



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8ENF-W-NW

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Randy Stoll
Superintendent
JITA Contracting, Inc.
randy@jitacontracting.com

Re: Inspection Report for Cliff Palace and Mesa Top Loop Roads, NPDES Permit No.
COR10I00M

Dear Mr. Stoll:

On July 15, 2021, representatives of the U.S. Environmental Protection Agency inspected the Cliff Palace and Mesa Top Loop Roads construction site located in Mesa Verde National Park in Montezuma County, Colorado to evaluate compliance with the Federal stormwater construction permit requirements. The inspection was conducted under the authority of Section 308 of the Clean Water Act (Act). Enclosed is a report of the inspection.

Inspection findings are summarized within the enclosed inspection report in a table titled "Findings, Corrective Actions and Recommendations." Within **thirty (30) days** of receipt of this report, please provide the EPA with a summary of corrective actions taken to address each of the findings identified in the report and any information that may change the findings. This summary should be sent to:

Stephanie Meyers
meyers.stephanie@epa.gov

Please contact me at 303-312-6938 or meyers.stephanie@epa.gov if you have any questions regarding this letter or the enclosed report.

Sincerely,

**STEPHANIE
MEYERS**

Digitally signed by
STEPHANIE MEYERS
Date: 2021.09.09 15:26:53
-06'00'

Stephanie Meyers
NPDES and Wetlands Enforcement Section
Enforcement and Compliance Assurance Division

Enclosures:

- 1) Cliff Palace and Mesa Top Loop Roads NPDES Stormwater Inspection Report – Construction
- 2) Cliff Palace and Mesa Top Loop Roads Photo Log

cc: Karissa Churchill, Business Manager, JITA Contracting, Inc. (via email)
Curtis Scott, Chief of Engineering, Federal Highway Administration (via email)
William Nelligan, Acting Superintendent, Mesa Verde National Park (via email)

NPDES Stormwater Inspection Report – Construction

National Database Information	
Inspection Date: July 15, 2021	Inspection Type: Stormwater Construction
Entry/Exit Time: 11:40 am / 1:30 pm	NPDES ID Number: COR10I00M
NAICS Code: 237310	Inspection ID: 202107_COR10I00M
Lead inspector and affiliation: Stephanie Meyers, EPA Region 8	
Inspector and affiliation: Emilio Llamozas, EPA Region 8	
Inspector and affiliation: Michelle Lanzoni, EPA Region 10	

Facility Location Information (Name/Location/ Mailing Address)	
Site/Facility Name & Location: Cliff Palace and Mesa Top Loop Roads Mesa Verde National Park 35853 Rd H.5 Mancos, Colorado 81328 Montezuma County	Email Report to: Randy Stoll JITA Contracting, Inc. randy@jitacontracting.com

Contact Information	
	Name(s)/Title
Facility Contacts: <i>(indicate primary lead and present during inspection)</i>	Randy Stoll / Superintendent / JITA Contracting, Inc. / primary lead during the inspection
	Bill Monroe / Quality Control Manager / Bravo Co. VI / present during opening conference
Person/Company meeting definition of “Operator” (Contractor)	JITA Contracting, Inc.
Person/Company meeting definition of “Operator” (Owner)	Federal Highway Administration (FHA)
Authorized Official(s) (Per NOI or SWPPP?)	Karissa Churchill (certified NOI)

Permit Information			
Is the permit on site and available? Yes		Date NOI Submitted: February 16, 2021	
Effective Date: March 2, 2021		Expiration Date: February 16, 2022	
Construction Start Date: March 8, 2021	Percent complete: Approximately 50%	Estimated Completion Date: Approximately September 30, 2021	
Disturbed Area: 4.18 miles	Total Project Area: 3 acres	Latitude: 37.18396° N	Longitude: -108.48095° W
Receiving Water(s): Navajo Canyon			
If applicable, is waiver certification & approval on file? Not applicable			
Regulatory Inspector’s source of information: The facility representatives, the SWPPP and facility maps, the facility review, inspection reports, and the EPA NOI Database.			

Site Information							
Nature of Project	Residential	Commercial/Industrial	<u>Roadway</u>	Private	<u>Federal</u>	State/Municipal	Other
Construction Stage	Clearing/Grubbing	Rough Grading	Infrastructure	Building Const.	<u>Final Grading</u>	Final Stabilization	
Weather conditions during inspection (e.g., temperature, sky, precipitation): Mostly sunny.							

