

SOUTHEAST METRO STORMWATER AUTHORITY  
acting by and through  
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION 18-14

Authorization to Approve Grading, Erosion, and Sediment Control  
Compliance Assurance Enforcement Penalty Fee Schedule

WHEREAS, the Colorado Department of Public Health and Environment (CDPHE) issues and administers discharge permits and other control mechanisms as provided by the Colorado Water Quality Control Act (25-8-101 et seq., CRS, 1973) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"); and

WHEREAS, the Southeast Metro Stormwater Authority (SEMSWA) has been authorized to discharge stormwater associated with their Municipal Separate Storm Sewer (MS4) systems in accordance with the Colorado Discharge Permit System (CDPS) General Permit No. COR-080021, effective July 1, 2016 (MS4 Permit), specifically for discharges wholly or partly within the Cherry Creek Reservoir drainage basin; and

WHEREAS, in accordance with the MS4 Permit, CDPHE requires permittees to implement stormwater control measures (Programs), of which the Construction Sites Program requires permittees to ensure adequate design, implementation, maintenance, and enforcement related to construction site stormwater runoff; and

WHEREAS, the SEMSWA Board of Directors adopted the SEMSWA Grading, Erosion, and Sediment Control (GESC) Manual as Resolution No. 10-42 which was amended by Resolutions 12-20 and 18-13, and as may be amended from time to time, to set forth the GESC Permitting Program to meet the Construction Sites Program requirements, for the purposes of ensuring compliance with the MS4 Permit through adequate design, implementation, maintenance, and enforcement of Control Measures (CMs) at construction sites in the City of Centennial; and

WHEREAS, in accordance with the GESC Manual, the mechanism to ensure adequate implementation, maintenance, and enforcement at construction sites includes the issuance of GESC permits for land disturbance sites; and

WHEREAS, SEMSWA has developed a GESC Permitting Program that establishes a framework to permit land disturbances as regulated by the SEMSWA GESC Manual which will conform to the MS4 Permit while promoting environmentally-sound construction practices in the City of Centennial using staff resources suitably and efficiently; and

WHEREAS, in accordance with the Board adopted Authorization of Enforcement Related to the CDPS MS4 Permit (Resolution 12-31), SEMSWA has authorized enforcement related to the GESC Permitting Program; and

WHEREAS, it is the general policy of SEMSWA to provide reasonable opportunities for property owners, developers, and contractors to bring land disturbance sites into compliance with SEMSWA's GESC Permitting Program with a set of enforcement tools that escalates from education and assistance to penalty fees; and

WHEREAS, SEMSWA provides Compliance Assistance at construction sites by assessing site re-inspection fees in accordance with the adopted Fee Schedule (Resolution 16-30) that are intended to recoup costs associated with SEMSWA's construction site compliance assistance services as they relate to permit conformance; and

WHEREAS, SEMSWA has identified a need to establish MS4 Permit monetary penalty fees for enforcement that are intended to achieve GESC Permit Program compliance when re-inspection fees have not achieved a compliant construction site; and

WHEREAS, SEMSWA has developed a GESC Compliance Assurance Enforcement Penalty Fee Standard Operating Procedure (SOP) document to establish these monetary penalty fee enforcement tools to ensure GESC Permit conformance; and

WHEREAS, SEMSWA has developed a corresponding GESC Compliance Assurance Enforcement Penalty Fee Schedule with the intent to escalate monetary enforcement remedies without judicial proceedings or corrective actions being taken by SEMSWA directly.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. SEMSWA hereby establishes allowable enforcement penalty fees for GESC Permit Program violations as set forth in **Exhibit A**, the Compliance Assurance Enforcement Penalty Fee Schedule.
2. The Board authorizes SEMSWA staff to utilize the enforcement procedures including the assessment and collection of penalty fees for violations of the MS4 Permit, as set forth in **Exhibit A**.
3. The Executive Director shall make an annual report to the Board on enforcement actions which required the use of penalties under this Resolution.

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Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:  
Attorney for  
Southeast Metro Stormwater Authority

By \_\_\_\_\_  
Edward J. Krisor

## Compliance Assurance Enforcement Penalty Fee Schedule

*These erosion, construction site, waste, and sediment Control Measures have been assessed for their significance in re-establishing control of a GES-C-permitted site that has remained non-compliant after exhausting the use of Contractor education and assistance enforcement tools.<sup>1</sup> The emphasis during Compliance Assurance re-focuses the site towards appropriate measures for control of erosion, sediment, and waste sources, including site management. The table below provides an assessed value of each Control Measure in relation to a stabilized, GES-C-compliant site.*

Control Measure	Enforcement Penalty Fee	Multiplication Factor
<b>Erosion Control</b>		
Diversion Dike/ditch	\$1,500	Per day
Erosion Control Blanket	\$2,000	Per day
Seeding/Mulching	\$1,500-\$2,500 <sup>2</sup>	Per day
Stabilized staging area	\$1,500	Per day
Surface roughening	\$2,000	Per day
Temporary slope drain	\$1,500	Per day
Temporary Stream Xing	\$2,500	Per day
Terrace/Slope Intercept ditch	\$1,500	Per day
<b>Construction Site Control</b>		
Subcontractor management	\$1,500	Per day, per subcontractor
Construction Fence/Marker	\$500	Per day
Site Management/access	\$2,500	Per day
<b>Waste Control</b>		
Concrete Washout	\$2,000	Per day
Equipment Maintenance	\$1,000	Per day, per piece of equipment
General Housekeeping	\$500	Per day
Mixing Operations	\$1,000	Per day, per operation
Sanitary waste	\$500	Per day, per station
<b>Sediment Control</b>		
Check dam/ reinforced CD	\$500	Per day, per dam
Dewatering/Water Control	\$3,000	Per day
Inlet Protection, Silt Fence	\$500	Per day, per sediment source
Reinforced Rock Berm	\$500-\$1,000 <sup>3</sup>	Per day
Sediment Basin	\$2,000	Per day
Sediment Control Log	\$500	Per day, per sediment source
Sediment Trap	\$1,500	Per day
Vehicle Tracking/Street Sweep	\$3,000	Per day

All fee amounts are for maintenance of Control Measures, not installation of Control Measures

<sup>1</sup> Compliance Assurance Enforcement Penalty Fee Standard Operating Procedure

<sup>2</sup> Maximum Enforcement Fee amount in Spring and Fall

<sup>3</sup> Maximum Enforcement Fee amount for culvert protection

