

NPDES Stormwater Inspection Report – MS4

National Database Information	
Inspection Dates: May 20-23, 2024	Inspection Type: Municipal Separate Stormwater Sewer System (MS4)
NAICS Code: 9511 Air, Water, and Solid Waste Management	NPDES ID Number: COR090040
Inspection ID: 202405_COR090040	
Lead inspector and affiliation: Stephanie Meyers, US EPA Region 8	
Inspector and affiliation: Brit Rustad, US EPA Region 8	
Inspector and affiliation: Mary Welch, Colorado Department of Environment and Public Health	
Inspector and affiliation: Joe Campbell, Colorado Department of Environment and Public Health	
Inspector and affiliation: Al Stafford, Colorado Department of Environment and Public Health	
Inspector and affiliation: Andy Zellinger, US EPA Region 9	
Inspector and affiliation: Juliana Gomez, US EPA Region 9	
Inspector and affiliation: Jeremy Judd, US EPA Region 4	
Inspector and affiliation: Celina Russo, US EPA Region 4	

Facility Location Information (Name/Location/ Mailing Address)	
Site/Facility Name & Location: City of Pueblo MS4 201 S Mechanic St. Pueblo, CO 81003	Email Report to: John Sakariason Stormwater Coordinator City of Pueblo jsakariason@pueblo.us

Contact Information	
	Name(s)/Title
Facility Contacts: <i>(indicate primary lead and present during inspection)</i>	John Sakariason / Stormwater Coordinator / City of Pueblo / primary lead during opening conference, field inspections, and closing conference
	William Sandoval / Stormwater Inspector / City of Pueblo / present during opening conference, field inspections, and closing conference
	Jerry Estep / Permit Compliance Coordinator / City of Pueblo / present during opening conference and closing conference
	Andrew Hayes / Public Works Director / City of Pueblo / present during opening conference and closing conference
Authorized Official	Jeff Hawkins / Director of Stormwater Utility / City of Pueblo

Permit Information	
Is the permit on site and available? Yes	
Effective Date: July 1, 2016	Expiration Date: June 30, 2021 (administratively continued)
Latitude: 38.262646° N	Longitude: -104.612085° W
Receiving Water(s): Arkansas River, Fountain Creek, and other associated waters of the State within the exterior boundaries of the City of Pueblo	
Regulatory Inspector's source of information: Facility contacts, documents received during the inspection, permit and permit fact sheet.	

Areas Evaluated During Inspection		
<u>Permit</u>	<u>Effluent/Receiving Waters</u>	Compliance Schedule
<u>Records/Reports</u>	Flow Measurement	<u>Pollution Prevention</u>
<u>Facility Site Review</u>	Self-Monitoring Program	Laboratory
Weather conditions during inspection (e.g., temperature, sky, precipitation): The weather conditions throughout the week were sunny or partly cloudy with a high of 80°F.		

MS4 Program areas during inspection			
Public Education & Outreach	Yes	Public Involvement & Participation	Yes
Illicit Discharge Detection and Elimination (IDDE)	Yes	New Development/Redevelopment (NDRD)	Yes
Industrial Facilities	N/A	Construction Sites Program	Yes
Pollution Prevention and Good Housekeeping	Yes	Stormwater Monitoring	Yes
Program Management	Yes	Compliance Schedule	N/A

Report Review and Signature		
Drafter Name	Address/Phone Number	Date
Stephanie Meyers	U.S. EPA Region 8 1595 Wynkoop Street 8ECA-W-N Denver, Colorado 80202 303-312-6938	7/1/24
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 EMILIO LLAMOZAS Digitally signed by EMILIO LLAMOZAS Date: 2024.08.07 17:11:55 -06'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ECA-W-N Denver, Colorado 80202	7/24/24
	Emilio Llamozas	

Inspection Narrative and Site Description

The inspection was conducted at the City of Pueblo (City) located in Pueblo, Colorado to evaluate compliance with its municipal separate storm sewer system (MS4) Colorado Discharge Permit System (CDPS) permit. The U.S Environmental Protection Agency (EPA) is responsible for oversight of the State of Colorado. The inspection was announced a few weeks prior to the inspection to coordinate logistics for the inspection. On May 20, 2024, EPA inspectors Stephanie Meyers, Brit Rustad, Andy Zellinger, Juliana Gomez, Celina Russo, and Jeremy Judd (inspectors) along with Colorado Department of Public Health and Environment staff Mary Welch, Al Stafford, and Joe Campbell held an opening conference to explain the purpose of the inspection, followed by questions pertaining to the facility's implementation of the permit's Control Measures. On May 21-23, 2024, the EPA inspectors and CDPHE staff conducted onsite inspection activities, discussed further below. Throughout the inspection, the inspectors noted their observations in electronic and hard-copy checklists. Photographs taken during the inspection are included in the attached photo log.

The City of Pueblo has been categorized as a Phase II MS4 and serves a population of approximately 110,000 people which is projected to continue to grow in size. The majority of the City's growth is occurring towards the northeast and southwest areas of the City. The City limits include mile markers 94 to 104 in the north to the steel mill in the south, the steel mill being outside City limits. The western limits follow Pueblo Boulevard, and the eastern limits follow Interstate 25, East 4th Street, and State Highway 50. Areas of the County of Pueblo border the City limits to the west and southeast. Municipal staff stated the City does coordinate with the County occasionally and works with the Colorado Department of Transportation on highway projects. Colorado State University-Pueblo is located within City limits, but there is no formal agreement between the City and the University on stormwater program implementation.

