



Planning and Community
Development Department
2880 International Circle
Colorado Springs, Colorado 80910

DEVIATION REQUEST AND DECISION FORM

Updated: 1/17/2019

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PROJECT INFORMATION

Project Name : Widefield Water District PFOS/PFOA treatment system; and Security Water District PFOS/PFOA treatment system
Schedule No.(s) : Crossing various parcels and ROW
Legal Description : See attached plans EPC project Nos AASI 19-001 and AASI 19-002

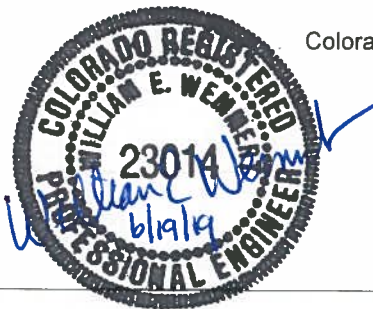
APPLICANT INFORMATION

Company : AECOM/USACOE CERCLA site
Name : Bill Wemmert
☐ Owner ☒ Consultant ☐ Contractor
Mailing Address : 6200 S Quebec Street
Greenwood Village, CO 80111
Phone Number : 303-740-3928
FAX Number : 303-694-3946
Email Address : Bill.Wemmert@aecom.com

ENGINEER INFORMATION

Company : Same as above
Name : AECOM
Mailing Address : 6200 S Quebec Street
Greenwood Village, CO 80111
Phone Number : 303-740-3928
FAX Number : 303-694-3946
Email Address : Bill.Wemmert@aecom.com

Colorado P.E. Number : 23014



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 until corrections are made, 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.

Signature of owner (or authorized representative)

Date

Engineer's Seal, Signature
And Date of Signature

DEVIATION REQUEST (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section **I.7.1.B** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

BMP's for new Development and significant redevelopment.

State the reason for the requested deviation:

This project is to install new water lines. The current Modification 4 of the MS4 permit, Part I.E.4(a)(i)(D) allows for above and underground utilities to be excluded from the requirements of an applicable development site. The EPC ECM does not have this provision in the current criteria manual. EPC PW's department is currently in the process of revising the ECM to include the exclusions. This ECM update is going in front of the PC and BoCC this month (June 2019) for approval.

Explain the proposed alternative and compare to the ECM standards (Provide applicable regional or national standards used as basis):

Provision provided for in the current EPC MS4 permit and changes to the EPC ECM are almost complete.

LIMITS OF CONSIDERATION

(At least one of the conditions listed below must be met for this deviation request to be considered.)

- ☐ The ECM standard is inapplicable to the particular situation.
- ☐ Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- ☒ 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.

A change in the standard is underway, to be completed by the end of June 2019.

CRITERIA FOR APPROVAL

The request for a deviation may be considered if the request is **not based exclusively on financial considerations**. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with **all of the following criteria**:

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

There will be no change in the imperviousness of the majority of the area when the project is completed. The majority of the project is to install new water lines where the surface treatment will be reestablished to pre-construction conditions. A small building will be constructed where the treatment will occur. These structures (one at each Security and one at the Widefield location) will be minimal and be considerably less than one acre.

The deviation will not adversely affect safety or operations.

No change in operations is anticipated. With the exception of one small structure at each of the two locations, all land will be brought back to pre-construction conditions. Pavement will be replaced where the water line goes under the pavement and grass will be reestablished where disturbed.

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

All pavement and roadside ditches will be reconstructed to preconstruction conditions, therefore no changes to maintenance is anticipated.

The deviation will not adversely affect aesthetic appearance.

The disturbed areas will be established to original conditions.

The deviation meets the design intent and purpose of the ECM standards.

This deviation does not currently meet the ECM requirements; however the ECM is currently being revised to include this situation. This deviation meets the intent and purpose of the current MS4 permit and the proposed ECM standards.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section _____ of the ECM is hereby granted based on the justification provided.

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Denied by the ECM Administrator

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

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ECM ADMINISTRATOR COMMENTS/CONDITIONS:

1.1. PURPOSE

The purpose of this resource is to provide a form for documenting the findings and decision by the ECM Administrator concerning a deviation request. The form is used to document the review and decision concerning a requested deviation. The request and decision concerning each deviation from a specific section of the ECM shall be recorded on a separate form.

1.2. BACKGROUND

A deviation is a critical aspect of the review process and needs to be documented to ensure that the deviations granted are applied to a specific development application in conformance with the criteria for approval and that the action is documented as such requests can point to potential needed revisions to the ECM.

1.3. APPLICABLE STATUTES AND REGULATIONS

Section 5.8 of the ECM establishes a mechanism whereby an engineering design standard can be modified when if strictly adhered to, would cause unnecessary hardship or unsafe design because of topographical or other conditions particular to the site, and that a departure may be made without destroying the intent of such provision.

1.4. APPLICABILITY

All provisions of the ECM are subject to deviation by the ECM Administrator provided that one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
- 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.
- 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.

1.5. TECHNICAL GUIDANCE

The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

1.6. LIMITS OF APPROVAL

Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

1.7. REVIEW FEES

A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.