



Development Services Department
2880 International Circle
Colorado Springs, Colorado 80910

Phone: 719.520.6300
Fax: 719.520.6695
Website www.elpasoco.com

DEVIATION REVIEW AND DECISION FORM

Procedure # R-FM-051-07
Issue Date: 12/31/07
Revision Issued: 00/00/00

DSD FILE NO.:

A A S I 1 9 - 2

General Property Information:

Address of Subject Property (Street Number/Name): Norman Drive; Rosemont Drive; Hackberry Drive

Tax Schedule ID(s) #: N/A

Legal Description of Property: See attached Deviation Sketch

Subdivision or Project Name:

Security Water District: Water System
Improvements - 2019

Section of ECM from Which Deviation is Sought: Paragraph 4.3.6.A.1. (See Attached)

Specific Criteria from Which a Deviation is sought: ECM requires 5-foot minimum depth of bury on all water lines

Proposed Nature and Extent of Deviation: The Security Water District requests a deviation to the requirement, allowing them to install water lines with the depth of cover as they historically have done, i.e. 6" lines: 4.5' cover; 8" lines: 4.3' cover; 10" lines: 4.2' cover; 12" lines and greater: 4' cover.

Applicant Information:

Applicant: Security Water District

Email Address: r.heald@securitywsd.com

Applicant is: Owner Consultant Contractor

Mailing Address: 231 Security Boulevard, Colorado Springs

State: CO

Postal Code: 80911

Telephone Number: (719) 392-3475

Fax Number: (719) 390-7252

Engineer Information:

Engineer: Mark A. Morton, P.E.

Email Address: mamorton@gmsengr.com

Company Name: GMS, Inc., Consulting Engineers

Mailing Address: 611 N. Weber Street, Suite 300, Colorado Springs

State: CO

Postal Code: 80903

Registration Number: 35820

State of Registration: Colorado

Telephone Number: (719) 475-2935

Fax Number: (719) 475-2938

Explanation of Request (Attached diagrams, figures and other documentation to clarify request):

Section of ECM from Which Deviation is Sought: Paragraph 4.3.6.A.1

Specific Criteria from Which a Deviation is Sought: ECM requires 5-foot minimum depth of bury on all water lines

Proposed Nature and Extent of Deviation: The Security Water District requests a deviation to the requirement, allowing them to install water lines with the depth of cover as they historically have done, i.e. 6" lines: 4.5' cover; 8" lines: 4.3' cover; 10" lines: 4.2' cover; 12" lines and greater: 4' cover.

Reason for the Requested Deviation: See Attached Exhibit A

Comparison of Proposed Deviation to ECM Standard: Minimizes the depth of cover over water lines by approximately 1.0' to 0.5', depending on water line pipe diameter.

Applicable Regional or National Standards used as Basis: The applicable standard requested is the local Security Water District Regulations and Specifications standard. The depth of cover requested has been the standard for the Security Water District service area for decades, i.e. in excess of 40 years.

Application Consideration:

CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION

JUSTIFICATION

The ECM standard is inapplicable to a particular situation.

The ECM Standard was established and no consideration or consultation was had with the Security Water District. This supersedes a decades old Security Water District Standard.

Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.

Additional depth of cover drives water lines deeper. Increased depth also increases safety concerns of workers in trenches. Repair work often occurs in off hours and often times at night. Deeper lines require additional time and safety measures to access lines for repair.

A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

All existing water lines in the Security Water District service area have been installed to the decades old Security Water District Standards. A revision now requires new water lines to have fittings installed in order to have new lines to align with existing lines.

If at least one of the criteria listed above is not met, this application for deviation cannot be considered.

Criteria for Approval:

PLEASE EXPLAIN HOW EACH OF THE FOLLOWING CRITERIA HAVE BEEN SATISFIED BY THIS REQUEST

The request for a deviation is not based exclusively on financial considerations.

This deviation has nothing to do with financial considerations. The request is asking that the standards of the Security Water District prevail as they are the water purveyors for this area of El Paso County.

The deviation will achieve the intended result with a comparable or superior design and quality of improvement.

This deviation will eliminate the installation of additional fittings to get new and old lines to align during installation. This deviation will decrease the amount of county road being impacted during installation.