The City has a Stormwater Utility Division (Division) that provides services necessary to meet requirements of the Clean Water Act and to implement all required provisions of the CDPS Phase II General Permit. The Division falls within the Public Works Department and contains approximately 27 full-time positions and 10 part-time positions. Among these positions, includes the Stormwater Coordinator, Administrative Technician, Maintenance Supervisor, multiple equipment operators, maintenance workers, engineers, inspectors, permit specialists, and more. The Division is funded by fees generated from residential and commercial properties. Municipal staff stated the last stormwater fee increase occurred in 2019, and staff are currently conducting rate studies to evaluate the need for a fee increase.

On May 20, 2024, inspectors spent the first day discussing the City's MS4 program and proceeded to ask questions pertaining to the City's organizational structure, and implementation of each of the control measures including Public Involvement and Participation, Public Education and Outreach, Illicit Discharge Detection and Elimination, Construction Sites, Post-Construction Stormwater Management in New Development and Redevelopment, Pollution Prevention/Good Housekeeping for Municipal Operations.

On May 21, 2024, inspectors conducted field inspections under the Illicit Discharge Detection and Elimination and Pollution Prevention and Good Housekeeping programs. Inspectors first visited the Pueblo Memorial Airport, which experienced a spill of wildfire retardant material in 2023. Inspectors

Inspection Narrative and Site Description

observed the manholes (photos 1-2), location of wildfire retardant storage (photos 3-5), and the swale that captured runoff from the incident (photo 6). City representatives stated the spill did discharge into the storm system, and that airport representatives are working on a long-term solution to ensure incidents such as this do not occur again in the future. Inspectors then observed several outfalls (photos 7-10), some of which contained sediment, trash, and debris. Later in the day, inspectors then visited several different municipal facility operations to observe the City's implementation of its Pollution Prevention/Good Housekeeping program. Inspectors first visited the Streets/Fleet Maintenance Facility, where various materials, vehicles, and equipment are stored, and maintenance is conducted for vehicles and equipment. There is a tank containing magnesium chloride for snow/ice removal on site (photo 11), equipment storage (photo 12), concrete conveyances throughout the facility that flow to stormwater inlets (photos 13 and 15), asphalt milling storage (photo 14), storage of totaled vehicles and vehicles needing repairs (photo 18), and a vehicle maintenance facility (photo 19). Inspectors observed several spills and leaks of fuel and hydraulic oil throughout the site (photos 16, 17, and 20). Inspectors then observed the vehicle and equipment wash station at the traffic facility where wash water flows into a drain that contains a sand/oil separator and then flows to the sanitary sewer line (photo 21). Wash water was also observed flowing into a concrete conveyance that flows to a stormwater inlet (photo 21). Inspectors then proceeded to inspect the Mineral Palace Park municipal facility, where various parks equipment and materials are stored. There are two 500-gallon fuel and diesel tanks at the facility used to fuel parks equipment and vehicles (photos 22-23). Various equipment is also stored on site (photo 24). Inspectors ended the municipal facilities inspections at the Elmwood Golf Course, which also contains various equipment, vehicle, and material storage. There are three fueling tanks, one of which was leaking at the time of the inspection (photos 25-27). Drums and totes of used oil are also stored on site uncovered and not within secondary containment (photo 28). There are also stockpiles of sand stored on site (photo 29).

On May 22, 2024, inspectors conducted inspections under the Construction Sites program and visited four different active construction sites. Inspectors first visited the Arkansas River Southside Diversion Dam project, which involves work in the river to improve safety for users riding the river (photo 30). Inspectors observed several issues across the site including non-functional Best Management Practices (BMPs), failed structures, sediment discharges, and concrete waste dumped outside of designated concrete wash out areas (photos 31-36). There is also a materials staging yard on site (photo 37). Inspectors then visited the Cottages at Park West construction site (photo 38). Material storage and excavation was occurring outside of the site (photo 39), and silt fences were not properly installed or needed repairs (photo 40). After that, inspectors visited the North Vista Highlands construction site, which was in various phases of construction and had BMPs that were not installed or functioning properly (photos 41-43). Lastly, inspectors visited the TA Travel Center construction site, which was in the beginning stages of construction (photo 44).

On May 23, 2024, inspectors conducted inspections under the Post-Construction Stormwater Management program and visited five different post-construction structures. Inspectors first visited the post-construction control structure at the Baha Construction, Inc. offices (photo 45). Inspectors then visited the post-construction pond at Southgate, which contained trash, debris, and overgrown vegetation (photos 46-49). After that, inspectors visited the Big O Tires post-construction pond (photo 50). Inspectors then visited the Hastings post-construction pond, which contained trash and large

Inspection Narrative and Site Description
debris (photos 51-52). Lastly, inspectors visited the Regency Park post-construction pond which had an outfall covered with debris (photo 53). At the end of the site inspection, the inspectors held a closing conference with City staff where they discussed preliminary findings. On June 3, 2024, the EPA sent an email to City staff with the preliminary findings from the inspection.

Findings, Corrective Actions, and Recommendations

Finding #1: An annual assessment of the effectiveness of control measures is not described in the Annual Report.

Part 7.C.i. of the Annual Report requires the City to provide the results of the assessment of the effectiveness of the control measures. In the 2020-2023 Annual Reports, the City states they had conducted the assessment and provided results of the assessment, but when EPA inspectors asked City representatives about what the assessment entailed and how the results were determined, City representatives were unable to provide further information.

Permit requirement:

Part I.G.1. of the permit states, "The Permittee shall conduct an annual review of the current program areas as necessary for the preparation of the annual report required under Part I.I. This annual review shall include the following:

- a. A review of the compliance status with requirements in Part I.E. and III, and compliance schedules in Part I.H.
- b. An assessment of the effectiveness of control measures.
- c. An assessment of any permit modifications that may be needed if compliance with a current term or condition may not be practicable."

