Waterview East Commercial
El Paso County, CO

COUNTY STORMWATER MANAGEMENT PLAN (SWMP) REPORT

Permittee:

Waterview East Commercial, LLC
2727 Glen Arbor Drive
Colorado Springs, CO 80920
Contact: Heath Herber
(719) 331-0083

Preparing Engineer:

Kimley-Horn and Associates, Inc.
2 North Nevada Avenue, Suite 900
Colorado Springs, Colorado 80903
Contact: Jessica McCallum, P.E.
(719) 284-7275

Qualified Stormwater Manager:

Name:
Address:
Contact:

Contractor:

Name:
Address:
Contact:

OCTOBER 1, 2026

Kimley»Horn

PCD Filing No.: SP269

TABLE OF CONTENTS

CERTIFICATION / SIGNATURE BLOCKS 4
ENGINEER'S STATEMENT 4
OWNER'S STATEMENT 4
INTRODUCTION 5
INTRODUCTION AND PURPOSE 5
PERMIT COVERAGE AND APPLICATIONS 5
GENERAL LOCATION 5
PROJECT LOCATION 5
VICINITY MAP 6
SITE DESCRIPTION 6
GENERAL PROJECT DESCRIPTION 6
VEGETATION 7
DRAINAGE CHARACTERISTICS 7
ULTIMATE DISCHARGE 7
SITE SOILS 7
DEWATERING 7
AREAS AND VOLUMES 8
TIMING AND PHASING SCHEDULE 8
STORMWATER MANAGEMENT PLAN SITE MAP 10
SITE MAP MINIMUM REQUIREMENTS 10
STORMWATER MANAGEMENT CONTROLS 10
QUALIFIED STORMWATER MANAGER 10
SITE SPECIFIC POLLUTION SOURCES 11
IDENTIFICATION OF POLLUTANT SOURCES 11
NON-STORMWATER DISCHARGE COMPONENTS 12
CONTROL MEASURES FOR STORMWATER POLLUTION PREVENTION 13
OTHER POTENTIAL POLLUTION CONSIDERATIONS 15
MATERIALS HANDLING AND SPILL PREVENTION 15

VEHICLE TRACKING AND DUST CONTROL 16
DEDICATED CONCRETE OR ASPHALT BATCH PLANTS 16
WASTE MANAGEMENT AND DISPOSAL 17
PORTABLE TOILETS 17
STABILIZATION AND STORMWATER MANAGEMENT 17
TEMPORARY STABILIZATION AND SHORT-TERM STORMWATER MANAGEMENT 17
FINAL STABILIZATION AND LONG-TERM STORMWATER MANAGEMENT 17
INSPECTION AND MAINTENANCE 18
INSPECTION SCHEDULE REQUIREMENTS 18
INSPECTION PROCEDURES 18
CONTROL MEASURE MAINTENANCE / REPLACEMENT AND FAILED CONTROL MEASURES 20
DISPOSITION OF TEMPORARY MEASURES 20
PLAN MODIFICATIONS 21
REFERENCES 22
APPENDIX A – STORMWATER MANAGEMENT PLANS / SITE MAPS
APPENDIX B – CDPHE STORMWATER PERMIT
APPENDIX C – FEMA FIRM MAP
APPENDIX D – SOILS INFORMATION
APPENDIX E – IDENTIFICATION OF POLLUTANT SOURCES
APPENDIX F – LAND DISTURBANCE / CONTROL MEASURE / STABILIZATION LOG
APPENDIX G – SPILL PREVENTION AND RESPONSE PLAN AND REPORTING INFORMATION
APPENDIX H – STORM EVENT LOG
APPENDIX I – INSPECTION AND SAMPLING REPORTS
APPENDIX J – SWMP AMENDMENT LOG / CONTROL MEASURE DETAILS

CERTIFICATION / SIGNATURE BLOCKS

ENGINEER'S STATEMENT

This Erosion and Stormwater Quality Control/Grading Plan was prepared under my direction and supervision and is correct to the best of my knowledge and belief. If such work is performed in accordance with the grading and erosion control plan, the work will not become a hazard to life and limb, endanger property, or adversely affect the safety, use, or stability of a public way, drainage channel, or other property.

_____

Jessica McCallum, P.E.
Registered Professional Engineer
State of Colorado No. 59054

OWNER'S STATEMENT

The owner will comply with the requirements of the Erosion and Stormwater Quality Control Plan including temporary BMP inspection requirements and final stabilization requirements. I acknowledge the responsibility to determine whether the construction activities on these plans require Colorado Discharge Permit System (CDPS) permitting for Stormwater discharges associated with Construction Activity.

Developer/Owner Signature:_____

Name of Developer/Owner: Waterview East Commercial Date: _____

DBA:_____Phone:_____

Title:_____Email:_____

Address:_____Fax:_____

INTRODUCTION

INTRODUCTION AND PURPOSE

This Stormwater Management Plan ("SWMP") Report is provided to support the approval of the Erosion and Sediment Control Plan Construction Drawings through El Paso County ("County") and the issuance of a CDPS General Permit through Colorado Department of Public Health and Environment ("CDPHE") for the proposed master commercial development project located east of Powers Boulevard and south of Bradley Road in part of the West ½ of Section 9, Township 15 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado (The "Project"). This report, in conjunction with the Construction Drawings in **Appendix A** provides site and project context along with guidelines for implementation and maintenance of erosion, sediment and stormwater quality control measures prior to and during construction of the Project.

The primary goal of pollution prevention efforts during the Project construction is to control sediment and pollutants that originate on the site and prevent them from flowing to surface waters. A successful pollution prevention program also relies upon careful inspection and adjustments during the construction process to enhance its effectiveness. It is the intent of this plan to implement stormwater control measures, also referred to as best management practices (BMP) for enhancing the quality of stormwater discharges associated with the construction activity. Control measures designs are based on the criteria set forth by the General Permit and the El Paso County Drainage Criteria Manual Volume II and Engineering Criteria Manual.

This plan must be implemented before construction begins on the site. It primarily addresses the impact of storm rainfall and runoff on areas of the ground surface disturbed during the construction process. In addition, there are recommendations for controlling other sources of pollution that could accompany the major construction activities. Applicability of this plan shall be terminated when disturbed areas are stabilized, temporary erosion controls are removed, construction activities covered herein have ceased and the permit has been inactivated.

PERMIT COVERAGE AND APPLICATIONS

The Grading, Erosion & Sediment Control for this Project shall be approved by El Paso County prior to issuance of construction related permits.

Based upon a Site Disturbance Area of one (1) acre or more, this site requires the issuance of a Colorado Discharge Permit System (CDPS) - Stormwater Discharge Associated with Construction Activities Permit (General Permit) through the Colorado Department of Public Health and Environment (CDPHE). A copy of the CDPS General Permit Application is included in **Appendix** of this report.

GENERAL LOCATION

PROJECT LOCATION

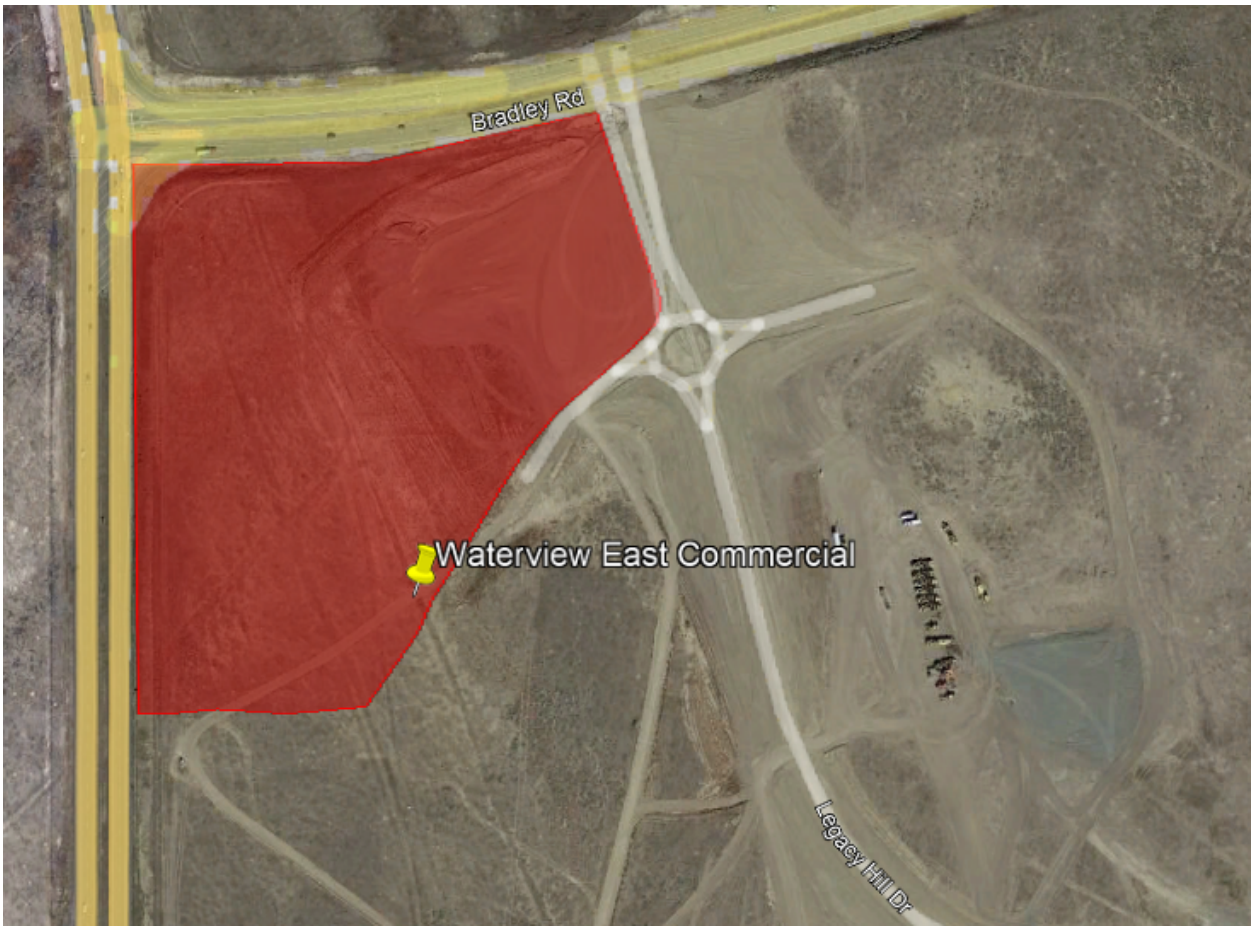
The Project is located in part of the West ½ of Section 9, Township 15 South, Range 65 West, 6th P.M., County of El Paso, State of Colorado (see Vicinity Map).

The Project is located on approximately 22.1 acres of land consisting of vacant land and existing vegetation.

Parcels adjacent to the Project include:

- North – Bradley Road
- West – Powers Boulevard (Highway 21)
- South – Tract Q, The Trails at Aspen Ridge Filing No. 1
- East – Tract Q, The Trails at Aspen Ridge Filing No. 1

VICINITY MAP



SITE DESCRIPTION

GENERAL PROJECT DESCRIPTION

The portion of the Project described herein consists of a sanitary sewer system, water main extensions, a storm sewer system and one (1) proposed onsite full spectrum detention basin (the “Site”). The Site does not currently provide water quality or detention for the Project area. The limits of disturbance for the Site is approximately 8.06 acres. The existing land use is vacant.

VEGETATION

The existing Site is currently vacant. Ground cover consists of temporarily stabilized soils. Onsite vegetation was determined via visual inspection and site photos.

DRAINAGE CHARACTERISTICS

The existing topography consists of slopes ranging from 1% to 33% and generally slopes from North to South. The Site is bounded by a single-family development to the South and Frontside Drive and Legacy Hill Drive to the East. The Site currently overland flows to Legacy Hill Drive and Frontside Drive, overtops the curb and gutter, and flows into the storm drain system in Frontside Drive. One (1) Full Spectrum Extended Detention Basin is proposed for the Site which will release flows from the Site into the existing storm system below historic levels.

The Site improvements are located in Zone X, as determined by the Flood Insurance Rate Map (FIRM) number 08041C0768G effective date, December 7, 2018.

There are no stream crossings located within the construction site boundary or limits of disturbance.

ULTIMATE DISCHARGE

The entirety of the proposed storm sewer system is routed to a Full Spectrum Extended Detention Basin on the Site. The Full Spectrum Extended Detention Basin will ultimately outfall into the West Fork of Jimmy Camp Creek.

SITE SOILS

A review of the Natural Resource Conservation Service (NRCS) Web Soil Survey determined that soils onsite are generally USCS Type B. The soils have moderate infiltration rates when wetted, are moderately well-drained, and have moderately fine to moderately coarse textures per the NRSC Soils Map and Report provided in **the Appendix**. The soil erodibility has low impacts on the overall discharge for overland flows. The limited sediment within flows will effectively settle out of the runoff in the water quality treatment process within the proposed extended detention basin. A Geotechnical Report, provided by Entech Engineering dated 05/25/2022, which includes soil borings and tests, including the depth of groundwater, if encountered, has also been included in **Appendix**.

DEWATERING

Per Entech Engineering dated 05/25/2022, “Groundwater was not encountered in any of the test borings which were drilled to 20 feet. This indicates that groundwater will have little effect on shallow foundations proposed for the site depending on final grades and depth of excavations. Groundwater conditions may vary due to variations in rainfall, drainage and other factors not readily apparent at this time. Development of the property, adjacent properties and associated changes in runoff can affect the groundwater surface elevations.” If groundwater is encountered during construction and the site must be dewatered, the operator shall file for appropriate dewatering permits (Permit No. COG080000) with the CDPHE.

If groundwater is encountered on the Site, a State of Colorado General Permit for Construction Dewater Activities will be required. The state dewatering permit application and associated information can be found at https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits. The permit application will

need to be filed 30 days prior to the anticipated discharge. Refer to the UDFCDs detail and fact sheet for additional dewatering operations information.

AREAS AND VOLUMES

The total anticipated project disturbance area is approximately 8.06 acres. The estimated earthwork quantities are as follows:

Cut: ±43,512 cubic yards

Fill: ±3,192 cubic yards

Net: ±40,320 cubic yards CUT

TIMING AND PHASING SCHEDULE

The operator shall utilize the following general construction practices which are required throughout the project at locations shown on the Erosion and Sediment Control Plan or as dictated by construction activities.

- Materials handling and spill prevention
- Waste management and disposal
- Hazardous material storage and containment area
- Vehicle maintenance fueling and storage
- Solid waste containment facility
- Sanitary waste facility
- Street Sweeping (SS) – performed by the Operator

These practices shall remain active and operational throughout the duration of construction and be identified on the Erosion and Sediment Control Plan. Due to any phasing required for the Project, it is understood that these control measures may be relocated as needed to facilitate construction operations. The Operator shall locate and identify the original and current location of these control measures on the Erosion and Sediment Control Plan, throughout the construction of the Project. An updated copy of the Erosion and Sediment Control Plan shall be kept onsite throughout construction of the Project.

General construction sequencing and activities associated with this project are described below. They are presented in the order (or sequence) they are expected to begin, but each activity will not necessarily be completed before the next begins.

The anticipated construction start date is Fall 2026, and the anticipated construction completion date is Spring 2027.

INITIAL PHASE

The initial phase shall consist of applying for and receiving the CDPS General Permit as well as construction/installation of temporary control measures to minimize potential for erosion and sediment transfer while mobilizing and preparing the site for construction activities. The operator shall minimize site disturbance by minimizing the extent of grading and clearing to effectively reduce sediment yield. The operator shall complete the anticipated initial phase sequencing as follows:

1. Prepare and submit the State of Colorado, Colorado Department of Public Health and Environment (CDPHE) Colorado Discharge Permit System (CDPS) General Permit. A copy of the permit shall be provided to the owner upon receipt from the CDPHE.
2. Obtain EPC ESQCP Permit, schedule Kickoff meeting with EPC, and obtain "notice to proceed" from EPC.
3. Install *Vehicle Tracking Control (VTC)* at the proposed southeast Site entrance.
4. Install and denote on the plan any of the following areas: trailer, parking, lay down, porta-potty, wheel wash, concrete washout, fuel and material storage containers, solid waste containers, etc.
5. Prepare *Stabilized Staging Area (SSA)* and *Stockpile Protection (SP).* Contractor to note the actual size and location of this area and shall minimize this area.
6. Install perimeter controls including *Silt Fence (SF)* and *Construction Fence (CF)* as shown on the Grading and Erosion Control Plans. Ensure that the limits of construction are defined as necessary and known by all parties which will be responsible for construction on the site.
7. Install *Diversion Ditches (DD)* and *Check Dams (CD)* in the swales as denoted on the Grading and Erosion Control Plans.
8. Install *Inlet Protection (IP)* around all existing inlets as denoted on the Grading and Erosion Control Plans.
9. Install *Rock Socks (RS)* along the curb flowline of the adjacent roadways.
10. Install *Concrete Washout Area (CWA)* prior to construction of concrete improvements.
11. Install *Temporary Sediment Basins (TSB)* per detail as denoted on the Grading and Erosion Control Plans.
12. Upon completion of the initial control measure installation the Operator shall schedule and hold a meeting with the Contractor and Inspector that shall take place prior to the Pre-Construction Meeting.
13. The Operator shall schedule a Pre-Construction Meeting with the County and Owner to confirm control measures installed are adequate prior to proceeding with additional land disturbing activities.

