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To: SWMP Record for COR-419466 DV3 @ I.N.V. (Innovate @ Dove Valley)
From: Brian Garber, EarthX Environmental
cc: John Price (Added on 6/7/2023; Kim Kurtz-Ferraro Derek Simpson)
Date: 6/6/2023
Re: Notes on 6/5/2023 Storm event at Dove Valley project

This memo is to document site conditions following a significant storm event on 6/5/2023

Background:

- On the morning of 6/5/2023 the site was fully contained per the initial phase site plans.
- That morning, earthwork, specific to the installation of the temporary sediment basin and diversion ditches was initiated.
- In the early to mid afternoon a rain and hailstorm forced work to stop, and all staff left the site.
- A review of nearby weather stations indicates the site received between 0.79 and 0.92 inches of rainfall during the course of the afternoon and evening.
- Site staff returned at approximately 6:30AM on 6/6/2023. Upon discovery of a small section of damaged siltfence in the NE corner, slightly north of the lowest point of the site perimeter, crews were called to make repairs.
- This crew was on site upon EarthX Environmental staff (Myself and David Kerlin) arriving at approximately 9:30AM.

Analysis:

- A joint between sections of the wire back silt fence had separated.
- This allowed water collected in the NW Corner to flow beyond the site perimeter.
- These flows traveled across approximately 50' of grass before entering the disturbed areas of the adjacent project.
- No sediment accumulation was observed in the grass area.
- It was not possible to determine if sediment transport or deposition had occurred beyond the edge of the grass area.
- As there was no evidence of sediment transport off this permitted area, and after consultation with Mr. John Price, it was decided the results of this storm event did not meet the conditions requiring 24 hour reporting of an upset condition.

Follow-up activities:

- The silt fence was repaired and reinforced by approximately 11:00AM.
- While the site remained to wet for significant construction activities, Mr. Price directed the onsite contractors to continue to build the detention basin berm.
- Additionally, Any accessible areas (approximately 90% of the site) were surfaced roughened with a disc plow.

No further actions were deemed necessary.

Addendum to Memo

On 6/7/2023 Mr. Price was informed that the adjacent project was filing an upset condition letter based on the storm flows generated and on-site sediment flows the stream reach had received from the project located across - to the east - from that permitted area. The question was raised that if the project down gradient from DV3 @ I.N.V. (Innovate @ Dove Valley) was filing an upset conditions letter, should Alcorn reconsider the previous decision to not file an upset conditions based for the same storm event?

Although there was a discharge of stormwater from the site, no evidence of offsite sediment transportation was evidenced the previous day. Alcorn had made repairs to on site control measures, continued with the installation of the detention basin and installed additional controls during the day on 6/6/2023.

(Additional note, a significant event occurred again on the afternoon of 6/6/2023. While significant stormwater was retained on site there was no off-site discharges reported.)

After discussion Alcorn Construction authorized Mr. Garber of EarthX Environmental to contact the state of Colorado to discuss this unique situation, and if deemed appropriate, to initiate the upset conditions reporting process.

At approximately 3:30PM on 6/7/2023 Mr. Garber call the State reporting line. The line attendant deemed the question required greater knowledge and informed Mr. Garber he would ask the Water Quality Staff to respond that afternoon or on the morning of 6/8/2023

At approximately 11:30AM on 6/8/2023 Maura McGovern, the Unit Manager for the Clean Water Compliance Unit, Water Quality Control Division Contacted Mr. Garber.

Mr. Garber explained the situation as detailed in the original memo including the decision that the events did not meet the 24 hour notification requirements of the permit. The question/discussion was then defined/discussed as follows:

If Alcorn Construction determined that no discharges that would trigger the 24 notification requirements of the permit occurred during the 6/5/2023 storm event, does the fact that the adjacent and down gradient permitted area has initiated the reporting process require Alcorn to reconsider and initiate the upset conditions notification process.

Ms. McGovern indicated that if there is no evidence of offsite sedimentation, if any deficiencies on site were noted on the appropriate inspection report and completed by the terms of the permit with any additional documentation added to the SWMP, then formal notification would not be required. Ms. McGovern agreed that if all these conditions were met then the fact the adjacent permittee filing a notification of offsite discharge (from areas other than Alcorn's permitted area) does not necessitate Alcorn to file a formal notification.

Final Determination

Alcorn Construction has taken all necessary and appropriate action per the terms of the stormwater construction permit. In this specific instance, actions taken by the adjacent project doesn't require Alcorn to initiate the 24-reporting process. Alcorn Construction will proceed with the decision and actions detailed in the 6/6/2023 memo as prepared by Mr. Garber of EarthX Environmental.