Corrective Action:

Ensure that an assessment of the effectiveness of control measures is conducted annually. Submit to the EPA and CDPHE a description of the assessment procedures.

Finding #2: The final step in the enforcement escalation process has proven to be ineffective.

The City has enforcement escalation procedures for the Illicit Discharge Detection and Elimination, and the Construction Sites programs which first includes written warnings, then a notice of violation, and finally an issuance a of summons. The purpose of enforcement escalation procedures is to increase enforcement measures in order to address recalcitrant, repeat, and/or egregious violators. City representatives stated that while an issuance of a summons is utilized as the final step in the enforcement escalation process, there have been several instances where fines have been significantly reduced during the summons process, thus proving to be an ineffective means for enforcement. EPA recognizes that the City does not have a final decision in the summons process; therefore, the City should explore other options for enforcement escalation. Below are examples of where fines have been reduced.

Champion Xpress Car Wash received a summons due to an illicit discharge from their facility that resulted in untreated car wash wastewater leaving their facility and entering the storm system. Champion Xpress Car Wash was cited for four (4) Pueblo Municipal Code violations and was assessed a total penalty of \$4,090.00. The court credited (deferred) the fines for a total of \$4,000.00 and Champion Xpress was only required to pay \$90.00 in court costs.

Ross Dress for Less received a summons due to an illicit discharge from their facility that resulted in sanitary sewer water entering the storm system. Ross Dress for Less was cited for three (3) Pueblo Municipal Code violations and was assessed a total of \$3,000.00 plus associated court costs. They

entered a pre-trial deferment and were only required to pay a total of \$750.00 plus associated court costs.

Albertsons grocery store received a summons due to an illicit discharge from their facility that resulted in sanitary sewer water entering the storm system. Albertsons was cited for three (3) Pueblo Municipal Code Violations and was assessed a total of \$3,000.00 plus associated court costs. They entered a pre-trial deferment and were only required to pay a total of \$750.00 plus associated court costs.

Richmond American Homes was summoned due to multiple findings of noncompliance for their active construction site at the Villa Bella Subdivision. In total, they were cited for thirty (30) counts of Pueblo Municipal Code violations and were originally assessed \$15,040 in fines and costs. They entered a pre-trial deferment, twenty-one (21) counts were dismissed, and they were only required to pay a total of \$540.00.

Permit requirement:

Part I.E.2.a.vii. of the permit states, "The permittee must implement appropriate written enforcement procedures and actions to eliminate the source of an illicit discharge when identified/reported, discourage responsible parties from willfully or negligently repeating or continuing illicit discharges, and discourage future illicit discharges from occurring. The written procedures must address mechanisms for enforcement for all illicit discharges from the moment an illicit discharge is identified/reported until it is eliminated. The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the responsible party to ensure that findings of a similar nature are enforced upon consistently. Written enforcement procedures must include informal, formal, and judicial enforcement responses."

Part I.E.3.a.vii. of the permit states, "Implement appropriate enforcement procedures and actions to meet the requirements of Part I.E.3.

(A) The permittee must have processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measure requirements.

(B) The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the violator to ensure that findings of a similar nature are enforced upon consistently. Enforcement procedures must include informal, formal, and judicial enforcement responses."

Corrective Action:

Ensure that the final step in the enforcement escalation process is an effective means of enforcement. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding 3: The enforcement escalation process does not include stop work orders as means for enforcement.

The City has enforcement escalation procedures for the Illicit Discharge Detection and Elimination, and the Construction Sites programs which first includes written warnings, then a notice of violation, and finally an issuance of summons. The purpose of enforcement escalation procedures is to increase enforcement measures in order to address recalcitrant, repeat, and/or egregious violators. City representatives stated stop-work orders are not utilized as a form of enforcement due to City code

limitations, even though stop-work orders have proven to be an effective means for enforcement in other municipalities.

Permit Requirement:

Part I.E.3.a.vii. of the permit states, "Implement appropriate enforcement procedures and actions to meet the requirements of Part I.E.3.

(A) The permittee must have processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measure requirements.

(B) The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the violator to ensure that findings of a similar nature are enforced upon consistently. Enforcement procedures must include informal, formal, and judicial enforcement responses."

Recommendation:

Consider including stop-work orders as a form of enforcement to increase the effectiveness of enforcement for the Construction Sites program. If the City elects to incorporate stop-work orders as a form of enforcement, provide the EPA and CDPHE with a description of how this recommendation will be addressed.

Finding #4: The Program Description Document has not been updated since 2019.

The Program Description Document (PDD) has not been updated since 2019, and there have been changes made since then that need to be reflected in a modification of the PDD, including but not limited to the new drainage criteria manual.

Permit Requirements:

Part I.C.3. of the permit states, "Information in the PDD may be revised by the permittee at any time. The permittee must modify the PDD as changes occur to ensure that the information is up to date."

Corrective Action:

Ensure the PDD is modified as changes occur to ensure that the information is up to date. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #5: There is no formal IDDE training for applicable municipal staff.

There is no formal IDDE training for applicable municipal staff most likely to observe illicit discharges during typical job duties (stormwater staff, utility staff, police, fire, parks, etc.).

Permit Requirement:

Part I.E.2.a.ix. of the permit states, "The permittee must train applicable municipal staff to recognize and appropriately respond to illicit discharges observed during typical duties. The permittee must identify those who will be likely to make such observations and provide training to those individuals. The training must address how suspected illicit discharges will be reported/identified, general information for recognizing and responding to illicit discharges observed during typical duties, information on the sources and types of operations or behaviors that can result in an illicit discharge, and information on the location of priority areas."