INTERIM PHASE

The interim phase shall consist of site improvements including utility installation, foundation pouring, and vertical construction. The operator shall complete the anticipated interim phase sequencing as follows:

1. Confirm existing control measures from the initial phase which are to be maintained throughout construction, are in working order and compliant with applicable regulations.
2. Repair and/or replace any existing control measures which are deemed inadequate.
3. *Temporarily Seed (TS)*, throughout construction, denuded areas that will be inactive for 14 days or more.
4. Install *Inlet Protection (IP)* around all constructed and existing inlets as denoted on the Erosion and Sediment Control Plans.
5. Construct permanent Full Spectrum Extended Detention Basin and underground storm sewer facilities.

FINAL PHASE

The final phase shall consist of construction of site improvements, construction of permanent control measures, and final stabilization of the Site. The operator shall complete the anticipated final phase sequencing as follows:

1. Confirm existing control measures from the initial and interim phases, which are to be maintained throughout construction, are in working order and compliant with applicable regulations.
2. Repair and/or replace any existing control measures which are deemed inadequate.
3. *Temporarily Seed (TS)*, throughout construction, denuded areas that will be inactive for 14 days or more.
4. Complete installation of utilities and curb and gutters.
5. Permanently stabilize areas to be vegetated as they are brought to final grade.
6. Prepare site for paving.
7. Pave site, including gravel roadways, concrete sidewalk, and paved roadways.
8. Complete grading and installation of final stabilization over all areas in accordance with the approved landscape plans for the Site.
9. Remove remaining control measures once permanent stabilization has been achieved and accepted by the County Inspector. Repair and stabilize areas disturbed through control measure removal.
10. Notify the owner of intent to file the Notice of Inactivation with CDPHE and receive Owner acceptance to proceed with Stormwater Management Close-out.
11. Proceed with filing the Notice of Inactivation with CDPHE.
12. Provide the Owner with a copy of all stormwater documentation (permits, inspection reports, logs, etc.) upon completion of Project Stormwater Notice of Inactivation.

STORMWATER MANAGEMENT PLAN SITE MAP

SITE MAP MINIMUM REQUIREMENTS

The Site Map for this project is included within **Appendix** of this report and meets the following minimum requirements:

- Construction Site Boundaries
- Flow Arrows Depicting Stormwater Flow Directions
- Identification of Ground Surface Disturbance
- Areas of Storage of Building Materials, Equipment, Soil or Waste
- Location of Dedicated Asphalt or Concrete Batch Plants (As Applicable)
- Location of Structural Control Measures
- Location of Non-Structural Control Measures
- Location of Springs, Streams, Wetlands or other Surface Waters (As Applicable)
- Location of All Stream Crossings Located Within the Construction Site Boundary (As Applicable)

STORMWATER MANAGEMENT CONTROLS

QUALIFIED STORMWATER MANAGER

The Qualified Stormwater Manager is the Operator selected for the project. The Qualified Stormwater Manager is an individual knowledgeable in the principles and practices of erosion and sediment control and pollution prevention, and with the skills to assess the effectiveness of stormwater controls implemented to meet the requirements of the General Permit. **The Qualified Stormwater Manager will be sufficiently qualified for the required duties per the ECM Appendix 1.5.** The Qualified Stormwater Manager is

responsible for developing, implementing, maintaining and revising the Grading, Erosion and Sediment Control Plan. The activities and responsibilities of the Qualified Stormwater Manager shall address all aspects of the facility's Grading, Erosion and Sediment Control Plan.

Company:

Contact:

Address:

Phone:

Email:

SITE SPECIFIC POLLUTION SOURCES

Further identification of site-specific pollutants that fall within the categories outlined in the next section may be field noted using the corresponding log included in **Appendix** of this report. The logs are intended to record site specific pollutants, the date of arrival on the site, the date removed from the site, and the methods of treatment.

IDENTIFICATION OF POLLUTANT SOURCES

Evaluation of general sediment and non-sediment pollution sources associated with site construction activities, as outlined within the General Permit, consist of the following:

- **Disturbed and Stored Soils** – Earth disturbing activities (grading, excavation, etc.) will be necessary for this project; therefore, the potential exists for disturbed site soils to contribute sediment to stormwater discharges.
- **Vehicle Tracking and Sediment** – Construction traffic will be entering and exiting the Site; therefore, the potential exists for vehicle tracking to contribute sediment to stormwater discharges.
- **Management of Contaminated Soils** – Contaminated soils are not anticipated on this Site. If encountered, the Qualified Stormwater Manager shall take appropriate containment and treatment measures.
- **Loading and Unloading Operations** – Loading and unloading operations will be taking place at the Site; therefore, the potential exists for these operations to introduce sediment and non-sediment pollutants to stormwater discharges.
- **Outdoor Storage of Materials** – Limited outdoor storage of materials is anticipated with construction of this Site; however, outdoor storage of chemicals, fertilizers, etc. is not anticipated.
- **Vehicle and Equipment Maintenance and Fueling** – Routine maintenance and fueling of vehicles and equipment is anticipated with this Site; therefore, the potential exists for pollutants associated with these activities to contribute pollutants to stormwater discharges.
- **Significant Dust or Particulate Generating Processes** – Earth disturbing activities (grading, excavation, etc.) will be necessary for this Site; therefore, the potential exists for windblown site soils to contribute sediment to stormwater discharges.
- **Routine Maintenance** – Routine maintenance involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc., other than those identified within Vehicle and Equipment Maintenance and

Fueling are not anticipated with this Site. If encountered, the Qualified Stormwater Manager shall take appropriate containment and treatment measures.

- **Onsite Waste Management** – Waste management consisting of solid waste piles, liquid wastes, dumpsters, etc. are anticipated onsite; therefore, the potential exists for these operations to introduce sediment and non-sediment pollutants to stormwater discharges.
- **Concrete Truck / Equipment Washing** – Concrete truck and equipment washing is anticipated with this Site. The Qualified Stormwater Manager shall take appropriate containment and treatment measures and utilize a concrete washout area.
- **Dedicated Asphalt and Concrete Batch Plants** – Dedicated asphalt and/or concrete batch plants are not anticipated with this Site. If encountered, the Qualified Stormwater Manager shall take appropriate containment and treatment measures and document as necessary.
- **Non-Industrial Waste Sources** – Non-Industrial waste sources limited to portable sanitary facilities are anticipated with this Site.
- **Additional Pollutant Sources** – Additional areas or procedures where potential spills could occur are not anticipated with this Site.

Logs for the identification of pollutant sources are included in **Appendix** for reference and use.

Based on the following, the potential to contribute pollutants to stormwater discharges is not significant for most of the pollutants identified above:

- Relatively Low Frequency of the Activities
- The Ability to Schedule Activities During Dry Weather
- Existing Site Topography
- The Ability to Implement Primary and Secondary Containment for Product Storage
- The Ability to Locate Activities Away from Drainage Ways

Potential pollutant sources noted below shall be mitigated by use of Best Management Practices (BMPs) as noted in the following sections:

- Disturbed and Stored Soils
- Vehicle Tracking and Sediment
- Loading and Unloading Operations
- Outdoor Storage
- Vehicle Equipment and Maintenance Fueling
- Significant Dust or Particulate Generating Processes
- Non-Industrial Waste Sources

NON-STORMWATER DISCHARGE COMPONENTS

Only specifically authorized non-stormwater discharges are allowed to enter the storm sewer and all authorized non-stormwater discharges shall be eliminated or reduced to the extent practical. **There are no non-stormwater discharges anticipated at the Site.**

Appropriate control measures shall be used to minimize the discharge of pollutants. Such control measures will be strictly followed to ensure any impacts from non-stormwater discharges are reduced or eliminated. Appropriate control measures are:

- Emergency Fire Fighting Activities

- Uncontaminated ground water or spring water
  If possible, direct uncontaminated ground water or spring water to stabilized points of discharge. If discharged to a disturbed area, assure measures to control erosive velocities and sediment control measures are implemented. Velocity control measures include riprap aprons and other conveyance measures. Sediment control measures might include stone check dams, sediment traps and basins.

  If uncontaminated ground water is discharged off-site, a Construction Dewatering Permit will be required. This Permit will not apply if dewatering is not performed or if water is not discharged off-site.

- Landscape Irrigation Return Flows
  Volume of water used for irrigation prior to establishment of vegetation shall be controlled to prevent excess runoff and erosion. Temporary sediment control measures shall remain in place until all upstream disturbed areas are stabilized. Sediment loss will be controlled using sediment control measures such as wattles, sediment fence, and vegetative buffers.

CONTROL MEASURES FOR STORMWATER POLLUTION PREVENTION

There are three general types of control measures that will be utilized for the Project: Erosion Control, Sediment Control, and Site/Material Management control measures. Erosion Control measures are used to limit the amount and extent of erosion. Sediment Control measures are designed to capture eroded sediments prior to their conveyance offsite. Site/Material Management control measures are related to construction access and staging. Several control measures described below may be categorized into more than one of the types described above. Also, these control measures may be categorized into one or more of the following construction phases which pertain to the phase of development in which they may be implemented. Initial Stage control measures shall be installed on existing grades at the outset of construction. Interim Stage control measures shall be installed after initial construction activities have begun. Final Stage control measures shall be installed on proposed grades and drainage features after initial site grading. Construction of the identified improvements will take place under three phases of construction anticipated as identified within the construction sequencing included within this report.

Refer to the Erosion and Sediment Control Plans for the location and implementation of erosion control measures for the phases of the Site. The following is a brief description of temporary sediment and erosion control measures to be utilized on this Site and the application those control measures are treating.

EROSION CONTROL

Protection of steep slopes is not anticipated on this Site. Steep slopes are defined as slopes greater than 3:1 that are higher than 5-feet vertically. Temporary slopes during construction that are greater than 3:1 need to be addressed along with any permanent slopes which are greater than 3:1. The Permittee may need to implement the use of diversion ditches to reroute the storm runoff, terrace the grades to break up the flow of incidental runoff down slopes, compost mulch to protect the exposed soil or other control measure as approved by the inspector. Slopes steeper that 3:1 shall be protected with an erosion control blanket. No un-protected final grades shall be allowed greater than 2:1.

Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fourteen (14) calendar days after final grading or the final earth disturbances has been

completed. When it is not possible to permanently stabilize a disturbed area after an earth disturbance has been completed or where significant earth disturbance activity ceases, temporary soil erosion control measures shall be implemented within fourteen (14) calendar days. All temporary soil erosion control measures shall be maintained until permanent soil erosion measures are implemented.

All disturbed areas shall be stabilized as soon as possible. Seeding and Mulching (SM), to provide protection against rain and wind erosion, shall be performed temporarily, as needed, during the pre-construction, initial, and interim phases and maintained until final stabilization is completed. Site Stabilization will be achieved through use of temporary seeding and mulching (TS) and ultimately permanent landscaping (PS). All disturbed areas which are either final graded or will remain inactive for a period of more than 30 days shall be required to be stabilized within 14 days of the completion of the grading activities.

SEDIMENT CONTROL

Silt Fence (SF) is located downstream of disturbed areas and provides a sediment barrier for runoff. SF is installed to help reduce the amount of sediment in surface runoff that will be exiting/entering the Site. SF will be installed along portions of the limits of construction line located throughout the Site as denoted on the Site Map. The SF will be installed during the initial phases of construction activities and maintained throughout construction. Temporary Sediment Basin (TSB) detains sediment-laden runoff long enough to allow much of the sediment to settle out. TSB will be installed per detail as denoted on the Grading and Erosion Control Plans. TSB will be installed during the initial phases of construction activities and maintained throughout construction.

SITE/MATERIAL MANAGEMENT

One construction entrance with Vehicle Tracking Control (VTC) shall be installed at the southeast entrance of the Site in an effort to reduce off-site sediment tracking. The VTC shall be installed during the initial phase of construction activities.

A Concrete Washout Area (CWA) will be installed near the VTC to help isolate concrete truck washout operations upon departure. A CWA is installed when a site anticipates the generation of concrete wash water. CWAs provide an area for the proper collection and disposal of all liquid concrete waste. The CWA will be installed during the initial phase of construction activities. Three basic approaches are available to the Contractor and include an above-grade storage area, excavation of a pit in the ground, and a prefabricated haul-away concrete washout container. All concrete washout areas shall, as a minimum adhere to the following guidelines:

- Maintain a minimum distance of 400 feet from a stream or water body.
- Maintain a minimum distance of 1,000 feet from any wells or drinking water source.
- Shall not be located in a natural draw or drainage swale.
- Shall not be located in areas of highly permeable soils, i.e., gravels and sands.
- The chosen location shall be sited so that if a failure or overtopping occurs, the flow would be directed to a flat or depressed grassy area away from any water sources.
- The use of solvents, cleaners, or hazardous materials when cleaning or removing concrete is strictly prohibited.
- Backflushing shall not be permitted on site.
- Adequate and proper disposal of contents is required once the CWA has reached ½ capacity and at the end of concrete construction activities.

A stabilized staging area (SSA) to provide an area for construction activities and material storage will be located on the north side of the Site. The SSA provides a designated area for staging of construction materials and equipment, placement of job trailer, contractor parking, etc.

Street Sweeping (SS) is necessary for any site that has track out onto adjacent sites or roadways. Paved and impervious surfaces which are adjacent to construction sites must be swept on a weekly basis or as needed during the week when sediment and other materials are tracked or discharged onto them. Either sweeping by hand or use of street sweepers is acceptable. Street sweepers using water while sweeping is preferred in order to minimize dust. Scraped or swept material shall not be deposited in the storm sewer. Materials collected by the inlet protection shall be removed and shall not be deposited in the storm sewer. Street sweeping is the responsibility of the Operator and will not be performed by the County to meet the requirements of this Plan.

OTHER POTENTIAL POLLUTION CONSIDERATIONS

MATERIALS HANDLING AND SPILL PREVENTION

Any hazardous or potentially hazardous material that is brought onto the construction site shall be handled properly to reduce the potential for stormwater pollution. In an effort to minimize the potential for a spill of petroleum product or hazardous materials to come in contact with stormwater, the following steps shall be implemented:

- Material Safety Data Sheets (MSDS) information shall be kept on site for any and all applicable materials.
- All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, additives for soil stabilization, concrete, curing compounds and additives, etc.) shall be stored in a secure location, under cover and in appropriate, tightly sealed containers when not in use.
- The minimum practical quantity of all such materials shall be kept on the job site and scheduled for delivery as close to time of use as practical.
- A spill control and containment kit shall be provided on the construction site and location(s) shown on Site Maps.
- All of the product in a container shall be used before the container is disposed of. All such containers shall be triple rinsed, with water prior to disposal. The rinse water used in these containers shall be disposed of in a manner in compliance with State and Federal regulations and shall not be allowed to mix with stormwater discharges.
- All products shall be stored in and used from the original container with the original product label and used in strict compliance with the instructions on the product label.
- The disposal of excess or used products shall be in strict compliance with instructions on the product label.

Fueling for construction is anticipated to be conducted with a fuel truck that will not be kept permanently on-site. If utilized, temporary onsite fuel tanks for construction vehicles shall meet all state and federal regulations. Tanks shall have approved spill containment with the capacity required by the applicable regulations. From NFPA 30: All tanks shall be provided with secondary containment (i.e. containment external to and separate from primary containment). Secondary containment shall be constructed of materials of sufficient thickness, density and composition so as not to be structurally weakened as a result of contact with the fuel stored and capable of containing discharged fuel for a period of time equal to or

longer than the maximum anticipated time sufficient to allow recovery of discharged fuel. Secondary containment may only be required on larger fuel tanks and the qualified stormwater manager should familiarize themselves with and follow local and state requirements.

The tanks shall be in sound condition free of rust or other damage which might compromise containment. Fuel storage areas shall meet all Environmental Protection Agency (EPA), OSHA and other regulatory requirements for signage, fire extinguisher, etc. Hoses, valves, fittings, caps, filler nozzles and associated hardware shall be maintained in proper working condition at all times. The location of fuel tanks shall be shown on the Site Maps and shall be located to minimize exposure to weather and surface water drainage features.

The Operator shall develop and implement a Materials Handling and Spill Prevention Plan (MHSPP) in accordance with the EPA and State of Colorado requirements. In the event of an accidental spill, immediate action shall be undertaken by the Operator to contain and remove the spilled material. All hazardous materials, including contaminated soil, shall be disposed of by the Operator in the manner specified by federal, state and local regulations and by the manufacturer of such products. As soon as possible, the spill shall be reported to the appropriate agencies. As required under the provisions of the Clean Water Act, any spill or discharge entering waters of the United States shall be properly reported. The Operator shall prepare a written record of any spill and associated clean-up activities of petroleum products or hazardous materials in excess of 1 gallon or reportable quantities, whichever is less. A copy of the Spill Report Form is included in **Appendix** of this report.

Accidental spills shall be handled expeditiously as outlined in CDPHE guidance. Any spills of petroleum products or hazardous materials in excess of Reportable Quantities as defined by EPA or the state or local agency regulations, shall be immediately reported to the Colorado Department of Public Health and Environment spill reporting lines.

- CDPHE Environmental Release and Incident Reporting Line (877) 518-5608.
- National Response Center - (800) 424-8802

VEHICLE TRACKING AND DUST CONTROL

Vehicle Tracking Control measures (structural and non-structural) shall be implemented in order to control potential sediment discharges from vehicle tracking. Practices shall be implemented for all areas of potential vehicle tracking which include but are not limited to reduced site access and utilization of designated haul routes.

