practices		CO CGP I.C.3.c.2 & I.C.4				\$250.00	=	
12	SWMP does not describe a schedule to implement stabilization practices		CO CGP I.C.3.c.2				\$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)		CO CGP N/A				\$250.00	=	
14	SWMP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		CO CGP I.C.3.c.1				\$500.00	=	
15	SWMP 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		CO CGP I.C.4.a				\$500.00	=	
16	SWMP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit		CO CGP N/A				\$500.00	=	
17	SWMP does not describe measures to minimize off-site vehicle tracking and generation of dust		CO CGP I.C.3.c.6				\$500.00	=	
18	SWMP 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		CO CGP I.C.1.f, I.C.3.c.4, & I.C.3.c.7				\$250.00	=	
19	SWMP 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		CO CGP I.C.3.c.5				\$500.00	=	
20	SWMP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP		CO CGP I.C.1.g & I.C.3.c.8				\$500.00	=	
21	SWMP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		CO CGP I.C.3.c.8				\$500.00	=	
22	Endangered Species Act documentation is not in SWMP		CO CGP N/A				\$500.00	=	
23	Historic Properties (Reserved)								
24	Copy of permit and/or NOI not in SWMP (count each omission under 24 as 1 violation)		CO CGP N/A				\$250.00	=	
25	SWMP 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)		CO CGP N/A				\$750.00	=	
26	SWMP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		CO CGP N/A				\$250.00	=	
27	Copies of inspection reports have not been retained as part of the SWMP for 3 years from date permit coverage terminates		CO CGP I.D.6.b.2 & I.F.2.a				\$500.00	=	
28	SWMP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWMP/BMPs as ineffective, updates to SWMP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under 28 as 1 violation)		CO CGP I.D.5.c & I.D.6.c				\$50.00	=	
29	Copy of SWMP not retained on site		CO CGP I.D.5.b & I.F.2.b				\$500.00	=	

	A SWMP not made available upon request		CO CGP I.D.10			\$500.00 =	
30	SWMP not signed/certified		CO CGP N/A			\$500.00 =	
Subtotal SWMP Deficiencies							\$200
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).	The permit requires inspections every 14 days and within 24 hours after a storm event that causes erosion. There were three missed self-inspections based on the requirement that inspections be performed every 14 days. The missed self-inspections occurred on the following dates: 08/12/13, 08/26/13 and 09/09/13. The NOAA precipitation maps show that a rain event greater than 0.5 inches in 24 hours is considered a 100 year storm event. A review of the rainfall recorded at the Windsor 0.8 SWSW station from the NOAA website was conducted. The weather station's rain-gage reported eight 0.5 inches precipitation events from 03/01/13 to 09/11/13 (3/23/13 at 0.55 inches, 4/16/13 at 0.97 inches, 05/01/13 at 0.98 inches, 06/29/13 at 0.86 inches, 07/14/13 at 0.51 inches, 07/19/13 at 0.66 inches, 08/04/13 at 2.62 inches, and 09/10/13 at 0.98 inches). There were seven missed self-inspections based on the requirement that inspections be performed within 24 hours after a storm event that causes erosion. These missed self-inspections occurred on the following dates: 03/24/13, 04/17/13, 05/02/13, 06/30/13, 07/20/13, 08/05/13 and 09/11/13.	CO CGP I.D.6.a	No	10	\$250.00 =	\$2,500
	No inspections conducted and documented (if True, then leave elements 32-39 blank)			FALSE	True or False		
	Number of Inspections expected if performed every 7 days:						
	Number of Inspections expected if performed bi-weekly:						
	If known, number of days of rainfall of >0.5"						
32	Inspections not conducted by qualified personnel		CO CGP I.C.3.a			\$50.00 =	
33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		CO CGP I.D.6.b.1			\$50.00 =	
34	All pollution control measures not inspected to ensure proper operation		CO CGP I.D.6.b.1			\$50.00 =	
35	Discharge locations are not observed and inspected		CO CGP I.D.6.b.1			\$50.00 =	
36	For discharge locations that are not accessible, nearby locations are not inspected		CO CGP I.D.6.b.1			\$50.00 =	
37	Entrance/exit not inspected for off-site tracking		CO CGP I.D.6.b.1			\$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 SWMP and schedule/dates (count each omission under 38 as 1 violation)		CO CGP I.D.6.b.2			\$50.00 =	
39	Inspection reports not properly signed/certified (count each failure to sign/certify as 1 violation)		CO CGP I.D.6.b.2.viii			\$50.00 =	
Subtotal Inspections Deficiencies							\$2,500
AVAILABILITY OF RECORDS							
40	Sign/notice not posted		CO CGP N/A			\$250.00 =	
	A Does not contain copy of complete NOI		CO CGP N/A			\$50.00 =	
	B Location of SWMP or contact person for scheduling viewing times where on-site location for SWMP unavailable not noted on sign		CO CGP N/A			\$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		CO CGP N/A				\$500.00	=	
42	Control measures are not properly: A Selected, installed and maintained	The silt fence was knocked down at several points around the perimeter of the construction site (photos 749, 753, 754, 755, and 759). The silt fence was in need of maintenance. The silt fence on the northeastern boundary of the site was removed replaced with straw wattles. However, wattles were not staked or trenched into the ground (photos 760, 761 and 762). One rock sock had a hole and the rocks were spilling out of the bag. Sediment had accumulated around the rock socks and needed to be cleaned out (photos 746 and 747). The VTP was no longer in use and a fence had been placed around it (photo 756). However, there was sediment erosion from the vehicle the vehicle track-out pad area onto the road. There	CO CGP I.D.2 & I.D.7	Yes	5		\$500.00	=	\$2,500
	B Maintenance not performed prior to next anticipated storm event (count each failure to select, install, maintain each BMP as one violation)	was a stormwater outlet on western section of site that did not have BMPs (photos 750). When it started raining stormwater with sediment was discharge from this outlet into the Millfleet Drive and into the storm water inlet (photos 770, 771, 772 and 773).	CO CGP I.D.7 & I.D.8				\$250.00	=	
43	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CO CGP N/A				\$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.)		CO CGP I.C.3.c.4				\$500.00	=	
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		CO CGP N/A				\$500.00	=	
	*Exceptions:								
	(a) Snow or frozen ground conditions								
	(b) Activities will be resumed within 14 days								
	(c) Arid or Semi-arid areas (<20 inches per								
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		CO CGP N/A				\$1,000.00	=	
	A Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries		CO CGP N/A				\$1,000.00	=	
	B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		CO CGP N/A				\$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)		CO CGP N/A				\$500.00	=	
	A Sediment not removed from sediment trap when design capacity reduced by 50% or more		CO CGP N/A				\$500.00	=	
Subtotal BMP Deficiencies									\$2,500

SMALL BUSINESS EVALUATION

48	<p>Is the Owner/Operator a Small Business?</p> <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:						\$5,200

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER** in the matter **DOHN CONSTRUCTION, INC.;** **DOCKET NO.: CWA-08-2014-0007.** The **SETTLEMENT AGREEMENT** was filed with the Regional Hearing Clerk on November 19, 2013; the **FINAL ORDER** was filed on January 7, 2014.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Eduardo Quintana, 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 on January 7, 2014 to:

Douglas A. Dohn, President
Dohn Construction, Inc.
2642 Midpoint Drive
Fort Collins, CO 80525

And emailed to:

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

January 7, 2014



Tina Artemis
Paralegal/Regional Hearing Clerk