Areas Evaluated During Inspection		
<u>Permit</u>	Self-Monitoring Program	Pretreatment
<u>Records</u>	Compliance Schedule	Pollution Prevention
<u>Facility Site Review</u>	Laboratory	<u>Stormwater</u>
<u>Effluent/Receiving Waters</u>	<u>Operations and Maintenance</u>	Combined Sewer Overflow
Flow Measurement	Sludge Handling/Disposal	Sanitary Sewer Overflow

Report Review and Signature		
Drafter Name	Address/Phone Number	Date
Stephanie Meyers	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	8/25/2021
	303-312-6938	
Reviewer Name	Address/Phone Number	Date
Emilio Llamozas	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	9/8/2021
	303-312-6407	
Supervisor Signature/Name	Address/Phone Number	Date
	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	9/9/2021
Michael Boeglin	303-312-6250	

Inspection Narrative and Site Description

The inspection was conducted at the Cliff Palace and Mesa Top Loop Roads construction site (site) to evaluate compliance with the Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) 2017 Stormwater Construction General Permit (CGP or permit) requirements. A Notice of Intent (NOI) was submitted by the operator (JITA Contracting, Inc.) on February 16, 2021, for coverage under the CGP and was issued NPDES permit number COR10I00M. The site is also covered under permit number COR10F06K, submitted by the Federal Highway Administration, which is a federal operator and under the jurisdiction of the EPA.

On July 15, 2021, at approximately 11:40 am, U.S. Environmental Protection Agency (EPA) inspectors Stephanie Meyers, Emilio Llamozas, and Michelle Lanzoni (inspectors) arrived at the site. The inspection was unannounced.

The site is located within Mesa Verde National Park near Cliff Palace. The GPS latitude and longitude location is 37.18396°N, -108.48095°W. The site was comprised of approximately 4.13 miles of disturbed roadway, and the entire project is approximately 3 acres. Construction began on March 8, 2021 and is expected to be completed on September 30, 2021. Shortly after arriving onsite, inspectors met with site representatives, Randy Stoll of JITA Contracting, Inc. and Bill Monroe of Bravo Co VI. The weather during the inspection was mostly sunny and mild, but no precipitation.

Inspectors began with an opening conference near the entrance of Cliff Palace Road with Randy Stoll and Bill Monroe, by presenting their inspector credentials and explaining the purpose of the inspection. Mr. Stoll had informed inspectors the purpose and scope of the construction project during the opening conference. The road that leads to Cliff Palace is 30 years old, in poor condition, and in need of repairs. JITA Contracting, Inc. is working to improve the grading to level out the entire road, as well as replacing the asphalt. Mr. Stoll indicated nothing new would be installed, but several inlets would be replaced.

After the opening conference, the inspectors then proceeded to drive the entirety of the site, stopping at each installed best management practice (BMP), culvert, and inlet. Throughout the inspection, the inspectors noted their observations in a checklist. Photographs taken during the inspection are included in the attached photo log. The site inspection started just beyond the entrance of the site, where inspectors observed a water truck spraying water across the road for dust control (photo 87). Throughout the site, inspectors observed several locations where fiber rolls did not have stakes placed every four feet (photos 85, 88, 89, 90, and 92). There was also a torn dandy bag over an inlet that had been left open (photos 93 and 94), and two locations where asphalt, rocks, and sediment were past fiber rolls (photos 91 and 95).

After driving the site, inspectors requested the stormwater pollution prevention plan (SWPPP) be made available to inspectors for later review. A copy of the SWPPP was placed outside of the trailer, where inspectors were able to review portions of the SWPPP. An electronic copy of the SWPPP was also sent to inspectors on July 16, 2021, so review could be completed remotely.

On July 26, 2021, Stephanie Meyers discussed preliminary findings with Mr. Stoll during the closing conference via phone conversation. On July 27, 2021, the EPA sent an email to Mr. Stoll, Ms. Churchill, Mr. Scott, Mr. Spencer and Mr. Nelligan with the preliminary findings from the inspection.

Findings, Corrective Actions and Recommendations

Finding #1: An inlet near Cliff Palace had a torn Dandy bag and was left partially uncovered.

There was one inlet protection (Dandy bag) located at Cliff Palace that was torn (photo 93). The same inlet also had an uncovered gap between the inlet and the curve. Sediment and rocks had fallen in the inlet, which needed to be removed so they are not discharged during precipitation events (photo 94).

Permit requirements:

Part 2.1.4 of the permit states, "Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

- a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.
- b. If at any time you find a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work, and complete such work by the close of the next business day.
- c. If at any time you find that a stormwater control needs repair or replacement, you must comply with the corrective action requirements in Part 5."

Part 2.2.10 of the permit states, "Protect all storm drain inlets.

- a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet;²³ and
- b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible."

Corrective Action:

On August 2, 2021, Mr. Stoll sent a response to the EPA preliminary findings email and indicated the dandy bag will be replaced. Mr. Stoll also indicated that this culvert had already been full of debris and sediment prior to JITA Contracting, Inc. doing any work. Please provide the EPA with a photo of the newly installed dandy bag once it is replaced and the date it was installed. Remove sediment and rocks accumulated in the inlet. Provide a photo of the inside of the inlet once the inlet is cleaned and the date it was cleaned.