Areas of soil that are denuded of vegetation and have little protection from particles being picked up and carried by wind should be protected with a temporary cover or kept under control with water or other soil adhering products to limit wind transported particles exiting the site perimeter.

DEDICATED CONCRETE OR ASPHALT BATCH PLANTS

Dedicated concrete or asphalt batch plants are not anticipated with this Site. If encountered, the Qualified Stormwater Manager shall notify EPC immediately and take appropriate containment and treatment measures and document as necessary.

WASTE MANAGEMENT AND DISPOSAL

An effective first step towards preventing pollution in stormwater from work sites involves using a common-sense approach to improve the facility's basic housekeeping methods. Poor housekeeping practices result in increased waste and potential for stormwater contamination.

No solid materials are allowed to be discharged from the Site with stormwater. All solid waste, including disposable materials incidental to the construction activities, must be collected and placed in containers. Secure covers for the containers shall be provided if required by state and local requirements. The location of solid waste receptacles shall be identified on the SWMP by the Operator.

Concrete waste is anticipated with this project; and therefore, a dedicated concrete washout is required. The Qualified Stormwater Manager shall take appropriate containment and treatment measures and document as necessary

PORTABLE TOILETS

Portable toilets shall be provided on-site as necessary for construction personnel. Portable toilets shall be located on flat surfaces away from drainage paths. Toilets shall be located a minimum of 10 feet from stormwater inlets and 50 feet from state waters. They will be secured at all four corners to prevent overturning and cleaned on a weekly basis. They will be inspected daily for spills.

STABILIZATION AND STORMWATER MANAGEMENT

TEMPORARY STABILIZATION AND SHORT-TERM STORMWATER MANAGEMENT

The County considers the completion of over-lot grading operations, by definition, to be substantially complete; therefore, all areas that will be dormant for more than 30 days after the completion of the over-lot grading will require temporary seeding within 14 days of establishment. This does not preclude the 7-day requirement for areas fully completed in the future. At a minimum, in ensuring that this requirement is followed, adequate phasing/scheduling will be required.

FINAL STABILIZATION AND LONG-TERM STORMWATER MANAGEMENT

In the natural condition, the site soil is stabilized by means of native vegetation. The final stabilization technique to be used at this project for stabilizing soils shall be to provide a protective cover of landscaping vegetation, pavement and granular stabilization material. Seeding should be conducted after final grade is achieved and soils are prepared to take advantage of soil moisture and seed germination. Long term stabilization of the proposed extended detention basin includes this permanent seeding. The EDB provides maintenance access roads to clean sediment and debris from trickle channels and the outlet structure, which should be routinely maintained. The Qualified Stormwater Manager should evaluate the short and long-term forecasts prior to applying permanent seed.

Final site stabilization is achieved when vegetative cover provides permanent stabilization with a density greater than 70 percent of the pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed over the entire area to be stabilized by vegetative cover. This area is exclusive of areas that are covered with rock (crushed granite, gravel, etc.) or landscape mulch, paved or have a building or other permanent structure on them.

INSPECTION AND MAINTENANCE

Inspections shall be the responsibility of the Qualified Stormwater Manager throughout the construction process.

INSPECTION SCHEDULE REQUIREMENTS

Inspection and maintenance of erosion control measures shall comply with the criteria set forth by the General Permit (COR400000), or the following, whichever is more stringent.

The Permittee or Contractor shall produce written and signed records every seven (7) days and after within 24 hours after every significant precipitation or snow melt events that causes surface erosion. All necessary maintenance and repair shall be completed immediately. If more frequent inspections are required to ensure that control measures are properly maintained and operated, the inspection schedule shall be modified to meet this need.

When snow cover exists over the entire site for an extended period, inspections are not always feasible. This condition should be documented, including date of snowfall and date of melting conditions to bring awareness of and preparation for areas where melting conditions may pose a risk of surface erosion.

A copy of the SWMP shall be maintained at the site at all times. Any degradation of the control measures described in the SWMP or excessive accumulation of sediments shall be remedied immediately upon discovery. The Contractor shall record all storm events on the Storm Event Log included in **Appendix**.

INSPECTION PROCEDURES

The inspection shall include observations of:

- The Construction Site Perimeter and Discharge Points;
- All Disturbed Areas;
- Vehicles and Equipment;
- Areas Used for Material / Waste Storage That are Exposed to Precipitation;
- Other Areas Determined to Have a Significant Potential for Stormwater Pollution;
- Erosion and Sediment Control Measures Identified in the SWMP; and
- Any Other Structural Control Measures That May Require Maintenance.

The inspection must determine if there is evidence of, or the potential for, pollutants entering the drainage system. Control measures should be reviewed to determine if they still meet the design intent and operational criteria in the SWMP and if they continue to adequately control pollutants at the site. Any control measures not operating in accordance with the SWMP must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants and the SWMP must be updated and inspections must be documented.

Examples of specific items to evaluate during site inspections are listed below. This list is not intended to be comprehensive. Ultimately, it is the responsibility of the Contractor to assure the adequacy of site pollutant discharge controls. Actual physical site conditions or contractor practices could make it necessary to install more controls than are shown on the plans. Assessing the need for additional controls and implementing them or adjusting existing controls will be an ongoing requirement until the site achieves final stabilization.

1. Vehicle Tracking Control - Locations where vehicles enter and exit the site shall be inspected for evidence of offsite sediment tracking. Exits shall be maintained as necessary to prevent the release of sediment from vehicles leaving the site. Any sediment deposited on the adjacent roadway shall be removed as necessary throughout the day or at the end of every day and disposed of in an appropriate manner. Sediment shall not be washed into storm sewer systems.
2. Erosion Control Devices - Rolled erosion control products (nets, blankets, turf reinforcement mats) and marginally vegetated areas (areas not meeting required vegetative densities for final stabilization) must be inspected frequently. Riling, rutting and other signs of erosion indicate the erosion control device is not functioning properly and additional erosion control devices are warranted.
3. Sediment Control Devices - Sediment barriers (silt fence, sediment control logs, etc.), traps and basins must be inspected, and they must be cleaned out at such time as their original capacity has been reduced by 50 percent. All material excavated from behind sediment barriers or in traps and basins shall be incorporated into onsite soils or spread out on an upland portion of the site and stabilized. To minimize the potential for sediment releases from the Project, site perimeter control devices shall be inspected with consideration given to changing up-gradient conditions.
4. Material Storage Areas - Material storage areas should be located to minimize exposure to weather. Inspections shall evaluate disturbed areas and areas used for storing materials that are exposed to rainfall for evidence of, or the potential for, pollutants entering the drainage system or discharging from the site. If necessary, the materials must be covered, or original covers must be repaired or supplemented. Also, protective berms must be constructed, if needed, in order to contain runoff from material storage areas. All state and local regulations pertaining to material storage areas shall be adhered to.
5. Vegetation - Seed/Sod shall be free of weedy species and appropriate for site soils and regional climate. Seeding, sodding, tacking, and mulching shall be completed, in accordance with the requirements outlined within the Project Manual and locations identified within the plans, immediately after topsoil is applied and final grade is reached. Grassed areas shall be inspected to confirm that a healthy stand of grass is maintained. Rip-rap, mulch, gravel, decomposed granite or other equivalent permanent stabilization measures may be employed in lieu of vegetation based on site-specific conditions and Owner approval.
6. Discharge Points - All discharge points must be inspected to determine whether erosion and sediment control measures are effective in preventing discharge of sediment from the site or impacts to receiving waters.

Based on the inspection results, all necessary maintenance and repair shall be completed immediately and in no cases longer than seventy-two (72) hours after identification. The inspection reports must be completed after each inspection. An important aspect of the inspection report is the description of additional measures that need to be taken to enhance plan effectiveness. The inspection report must identify whether the site was in compliance with the SWMP at the time of inspection and specifically identify all incidents of non-compliance.

The Qualified Stormwater Manager shall ensure that, at a minimum, the following is recorded for each inspection and kept onsite for reference:

a. The inspector's name and signature (must be a Qualified Stormwater Manager),
b. The date and type of the inspection (regular inspection vs. post-storm inspection),
c. Weather conditions at the time of the inspection,
d. Phase of construction at the time of the inspection,
e. Estimated acreage of disturbance at the time of inspection,
f. The minimum frequency of inspections chosen,
g. Location(s) of discharges of sediment or other pollutants from the site,
h. Location(s) of control measures needing maintenance,
i. Location(s) and identification of inadequate control measures

j. Location(s) and identification of additional control measures are needed that were not in place at the time of inspection, and
k. Any corrective actions taken.

If repairs are needed to any control measures, they shall be completed immediately. After adequate corrective action(s) and maintenance have been taken, or where a report does not identify any incidents requiring corrective action or maintenance, the report shall contain a statement stating the following:

"I verify that, to the best of my knowledge and belief, all corrective action and maintenance items identified during the inspection are complete, and the site is currently in compliance with the permit."

This statement must be signed by a Qualified Stormwater Manager. If it is infeasible to install or repair of control measure immediately after discovering the deficiency, the following information must be documented and kept on record:

1. Describe why it is infeasible to initiate the installation or repair immediately; and
2. Provide a schedule for installing or repairing the control measure and returning it to an effective operating condition as soon as possible.

The use and maintenance of log books, photographs, field notebooks, drawings or maps should also be included in the SWMP records when appropriate. Copies of the Inspection and Sampling Report Forms have been included in **Appendix** for reference and use.

CONTROL MEASURE MAINTENANCE / REPLACEMENT AND FAILED CONTROL MEASURES

Site inspection procedures noted above must address maintenance of control measures that are found to no longer function as needed and designed, as well as preventive measures to proactively ensure continued operation.

The Qualified Stormwater Manager shall implement a preventative maintenance program to ensure that control measure breakdowns and failures are handled proactively. Site inspections should uncover any conditions which could result in the discharge of pollutants to storm sewers and surface waters and shall be rectified. For example, sediment shall be removed from silt fences on a regular basis to prevent failure of the control measure. Sediment shall be removed to an appropriate location so that it will not become an additional pollutant source.

The inspection process must also include replacement of control measures when needed or the addition of new control measures in order to adequately manage the pollutant sources at the site.

Any control measure deficiencies, replacement or additional control measures that may be required shall be documented on the Stormwater Management Site Map and on the appropriate Inspection Form. If amendments to the SWMP are required, these amendments shall be documented on the SWMP Amendment Log included in **Appendix** for reference and use.

DISPOSITION OF TEMPORARY MEASURES

Most temporary erosion and sediment control measures must be removed within 30 days after final site stabilization is achieved. Trapped sediment and disturbed soil areas resulting from the disposal of temporary measures must be returned to final plan grades and permanently stabilized to prevent further soil erosion.

PLAN MODIFICATIONS

Plan revisions made prior to or following a change(s) onsite, including revisions to sections addressing site conditions and control measures, a notation must be included in the plan the identifies:

- Date of site change,
- The control measure removed or modified,
- The location(s) of those control measures, and
- Any changes to the control measure.

This Site does not rely on control measures owned or operated by another entity.

REFERENCES

Colorado Discharge Permit System (CDPS) – Stormwater Discharge Associated with Construction Activities Application - Prepared by Water Quality Control Division, Colorado Department of Public Health and Environment; . Released December 26, 2019

Colorado Discharge Permit System (CDPS) General Permit – Stormwater Discharges Associated with Construction Activity - Prepared by Water Quality Control Division, Colorado Department of Public Health and Environment; Issued January 31st, 2024 and effective April 1st, 2024.

NRCS Web Soil Survey - Website: http://websoilsurvey.nrcs.usda.gov

Stormwater Discharges Associated with Construction Activity – Stormwater Management Plan Preparation Guidance - Prepared by Water Quality Control Division, Colorado Department of Public Health and Environment; Revised April 2024.

Threatened, Endangered, Candidate and Proposed Species by County - Prepared by US Department of the Interior, Fish and Wildlife Services, Ecological Services, Colorado Field Offices; printed March 2019.

Urban Storm Drainage Criteria Manual, Volume 3 – Mile High Flood District, Denver, CO.; Updated March 2024.

APPENDIX A – Stormwater Management Plans / Site Maps

Reference most recent stormwater management plans.

APPENDIX B – CDPHE Stormwater Permit

COLORADO
Department of Public Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

CDPS GENERAL PERMIT COR400000

STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

AUTHORIZATION TO DISCHARGE UNDER THE

COLORADO DISCHARGE PERMIT SYSTEM (CDPS)

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), this permit authorizes the discharge of stormwater associated with construction activities, as defined in this permit, to be certified under this permit from those locations authorized to discharge from authorized locations throughout the State of Colorado to specified surface waters of the state, in accordance with the eligibility and permit application requirements, effluent limitations, monitoring requirements, inspection requirements, and other conditions set forth in this general permit.

This permit specifically authorizes the facility listed on the certification to discharge in accordance with permit requirements and conditions set forth in Parts I and II hereof. All discharges authorized herein must be consistent with the terms and conditions of this permit.

This permit becomes effective on, 04/01/2024 and will expire at midnight 03/31/2029.

Issued and signed this 31st day of January, 2024 and Effective April 1, 2024.

Andrew Sayers-Fay, Permits Section Manager Water Quality Control Division

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

PERMITS ACTION SUMMARY

Issued January 31, 2024, Effective April 1, 2024

Table of Contents

PART I 2
A. COVERAGE UNDER THIS PERMIT 2
1. Authorized Discharges 2
2. Limitations on Coverage 2
3. Permit Certification and Submittal Procedures 3
B. EFFLUENT LIMITATIONS 7
1. Requirements for Control Measures Used to Meet Effluent Limitations 7
2. Discharges to an Impaired Waterbody or Outstanding Water 10
3. General Requirements 11
C. STORMWATER MANAGEMENT PLAN REQUIREMENTS 11
1. Stormwater Management Plan General Requirements 11
2. Stormwater Management Plan Content 12
3. Stormwater Management Plan Review and Revisions 14
4. Stormwater Management Plan Availability 15
D. SITE INSPECTIONS 15
1. Person Responsible for Conducting Inspections 15
2. Inspection Frequency 15
3. Inspection Frequency for Discharges to Outstanding Waters 16
4. Reduced Inspection Frequency 16
5. Inspection Scope 16
E. DEFINITIONS 18
F. MONITORING 21
G. OIL AND GAS CONSTRUCTION 21
PART II 22
A. DUTY TO COMPLY 22
B. DUTY TO REAPPLY 22
C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE 22
D. DUTY TO MITIGATE 23
E. PROPER OPERATION AND MAINTENANCE 23
F. PERMIT ACTIONS 23
G. PROPERTY RIGHTS 23
H. DUTY TO PROVIDE INFORMATION 23
I. INSPECTION AND ENTRY 23
J. MONITORING AND RECORDS 24
K. SIGNATORY REQUIREMENTS 24
L. REPORTING REQUIREMENTS 25
M. BYPASS 27
N. UPSET 27
O. REOPENER CLAUSE 28
P. OTHER INFORMATION 28
Q. SEVERABILITY 28
R. NOTIFICATION REQUIREMENTS 28
S. RESPONSIBILITIES 29
T. OIL AND HAZARDOUS SUBSTANCES LIABILITY 29
U. EMERGENCY POWERS 29
V. CONFIDENTIALITY 29
W. FEES 29
X. DURATION OF PERMIT 29
Y. SECTION 307 TOXICS 29

PART I

Note: At the first mention of terminology that has a specific connotation for the purposes of this permit, the terminology is electronically linked to the definitions section of the permit in Part I.E.

A. COVERAGE UNDER THIS PERMIT

1. Authorized Discharges

This general permit authorizes permittee(s) to discharge the following to state waters: stormwater associated with construction activity and specified non-stormwater associated with construction activity. The following types of stormwater and non-stormwater discharges are authorized under this permit:

a. Stormwater Discharges

i. Stormwater discharges associated with construction activity.

ii. Stormwater discharges associated with producing earthen materials, such as soils, sand, and gravel dedicated to providing material to a single contiguous site, or within ¼ mile of the construction site covered by this permit (e.g. borrow or fill areas).

iii. Stormwater discharges associated with dedicated asphalt, concrete batch plants, and masonry mixing stations (Coverage under this permit is not required if alternative coverage has been obtained).

b. Non-Stormwater Discharges

The following non-stormwater discharges are allowable under this permit if the discharges are identified in the stormwater management plan in accordance with Part I.C and if they have appropriate control measures in accordance with Part I.B.1.

i. Discharges from uncontaminated springs that do not originate from an area of land disturbance.

ii. Discharges to the ground of concrete or masonry washout water associated with the washing of concrete or masonry tools and concrete or masonry mixer chutes, and water used to wash vehicles, equipment and external buildings. Discharges of concrete or masonry washout water must not leave the site as surface runoff or reach receiving waters as defined by this permit. The addition of soaps, solvents and detergents is prohibited. Concrete or masonry on-site waste disposal is not authorized by this permit except in accordance with Part I.B.1.a.ii(c).

iii. Discharges of landscape irrigation return flow.

iv. Discharges from diversions of state waters within the permitted site.

c. Emergency Fire Fighting

Discharges resulting from emergency firefighting activities during the active emergency response are authorized by this permit.