Corrective Action:

Identify the municipal staff positions that are likely to observe illicit discharges. Ensure applicable municipal staff receive IDDE training including how suspected illicit discharges will be reported/identified, general information for recognizing and responding to illicit discharges observed during typical duties, information on the sources and types of operations or behaviors that can result in an illicit discharge, and information on the location of priority areas. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #6: The construction site inspection checklist does not include an option to evaluate other types of BMPs not listed in the checklist.

The construction site inspection checklist includes a set list of types of BMPs to be evaluated and does not provide the option to evaluate other types of BMPs that may be observed outside of this list.

Permit Requirement:

Part I.E.3.b.vi. of the permit states, "Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:

- 1) Inspection date
- 2) Name of inspector
- 3) Site identification
- 4) Inspection results including the location of any illicit discharges, failure to implement control measures, and inadequate control measures. The inspection results should also list (not locate) any control measures requiring routine maintenance.
- 5) If the inspection is conducted in lieu of a compliance inspection, identification of any inadequate control measures that have not been resolved from the previous inspection.
- 6) Type of inspection"

Corrective Action:

Ensure the construction site inspection checklist includes an option to evaluate all other types of BMPs not listed in the checklist and ensure all types of BMPs are being evaluated while conducting inspections. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #7: Construction site operators are not trained on the construction sites program.

Construction site operators are not formally trained on controlling pollutants at construction sites, including trash.

Permit Requirement:

Part I.E.3.a.viii. of the permit states, "The permittee must provide information to operators of applicable construction activities as necessary to ensure that each operator is aware of the permittee's applicable requirements, including controlling pollutants such as trash. The training must also include information on trash as pollutant source."

Corrective Action:

Ensure applicable construction site operators receive construction sites training. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #8: Municipal staff missed several issues identified during the construction site inspections.

Several deficiencies at construction sites were not identified by municipal staff during the construction site inspections. After each site inspection, the EPA inspectors shared with the municipal staff the deficiencies that were not identified by municipal staff during the construction site inspections.

Permit Requirement:

Part I.E.3.a.vi. of the permit states, "The inspection must assess the following:

- (a) Control measures: Identify failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance.
- (b) Pollutant sources: Evaluate all pollutant sources, including trash, to determine if an illegal discharge has occurred.
- (c) Discharge points: Evaluate discharge points to the MS4, or beyond the limits of the construction site as necessary to determine if an illicit discharge has occurred. The permittee must require the removal of the pollutants, when feasible, from the MS4 when the permittee identifies a failure to implement a control measure or an inadequate control measure resulting in pollutants discharging to the MS4 or beyond the limits of the construction site."

Corrective Action:

Ensure all applicable construction sites are inspected in accordance with the permit. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #9: Municipal staff do not review CDPHE's inspection reports of constructions sites.

Permit Requirement: N/A

Recommendation:

CDPHE recommends the City consider comparing State inspection reports of construction sites to those conducted by the City to identify if there are State findings that were not included in the City's inspection reports.

Finding #10: Post-construction control measures that are not City-owned are not inspected nor maintained, (photos 47-49) and most do not have maintenance agreements in place.

City representatives stated they do not inspect nor maintain post-construction control measures that are privately owned because they do not know who the owner of the control measure is. As a result of the City not knowing who the owner is, they also do not have maintenance agreements in place to ensure control measures are maintained regularly.

Permit Requirement:

Part I.E.4.a.vii. of the permit states, "The permittee must implement written procedures which include the following minimum requirements to ensure adequate long-term operation and maintenance of control measures to ensure that they are functioning as designed:

- (A) Procedures to enforce the requirements for the owner or operator to implement and maintain control measures when necessary.
- (B) Oversight shall include inspections of field conditions and control measures to confirm conformity with the site plan, identify any inadequate control measures, and identify control measures requiring routine maintenance, such as trash removal. All functional elements of control measures shall be

inspected at a frequency determined by the permittee. Inspections of each control measure shall occur at least once during the permit term except when Inspections for oversight of control measures on individual residential lots serving only the individual lot shall occur as determined by the permittee and may rely on alternative oversight process.”

Corrective Action:

Ensure post-construction control measures not owned by the City are maintained. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #11: Post-construction control measures that are City-owned are not maintained (photos 52-53).

There were several post-construction control measures owned by the City that contained trash, debris, and other large objects inside of them including the Hastings post-construction pond containing large debris such as a couch and other objects in the outfall structure (photo 52) and the Regency Park post-construction pond outfall covered with trash and debris (photo 53).

Permit Requirement:

Part I.E.4.a.vii. of the permit states, “The permittee must implement written procedures which include the following minimum requirements to ensure adequate long-term operation and maintenance of control measures to ensure that they are functioning as designed:

(A) Procedures to enforce the requirements for the owner or operator to implement and maintain control measures when necessary.

(B) Oversight shall include inspections of field conditions and control measures to confirm conformity with the site plan, identify any inadequate control measures, and identify control measures requiring routine maintenance, such as trash removal. All functional elements of control measures shall be inspected at a frequency determined by the permittee. Inspections of each control measure shall occur at least once during the permit term except when Inspections for oversight of control measures on individual residential lots serving only the individual lot shall occur as determined by the permittee and may rely on alternative oversight process.”

Corrective Action:

Ensure post-construction control measures owned by the City are maintained. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #12: Enforcement procedures are not implemented in instances where privately owned post-construction control measures are not maintained.