Finding #2: Several Fiber rolls did not have stakes every four feet.

Fiber roll BMP specifications require stakes every four feet of the length of the fiber roll. There were several fiber rolls that did not have stakes every four feet. This issue was observed in the fiber rolls at the following locations: Station 3007 + 2181, Station 3024 + 50, Station 3029 + 00, Station 3049 + 5206, and Station 3086 + 78.20 (photos 85, 88, 89, 90, and 92).

Permit requirement:

Part 2.1.2 of the permit states, "Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications."

Corrective Action:

Ensure stakes are placed every four feet of the length of the fiber roll. Please provide the EPA with photos of the fiber rolls at the five station locations above once stakes are properly placed and the date the stakes were installed on the fiber rolls.

Finding #3: There were two locations where rocks, asphalt, and sediment had gone past the fiber rolls.

There were two locations at Station 3049 + 5206 and the new culvert at Hemenway House pull off where rocks, asphalt and sediment had gone past the fiber rolls. These rocks, asphalt and sediment needed to be removed so they are not discharged during precipitation events (photos 91 and 95).

Permit requirement:

Part 2.1.4 of the permit states, "Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

- a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.
- b. If at any time you find a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work, and complete such work by the close of the next business day.
- c. If at any time you find that a stormwater control needs repair or replacement, you must comply with the corrective action requirements in Part 5."

Corrective Action:

On August 2, 2021, Mr. Stoll sent a response to the EPA preliminary findings email and indicated that asphalt will be removed. Mr. Stoll also indicated that asphalt and sediment past the fiber rolls had been there from previous road damage prior to any work done by JITA Contracting, Inc. Please provide the EPA with photos of the two locations above showing asphalt, rocks, and sediment have been removed and the date the asphalt, rocks and sediment were removed.

Finding #4: The site did not have a sign or other notice of the permit coverage.

The site did not have a sign or other notice of the permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way.

Permit requirement:

Part 1.5 of the permit states, "You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way. At a minimum, the notice must include:

- a. The NPDES ID (*i.e., permit tracking number assigned to your NOI*);
- b. A contact name and phone number for obtaining additional construction site information;

- c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: ‘If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [include the appropriate CGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>];’ and
- d. The following statement ‘If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: <https://www.epa.gov/enforcement/report-environmental-violations>.’”

Corrective Action:

On August 2, 2021, EPA received information from Mr. Stoll that this corrective action has been addressed. Proper signage has been posted in accordance with part 1.5 of the permit. No further action is needed.

Finding #5: The SWPPP did not have a delegation of authority letter for Horizon Environmental Services.

The SWPPP did not have a delegation of authority letter for Horizon Environmental Services to sign and certify the inspection reports. The SWPPP had a template delegation of authority letter template in Appendix J; however, it was not completed.

Permit requirement:

Part I.11.2 of the permit states, “Your SWPPP, including changes to your SWPPP, inspection reports, and any other compliance documentation required under this permit, must be signed by a person described in Appendix I, Subsection I.11.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- I.11.2.1 The authorization is made in writing by a person described in Appendix I, Subsection I.11.1;
- I.11.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- I.11.2.3 The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.”

Corrective Action:

On August 2, 2021, EPA received information from Mr. Stoll that this corrective action has been addressed. The delegation of authority letter for Horizon Environmental Services has been completed. No further action is needed.

Finding #6: The SWPPP does not include training records for relevant staff.

The SWPPP does not include records that relevant staff were trained in accordance with Part 6 of the permit.

Permit requirement:

Part 7.8 of the permit states, "Include documentation that the required personnel were, or will be, trained in accordance with Part 6."

Corrective Action:

On August 2, 2021, EPA received information from Mr. Stoll that this corrective action has been addressed. Training records for relevant staff have been sent to EPA. No further action is needed.

Finding #7: Corrective actions are not completed within seven calendar days.

The July 12, 2021 inspection report findings indicated that there were torn fiber rolls since May 24, 2021 that had not been repaired. The July 12, 2021 inspection report findings also indicated that the torn Dandy bag had not been fixed since July 6, 2021. There were no corrective action reports for the two findings listed above. The permit requires that corrective actions be completed within seven calendar days of discovery when the problem requires a new or replacement control, or significant repair.

Permit requirements:

Part 5.1 of the permit states, "You must take corrective action to address any of the following conditions identified at your site:

- 5.1.1 A stormwater control needs repair or replacement;
- 5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
- 5.1.3 Your discharges are causing an exceedance of applicable water quality standards; or
- 5.1.4 A prohibited discharge has occurred (see Part 1.3)."

Part 5.2.3 of the permit states, "When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work."

Corrective Action:

Ensure corrective actions are taken to address stormwater controls in need of repairs, and ensure corrective actions are taken in a timely manner in accordance with Part 5.2.3 of the permit. Provide a description to the EPA of the corrective actions taken to address this finding and photographs documenting these actions.