2. Limitations on Coverage

Discharges not authorized by this permit include, but are not limited to, the discharges and activities listed below. Permittees may seek individual or alternate general permit coverage for the discharges, or utilize low risk discharge guidance (i.e. Surface Cosmetic Power Washing Operations to Land) or clean water policy documents (i.e. Clean Water Policy #14) as appropriate and available.

a. Discharges of non-stormwater

Discharges of non-stormwater, except the authorized non-stormwater discharges listed in Part I.A.1.b., are not eligible for coverage under this permit. Note: The prohibited discharges listed here are not an exhaustive list.

i. Discharges to surface water from water used to wash vehicles, equipment and external building washdown water. The addition of soaps, solvents and detergents is prohibited.

ii. Discharges from washout water for paint, form release oils, curing compounds, or other similar

construction materials. See Part I.B.1.a.ii(f).

iii. Discharges of fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.

iv. Discharges of reclaimed water, as defined in Regulation 84, that are approved for the use of construction dust suppression but are not applied in accordance with Regulation 84.

v. Discharges related to the application of potable water for dust suppression. See Part I.B.1.a.i(j).

b. Discharges currently covered by another individual or general permit.

c. Discharges currently covered by a Water Quality Control Division (division) Low Risk Guidance document or Clean Water Policy.

d. Discharges to outstanding waters that are long-term and/or have no or only short-term ecological or water quality benefit or clear public interest. See Part I.B.2.b.

e. Chemical additions.

Any chemical addition for the treatment of stormwater associated with construction activities is not authorized. This includes but is not limited to flocculants, polymers, and coagulants.

3. Permit Certification and Submittal Procedures

a. Duty to Apply

The owner(s)/operator(s) must apply for coverage under this permit for discharges from the following activities:

i. Construction activity that will disturb one acre or more; or

ii. Construction activity that is part of a common plan of development or sale; or

iii. Stormwater discharges that are designated by the division as needing a stormwater permit because the discharge:

(a) Contributes to a violation of a water quality standard; or

(b) Is a significant contributor of pollutants to state waters.

b. Application Requirements

To obtain authorization to discharge under this permit, applicants applying for coverage following the effective date of the renewal permit must meet the following requirements:

i. Owners and operators submitting an application for permit coverage will be co-permittees subject to the same benefits, duties, and obligations under this permit.

ii. Signature requirements: Both the owner and operator (permittees) of the construction site, as defined in Part I.E., must agree to the terms and conditions of the permit and submit a completed application that includes the signature of both the owner and the operator. In cases where the duties of the owner and operator are managed by the owner, both application signatures may be completed by the owner. Both the owner and operator are responsible for ensuring compliance with all terms and conditions of the permit, including implementation of the stormwater management plan.

iii. The applicant(s) must develop a stormwater management plan in accordance with the requirements of Part I.C. The applicant(s) must also certify that the stormwater management plan is complete, or will be complete, prior to commencement of any construction activity.

iv. In order to apply for certification under this general permit, the applicant(s) must submit a complete, accurate, and signed permit application form as provided by the division by electronic delivery at least 10 days prior to the commencement of construction activity, except those construction activities that are in response to a public emergency related site. Public emergency related sites must apply for coverage no later than 14 days after the commencement of construction activities. The provisions of this part in no way remove a violation of the Colorado Water Quality Control Act if a point source discharge occurs prior to the issuance of a CDPS permit.

v. The application in its entirety must be submitted via the division's online permitting system unless a waiver is granted by the division. If a waiver is granted, the application in its entirety, including signatures by both the owner and operator, must be submitted to:

Colorado Department of Public Health and Environment

Water Quality Control Division

Permits Section, WQCD-PS-B2

4300 Cherry Creek Drive South

Denver, CO 80246

vi. The applicant(s) must receive written notification that the division granted permit coverage prior to conducting construction activities, except for construction activities that are in response to a public emergency related site.

c. Division Review of Permit Application

Within 10 days of receipt of the application, and following review of the application, the division may:

i. Issue a certification of coverage under this general permit;

ii. Request additional information necessary to evaluate the discharge;

iii. Delay the authorization to discharge pending further review;

iv. Notify the applicant that additional terms and conditions are necessary; or

v. Deny the authorization to discharge under this general permit.

d. Alternative Permit Coverage

i. Division Required Alternative Permit Coverage:

The division may require an applicant or permittee to apply for an individual permit or an alternative general permit if it determines the discharge does not fall under the scope of this general permit, including if any additional terms and conditions are necessary in order to ensure that discharges authorized by this permit will not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any applicable water quality standard, including narrative standards for water quality. In this case, the division will notify the applicant or permittee that an individual permit application is required.

ii. Permittee Request for Alternative Permit Coverage:

A permittee authorized to discharge stormwater under this permit may request to be excluded from coverage under this general permit by applying for an individual permit. In this case, the permittee must submit an individual application, with reasons supporting the request, to the division at least 180 days prior to any discharge. When an individual permit is issued, the permittee's authorization to discharge under this permit is terminated on the effective date of the individual permit.

e. Submittal Signature Requirements

Documents required for submittal to the division in accordance with this permit, including applications for permit coverage and other documents as requested by the division, must include signatures by **both** the owner and the operator, except for instances where the duties of the owner and operator are managed by the owner.

Signatures on all documents submitted to the division as required by this permit must meet the Standard Signatory Requirements in Part II.K of this permit in accordance with 40 C.F.R.122.41(k).

i. Signature Certification

Any person(s) signing documents required for submittal to the division must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

f. Field Wide Permit Coverage for Oil and Gas Construction

At the discretion of the division, a single permit certification may be issued to a single oil and gas permittee to cover construction activity related discharges from an oil and gas field at multiple locations that are not necessarily contiguous.

g. Permit Coverage without Application

Qualifying Local Program: When a small construction site is within the jurisdiction of a qualifying local program, the owner and operator of the construction activity are authorized to discharge stormwater associated with small construction activity under this general permit without the submittal of an application to the division. Sites covered by a qualifying local program are exempt from the following sections of this general permit: Part I.A.3.a.; Part I.A.3.b. (division application requirements); Part I.A.3.c. (division review); Part I.A.3.d. (division alternate permit coverage); Part I.A.3.f. (oil and gas field wide coverage); Part I.A.3.h. (permittee initiated actions); Part I.A.3.i. (residential lot coverage); Part I.A.3.j. (permit expiration and continuation of coverage); Part II.L.3 (transfer of ownership or control); II.W (fees).

Sites covered by a qualifying local program are subject to the following requirements:

i. Local Agency Authority: This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of stormwater to storm drain systems or other water courses within their jurisdiction.

ii. Permit Coverage Termination: When a site under a Qualifying Local Program is finally stabilized, coverage under this permit is automatically terminated.

iii. Compliance with Qualifying Local Program: Qualifying Local Program requirements that are equivalent to the requirements of this permit are incorporated by reference. Permittees authorized to discharge under this permit must comply with the equivalent requirements of the Qualifying Local Program that has jurisdiction over the site as a condition of this permit.

iv. Compliance with Remaining Permit Conditions. Requirements of this permit that are in addition to or more stringent than the requirements of the Qualifying Local Program apply in addition to the requirements of the Qualifying Local Program.

v. Written Authorization of Coverage: The division or local municipality may require any owner/operator within the jurisdiction of a Qualifying Local Program covered under this permit to apply for, and obtain written authorization of coverage under this permit. The permittee must be notified in writing that an application for written authorization of coverage is required.

h. Permittee Initiated Permit Actions

Permittee initiated permit actions, including but not limited to modifications, contact changes, transfers, and terminations, must be conducted following Part II.L, Part I.A.3.e, division guidance and using appropriate division-provided forms.

i. When a permittee modifies or terminates all or portions of permit coverage to another permittee, the "old" permittee completing the modification or termination must provide to the division the new permittee's certification number(s) (ie. a land developer selling lots to home builders, etc.).

ii. When a permittee transfers permit coverage to another permittee, the "new" permittee completing the transfer must provide to the division an agreement completed and signed by the "old" permittee.

iii. When a permittee transfers permit coverage or modifies or terminates all or portions of permit coverage to another permittee, the “old” permittee completing the transfer, modification, or termination must provide to the division documentation of due diligence when the new permittee is not obtaining permit coverage. Documentation of due diligence may include certified letters, multiple attempts at email and phone contact.

i. Sale of Residence to Homeowner

Residential construction sites only: The permittee may remove residential lots from permit coverage once the lot(s) meets all of the following criteria:

i. The residential lot(s) has(have) been sold to the homeowner(s) for private residential use;

ii. A certificate of occupancy, or equivalent, is maintained on-site or electronically and is available during division inspections;

iii. The lot(s) is (are) less than one acre of disturbance;

iv. All construction activity conducted on the lot(s) by the permittee is complete, including the installation of sediment or erosion control measures that minimize sediment from exiting the lot, or the installation of temporary stabilization on remaining disturbance where the permittee is not responsible for final stabilization (i.e. backyard of single family home, etc.);

v. The permittee is not responsible for final stabilization of the lot(s); and

vi. The stormwater management plan was modified to indicate the lot(s) is (are) no longer part of the construction activity.

If the residential lot(s) meets the criteria listed above, then activities occurring on the lot(s) are no longer considered to be construction activities with a duty to apply and maintain permit coverage. Therefore, the permittee is not required to meet the final stabilization requirements and may terminate permit coverage for the lot(s).

j. Permit Expiration and Continuation of Permit Coverage

Authorization to discharge under this general permit will expire at midnight on March 31, 2029. While Regulation 61.4 requires the permittee to submit an application for continuing permit coverage 180 days before the permit expires, the division requires that a permittee or permittees desiring continued coverage under this general permit must reapply at least 90 days in advance of this permit expiration. The division will determine if the permittee(s) may continue to discharge stormwater under the terms of the general permit. An individual permit may be required for any facility not reauthorized to discharge under the reissued general permit.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. For permittees that have applied for continued permit coverage, discharges authorized under this permit prior to the expiration date will automatically remain covered by this permit until the earliest of:

i. An authorization to discharge under a reissued permit, or a replacement of this permit, following the timely and appropriate submittal of a complete application requesting authorization to discharge under the new permit and compliance with the requirements of the new permit. (Note: the division may not reissue a permit certification if there are outstanding past due fees per Regulation 61.15(d)); or

ii. The issuance and effect of a termination issued by the division; or

iii. The issuance or denial of an individual permit for the facility’s discharges; or

iv. A formal permit decision by the division not to reissue this general permit, at which time the division will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or

v. The division has informed the permittee that discharges previously authorized under this permit are no longer covered under this permit.

B. EFFLUENT LIMITATIONS

1. Requirements for Control Measures Used to Meet Effluent Limitations

The permittee must implement control measures to minimize the discharge of pollutants from all potential pollutant sources at the site which, if applicable, includes run-on. Control measures used to meet effluent limitations must be installed prior to commencement of construction activities and prior to each phase of construction that introduces new potential pollutant sources. Control measures must be selected, designed, installed and maintained in accordance with good engineering, hydrologic and pollution control practices. Control measures implemented at the site must be designed to prevent pollution or degradation of state waters.

a. Stormwater Pollution Prevention

The permittee must implement structural and/or nonstructural control measures that effectively minimize erosion, sediment transport, and the release of other pollutants related to construction activity.

i. Control Measures for Erosion and Sediment Control

Structural and non-structural control measures for erosion and sediment control may include, but are not limited to, wattles/sediment control logs, silt fences, earthen dikes, drainage swales, sediment traps, filter bags, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, sediment basins, temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, and slope roughening, maintaining existing vegetation, preserving native topsoil, protection of trees, preservation of mature vegetation, phasing of site development, preserving natural topography, minimizing soil compaction in areas of vegetative final stabilization, and minimizing site access.

Specific control measures must meet the requirements listed below.

(a) Vehicle tracking controls must be implemented to minimize vehicle tracking of sediment from disturbed areas. Vehicle tracking controls must include a structural control measure (e.g. tracking pad or wash rack) and may include a non-structural control measure (e.g. sweeping or restricting vehicle traffic to paved areas).

(b) Stormwater runoff from all disturbed areas and soil storage areas must utilize or flow to one or more control measures to minimize erosion or sediment in the discharge. The control measure(s) must be selected, designed, installed and adequately sized in accordance with good engineering, hydrologic and pollution control practices for the intended application. The control measure(s) must contain or filter flows in order to prevent the bypass of flows without treatment and must be appropriate for stormwater runoff from disturbed areas and for the expected flow rate, duration, and flow conditions (e.g. sheet or concentrated flow).

(c) Selection of control measures should prioritize the use of control measures that minimize the potential for erosion (i.e. covering materials). Selection should also prioritize phasing construction activities to minimize the amount of soil disturbance at any point in time throughout the duration of construction.

(d) Outlets that withdraw water from or near the surface must be installed when discharging from basins and impoundments, unless infeasible.

(e) Maintain pre-existing vegetation for areas within 50 horizontal feet of receiving waters as defined by this permit, unless infeasible. In addition to maintaining 50 horizontal feet of pre-existing vegetation upgradient of a receiving water (unless infeasible), the permittee must install control measures upgradient of the vegetative buffer that meets the requirements of this section, Part I.B.1.a.i.

(f) Soil compaction must be minimized for areas where infiltration control measures are implemented or where final stabilization will be achieved through vegetative cover. If compaction does occur in areas where final stabilization will be achieved through vegetative cover, then decompaction of the soil must be completed prior to planting.

(g) Unless infeasible, topsoil must be preserved for those areas of a site that will utilize vegetative final stabilization. Preserved topsoil can be left in place or stockpiled.

(h) Minimize the amount of soil exposed during construction activity, including the disturbance of steep slopes.

(i) Diversion control measures used for clean water diversions must minimize soil transport and erosion within the entire diversion, minimize erosion during discharge, and minimize run-on into the diversion. The permittee must minimize the discharge of pollutants throughout the installation, implementation and removal of the diversion. Diversions must meet one or more of the following conditions:

(1) Lined or piped structures that result in no erosion for anticipated flow conditions.

(2) Diversion channels, berms, and coffer dams must be lined or composed of a material that minimizes potential for soil loss in the entire wetted perimeter during anticipated flow conditions (e.g. vegetated swale, non-erosive soil substrate). The entire length of the diversion channel must be designed such that the maximum flow velocity for the type of material(s) exposed to the anticipated flows ensures the calculated maximum shear stress of flows in the channel is not expected to result in physical damage to the channel or liner nor result in discharge of pollutants. Additionally, the conditions relied on to minimize soil loss must be maintained for the projected life of the diversion (e.g. use of a vegetated swale must be limited to a period of time that ensures vegetative growth, minimizes erosion and maintains stable conditions).

(3) An alternative diversion criteria, approved by the division prior to implementation. The diversion method must be designed to minimize the discharge of pollutants and to prevent the potential for pollution or degradation to state waters as a result of the diverted flow through the diversion structure. In addition, the alternative diversion method must minimize the discharge of pollutants throughout the installation, implementation and removal of the diversion.

(j) Minimize dust. On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques. Water application must be conducted in a manner to prevent discharge offsite unless authorized by a separate CDPS or NPDES permit.

(k) Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.

ii. Practices for Other Common Pollutants

(a) Bulk storage (individual containers of 55 gallons or greater) for petroleum products and other liquid chemicals must have secondary containment, or equivalent protection, in order to contain spills and to prevent spilled material from entering state waters.

(b) Spills and leaks must be minimized. Upon identification, spills and leaks must immediately be contained and mitigated per the spill prevention and response plan, as applicable (i.e. oil, grease, fluids associated with vehicle and equipment maintenance, toxic chemicals, hazardous substances, etc.).

(c) Control measures designed for concrete washout waste, masonry operations, stucco waste, vehicle/equipment washing, and external building washdown must be implemented. This includes washout waste discharged to the ground as authorized under this permit and washout waste from concrete trucks and masonry operations contained on site. The permittee must ensure washing activities do not contribute pollutants to stormwater runoff, or receiving waters in accordance Part I.A.1.b.ii. Discharges that may reach groundwater must flow through soil that has buffering capacity prior to reaching groundwater, as necessary to meet the effluent limits in this permit, including Part I.B.3.a. The concrete or masonry washout location (including vehicle/equipment and external building washdown water, if applicable) must not be located in an area where shallow groundwater may be present and would result in buffering capacity not being adequate, such as near natural drainages, springs, or wetlands. This permit authorizes discharges to the ground of

concrete washout waste, but does not authorize on-site waste disposal per Part I.B.3.d.

(d) In the event that water remains onsite and contains pollutants either from firefighting activities or picked up from the site (i.e. in a gutter, sediment basin, etc.) after active emergency response is complete, the permittee must ensure the remaining water containing pollutants is properly removed and disposed of in order to minimize pollutants from discharging from the site, unless infeasible.

(e) Minimize the exposure of fertilizers, pesticides, and herbicides to stormwater during storage. Store and apply fertilizers, pesticides, and herbicides per manufacturer's directions.

(f) For washing applicators and containers used for paint, form release oils, curing compounds, or other similar construction materials, the wash water must be directed into a leak-proof container or leak-proof and lined pit designed so no discharges to groundwater occur or overflows occur due to inadequate sizing or precipitation. Liquid and hardened wastes must be appropriately disposed.

iii. Stabilization Requirements

The following requirements must be implemented for each site.

(a) Temporary stabilization must be implemented for earth disturbing activities on any portion of the site where ground disturbing construction activity has permanently ceased, or temporarily ceased for more than 14 calendar days. Temporary stabilization methods may include, but are not limited to, tarps, soil tackifier, and hydromulch. The permittee may exceed the 14-day schedule when either the function of the specific area of the site requires it to remain disturbed or physical characteristics of the terrain and climate prevent stabilization. The stormwater management plan must document the constraints necessitating the alternative schedule, provide the alternate stabilization schedule, and identify all locations where the alternative schedule is applicable on the site map. Minimum inspection frequency and scope, as directed in Part I.D., must be followed for temporarily stabilized areas.