The deviation will not adversely affect safety or operations.

The deviation will improve safety and improve operations.

The deviation will not adversely affect maintenance and its associated cost.

Similar to safety, the deviation will actually improve maintenance access. Additional depth requires new materials to be ordered and on hand for maintenance, including additional depth of bury hydrants, valve riser boxes, etc. to all be different from those existing.

The deviation will not adversely affect aesthetic appearance.

Absolutely no impact.

Owner, Applicant and Engineer Declaration:

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal will be cause to have the project removed from the agenda of the Planning Commission, Board of County Commissioners and/or Board of Adjustment or delay review, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval.

Ray E. Rhabdt, General Manager _____ Date 7-3-19
Signature of owner (or authorized representative)

Signature of applicant (if different from owner) Date
Paul A. [Signature] _____ Date 7-2-19
Signature of Engineer

Engineer's Seal



Review and Recommendation:

APPROVED by the ECM Administrator

[Signature] _____ Date 7/10/19

This request has been determined to have met the criteria for approval. A deviation from Section 4.3.6.A.1 of ECM is hereby granted based on the justification provided. Comments:
Vertical separation for all utilities must meet Federal & State Regulations

____ Additional comments or information are attached.

DENIED by the ECM Administrator

Date

This request has been determined not to have met criteria for approval. A deviation from Section _____ of ECM is hereby denied. Comments:

____ Additional comments or information are attached.

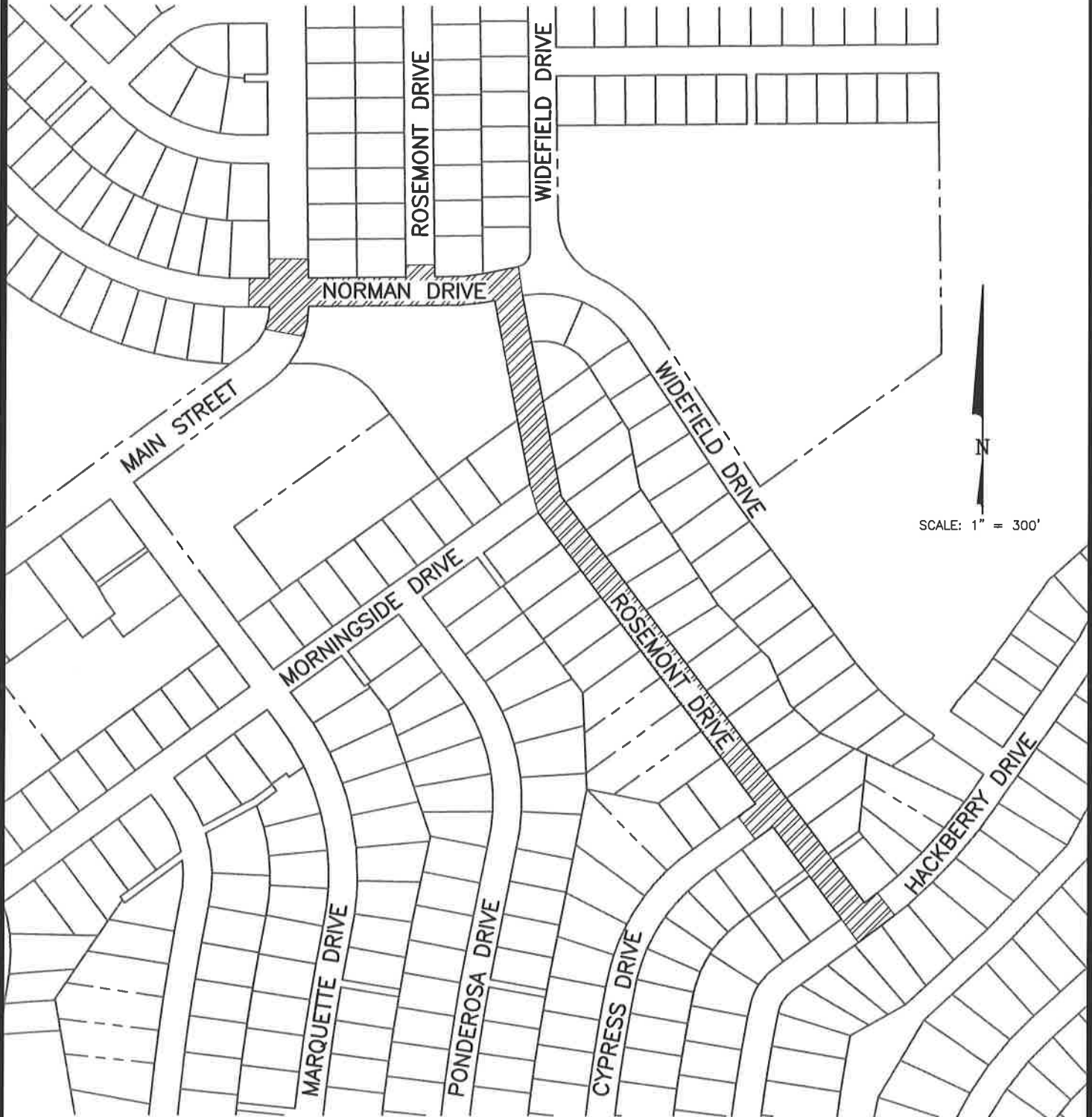
EXHIBIT A
TO DEVIATION REQUEST
FOR SECURITY WATER DISTRICT

- Existing water lines have been installed at the described depth of cover for decades. When connecting new mains to existing mains, the depth of cover will align.
- Installing new water lines to the depths as defined by the SWD Regulations and Specifications, the danger associated with the depth of trench excavation is reduced.
- When the depth of cover is reduced, the amount of street disturbed during maintenance and replacement is also reduced. Ultimately, this is less invasive to El Paso County roads.
- El Paso County staff indicated the greater depth would eliminate conflicts with other utilities. The SWD is not aware of any conflicts with other utilities that cannot be specifically addressed by lowering the water line if a lowering is necessary.
- The SWD depth of cover precludes any freezing issues that may be realized during cold weather months. Likewise, there is no need for greater depth of cover to protect the water line.

Summary: All new water lines installed by the Security Water District and all new water lines installed in new developments from this past year to over the past 40 years have been submitted and approved at the deviation depth of cover requested. See attached Deviation Sketch.

DEVIATION SKETCH

WATER SYSTEM IMPROVEMENTS – 2019
SECURITY WATER DISTRICT



DEVIATION SKETCH.dwg

DEVIATION SKETCH

GMS, INC.

CONSULTING ENGINEERS
611 N. WEBER, SUITE 300
COLORADO SPRINGS, COLORADO 80903

JULY 2019

GMS, INC.

PROJECT NO. 82052.234

OCTOBER 1995

DRAWN: MAL

G:\SECURITY\82052\234\DEVIATION SKETCH.dwg

4.3.6 Underground Utilities Standards

A. Cover and Separation

Cover over underground utilities and the separation between underground utilities shall conform to applicable federal and state regulations, these Standards, and the Standard Drawings in Appendix F.

1. Water Lines

- **Water Mains:** At no time shall a water main be placed less than 5 feet in depth measured perpendicularly to the ground line at any point of the road cross section.
- **Water Service Lines:** At no time shall water service lines be placed less than 5 feet in depth measured perpendicularly to the ground line, at any point of the road cross section, to the right-of-way line.
- **Meter and Stop Boxes:** Meter and stop boxes shall be set at the inside edge of the right-of-way line, but not within curb ramps. Where a utility easement exists adjacent and parallel to the right-of-way, meter and stop boxes shall be placed in the utility easement.
- **Fire Hydrants:** Fire Districts must be contacted to determine location, spacing, and equipment standards.

2. Sanitary Sewer Lines

- **Sewer Mains:** At no time shall a sewer main be placed less than 5 feet in depth measured perpendicularly to the ground line at any point of the road cross section.
- **Sanitary Sewer Service Lines:** At no time shall sewer service lines be placed at a depth of less than 5 feet measured perpendicularly to the ground line at any point of the road cross section, to the right-of-way line.