Municipal staff stated during the inspection that post-construction control measures that are: (1) not City-owned, (2) do not have maintenance agreements in place, and (3) are in need of maintenance, are not enforced against due to the City not knowing who the correct owner is.

The City indicated that they do not enforce on privately-owned post construction control measures that are in need of maintenance because they don’t have maintenance agreements in place, and it is difficult to track down who the private owner is.

Permit Requirement:

Part I.E.4.a.viii. of the permit states, “Implement appropriate written enforcement procedures and

actions to meet the requirements of Part I.E.4. The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the violator to ensure that findings of a similar nature are enforced upon consistently. The permittee must have processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measure requirements. Written enforcement procedures must include informal, formal, and judicial enforcement responses.”

Corrective Action:

Ensure appropriate enforcement is implemented for privately-owned post-construction control measures that are not maintained by the owner. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #13: Municipal staff have not received formal training on how to inspect post-construction control measures.

Applicable municipal staff have not received formal training on how to inspect post-construction control measures, including training on trash and its effects on water quality.

Permit Requirement:

Part I.E.4.a.x. of the permit states, “Train applicable municipal staff to inspect the control measures in accordance with the permittee’s procedures in Part I.E.4.a.vi and vii. The permittee must identify those who will be likely to inspect the control measures and provide training to those individuals. The training must also include information on trash and its effects on water quality.”

Corrective Action:

Identify the municipal staff positions that will inspect the post-construction control measures. Ensure applicable municipal staff receive training on how to inspect post-construction control measures and the impacts of trash on water quality. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #14: Runoff control plans have not been created for municipal facilities that scored above 20 in the hot spot spreadsheets.

The City has developed a “Hot Spot Checklist” which lists the various activities that occur at each municipal facility that have the potential to discharge pollutants and assigns a score for each activity based on the frequency of the activity. According to City procedures, any facility that scores 20 points or more is required to have a Runoff Control Plan in place that documents the name of the facility, description of all pollutant source, control measures implemented, staff responsible for implementation of control measures, and a description of control measures implemented for bulk storage structures. To date, Runoff Control Plans for facilities scoring 20 points or more have not been provided to EPA.

Permit Requirement:

Part I.E.5.b of the permit states, “The permittee must maintain the following records for activities to meet the requirements of this section I.E.5 and Part I.K.2:

- i. Municipal Facility Runoff Control Measures: For each applicable municipal facility:
 - (A) Facility identification
 - (B) Description of all pollutant sources

(C) Control measures implemented, including installation and implementation specifications and information
(D) Staff (position title) responsible for implementation of control measures and associated documentation
(E) Description of control measures implemented for bulk storage structures.
(F) Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:

- 1) Inspection date
- 2) Name of inspector
- 3) Applicable facility identification
- 4) Inspection findings including, when present: inadequate control measures, control measures requiring routine maintenance, and if there was any evidence of polluted discharges from the facility
- 5) Confirmation and documentation that the control measures are adequate or a list of follow up actions

- ii. Municipal Operations and Maintenance Procedures: Control measures implemented, including installation and implementation information.”

Corrective Action:

Ensure Runoff Control Plans are developed for municipal facilities in accordance with the permit and the City’s procedures. Provide the EPA and CDPHE with a list of municipal facilities that are required to have Runoff Control Plans. Provide the EPA and CDPHE with the Runoff Control Plans for each of these facilities. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #15: An inspection checklist is not being utilized for annual visual inspections at municipal facilities.

Inspectors performed site visits at the following municipal facilities and noted that an inspection checklist is not being utilized for municipal facility inspections: Streets and Fleet Maintenance Facility, Traffic Facility, Elmwood Golf Course Facility, and the Mineral Palace Parks Facility.

Permit Requirement:

Part I.E.5.a.ii.C of the permit states, “The permittee shall implement written municipal facility inspection procedures, which must at a minimum include the following:

- 1) An annual visual inspection of each applicable municipal facility.
- 2) A verification that the written facility procedures and documentation reflect current conditions.
- 3) Observation of locations and areas where stormwater from municipal facilities are discharged off-site; or discharged to waters of the state, or to a storm sewer system that drains to waters of the state.
- 4) Observation of facility conditions, including pollutant sources and control measures, to identify inadequate control measure and control measure requiring maintenance.”

Recommendation:

Consider developing an inspection checklist to be utilized for annual visual inspections of municipal facilities. This inspection checklist should include the following: 1) reflect current conditions (determination if structural and/or non-structural BMPs are in good condition, need repairs, retrofit,

or replacement); 2) outfall condition; 3) outfall – receiving water body and/or MS4; and 4) observation of facility conditions. Provide the EPA and CDPHE with a description of how this recommendation will be addressed.

Finding #16: Applicable City staff are not trained on pollution prevention and good housekeeping.

City staff responsible for inspections and operations of municipal facilities are not formally trained on pollution prevention and good housekeeping.

Permit Requirement:

Part I.E.5.a.vi of the permit states, “Train applicable municipal staff to implement the Pollution Prevention/Good Housekeeping for Municipal Operations, including training for employees that will conduct inspections in accordance with Part I.E.5.a.ii(C). The permittee must identify those who will be likely to inspect the control measures and provide training to those individuals. The program must inform public employees responsible for operations with the potential to result in an illicit discharge about the permittee’s prohibitions against, and potential impacts associated with, illicit discharges from municipal operations. The training must also include information on trash and its effects on water quality.”

Corrective Action:

Identify the municipal staff positions that will inspect the Pollution Prevention/Good Housekeeping control measures. Ensure applicable municipal facility staff are trained on how to implement the Pollution Prevention/Good Housekeeping program. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #17: Several deficiencies at municipal sites were not identified during the municipal facility inspections.