(b) Final stabilization must be implemented for all construction sites covered under this permit. Final stabilization is reached when the following are complete:

(1) All construction activities are complete.

(2) Permanent stabilization methods are complete. Permanent stabilization methods include, but are not limited to, permanent pavement or concrete, hardscape, xeriscape, stabilized driving surfaces and storage areas, vegetative cover, or equivalent permanent alternative stabilization methods. The division may approve alternative final stabilization criteria for specific operations. Vegetative cover must include the following criteria:

a. Evenly distributed perennial vegetation, which may include trees and shrubs;

b. Vegetation coverage, at a minimum, equal to 70 percent of what would have been provided by native vegetation in a local, undisturbed area or adequate reference site; and

c. If applicable, adherence to stabilization requirements does not negate the permittee's requirement to comply with the local jurisdiction's plant species requirements.

(c) Final stabilization must be designed and installed as a permanent feature. All control measures must be removed from the construction site, except when the control measure specifications allow the control measure to be left in place (i.e. bio-degradable control measures, permanent sedimentation basin, etc). Final stabilization measures for obtaining a vegetative cover or alternative stabilization methods include, but are not limited to, the following as appropriate:

(1) Seed mix selection and application methods;

(2) Soil preparation and amendments;

(3) Soil stabilization methods to provide adequate protection to minimize erosion (e.g. crimped straw, hydro mulch or rolled erosion control products);

(4) Appropriate sediment control measures as needed until final stabilization is achieved;

(5) Permanent pavement, hardscape, xeriscape, stabilized driving surfaces;

(6) Conversion of construction site back to prior cropland use. The permittee is not required to plant the crop prior to termination; and

(7) Other alternative stabilization practices as applicable.

b. Routine Maintenance

The permittee must ensure that all control measures remain in effective operating condition and are protected from activities that would reduce their effectiveness. Control measures must be routinely maintained in accordance with good engineering, hydrologic and pollution control practices. Observations leading to the required routine maintenance of control measures can be made during a site inspection, or during general observations of site conditions. The necessary repairs or modifications to a control measure requiring routine maintenance, as defined in Part I.E., must be conducted to maintain an effective operating condition. Control measures requiring routine maintenance are not subject to the requirements in Part I.B.1.c below.

c. Corrective Actions

The permittee must assess the adequacy of control measures at the construction site, and the need for changes to those control measures, to ensure continued effective performance.

When an inadequate control measure, as defined in Part I.E., is identified, the following corrective action requirements apply. The permittee is not in compliance with the permit until the inadequate control measure is replaced or corrected and returned to effective operating condition in compliance with Part I.B.1 and the general requirements in Part I.B.3. If the inadequate control measure results in noncompliance that meets the conditions of Part II.L, the permittee must also meet the requirements of that section.

i. The permittee must take all necessary steps to minimize or prevent the discharge of pollutants from the permitted area and manage any stormwater run-on onto the site until a control measure is implemented and made operational and/or an inadequate control measure is replaced or corrected and returned to effective operating condition. If it is infeasible to install or repair the control measure immediately after discovering the deficiency, the following must be documented in the stormwater management plan in Part I.D.5.c and kept on record in accordance with the recordkeeping requirements in Part II.

(a) Describe why it is infeasible to initiate the installation or repair immediately; and

(b) Provide a schedule for installing or repairing the control measure and returning it to an effective operating condition as soon as possible.

ii. If applicable, the permittee must remove and properly dispose of any unauthorized release or discharge within and from the permitted area (e.g., discharge of non-stormwater, untreated stormwater containing pollutants such as sediment, spill, or leak not authorized by this permit.) The permittee must clean up any contaminated surfaces, if feasible, to minimize discharges of the material in subsequent storm events, including water remaining from the response that contains pollutants after active emergency firefighting response is complete. Permittees are prohibited from hosing down an area to clean surface spills or leaks unless the wash water is adequately captured to not discharge off the site or to land and the captured water is properly disposed. In addition, the permittee must mitigate any accumulation of sediment outside of the site boundaries.

2. **Discharges to an Impaired Waterbody or Outstanding Water**

a. Total Maximum Daily Load (TMDL)

If the discharge from the site of permit coverage flows to or could reasonably be expected to flow to any water body for which a TMDL has been approved, and stormwater discharges associated with construction activity were assigned a pollutant-specific Wasteload Allocation (WLA) under the TMDL, the division may:

i. Ensure the WLA is implemented properly through alternative local requirements, such as by a municipal stormwater permit; or

ii. Notify the permittee of the WLA and amend the permittee's certification to add specific effluent limits, other requirements, and compliance schedules, as necessary and appropriate. The permittee may be required to do the following:

(a) Under the permittee's stormwater management plan, implement specific control measures based on requirements of the WLA, and evaluate whether the requirements are met through implementation of existing stormwater control measures or if additional control measures are necessary. Document the calculations or other evidence demonstrating that the requirements are expected to be met; and

(b) If the evaluation shows that additional or modified control measures are necessary, describe the type and schedule for the control measure additions or modifications.

iii. Discharge monitoring may also be required. The permittee may maintain coverage under the general permit provided they comply with the applicable requirements outlined above.

b. Outstanding Waters

i. Discharges to outstanding waters must be short-term and have a long-term ecological or water quality benefit or clear public interest. A state outstanding waters map can be found here.

ii. Sites that discharge to outstanding waters are required to have an increased inspection frequency found in Part I.D.3.

c. The division may require individual or alternate general permit coverage per Part I.A.3.d.i.

3. General Requirements

a. Discharges authorized by this permit must not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any applicable water quality standard, including narrative standards for water quality.

b. The division may require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that the stormwater management plan is not adequately minimizing pollutants in stormwater or in order to measure the effectiveness of the control measures in removing pollutants in the effluent. Such monitoring may include Whole Effluent Toxicity testing.

c. The permittee must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts and other local agencies including applicable requirements in Municipal Stormwater Management Programs developed to comply with CDPS permits. The permittee must comply with local stormwater management requirements, policies and guidelines including those for erosion and sediment control.

d. The division may include additional requirements as specified in the applicable watershed protection Control Regulations 71-74.

e. All construction site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.

f. This permit does not relieve the permittee of the reporting requirements in 40 CFR 110, 40 CFR 117 or 40 CFR 302. Any discharge of hazardous material must be handled in accordance with the division's Noncompliance Notification Requirements (see Part II.L of the permit).

C. STORMWATER MANAGEMENT PLAN REQUIREMENTS

1. Stormwater Management Plan General Requirements

a. The permittee must develop, implement, and maintain a stormwater management plan for each construction site listed under Part I.A.3.a, including, but not limited to, construction activity that will disturb one acre or more and/or are part of a common plan of development or sale covered by this permit.

i. The plan must be prepared in accordance with good engineering, hydrologic and pollution control practices.

ii. For public emergency related sites, the plan must be created no later than 14 days after the commencement of construction activities.

b. The permittee must implement the provisions of the plan as written and updated, from commencement of construction activity until final stabilization is complete. The division may review the plan.

c. A copy of the plan must be retained onsite or be onsite when construction activities are occurring at the site unless the permittee specifies another location and obtains written approval from the division. The plan and inspection reports may be prepared, signed, and kept electronically, rather than in paper form, if the records are:

i. In a format that can be read in a similar manner as a paper record; and

ii. Immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be.

2. Stormwater Management Plan Content

The stormwater management plan, at a minimum, must include the following elements.

a. Qualified Stormwater Manager. The plan must list individual(s) by title and name who are designated as responsible for implementing the stormwater management plan in its entirety and meet the definition of a Qualified Stormwater Manager. This role may be filled by more than one individual.

b. Other Permits. The plan must list the applicable CDPS permits and low-risk discharge guidance documents associated with the permitted site (including the COR400000 general permit and the certification associated with the site) and the activities occurring on the permitted site (e.g. a CDPS Dewatering Permit). The plan must also list applicable US Army Corps of Engineers Section 404 permits. A copy of this general permit, applicable permit certification, and any applicable low-risk discharge guidance documents must be included in the stormwater management plan for each construction site.

c. Site Description. The plan must include a site description which includes, at a minimum, the following:

i. The nature of the construction activity at the site, including if it is a public emergency related site;

ii. The proposed schedule for the sequence for major construction activities and the planned implementation of control measures for each phase. (e.g. clearing, grading, utilities, vertical, etc.);

iii. Estimates of the total acreage of the site, and the acreage expected to be disturbed by clearing, excavation, grading, or any other construction activities;

iv. A summary of any existing data and sources used in the development of the construction site plans or stormwater management plan that describe the soil types found in the permitted area and the erodibility of the identified soil types;

v. A description of the percent cover from native vegetation on the site if the site is undisturbed, or the percent cover from native vegetation in a similar, local undisturbed area or adequate reference area if the site is disturbed. Include the source or methodology for determining the percentage. If a percent cover is not appropriate for the site location (i.e. arid), describe the technique and justification for the identified cover of native vegetation;

vi. A description of any allowable non-stormwater discharges at the site, including those being discharged under a separate CDPS permit, discharges under Part I.A.1.b, or a division low risk discharge guidance, and applicable control measures installed;

vii. A description of the general flow direction and where or how the discharge leaves the site, including a description of the immediate conveyance or area receiving the discharge and the receiving water(s) of the discharge, if different than the immediate conveyance or area. If the stormwater discharge is to a municipal separate storm sewer system, include the name of the entity owning that system, the location(s) of the stormwater discharge, and the receiving water(s);

viii. A description of all stream crossings located within the construction site boundary, if applicable;

ix. A description of the alternate temporary stabilization schedule, if applicable (Part I.B.1.a.iii(a); and

x. A description of the alternative diversion criteria as approved by the division, if applicable (Part I.B.1.a.i(i)(3)).

xi. A description of any effluent limitations that the permittees determines are infeasible and why they are infeasible, if applicable (Part I.B.1.a.i.(d, e, and g) and I.B.1.a.ii.(d).

d. Site Map. The plan must include a site map which includes, at a minimum, the following:

i. Construction site boundaries;

ii. Flow arrows that depict stormwater flow directions on and off-site;

iii. All areas of ground disturbance including areas of borrow and fill;

iv. Areas used for storage of soil;

v. Locations of all waste accumulation areas, including areas for liquid, concrete, masonry, and asphalt;

vi. Locations of dedicated asphalt, concrete batch plants and masonry mixing stations;

vii. Locations of other potential sources of pollution not listed in iii. through vi.

viii. Locations of all structural control measures;

ix. Locations of all non-structural control measures (e.g. temporary stabilization);

x. Locations and names, as listed in Part I.C.2.c.vii, of springs, streams, wetlands, diversions and other state waters within or bordering the site, including areas that require pre-existing vegetation be maintained within 50 feet of a receiving water, where determined feasible in accordance with Part I.B.1.a.i(e) (e.g. MS4 to unnamed tributary to the South Platte River);

xi. Locations of all stream crossings located within the construction site boundary;

xii. Locations where alternative temporary stabilization schedules apply; and

e. Potential Sources of Pollution. The plan must list all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the site.

i. The plan must include the following pollutant sources as these pollutants relate to every construction site:

(a) Disturbed and stored soils;

(b) Vehicle tracking of sediments;

(c) On-site waste management practices (waste piles, liquid wastes, dumpsters);

ii. The plan may include, but is not limited to, the following pollutant sources:

(a) Management of contaminated soils (contaminated soils may also occur from onsite spills or leaks), if known to be present, or if contaminated soils are found during construction;

(b) Loading and unloading operations;

(c) Outdoor storage activities (erodible building materials, fertilizers, chemicals, etc.);

(d) Vehicle and equipment maintenance and fueling;

(e) Significant dust or particulate generating processes (e.g., saw cutting material, including dust);

(f) Routine maintenance activities involving fertilizers, pesticides, herbicides, detergents, fuels, solvents, oils, etc.;

(g) Concrete/masonry truck/equipment washing, including washing of the concrete truck chute and associated fixtures and equipment;

(h) Dedicated asphalt, concrete batch plants and masonry mixing stations;

(i) Non-industrial waste sources such as worker trash and portable toilets; and

(j) Reclaimed water approved for use in construction dust suppression.

f. Materials Handling. The plan must describe handling procedures of all control measures implemented at the site to minimize impacts from handling significant materials that could contribute pollutants to runoff. These handling procedures can include control measures for pollutants and activities such as, exposed storage of building materials, paints and solvents, landscape materials, fertilizers or chemicals, sanitary waste material, trash and equipment maintenance or fueling procedures.

g. Spill Prevention and Response Plan. The plan must have a spill prevention and response plan. The plan may incorporate by reference any part of a Spill Prevention Control and Countermeasure (SPCC) plan under section 311 of the Clean Water Act (CWA) or a Spill Prevention Plan required by a separate CDPS permit. The relevant sections of any referenced plans must be available as part of the stormwater management plan consistent with Part I.C.4.

h. Implementation of Control Measures. The plan must include design specifications that contain information on the implementation of all the control measures in use on the site in accordance with good engineering, hydrologic and pollution control practices; including, as applicable, drawings, dimensions, installation information, materials, implementation processes, control measure-specific inspection expectations, and maintenance requirements.

i. The plan must include a documented use agreement between the permittee and the owner or operator of any control measures located outside of the permitted area that are utilized by the permittee's construction site for compliance with this permit, but not under the direct control of the permittee. The permittee is responsible for ensuring that all control measures located outside of their permitted area, that are being utilized by the permittee's construction site, are properly maintained and in compliance with all terms and conditions of the permit. The plan must include all information required of and relevant to any such control measures located outside the permitted area, including location, installation specifications, design specifications and maintenance requirements.

j. Temporary Stabilization, Final Stabilization and Long Term Stormwater Management.

   i. The plan must document the constraints necessitating an alternative temporary stabilization schedule, as referenced in Part I.B.1.a.iii(a), provide the alternate stabilization schedule, and identify all locations where the alternative schedule is applicable on the site map.

   ii. The plan must document all residential lots that utilize the Sale of Residence to Homeowner, as referenced in Part I.A.3.i, the lots that received temporary stabilization and meet all the requirements under Part I.A.3.i, and identify all the lot locations where Part I.A.3.i is applicable on the site map.

   iii. The plan must describe or locate where all final stabilization methods are used and what methods are used to achieve final stabilization of all disturbed areas at the site (e.g. pavement, vegetative cover, etc), as listed in Part I.B.1.a.iii(b).

   iv. The plan must describe how the permittee will establish final stabilization through vegetative cover or alternative stabilization method, as referenced in Part I.B.1.a.iii(c), and describe and locate any temporary control measures in place during the process of final stabilization (e.g. seed mix, soil amendments, final stabilization methods, return to cropland, etc.).

   v. The plan must describe and locate any planned permanent control measures to control pollutants in stormwater discharges that will occur after construction operations are completed, including but not limited to, detention/retention ponds, rain gardens, stormwater vaults, etc.

k. Inspection Reports. The plan must include documented inspection reports in accordance with Part I.D.5.c.

3. Stormwater Management Plan Review and Revisions

Permittees must keep the stormwater management plan current and maintain a record of changes made that includes the date and identification of the changes. The plan must be amended when the following occurs:

a. A change in design, construction, operation, or maintenance of the site requiring implementation of new or revised control measures;

b. The plan proves ineffective in controlling pollutants in stormwater runoff in compliance with the permit conditions;

c. Control measures identified in the plan are no longer necessary and are removed;

d. Corrective actions are taken onsite that result in a change to the plan; and

e. The site or areas of the site qualifying for reduced frequency inspections under Part I.D.4.

For stormwater management plan revisions made prior to or following a change(s) onsite, including revisions to sections addressing site conditions and control measures, a notation must be included in the plan that identifies the date of the site change, the control measure removed, or modified, the location(s) of those control measures, and any changes to the control measure(s). The methods for notation may include notations on site maps, a log of changes, redline changes in the, or other measures. The permittee must ensure the site changes are reflected in the plan. The permittee is noncompliant with the permit until the plan revisions have been made.

4. Stormwater Management Plan Availability

A copy of the stormwater management plan must be provided upon request to the division, EPA, and any local agency with authority for approving sediment and erosion plans, grading plans or stormwater management plans within the time frame specified in the request. If the plan is required to be submitted to any of these entities, the submission must include a signed certification in accordance with Part I.A.3.e, certifying that the plan is complete and compliant with all terms and conditions of the permit.

All stormwater management plans required under this permit are considered reports that must be available to the public under Section 308(b) of the CWA and Section 61.5(4) of the CDPS regulations. The permittee must make plans available to members of the public upon request. However, the permittee may claim any portion of a stormwater management plan as confidential in accordance with 40 CFR Part 2.

D. SITE INSPECTIONS

Site inspections must be conducted in accordance with the following requirements. The required inspection schedules are a minimum frequency and do not affect the permittee's responsibility to implement control measures in effective operating condition as prescribed in the stormwater management plan, Part I.C.2.a.vi, as proper maintenance of control measures may require more frequent inspections. Site inspections must start within 7 calendar days of the commencement of construction activities on site.

1. Person Responsible for Conducting Inspections

The person(s) inspecting the site may be on the permittee's staff or a third party hired to conduct stormwater inspections under the direction of the permittee(s). The permittee is responsible for ensuring that the inspector meets the definition of a Qualified Stormwater Manager. The inspector may be different than the individual(s) listed in Part I.C.2.a.