3. Storm Sewer Lines

- **Storm Sewer Lines:** At no time shall storm sewer lines be placed less than 2 feet in depth measured perpendicularly to the finished road surface. When placed outside the road, at no time shall the storm sewer lines be placed less than 1 foot in depth from the ground surface.
- **Storm Sewer Lines:** Include pipe culverts, box culverts, and manholes, excluding the risers.



June 25, 2019

Ms. Sharon Stone
AFCEC / CZOM
580 Goodfellow Street, B 1324
Peterson AFB, CO 80914

Douglas P Simpleman
Jessica L. Frehse
U.S. Army Corps of Engineers
Douglas.P.Simpleman@usace.army.mil
jessica.l.frehse@usace.army.mil

Dear Ms. Stone, Ms. Frehse, and Mr. Simpleman,

It is our understanding that, pursuant to section 121(e)(1) of CERCLA, the U.S. Air Force, the Army Corps of Engineers, and Army Corps of Engineers contractors (hereinafter, USACE) do not intend to obtain any permits under the Colorado's Water Quality Control Act for activities related to the U.S. Air Force's non-time critical removal action in the Security Water District, the City of Fountain, and the Widefield Water and Sanitation District (hereinafter, removal action). However, as you know, USACE is required to comply with all substantive requirements of Colorado's water quality and drinking water laws and regulations when conducting this removal action. See 40 C.F.R. section 300.5.

This letter details the actions USACE must take in order to ensure substantive compliance with Colorado's water quality and drinking water laws and regulations.

I. Colorado Water Quality Control Act and Implementing Regulations

In order to ensure substantive compliance with Colorado's Water Quality Control Act, 25-8-101 *et seq.*, C.R.S., and its implementing Colorado Water Quality Control Commission regulations, including preventing any exceedances of Colorado's water quality standards, the Water Quality Control Division, Colorado Department of Public Health and the Environment (CDPHE) requires that USACE do the following when conducting this removal action:

1. Compliance With State Construction Stormwater Requirements

Colorado Water Quality Control Commission regulations regulate construction activities that disturb one acre of land or more or are part of a larger common plan of development which disturbs one acre of land or more over a period of time in order to meet the substantive compliance requirements of the Colorado water quality standards. CDPHE determined that

the most feasible way for construction activities to obtain such compliance with Colorado water quality standards is through required practices, described in the COG400000 general permit. In order to comply with these requirements, USACE must do the following:

- o USACE must provide the application information that identifies the regulated activities (5 CCR 1002-61, 61.4). This can be done by supplying unsigned application forms with the relevant attachments. Because construction dewatering and stormwater applications are online, copies of the previously used forms will be provided.
- o USACE must meet all of the substantive requirements in COG400000, which includes requirements for control measures, developing and maintaining a stormwater management plan, and conducting and documenting self inspections. These are necessary substantive practices in order to prevent exceedances of water quality standards and are in place of numeric effluent limits. (5 CCR 1002-61, 61.8(3)).
- o USACE must allow the applicable municipal separate storm sewer systems (MS4) permittee (City of Fountain or El Paso County) and CDPHE to inspect the construction site for compliance with the above requirements, with the permission of the site operator. The MS4 permittee and CDPHE will identify noncompliance to USACE. USACE must address and resolve the noncompliance as quickly as possible.
- o Any circumstances leading to any noncompliance that may endanger health or the environment, including failure of stormwater controls resulting in discharges of sediment to state waters, must be reported to the division within 24-hours of USACE or its contractors being aware of the occurrence. This notification requirement is a substantive requirement of the Colorado regulations (5 CCR 1002-61.8(5)(d)).

Application

Const. BMP's

inspect

illicit disch

2. Compliance with MS4 Permittee's Illicit Discharge Requirements (5 CCR 1002-61, 61.8(11))

USACE must comply with the applicable MS4 permittee's prohibitions of certain discharges to the stormwater collection system.

3. Compliance with MS4 Permittee's Post-Construction Requirements (5 CCR 1002-61, 61.8(11))

Post construction requirements for permanent water quality associated with runoff from buildings, roads, and other impervious areas are not covered by the CERCLA exemption in section 121(e)(1). The owner of the completed structures must meet the requirement to build post-construction control measures, as required by the Fountain and El Paso County to meet their MS4 permit requirements. This includes the following:

- USACE must submit plans to MS4 permittees, including any required engineering certifications.
- USACE must obtain necessary permits and approvals.
- USACE must meet required design standards.