Several deficiencies at municipal sites were not identified by municipal staff during the municipal facility inspections, and not all outfalls or storm drains were inspected. After each site inspection, the EPA inspectors shared with the municipal staff the deficiencies that were not identified by municipal staff during the municipal site inspections.

Permit Requirement:

Part I.E.5.a.ii.(C) states, “The permittee shall implement written municipal facility inspection procedures, which must at a minimum include the following:

- 1) An annual visual inspection of each applicable municipal facility.
- 2) A verification that the written facility procedures and documentation reflect current conditions.
- 3) Observation of locations and areas where stormwater from municipal facilities are discharged off-site; or discharged to waters of the state, or to a storm sewer system that drains to waters of the state.
- 4) Observation of facility conditions, including pollutant sources and control measures, to identify inadequate control measure and control measure requiring maintenance.”

Corrective Action:

Ensure municipal staff are inspecting all locations and areas at municipal facilities where stormwater is discharged off-site, and that municipal staff are identifying inadequate control measures or other

issues on site. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #18: Control measures are not implemented to prevent or reduce discharges at municipal operations.

During the inspections of each municipal facility, EPA and CDPHE inspectors observed several deficiencies including the following:

Streets and Fleet Maintenance Facilities:

- Evidence of staining on ground from petroleum, oil, and lubricants (photo 17).
- Observations of metal supplies and rusted metal materials left on ground without proper BMPs.
- Observations of hydraulic leak from snow pile truck (Vehicle Tag 421-BRS, photo 16).
- Totaled and damaged vehicles parked over a concrete conveyance that flows to down gradient stormwater inlets (photo 18).
- 55-gallon drums that are not labeled and have not been disposed of.
- Municipal waste/garbage dumpster lid not properly closed (photo 11).
- Outdoor storage of materials not properly contained (e.g. Asphalt material pile, photos 14 and 15).

Traffic / Signals and Signs:

- Evidence of past oil spill from equipment (photo 20).
- 55-gallon drums that are not labeled and have not been disposed of.
- Wash water not completely contained within the vehicle wash area (photo 21).
- No spill kit present or readily available near the fueling station.

Golf Course (Elmwood):

- Drums and totes of used oil stored outdoors uncovered and not within secondary containment (photo 28).
- 300-gallon diesel tank showing signs of leaks and spills on ground outside of containment (photo 27).

Permit Requirement:

Part I.E.5.a.ii.A of the permit states, "The permittee shall implement control measures to prevent or reduce potential discharges of pollutants to the MS4 from the applicable municipal facilities listed below. New written procedures shall be developed and implemented for any new applicable municipal facilities prior to associated pollutant sources being present."

Corrective Action:

Ensure control measures are implemented at municipal facilities to prevent or reduce potential discharges of pollutants. Ensure that each of the deficiencies identified in this finding are address with a control measure. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #19: The traffic/fueling/wash sites are not included as part of the annual visual inspections (photo 21).

The traffic municipal facility, where fueling and vehicle/equipment washing occurs, and has material/equipment storage is not inspected by City staff as part of the annual visual inspections.

Permit Requirement:

Part I.E.5.a.ii.C of the permit states, "The permittee shall implement written municipal facility inspection procedures, which must at a minimum include the following:

- 1) An annual visual inspection of each applicable municipal facility.
- 2) A verification that the written facility procedures and documentation reflect current conditions.
- 3) Observation of locations and areas where stormwater from municipal facilities is discharged off-site; or discharged to waters of the state, or to a storm sewer system that drains to waters of the state.
- 4) Observation of facility conditions, including pollutant sources and control measures, to identify inadequate control measure and control measure requiring maintenance."

Part I.E.5. of the permit defines "Applicable municipal operations and facilities" as "municipal operations and facilities that are not authorized by a separate CDPS or NPDES discharge permit."

Corrective Action:

Ensure all applicable municipal operations and facilities are inspected in accordance with the permit including but not limited to the equipment/vehicle washing facility. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.

Finding #20: All outdoor bulk storage structures over 55 gallons have not been identified (photos 11, 22, 23, 25, 26, 27, and 28).

The City's Pollution Prevention and Good Housekeeping Program document lists one outdoor bulk storage structure requiring control measures, but inspectors found several others across other municipal facilities that have not been identified. These include: the magnesium chloride tank at the Streets and Fleet Facility, the asphalt tank at the Streets and Fleet Facility, the two 500-gallon fuel and diesel tanks at the Mineral Palace Parks Facility, the five fuel tanks at the Elmwood Golf Course Facility.

Permit Requirement:

Part I.E.5.a.v the permit states, "Outdoor bulk storage structures, of more than 55 gallons, for petroleum products and any other liquid chemicals located at applicable municipal facilities must have control measures implemented that provide secondary containment or equivalent protection that contains all spills and prevents any spilled material from entering state waters. For the scenario of a single containment system serving multiple tanks, the containment system must have sufficient capacity to contain 10% of the volume of containers, or the volume of the largest container plus 10%, whichever is greater. Bulk storage on mobile refuelers that are subject to the authority and control of the U.S. Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of EPA, dated November 24, 1971 are not subject to the requirements of Part I.E.5.a.ii(A)(5). Before the implementation of such controls, the permittee shall implement practices, such as spill prevention and response, to prevent or reduce

pollutants in runoff associated with bulk storage structures.”

Part I.E.5.b.iv. of the permit the following records must be maintained including a, “description of control measures implemented for bulk storage structures, if applicable.”