2. Inspection Frequency

Permittees must conduct site inspections in accordance with one of the following minimum frequencies, unless the site meets the requirements of Part I.D.3. All inspections must be recorded per Part I.D.5.c.

a. At least one inspection every 7 calendar days; or

b. At least one inspection every 14 calendar days, if post-storm event inspections are conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. Post-storm inspections may be used to fulfill the 14-day routine inspection requirement.

c. When site conditions make the schedule required in this section impractical, the permittee may petition the division to grant an alternate inspection schedule. The alternative inspection schedule must not be implemented prior to written approval by the division and incorporation into the stormwater management plan.

3. **Inspection Frequency for Discharges to Outstanding Waters**

Permittees must conduct site inspections at least once every 7 calendar days for sites that discharge to a water body designated as an Outstanding Water by the Water Quality Control Commission. In order to determine if the immediate receiving water is to an Outstanding Water, the permittee can use this map of Outstanding Waters.

4. **Reduced Inspection Frequency**

The permittee may perform site inspections at the following reduced frequencies when one of the following conditions exists:

a. Post-Storm Inspections at Temporarily Idle Sites

For permittees choosing an inspection frequency pursuant to Part I.D.2.b and if no construction activities will occur following a storm event, post-storm event inspections must be conducted prior to re-commencing construction activities, and no later than 72 hours after the end of any precipitation or snowmelt event that causes surface erosion. If the post-storm event inspection qualifies under this section, the inspection delay must be documented in the inspection record per Part I.D.5.c. Routine inspections must still be conducted at least every 14 calendar days.

b. Inspections at Sites Awaiting Final Stabilization

When the site, or portions of a site, are awaiting establishment of a vegetative ground cover and final stabilization, the permittee must conduct a thorough inspection of the construction site and control measures at least once every 30 days. Post-storm event inspections are not required under this schedule. This reduced inspection schedule is allowed if all of the following criteria are met:

i. All construction activities resulting in ground disturbance are complete;

ii. All activities required for final stabilization, in accordance with Part I.B.1.a.iii(b) & (c) and with the stormwater management plan, have been completed, with the exception of the application of sod or seed that has not occurred due to seasonal conditions or the necessity for additional seed application to augment previous efforts; and

iii. The stormwater management plan has been amended to locate those areas to be inspected in accordance with the reduced schedule allowed for in this paragraph.

c. Winter Conditions Inspections Exclusion

Typically, this exclusion applies to elevations or locations where snow melt does not occur in the winter months. Inspections are not required for sites that meet all of the following conditions:

i. Construction activities are temporarily halted for the winter season (e.g. December – February due to site being inaccessible);

ii. Snow cover exists over the entire site for an extended period (i.e. high-elevation winter season); and

iii. Melting conditions posing a risk of surface erosion do not exist.

This inspection exception is applicable only during the period where melting conditions do not exist, and applies to the routine 7-day, 14-day and monthly inspections, as well as the post-storm-event inspections. When this inspection exclusion is implemented, the following information must be documented in accordance with the requirements in Part I.C.3 and Part I.D.5.c:

(a) Dates when snow cover existed;

(b) Date when construction activities ceased; and

(c) Date melting conditions began.

5. **Inspection Scope**

a. Areas to Be Inspected

When conducting a site inspection the following areas, if applicable, must be inspected for evidence of, or

the potential for, pollutants leaving the construction site boundaries, entering the stormwater drainage system, or discharging to state waters:

i. Construction site perimeter;

ii. All disturbed areas, including areas that are temporarily stabilized;

iii. Locations of installed control measures;

iv. Designated haul routes;

v. Material and waste storage areas exposed to precipitation;

vi. Locations of pumped stormwater;

vii. Locations where stormwater has the potential to discharge offsite, including visible erosion and sedimentation; and

viii. Locations where vehicles exit the site.

b. Inspection Requirements

Inspections must assess the following components:

i. Visually verify whether all implemented control measures are in effective operational condition and are working as designed in their specifications to minimize pollutant discharges.

(a) For pumped stormwater, assessment may include sediment plume, suspended solids, unusual color, decreased clarity, presence of odor or foam, etc.

ii. Determine if there are new potential sources of pollutants.

iii. Assess the adequacy of control measures at the site to identify areas requiring new or modified control measures to minimize pollutant discharges.

iv. Identify all areas of non-compliance with the permit requirements and, if necessary, implement corrective action(s) in accordance with Part I.B.1.c.

c. Inspection Reports

The permittee must keep a record of all inspections conducted for each permitted site. Inspection reports must identify any incidents of noncompliance with the terms and conditions of this permit. All inspection reports must be signed and dated in accordance with Part I.D.5.c.xiii and xiv below. Inspection records must be retained in accordance with Part II.J. At a minimum, the inspection report must include:

i. The inspection date;

ii. Name(s) and title(s) of personnel conducting the inspection;

iii. Weather conditions at the time of inspection;

iv. Phase of construction at the time of inspection;

v. Estimated acreage of disturbance at the time of inspection;

vi. Location(s) and identification of control measures requiring routine maintenance;

vii. Location(s) and identification of discharges of sediment or other pollutants from the site;

viii. Location(s) and identification of inadequate control measures;

ix. Location(s) and identification of additional control measures needed that were not in place at the time of inspection;

x. Description of corrective action(s) for items vii, viii, ix, above, dates corrective action(s) were completed, including requisite changes to the stormwater management plan, as necessary;

xi. Description of the minimum inspection frequency (either in accordance with Part I.D.2, Part I.D.3 or Part I.D.4.) utilized when conducting each inspection;

xii. Deviations from the minimum inspection schedule as required in Part I.D.2. This would include documentation of division approval for an alternate inspection schedule outlined in Part I.D.2.c;

xiii. After adequate corrective action(s) have been taken, or where a report does not identify any incidents requiring corrective action, the report must contain the following statement and provide the date of the statement:

"I verify that, to the best of my knowledge and belief, that if any corrective action items were identified during the inspection, those corrective actions are complete, and the site is currently in compliance with the permit."; and

xiv. Inspection reports must be signed by the individual(s) designated as a Qualified Stormwater Manager, as defined in Part I.E.

E. DEFINITIONS

For the purposes of this permit:

(1) Bypass the intentional diversion of waste streams from any portion of a treatment facility in accordance with 40 CFR 122.41(m)(1)(i) and Regulation 61.2(12).

(2) Common Plan of Development or Sale - A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. The division has determined that "contiguous" means construction activities located in close proximity to each other (within ¼ mile). Construction activities are considered to be "related" if they share the same development plan, builder or contractor, equipment, storage areas, etc. "Common plan of development or sale" includes construction activities that are associated with the construction of field wide oil and gas permits for facilities that are related.

(3) Construction Activity - Ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of routine maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is exposed as part of the repaving operation are considered construction activities. Construction activity is from initial ground breaking to final stabilization regardless of ownership of the construction activities.

(4) Construction Site – The location where construction activity is occurring and associated discharges are covered by this permit, including offsite locations for storage, staging, etc. For use in this permit, the terms construction site, site, and facility are used interchangeably.

(5) Control Measure - Any best management practice or other method used to prevent or reduce the discharge of pollutants to state waters. Control measures include, but are not limited to, best management practices. Control measures can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices.

(6) Control Measure Requiring Routine Maintenance - Any control measure that is still operating in accordance with its design and the requirements of this permit, but requires preventative maintenance to prevent a breach of the control measure in subsequent storms.

(7) Dedicated Asphalt, Concrete Batch Plants and Masonry Mixing Stations – Are batch plants or mixing stations located on, or within ¼ mile of, a construction site and that provide materials only to that specific construction site.

(8) Disturbed area – Any ground disturbance prior to final stabilization.

(9) Diversion – Discharges of state waters that are temporarily routed through channels or structures (e.g. in-stream, uncontaminated springs, non-pumped groundwater, temporary rerouting of surface waters, fords). For purposes of this permit, these diversions can also be referred to as clean water diversions.

(10) Final Stabilization - The condition reached when construction activities at the site have been completed, permanent stabilization methods are complete, and temporary control measures are removed. Areas being stabilized with a vegetative cover must have evenly distributed perennial vegetation. The vegetation coverage must be, at a minimum, equal to 70 percent of what would have been provided by native vegetation in a local, undisturbed area or adequate reference site.

(11) Good Engineering, Hydrologic and Pollution Control Practices: are methods, procedures, and practices that:

a. Are based on basic scientific fact(s).

b. Reflect best industry practices and standards.

c. Are appropriate for the conditions and pollutant sources.

d. Provide appropriate solutions to meet the associated permit requirements, including practice based effluent limits.

(12) Inadequate Control Measure - Any control measure that is not designed or implemented in accordance with the requirements of the permit and/or any control measure that is not implemented to operate in accordance with its design.

(13) Infeasible – Not technologically possible, or not economically practicable and achievable in light of best industry practices.

(14) Minimize - Reduce or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.

(15) Municipality - A city, town, county, district, association, or other public body created by, or under, State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of CWA (1987).

(16) Municipal Separate Storm Sewer System (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

a. Owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to state waters;

b. Designed or used for collecting or conveying stormwater;

c. Are not a combined sewer; and

d. Are not part of a Publicly Owned Treatment Works (POTW). See 5 CCR 1002-61.2(62).

(17) Municipal Stormwater Management Program - A stormwater program operated by a municipality, typically to meet the requirements of the municipality's MS4 discharge certification.

(18) Native Vegetation – Plant species that are naturally occurring for the particular area (or region) and have adapted to and are well suited for the soil, temperature, nutrients, and precipitation of the particular area (region).

(19) Operator - The party that has operational control over day-to-day activities at a project site which are necessary to ensure compliance with the permit. This party is authorized to direct individuals at a site to carry out activities required by the permit (i.e. the general contractor).

(20) Outstanding Waters - Waters designated as outstanding waters pursuant to Regulation 31, Section 31.8(2)(a). The highest level of water quality protection applies to certain waters that constitute an outstanding state or national resource.

(21) Owner - The party that has overall control of the activities and that has funded the implementation of the construction plans and specifications. This is the party that may have ownership of, a long term lease of, or easements on the property on which the construction activity is occurring (e.g. the developer).

(22) Permittee(s) - The owner and operator named in the discharge certification issued under this general permit for the construction site specified in the certification.

(23) Point Source - Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include irrigation return flow. See 5 CCR 102-61.2(75).

(24) Pollutant - Dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste. See 5 CCR 1002-61.2(76).

(25) Presentation of credentials – A government issued form of identification, if in person; or (ii) providing name, position and purpose of inspection if request to enter is made via telephone, email or other form of electronic communication. A permittee's non-response to a request to enter upon presentation of credentials constitutes a denial to such request, and may result in violation of the permit.

(26) Process Water - Any water which, during manufacturing or processing, comes into contact with or results from the production of any raw material, intermediate product, finished product, by product or waste product.

(27) Public Emergency Related Site - A project initiated in response to an unanticipated emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

(28) Qualified Stormwater Manager - An individual knowledgeable in the principles and practices of erosion and sediment control and pollution prevention, and with the skills to assess conditions at construction sites that could impact stormwater quality and to assess the effectiveness of stormwater control measures implemented to meet the requirements of this permit.

(29) Qualifying Local Program - A municipal program for stormwater discharges associated with small construction activity that was formally approved by the division as a qualifying local program (Regulation 61.8(12).

(30) Receiving Water - Any surface state water into which stormwater associated with construction activities discharges. Examples include all water courses, even if they are usually dry, such as borrow ditches, arroyos, and other unnamed waterways.

(31) Severe Property Damage - Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41(m)(1)(ii).

(32) Significant Materials - Include, but not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the permittee is required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

(33) Small Construction Activity - The discharge of stormwater from construction activities that result in land disturbance of equal to, or greater than, one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan ultimately disturbs equal to, or greater than, one acre and less than five acres.

(34) Spill - An unintentional release of solid or liquid material which may pollute state waters.

(35) State Waters - Any and all surface and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been

completed.

(36) Steep Slopes - Where a local government, or industry technical manual (e.g. stormwater BMP manual) has defined what is to be considered a “steep slope”, this permit’s definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 3:1 or greater.

(37) Stormwater - Precipitation runoff, snow melt runoff, and surface runoff and drainage. See 5 CCR 1002-61.2(103).

(38) Total Maximum Daily Loads (TMDLs) - The sum of the individual wasteload allocations (WLA) for point sources and load allocations (LA) for nonpoint sources and natural background. For the purposes of this permit, a TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes WLAs, LAs, and must include a margin of safety (MOS), and account for seasonal variations. See section 303(d) of the CWA and 40 C.F.R. 130.2 and 130.7.

(39) Upset - An exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation in accordance with 40 CFR 122.41(n) and Regulation 61.2(114).

F. MONITORING

The division may require sampling and testing, on a case-by-case basis. If the division requires sampling and testing, the division will send a notification to the permittee. Sampling and reporting procedures for any monitoring data collected will be included in the notification.

If monitoring is required, the following applies:

The thirty (30) day average must be determined by the arithmetic mean of all samples collected during a thirty (30) consecutive-day period; and

A grab sample, for monitoring requirements, is a single “dip and take” sample.

G. OIL AND GAS CONSTRUCTION

Stormwater discharges associated with construction activities directly related to oil and gas exploration, production, processing, and treatment operations or transmission facilities are regulated under the Colorado Discharge Permit System Regulations (5 CCR 1002-61), and require coverage under this permit in accordance with that regulation. However, references in this permit to specific authority under the CWA do not apply to stormwater discharges associated with these oil and gas related construction activities, to the extent that the references are limited by the federal Energy Policy Act of 2005.

PART II

Part II contains standard conditions required by federal regulation to be included in all NPDES permits (see 40 C.F.R. 122.41). Part I contains permit specific requirements.

A. DUTY TO COMPLY

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Colorado Water Quality Control Act and is grounds for: 1) enforcement action; 2) permit termination, revocation and reissuance, or modification; or 3) denial of a permit renewal application.
2. Federal Enforcement:
   a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal (see 40 CFR 122.2) established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
   b. The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The Clean Water Act provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.
   c. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

B. DUTY TO REAPPLY

If the permittee plans to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit a permit application at least 180 days before this permit expires as required by Regulations 61.4 and 61.10.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or

reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. DUTY TO MITIGATE

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. PROPER OPERATION AND MAINTENANCE

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit. See 40 C.F.R. §122.41(e).

F. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. Any request for modification, revocation, reissuance, or termination under this permit must comply with all terms and conditions of Regulation 61.8(8). See also 40 C.F.R. § 122.41(f).

G. PROPERTY RIGHTS

In accordance with 40 CFR §122.41(g) and Regulation 61.8(9): The issuance of a permit does not convey any property or water rights in either real or personal property, or stream flows or any exclusive privilege.

1. The issuance of a permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.
2. Except for any toxic effluent standard or prohibition imposed under Section 307 of the Clean Water Act or any standard for sewage sludge use or disposal under Section 405(d) of the Federal act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 318, 403, and 405(a) and (b) of the Clean Water Act. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in Section 61.8(8) of the Colorado Discharge Permit System Regulations. See 61.8(9)(c).

H. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit in accordance with 40 C.F.R. §122.41(h) and/or Regulation 61.8(3)(q).

I. INSPECTION AND ENTRY

The permittee shall allow the Division and the authorized representative, including U.S. EPA, and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials as required by law, to conduct inspections in accordance with 40 C.F.R. §122.41(i), Regulation 61.8(3), and Regulation 61.8(4):

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted in which any records are required to be kept under the terms and conditions of this permit;
2. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit and to inspect any facilities, equipment (including monitoring and control equipment), practices, operations or monitoring method regulated or required in the permit;
3. To enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect or investigate, any actual, suspected, or potential source of water pollution, or to ascertain compliance or noncompliance with the Colorado Water Quality Control Act or any other applicable state or federal statute or regulation or any order promulgated by the Division, and;

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

J. MONITORING AND RECORDS

1. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity. See 40 C.F.R. § 122.41(j)(1).
2. Monitoring must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. subchapters N or O. In the case of pollutants for which there are no approved methods under 40 C.F.R. part 136 or otherwise required under 40 C.F.R. subchapters N or O, monitoring must be conducted according to a test procedure specified in this permit for such pollutants. See 40 C.F.R. § 122.41(j)(4); 122.44(i)(1)(iv)(A).
3. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division or Regional Administrator.
4. Records of monitoring information must include:
   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) analyses were performed
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.
5. The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. See Regulation 61.8(4)(b)(iii). All sampling shall be performed by the permittee according to sufficiently sensitive test procedures required by 40 C.F.R. 122.44(i)(1)(iv) or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 C.F.R. Part 136.
6. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
7. Documentation required by this permit, including records of all data used to complete the application for permit coverage to be covered by this permit, stormwater management plans, inspection reports, etc., must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA or the division at any time.

K. SIGNATORY REQUIREMENTS

1. Authorization to Sign: All documents required to be submitted to the Division by the permit must be signed in accordance with 40 CFR §122.22, Regulation 61.4, and the following criteria:
   a. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term

environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The responsible official may be a project manager if the project manager has level of control at a corporation as required in this subpart a.

b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief or principal executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. (e.g., Regional Administrator of EPA), and at the city, municipal, state or other government entity it typically will include a program director (e.g. Director of Public Works, Director of Transportation, Director of Parks and Recreation, etc.). For purposes of this section, a principal executive officer has responsibility for the overall operation of the facility from which the discharge originates.
d. By a duly authorized representative in accordance with 40 C.F.R. 122.22(b), only if:

    i. the authorization is made in writing by a person described in Part II.K.1.a, b, or c above;
    ii. 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,
    iii. The written authorization is submitted to the Division.