4. Compliance with Water Quality Standards During Construction Dewatering

In order to ensure that any discharges to a state water from dewatering does not cause or contribute to an exceedance of any water quality standards for that state water, prior to any discharge USACE must provide the division the information contained in our application for coverage under one of Colorado's general permits for construction dewatering. The division is not requesting a permit be applied for, but the information in the application is necessary for the division to provide the information needed to meet the substantive requirements. The easiest way to provide this information is to complete an application form and submit a source water sample to the Water Quality Control Division, without signing the application. Contact Margo Griffin at margo.griffin@state.co.us to obtain a form and for additional information). The division will then notify USACE of the effluent limits and monitoring frequency required in order to not cause or contribute to an exceedance of a stream standard or violate any other Water Quality Control Act or regulatory requirements. At that time, USACE can begin discharging to state waters, but USACE must comply with those limits and monitoring frequency, and document this compliance. Any exceedance of these effluent limits should be reported to the division within 24-hours of USACE or its contractors being aware of the occurrence. This notification requirement is a substantive requirement of the Colorado regulations (5 CCR 1002-61.8(5)(d)). Please note that state waters includes, without limitation, ditches, isolated wetlands, and groundwater.

5. Compliance with Pretreatment Requirements (5 CCR 1002-63)

If discharging to any sanitary sewers, USACE must comply with that sewage treatment plant's restrictions upon discharges to those sanitary sewers, including those in its pretreatment program.

6. Compliance with All Other Water Quality Control Act Provisions

If USACE intends to or does undertake any other activity that is regulated by the Water Quality Control Act, including any other activity that will result in discharges to state waters, USACE must notify the Water Quality Control Division immediately and the Water Quality Control Division will tell USACE how to comply with the substantive requirements of that section of the Water Quality Control Act.

II. Colorado Drinking Water Authorities

USACE must comply with the Drinking Water Quality Act, §§ 25-1.5-201 to 25-1.5-209, C.R.S.; and the Colorado Primary Drinking Water Regulations, 5 CCR 1002-11 ("Regulation 11"). Compliance with these authorities does not involve permitting and thus these authorities are not covered by the CERCLA exemption in section 121(e)(1). The requirements of these authorities include the following:



- o USACE must submit to the division all plans and specifications regarding any improvements to or modifications of existing Public Water System (PWS) waterworks for division review (Regulation 11.4(1));
- o USACE must meet required design standards, as described in Colorado Policy DW-005, State of Colorado Design Criteria for Potable Water Systems (Regulation 11.4(1));
- o USACE must meet all siting standards, as described in Regulation 11.4(2); and
- o USACE must meet all other applicable requirements of Regulation 11.

Thank you for your attention to this matter.

Sincerely,

Nathan T. Moore Digitally signed by Nathan T. Moore
Date: 2019.06.25 08:57:02 -06'00'

Nathan Moore
Section Manager
Clean Water Compliance and Enforcement Section
Water Quality Control Division
P 303.692.3555
nathan.moore@state.co.us

CC: Jennifer Talbert, jennifer.talbert@state.co.us
Brandon Bernard, Widefield Water and Sanitation District, BRANDON@WWS DONLINE.COM
Richard Davis, Security Water and Sanitation District, r.davis@securitywsd.com
Justin Moore, City of Fountain, JUSTIN@FOUNTAINCOLORADO.ORG
Bill Wemmert, AECOM, bill.wemmert@aecom.com
Brock Hodgson, AECOM, brock.hodgson@aecom.com
Hillary Weber, IECCI, HWeber@ieeci.com
Brandy Williams, City of Fountain, Bwilliams@fountaincolorado.org
Jeremy Fulks, City of Fountain, jfulks@fountaincolorado.org
Mark Waller, El Paso County, markwaller@elpasoco.com
John Chavez, El Paso County, johnchavez@elpasoco.com

File Copies: COR090008, City of Fountain MS4
COR090011, El Paso County MS4