Corrective Action:

Ensure all applicable bulk storage structures with a volume of more than 55 gallons, have been identified and have control measures in place. Provide the EPA and CDPHE with a description of the corrective actions taken to address this finding.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
RESOURCE CONSERVATION AND RECOVERY ACT**

GENERAL INFORMATION

Facility Name: Clarkelen COWDF

RCRA ID: WYR000216325

Facility Location:

Lat/Long: 43.673482, -105.681199

Facility Contact: Mike Stahl, 303-763-3408,
mike.stahl@tallgrassenergyllp.com

Date of Inspection: September 12, 2023

Arrival Time: 1:45 p.m.

Departure Time: 2:50 p.m.

Lead Inspector & Report Author: Annette Maxwell, U.S. EPA RCRA Inspector

Other Attendees:

1. Dennis Lamb, Wyoming Department of Environmental Quality (WDEQ)
2. Christy Hutchinson, WDEQ
3. Brian Jensen, Clarkelen COWDF

Type and Purpose of Inspection: Compliance Evaluation Inspection

Facility Type: Commercial Oilfield Waste Disposal Facility

Applicable Statutes and Regulations: RCRA § 7003

Inspection Type: Unannounced Inspection
Joint: EPA, Wyoming DEQ

Disclaimer

This report is a summary of observations and information gathered from the facility at the time of the inspection. The information provided does not constitute a final decision on compliance with RCRA regulations, nor is it meant to be a comprehensive summary of all activities and processes conducted at the facility. Compliance with the hazardous waste requirements of RCRA Subtitle C was not evaluated during this inspection.

GENERAL FACILITY INFORMATION

Company Operator: Tallgrass Water Great Plains, LLC

Facility Description: The Clarkelen facility is a commercial oilfield waste disposal facility (COWDF) that receives non-hazardous, RCRA Subtitle C-exempt E&P oilfield waste for storage, handling and disposal. The facility has been issued a permit to operate a COWDF by WDEQ. The facility includes 10

Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

evaporation ponds, a netted settling (slop/skim) pit, storage tanks, truck offload areas, and an inactive HDPE evaporation tower. During the inspection, Mr. Jenson said that a saltwater injection well at the site was not currently in use, and that recent changes to the facility include installation of a piping system that allows wastewater to be delivered to the facility by pipeline. He also stated that, at that time, Ponds 3, 4 and 5 held freshwater.

A site map is included in Attachment 1 – Site Map.

OPENING CONFERENCE

Upon arrival at the facility, an opening conference was conducted with Mr. Jenson. I presented my federal inspector credentials, and we explained the purpose of the inspection. We were not denied access to the facility and were allowed to inspect all areas that we selected for inspection.

TOUR INFORMATION

All photographs collected during the inspection and referenced below are included in Attachment 2 – Photograph Log.

Areas of the Facility included in the site tour:

- Offload areas
- Settling (slop/skim) pit
- Evaporation ponds
- Tank storage

At the settling pit, I observed that the netting was in a degraded condition, with multiple holes and tears and a section pulled back. I also observed ground-level gapping below the mesh wire fencing around the pit, and that a section had been removed on one side. See photos 2238-2242.

At Pond 2, I observed that a small amount of oil was present on the surface of the pond, covering an estimated 1% of the pond surface. See photos 2245-2246.

In the area of a tank battery north of Pond 2, I observed a mobile tank containing oily waste that was open on top with no netting or other mechanism in use that would physically restrict wildlife access to the oily waste. See photo 2247.

At Pond 9, I observed that at least 15% of the pond surface was covered in floating oil, and at Pond 10 approximately 5% of the surface was covered in floating oil. See photos 2248-2252. At Pond 10, a hydrocarbon boom had been placed at one corner to control floating oil, but some oil was present on the pond surface beyond the boom.

Facility Name: Clarkelen COWDF
Facility Location: 43.673482, -105.681199
Date of Inspection: September 12, 2023

CLOSING CONFERENCE

During the closing conference, we stated concern regarding the netting and fencing over the settling pit, and concern regarding the presence of oil on Pond 9 and Pond 10, which we had not observed during previous inspections. Mr. Jenson stated that new netting had already been ordered for the settling pit, and that oil on Ponds 9 and 10 was from water with some oil in it that had begun coming into the facility by pipeline.

ADDITIONAL INFORMATION

Oily waste that is not restricted from access by wildlife is a concern under RCRA §7003 because of the potential for harm to birds and other wildlife including potential for mortality.

SIGNATURES

ANNETTE MAXWELL Digitally signed by ANNETTE MAXWELL
Date: 2024.02.22 08:47:34 -07'00'

Annette Maxwell, RCRA Inspector

COLLEEN RATHBONE Digitally signed by COLLEEN RATHBONE
Date: 2024.02.22 09:04:20 -07'00'