2. Any person(s) signing documents required for submittal to the Division must make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. See 40 C.F.R. §122.41(k)(2).

L. REPORTING REQUIREMENTS

1. Planned Changes: The permittee shall give advance notice to the Division, in writing, of any planned physical alterations or additions to the permitted facility in accordance with 40 CFR §122.41(l) and Regulation 61.8(5)(a) and Part II.O. of this permit. Notice is required only when:

   a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); or
   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR §122.41(a)(1).
   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. See 40 C.F.R. §122.41(l)(1)(iii).

2. Anticipated Non-Compliance: The permittee shall give advance notice to the Division, in writing, of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. The timing of notification requirements differs based on the type of non-compliance as described below.

3. Transfer of Ownership or Control: The permittee shall notify the Division, in writing, ten (10) calendar days in advance of a proposed transfer of the permit. The notice must include a written agreement between the existing and new permittee(s) containing a specific date for transfer of permit responsibility, coverage and liability between them. This permit is not transferable to any person except after notice to the Division. The Division may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. See Regulation 61.8(6); 40 C.F.R. §§ 122.41(l)(iii) and 122.61.

4. Monitoring reports: Monitoring results must be reported at the intervals specified in this permit.

   a. If the permittee monitors any pollutant at the approved monitoring locations listed in Part I more frequently than that required by this permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Division. See 40 CFR 122.41(l)(4).
   b. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Division in the permit.

5. Submission of Discharge Monitoring Reports (DMRs): DMRs shall be submitted electronically through NetDMR system unless the permittee requests and is granted a waiver of the electronic reporting requirement by the Division pursuant to Regulation 61.8(4)(d).

6. Compliance Schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule in the permit, shall be submitted on or before the date listed in the compliance schedule section. The fourteen (14) calendar day provision in Regulation 61.8(4)(n)(i) has been incorporated into the due date.

7. Twenty-four hour reporting:

   a. In addition to the reports required elsewhere in this permit, the permittee shall report the following circumstances on the Division's <u>submission form</u> within twenty-four (24) hours from the time the permittee becomes aware of the circumstances, and shall submit to the Division a written report containing the information requested within five (5) working days after becoming aware of the following circumstances:
      i. Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;
      ii. Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;
      iii. Circumstances leading to any upset which causes an exceedance of any effluent limitation in the permit; or
      iv. Daily maximum violations for any of the pollutants limited by Part I.A of this permit as specified in Part III of this permit. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.
   b. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
   c. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. See 40 CFR 122.41(l)(6)(i).

i. As of December 21, 2020 all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Division.

8. Other non-compliance: A permittee must report all instances of noncompliance at the time monitoring reports are due. These reports may be submitted annually in accordance with Regulation 61.8(4)(p) and/or 61.8(5)(f), but may be submitted at a more frequent interval.

M. BYPASS

1. Definitions:

   a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility in accordance with 40 CFR §122.41(m)(1)(i) and/or Regulation 61.2(12).
   b. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR §122.41(m)(1)(ii).

2. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 40 CFR 122.41(m)(3) and (m)(4). See 40 CFR §122.41(m)(2).

3. Notice of bypass:

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass. See 40 CFR §122.41(m)(3)(i) and/or Regulation 61.9(5)(c).
   b. Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Part II.L.7. See also 40 CFR §122.41(m)(3)(ii).

4. Prohibition of Bypass: Bypasses are prohibited and the Division may take enforcement action against the permittee for bypass, unless:

   a. the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
   c. Proper notices were submitted to the Division.
      i. The Division may approve an anticipated bypass, after considering its adverse effects, if the Division determines that it will meet the three conditions listed.

N. UPSET

1. Definition: "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. See 40 CFR §122.41(n) and Regulation 61.2(113).

2. Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with permit effluent limitations if the requirements of section 3 are met. A determination made during administrative review of claims that noncompliance was caused by upset is final administrative action subject to judicial review in accordance with Regulation 61.8(3)(j).

   ***special note:** this provision is consistent with the definition of "Upset" as codified in Regulation 61.2(113). However, the Colorado regulatory definition of upset is less stringent than the federal code of regulations, which restricts the use of an upset defense to noncompliance with technology-based permit effluent limitations only.*

3. Conditions necessary for demonstration of an Upset: A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:

   a. an upset occurred and the permittee can identify the cause(s) of the upset;
   b. the permitted facility was at the time being properly maintained; and
   c. the permittee submitted notice of the upset as required in Part II.L.7 (24-hour notice); and
   d. The permittee complied with any remedial measure necessary to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. See also 40 C.F.R. 122.41(n)(3)(i)-(iv).

   ***special note:** this provision is consistent with the definition of "Conditions necessary for demonstration of upset" as codified in Regulation 61.8(3)(j)(ii). However, the Colorado regulatory definition of upset is less stringent than the federal code of regulations, which restricts the use of an upset defense to demonstrate that a facility was properly operated and maintained. Colorado's regulatory definition of "Conditions necessary for demonstration of upset" is less stringent than the requirements of the federal Clean Water Act.*

4. In addition to the demonstration required above, a permittee who wishes to establish the affirmative defense of upset for a violation of effluent limitations based upon water quality standards shall also demonstrate through monitoring, modeling or other methods that the relevant standards were achieved in the receiving water.

5. Burden of Proof: In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

O. REOPENER CLAUSE

Procedures for modification or revocation. Permit modification or revocation of this permit or coverage under this permit will be conducted according to Regulation 61.8(8). This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one of the following events occurs, including but not limited to:

1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.

2. Wasteload Allocation: A wasteload allocation is developed and approved by the State of Colorado and/or EPA for incorporation in this permit.

3. Discharger-specific variance: A variance is adopted by the Water Quality Control Commission.

P. OTHER INFORMATION

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Division or U.S. EPA, the Discharger shall promptly submit such facts or information. See 40 C.F.R. § 122.41(l)(8).

Q. SEVERABILITY

The provisions of this permit are severable. If any provisions or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances and the application of the remainder of this permit shall not be affected.

R. NOTIFICATION REQUIREMENTS

1. Notification to Parties: All notification requirements, excluding application information submitted using the CEOS portal or twenty-four hour reporting via the submission form, shall be directed as follows:

   a. Oral Notifications, during normal business hours shall be to:

      CDPHE-Emergency Reporting Line: 1-877-518-5608; or

      Water Quality Protection Section – Compliance Program
      Water Quality Control Division

Telephone: (303) 692-3500
After hours notifications should be made to the CDPHE-Emergency Reporting Line: 1-877-518-5608.

b. Written notification shall be to:
Water Quality Protection Section – Compliance Program
Water Quality Control Division
Colorado Department of Public Health and Environment
WQCD-WQP-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530

S. RESPONSIBILITIES

Reduction, Loss, or Failure of Treatment Facility: The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the effluent limitations of the permit. It shall not be a defense for a permittee in an enforcement action that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

T. OIL AND HAZARDOUS SUBSTANCES LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 (Oil and Hazardous Substance Liability) of the Clean Water Act.

U. EMERGENCY POWERS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority granted by Section 510 of the Clean Water Act. Nothing in this permit shall be construed to prevent or limit application of any emergency power of the Division.

V. CONFIDENTIALITY

Any information relating to any secret process, method of manufacture or production, or sales or marketing data which has been declared confidential by the permittee, and which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, Colorado Open Records Act (CORA) request, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the Water Quality Control Commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this section shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

W. FEES

The permittee is required to submit payment of an annual fee as set forth in the 2016 amendments to the Water Quality Control Act. Section 25-8-502 (1.1) (b), and the Regulation 61.15 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S.1973 as amended.

X. DURATION OF PERMIT

The duration of a permit shall be for a fixed term and shall not exceed five (5) years. If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least one hundred eighty (180) calendar days before this permit expires. Filing of a timely and complete application shall cause the expired permit to continue in force to the effective date of the new permit. The permit's duration may be extended only through administrative extensions and not through interim modifications. If the permittee anticipates there will be no discharge after the expiration date of this permit, the Division should be promptly notified so that it can terminate the permit in accordance with Regulation 61.

Y. SECTION 307 TOXICS

If a toxic effluent standard or prohibition, including any applicable schedule of compliance specified, is established

by regulation pursuant to Section 307 of the Clean Water Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the discharge permit, the Division shall institute proceedings to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

APPENDIX C – FEMA Firm Map

National Flood Hazard Layer FIRMette

FEMA

104°41'1"W 38°45'45"N

104°40'23"W 38°45'17"N

Feet

0 250 500 1,000 1,500 2,000

1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- B 20.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

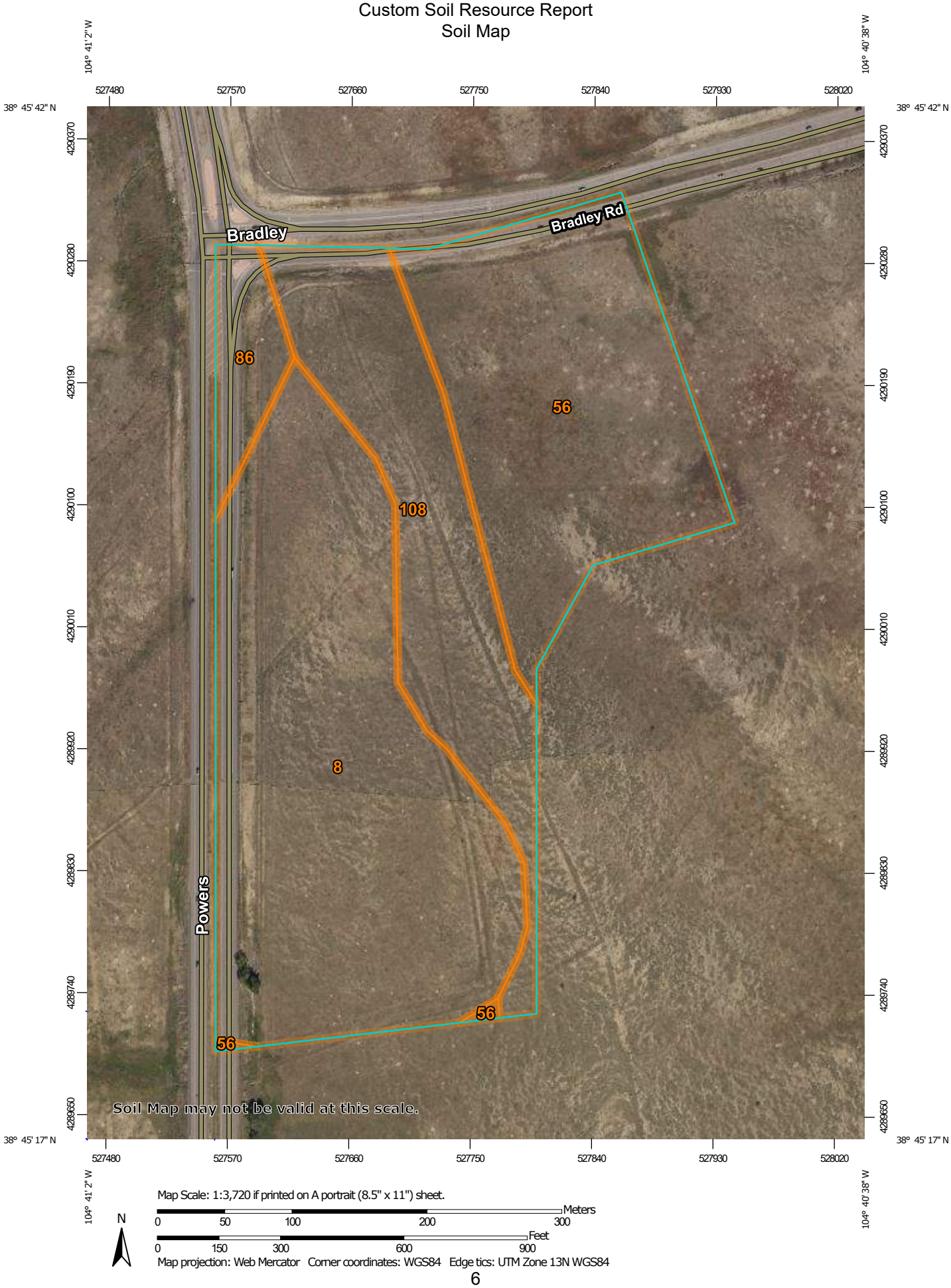
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/13/2026 at 5:33 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

APPENDIX D – Soils Information

Custom Soil Resource Report
Soil Map



MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Spoil Area

Stony Spot

Very Stony Spot

Wet Spot

Other

Special Line Features

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: El Paso County Area, Colorado
Survey Area Data: Version 19, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 14, 2018—Sep 23, 2018

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8	Blakeland loamy sand, 1 to 9 percent slopes	19.2	45.9%
56	Nelson-Tassel fine sandy loams, 3 to 18 percent slopes	12.2	29.3%
86	Stoneham sandy loam, 3 to 8 percent slopes	1.8	4.3%
108	Wiley silt loam, 3 to 9 percent slopes	8.6	20.5%
Totals for Area of Interest		**41.8**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

Custom Soil Resource Report
Map—Erosion Hazard (Road, Trail)

Map Scale: 1:3,720 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 50 100 200 300

Feet: 0 150 300 600 900

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

- Very severe
- Severe
- Moderate
- Slight
- Not rated or not available

Soil Rating Lines

- Very severe
- Severe
- Moderate
- Slight
- Not rated or not available

Soil Rating Points

- Very severe
- Severe
- Moderate
- Slight
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: El Paso County Area, Colorado
Survey Area Data: Version 19, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 14, 2018—Sep 23, 2018

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Tables—Erosion Hazard (Road, Trail)

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
8	Blakeland loamy sand, 1 to 9 percent slopes	Moderate	Blakeland (98%)	Slope/erodibility (0.50)	19.2	45.9%
56	Nelson-Tassel fine sandy loams, 3 to 18 percent slopes	Moderate	Nelson (55%)	Slope/erodibility (0.50)	12.2	29.3%
86	Stoneham sandy loam, 3 to 8 percent slopes	Moderate	Stoneham (95%)	Slope/erodibility (0.50)	1.8	4.3%
108	Wiley silt loam, 3 to 9 percent slopes	Moderate	Wiley (95%)	Slope/erodibility (0.50)	8.6	20.5%
Totals for Area of Interest					**41.8**	**100.0%**

Rating	Acres in AOI	Percent of AOI
Moderate	41.8	100.0%
Totals for Area of Interest	**41.8**	**100.0%**

Rating Options—Erosion Hazard (Road, Trail)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

APPENDIX E – IDENTIFICATION OF POLLUTANT SOURCES

Outdoor Storage of Materials Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Vehicle Equipment Maintenance and Fueling Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Routine Maintenance Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Onsite Waste Management Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Non-Industrial Waste Sources Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Additional Pollutant Sources Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

APPENDIX E – Identification of Pollutant Sources

Outdoor Storage of Materials Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Vehicle Equipment Maintenance and Fueling Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Routine Maintenance Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Onsite Waste Management Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Non-Industrial Waste Sources Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Additional Pollutant Sources Log

Identification of Pollutant	Date Onsite	Date Removed	Containment Method

Appendix F – Land Disturbance / Control Measure / Stabilization Log

Land Disturbance / **Control Measure** / Stabilization Log

Date Initiated	Description of Activity	Date Ceased	Identification of BMP / Stabilization Method	Date Implemented	Date Removed

APPENDIX G – Spill Prevention, Response Plan, and Reporting Information

Spill Prevention and Response Plan

(Sample Plan – This plans has been produced to assist the General Contractor. This plan shall be revised and updated as needed by the contractor to fit the specific needs of the construction site and may need to be updated to reflect different type of materials and chemicals).

General Spill Control Practices

Any hazardous or potentially hazardous material that is brought onto the construction site shall be handled properly to reduce the potential for stormwater pollution. In an effort to minimize the potential for a spill of petroleum product or hazardous materials to come in contact with stormwater, the following steps shall be implemented:

- Material Safety Data Sheets (MSDS) information shall be kept on site for any and all applicable materials.
- A spill control and containment kit shall be provided on the construction site
- All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, additives for soil stabilization, concrete, curing compounds and additives, etc.) shall be stored in a secure location, under cover and in appropriate, tightly sealed containers when not in use.
- The minimum practical quantity of all such materials shall be kept on the job site and scheduled for delivery as close to time of use as practical.
- All products shall be stored in and used from the original container with the original product label and used in strict compliance with the instructions on the product label.
- All of the product in a container shall be used before the container is disposed of. All such containers shall be triple rinsed, with water prior to disposal. The rinse water used in these containers shall be disposed of in a manner in compliance with State and Federal regulations and shall not be allowed to mix with stormwater discharges. The disposal of excess or used products shall be in strict compliance with instructions on the product label.
- If utilized, temporary onsite fuel tanks for construction vehicles shall meet all state and federal regulations. Tanks shall have approved spill containment with the capacity required by the applicable regulations. The tanks shall be in sound condition free of rust or other damage which might compromise containment. All tanks in excess of 50 gallons shall be provided with secondary containment (i.e. containment external to and separate from primary containment). Secondary containment shall be constructed of materials of sufficient thickness, density and composition so as not to be structurally weakened as a result of contact with the fuel stored and capable of containing discharged fuel for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of discharged fuel. The operator / qualified stormwater manager should familiarize themselves with and follow local and state requirements.