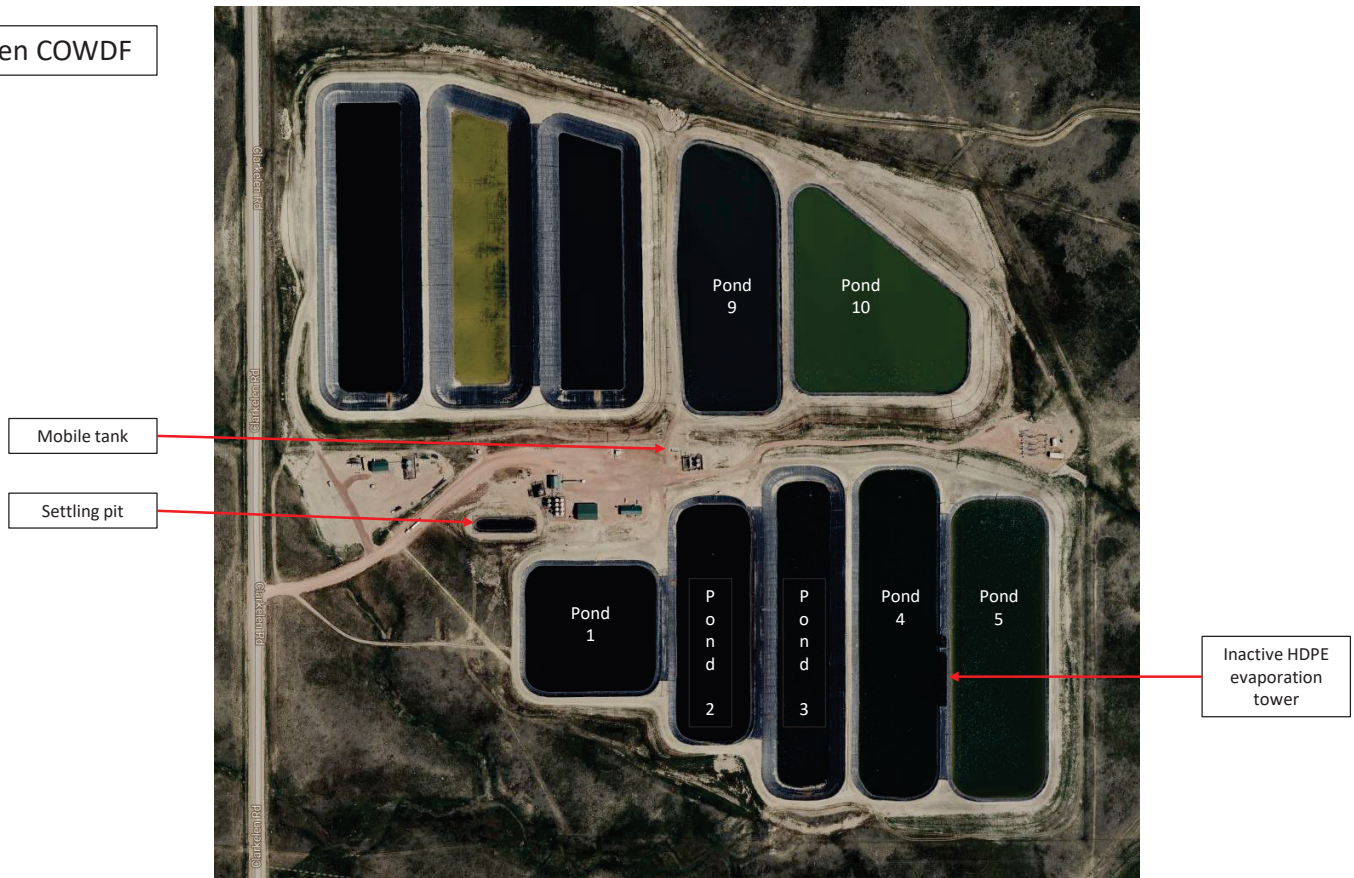
Colleen Rathbone, Acting Manager
RCRA and OPA Enforcement Branch
Enforcement and Compliance Assurance Division

ATTACHMENT LIST

Attachment 1 – Site Map
Attachment 2 – Photograph Log

Attachment 1 – Site Map

Clarkelen COWDF



Attachment 2 – Photograph Log

Facility Name: Clarkelen COWDF
Facility Location: 43.673482, -105.681199
Date of Inspection: September 12, 2023

ATTACHMENT 2 – PHOTOGRAPH LOG

Photographer: Annette Maxwell
Camera Model and ID: Nikon Coolpix, B00228

Photo 2238: DSCN2238.jpg – photo of ground-level gapping in the netting over the slop/skim pit.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2239: DSCN2239.jpg – photo of a section of fencing around the slop/skim pit where the fencing has been removed, leaving an open gap that does not physically restrict wildlife access to the oily waste.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2240: DSCN2240.jpg – photo of the top of the netting over the slop/skim pit with large holes and a significantly degraded condition.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2241: DSCN2241.jpg – photo of a hole in the netting over the slop/skim pit.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2242: DSCN2242.jpg – photo of a hole in the netting over the slop/skim pit.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2243: DSCN2243.jpg – photo of ground-level gapping in the netting and fencing around the slop/skim pit.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2244: DSCN2244.jpg – photo of the slop/skim pit netting pulled back at the northwest corner.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2245: DSCN2245.jpg – photo of Pond 2, with oil visible floating on the surface at the northwest corner.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2246: DSCN2246.jpg – additional photo of Pond 2.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2247: DSCN2247.jpg – photo of a frac tank containing oily waste and with openings on top that were not closed, netted, or otherwise restricting wildlife access to the oily waste.



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Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2248: DSCN2248.jpg – photo of Pond 9 with oil floating on at least 15% of the pond surface.



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Date of Inspection: September 12, 2023

Photo 2249: DSCN2249.jpg – photo of Pond 9, panned left from photo 2248.



Facility Name: Clarkelen COWDF

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Date of Inspection: September 12, 2023

Photo 2250: DSCN2250.jpg – photo of Pond 9, panned left from photo 2249.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2251: DSCN2251.jpg – photo of Pond 10, with oil on approximately 5% of the surface of the pond. Photo shows a hydrocarbon boom with floating oil both inside and outside of the boom.



Facility Name: Clarkelen COWDF

Facility Location: 43.673482, -105.681199

Date of Inspection: September 12, 2023

Photo 2252: DSCN2252.jpg – photo of Pond 10, panned right from photo 2251.