Spill Response Plan

In the event of an accidental spill, immediate action shall be undertaken by the Operator to contain and remove the spilled material.

- All hazardous materials, including contaminated soil, shall be disposed of by the Operator in the manner specified by federal, state and local regulations and by the manufacturer of such products.
- Spilled materials shall be cleaned-up by following the procedures outlined by the MSDS.
- As soon as possible, the spill shall be reported to the appropriate agencies as required by law. As required under the provisions of the Clean Water Act, any spill or discharge entering waters of the United States shall be properly reported. Any spills of petroleum products or hazardous materials in excess of Reportable Quantities as defined by EPA or the state or local agency regulations, shall be immediately reported to the Colorado Department of Public Health and Environment (CDPHE) spill reporting lines.
    - CDPHE Environmental Release and Incident Reporting Line (877) 518-5608.
    - National Response Center - (800) 424-8802
- The Operator shall prepare a written record of any spill and associated clean-up activities of petroleum products or hazardous materials in excess of 1 gallon or reportable quantities, whichever is less. At a minimum, the following shall be documented: Nature of spill, quantity of spill, date/time spill occurred, agency notification if necessary, clean-up procedures used, daily monitoring (for the following 7 days), photographs, and interview(s) with any witnesses of the event.

Environmental Spill Reporting

24—Hour Emergency and Incident Reporting Line
Office of Emergency Preparedness & Response

1-877-518-5608

Updated: June, 2018

Reporting chemical spills and releases in Colorado

General

For all hazardous substance incidents, local emergency response agencies must be notified.

Releases from fixed facilities

The Superfund Amendments and Reauthorization Act (SARA) Title III, requires reporting releases from fixed facilities

Refer to the SARA Title III List of Lists, available from the Environmental Protection Agency (EPA), for the reportable quantity.

The party that owns the spilled material must immediately notify the following agencies or organizations:

- National Response Center (NRC) 1-800-424-8802;
- Colorado Emergency Planning Committee (CEPC), represented by the Colorado Department of Public Health and Environment (CDPHE) 1-877-518-5608; and
- Local Emergency Planning Committee (LEPC) 1-720-852-6600.

In addition to telephone notification, the responsible party must also send written notification describing the release and associated emergency response to both the CEPC (in this case, CDPHE) and the LEPC.

Releases from RCRA facilities

Emergency releases from facilities permitted under the Resource Conservation and Recovery Act (RCRA) are reportable according to the permit requirements.

The permit often requires reporting to CDPHE, even if the amount of the release is less than a reportable quantity under SARA Title III (6 CCR 1007-3 Part 264).

Permitted facilities and generators and transporters of hazardous waste are required to have and implement a contingency plan that describes the actions facility personnel must take in response to fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface or ground water at the facility (6 CCR 1007-3 Sections 261, 262, 263, 264 and 265).

Whenever there is an imminent or actual emergency situation, appropriate state or local agencies, with designated response roles as described in the contingency plan, must be notified immediately.

The National Response Center or government official designated as the regional on-scene coordinator must be notified immediately if it is determined that the facility has had a release, fire or explosion that could threaten human health or the environment outside the facility.

CDPHE and local authorities must be notified when the facility is back in compliance and ready to resume operations. In addition, the facility must send a written report to CDPHE within 15 days of any incident that requires implementation of the contingency plan. The contingency plan should include current contact information for notification and submittal of written reports.

Permitted facilities, generators and transporters that store hazardous waste must notify CDPHE within 24 hours of any release to the environment that is greater than one (1) pound and must submit a written report to CDPHE within 30 days of the release (6 CCR 1007-3).

Transportation accidents

Transportation accidents that require reporting:

- Result in a spill or release of a hazardous substance in excess of the reportable quantity (40 CFR Part 302.6)
- Cause injury or death or cause estimated property damage exceeding $50,000.
- Cause an evacuation of the general public lasting one or more hours.

Those that close or shut down one or more major transportation arteries or facilities or result in fire, breakage, spillage, or suspected contamination from radioactive or infectious substances must immediately be reported to the National Response Center.

Refer to the EPA SARA Title III List of Lists for those substances that have reportable quantities.

In addition to the NRC being notified, the local emergency number (9-1-1) must be called and CDPHE should be notified.

Written notification of any transportation accident involving a release of hazardous materials must be provided to the U.S. Department of Transportation within 30 days (49 CFR Part 171.16)

Since hazardous waste is a subset of hazardous materials, transporters who have discharged hazardous waste must notify the NRC and provide a written report to the US Department of Transportation as noted in the above reporting requirements.

The transporter must give immediate notice to the nearest Colorado State Patrol office (8 CCR 1507-8 HMP 5) and the nearest law enforcement agency if the accident or spill involved a vehicle (42-20-113(3) CRS).

Notification and a written report detailing the ultimate disposition of the discharge of hazardous waste must also be provided to CDPHE (6 CCR 1007-2 Section 263.30). This may be a duplicate copy of the US Department of Transportation report

In the event of a spill or discharge of hazardous waste at a transfer facility, the transporter must notify CDPHE within 24 hours if the spill exceeds 55 gallons or if there is a fire or explosion.

Within 15 days of a reportable incident, the transporter must submit a written report of the incident to CDPHE, including the final disposition of the material (6 CCR 1007-2 Section 263.40).

Releases of hazardous waste at a transfer facility may also require notification to the National Response Center and a written report to the U.S. Department of Transportation.

Releases to water

A release of any chemical, oil, petroleum product, sewage, etc., which may enter waters of the State of Colorado (which include surface water, ground water and dry gullies or storm sewers leading to surface water) must be reported to CDPHE immediately (25-8-601 CRS).

Written notification to CDPHE must follow within five (5) days (5 CCR 1002-61, Section 61.8(5)(d)).

Any accidental discharge to the sanitary sewer system must be reported immediately to the local sewer authority and the affected wastewater treatment plant.

Releases of petroleum products and certain hazardous substances listed under the Federal Clean Water Act (40 CFR Part 116) must be reported to the National Response Center as well as to CDPHE (1-877-518-5608) as required under the Clean Water Act and the Oil Pollution Act.

Releases to air

Any unpredictable failure of air pollution control or process equipment that results in the violation of emission

control regulations should be reported CDPHE by 10 a.m. of the following working day, followed by a written notice explaining the cause of the occurrence and describing action that has been or is being taken to correct the condition causing the violation and to prevent such excess emissions in the future (5 CCR 1001-2 Common Provisions Regulations Section II.E).

If emergency conditions cause excess emissions at a permitted facility, the owner/operator must provide notice to CDPHE no later than noon of the next working day following the emergency, and follow by written notice within one month of the time when emission limitations were exceeded due to the emergency (5 CCR 1001-5, Regulation 3 Part C, Section VII.C.4).

Releases from oil and gas wells

All spills or releases of exploration and production wastes or produced fluids which meet the reporting thresholds of the Colorado Oil and Gas Conservation Commission (COGCC) Rule 906 shall be reported verbally to the COGCC within 24 hours of discovery and on the COGCC Spill/Release Report Form 19 within 72 hours of discovery.

Spills or releases are reportable to the COGCC in the following circumstances:

1) the spill or release impacts or threatens to impact any waters of the state, (which include surface water, ground water and dry gullies or storm sewers leading to surface water), a residence or occupied structure, livestock or a public byway;
2) a spill or release in which 1 barrel or more is released outside of berms or other secondary containment; or
3) any spill or release of 5 barrels or more.

COGCC also requires reportable spills or releases be reported to the surface owner and local government. Whether or not they are reportable, spills or releases of any size must be stopped, cleaned up, and investigated as soon as practicable.

If the spill or release impacts or threatens to impact waters of the state, it must also be reported immediately to CDPHE (25-8-601 CRS).

Releases from storage tanks

Petroleum releases of 25 gallons or more (or any size that causes a sheen on nearby surface waters) from regulated aboveground and underground fuel storage tanks must be reported to the Division of Oil and Public Safety (303-318-8547) within 24 hours. If the report is made after business hours, please leave a message on the technical assistance line for the Division of Oil and Public Safety, and contact the 24 hour CDPHE Emergency and Incident Reporting Line. This includes spills from fuel dispensers.

Spills or releases of hazardous substances from regulated storage tanks in excess of the reportable quantity (40 CFR Part 302.6) must be reported to the National Response Center and the local fire authority immediately, and to the Division of Oil and Public Safety within 24 hours. (8-20.5-208 CRS and 7 CCR 1101-14 Article 4).

Owners/operators of regulated storage tanks must contain and immediately clean up a spill or overfill of less than 25 gallons of petroleum and a spill or overfill of a hazardous substance that is less than the reportable quantity.

If cleanup cannot be accomplished within 24 hours, the Division of Oil and Public Safety must be notified immediately (7 CCR 1101-14 Article 4-4).

CDPHE should also be notified in the case of hazardous substance releases as cleanup activities may be covered by state solid or hazardous waste requirements (6 CCR 1007-2, 6 CCR 1007-3).

Any release that has or may impact waters of the state (which include surface water, ground water and dry

gullies or storm sewers leading to surface water), no matter how small, must be reported immediately to CDPHE (25-8-601 CRS).

Releases from pipelines

Releases of five or more gallons of hazardous liquids or carbon dioxide from a pipeline that result in explosion or fire, cause injury or death or cause estimated property damage (including cost of clean-up and recovery, value of lost product and property damage) exceeding $50,000 must be reported immediately to the US Department of Transportation Office of Pipeline Safety (49 CFR Part 195 Subpart B) and the National Response Center.

Releases of five or more gallons of hazardous liquids or carbon dioxide from interstate pipelines that do not involve explosion or fire, injury or death or property damage exceeding $50,000 should be reported to the US Department of Transportation Office of Pipeline Safety within 30 days after the incident.

Releases of natural gas from intrastate pipelines that cause injury or death, property damage in excess of $50,000 (including the cost of lost product), closure of a public road, or evacuation of 50 or more people must be reported immediately to the Colorado Public Utilities Commission, Pipeline Safety Group (4 CCR 723-11-2).

Releases of natural gas or liquefied natural gas (LNG) from interstate pipelines that cause injury or death, property damage in excess of $50,000 (including the cost of lost product), or results in an emergency shutdown of the facility must be reported immediately to the National Response Center and the US Dept of Transportation Office of Pipeline Safety.

Releases of oil, petroleum products or other hazardous liquids from interstate and intrastate pipelines that have or may enter waters of the State of Colorado (which include surface water, ground water and dry gullies or storm sewers leading to surface water) must be reported to CDPHE immediately (25-8-601 CRS). CDPHE should also be notified of releases to soil, as cleanup activities may be covered by state solid or hazardous waste requirements (6 CCR 1007-2, 6 CCR 1007-3).

Radiological accidents, incidents, and events

CDPHE must be notified of any condition that has caused or threatens to cause an event, which meets or exceeds the criteria specified in (6 CCR 1007-1) RH 4.51 and RH 4.52 of the State of Colorado *Rules and Regulations Pertaining to Radiation Control*. Reportable events include lost radioactive materials, lost radiation producing machines, over-exposures to persons, contamination events and fires or explosions involving radioactive materials.

Depending upon the severity of the event, notification may be required immediately, within 24 hours, or within 30 days. In most cases, a written follow-up report is also required.

If you are unsure of the proper notification requirement, please contact CDPHE immediately. Telephone event notifications can be made to the CDPHE Radiation Program at any time by calling 1-303-877-9757.

Notification Numbers

Colorado Department of Public Health and Environment toll-free 24-hour environmental emergency and incident reporting line: (877) 518-5608 (24-hour)

National Response Center
(800) 424-8802 (24-hour)

State Oil Inspector (Colorado Division of Oil & Public Safety-Above & Underground Storage Tank Regulators)
(303) 318-8547

APPENDIX H – Storm Event Log

Rain Gauge Data		
Date:	**Location:**	**Reading in decimal fraction of inches**

APPENDIX I – Inspection and Sampling Reports

CONSTRUCTION STORMWATER SITE INSPECTION REPORT

Facility Name		Permittee	
Date of Inspection		Weather Conditions	
Permit Certification #		Disturbed Acreage	
Phase of Construction		Inspector Title	
Inspector Name			

	YES	NO
Is the above inspector a qualified stormwater manager? (permittee is responsible for ensuring that the inspector is a qualified stormwater manager)	☐	☐

INSPECTION FREQUENCY	
Check the box that describes the minimum inspection frequency utilized when conducting each inspection	
At least one inspection every 7 calendar days	☐
At least one inspection every 14 calendar days, with post-storm event inspections conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosions	☐
• This is this a post-storm event inspection. Event Date: _____	☐
Reduced inspection frequency - Include site conditions that warrant reduced inspection frequency	☐
• Post-storm inspections at temporarily idle sites	☐
• Inspections at completed sites/area	☐
• Winter conditions exclusion	☐
Have there been any deviations from the minimum inspection schedule? If yes, describe below.	YES ☐ NO ☐

INSPECTION REQUIREMENTS*
i. Visually verify all implemented control measures are in effective operational condition and are working as designed in the specifications
ii. Determine if there are new potential sources of pollutants
iii. Assess the adequacy of control measures at the site to identify areas requiring new or modified control measures to minimize pollutant discharges
iv. Identify all areas of non-compliance with the permit requirements, and if necessary, implement corrective action
*Use the attached **Control Measures Requiring Routine Maintenance** and **Inadequate Control Measures Requiring Corrective Action** forms to document results of this assessment that trigger either maintenance or corrective actions

AREAS TO BE INSPECTED			
Is there evidence of, or the potential for, pollutants leaving the construction site boundaries, entering the stormwater drainage system or discharging to state waters at the following locations?			
	NO	YES	If "YES" describe discharge or potential for discharge below. Document related maintenance, inadequate control measures and corrective actions **Inadequate Control Measures Requiring Corrective Action** form
Construction site perimeter	☐	☐	
All disturbed areas	☐	☐	
Designated haul routes	☐	☐	
Material and waste storage areas exposed to precipitation	☐	☐	
Locations where stormwater has the potential to discharge offsite	☐	☐	
Locations where vehicles exit the site	☐	☐	
Other: _____	☐	☐	

CONTROL MEASURES REQUIRING ROUTINE MAINTENANCE

Definition: Any control measure that is still operating in accordance with its design and the requirements of the permit, but requires maintenance to prevent a breach of the control measure. These items are not subject to the corrective action requirements as specified in Part I.B.1.c of the permit.

Are there control measures requiring maintenance?	NO	YES	
	☐	☐	If "YES" document below

Date Observed	Location	Control Measure	Maintenance Required	Date Completed

INADEQUATE CONTROL MEASURES REQUIRING CORRECTIVE ACTION

Definition: Any control measure that is not designed or implemented in accordance with the requirements of the permit and/or any control measure that is not implemented to operate in accordance with its design. This includes control measures that have not been implemented for pollutant sources. If it is infeasible to install or repair the control measure immediately after discovering the deficiency the reason must be documented and a schedule included to return the control measure to effective operating condition as possible.

Are there inadequate control measures requiring corrective action?	NO	YES	
	☐	☐	If "YES" document below

Are there additional control measures needed that were not in place at the time of inspection?	NO	YES	
	☐	☐	If "YES" document below

Date Discovered	Location	Description of Inadequate Control Measure	Description of Corrective Action	Was deficiency corrected when discovered? YES/NO if "NO" provide reason and schedule to correct	Date Corrected

REPORTING REQUIREMENTS

The permittee shall report the following circumstances orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances, and shall mail to the division a written report containing the information requested within five (5) working days after becoming aware of the following circumstances. The division may waive the written report required if the oral report has been received within 24 hours.

All Noncompliance Requiring 24-Hour Notification per Part II.L.6 of the Permit

a. Endangerment to Health or the Environment

Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident (See Part II.L.6.a of the Permit)

This category would primarily result from the discharge of pollutants in violation of the permit

b. Numeric Effluent Limit Violations

- Circumstances leading to any unanticipated bypass which exceeds any effluent limitations (See Part II.L.6.b of the Permit)
- Circumstances leading to any upset which causes an exceedance of any effluent limitation (See Part II.L.6.c of the Permit)
- Daily maximum violations (See Part II.L.6.d of the Permit)

Numeric effluent limits are very uncommon in certifications under the COR400000 general permit. This category of noncompliance only applies if numeric effluent limits are included in a permit certification.

Has there been an incident of noncompliance requiring 24-hour notification?	NO	YES	
	☐	☐	If "YES" document below

Date and Time of Incident	Location	Description of Noncompliance	Description of Corrective Action	Date and Time of 24 Hour Oral Notification	Date of 5 Day Written Notification *

*Attach copy of 5 day written notification to report. Indicate if written notification was waived, including the name of the division personnel who granted waiver.

After adequate corrective action(s) and maintenance have been taken, or where a report does not identify any incidents requiring corrective action or maintenance, the individual(s) designated as the Qualified Stormwater Manager, shall sign and certify the below statement:

"I verify that, to the best of my knowledge and belief, all corrective action and maintenance items identified during the inspection are complete, and the site is currently in compliance with the permit."

Name of Qualified Stormwater Manager	Title of Qualified Stormwater Manager
Signature of Qualified Stormwater Manager	Date

Notes/Comments

Appendix J – SWMP Amendment Log / Control Measure Details

AMENDMENT LOG

Amendment No.	Date	Brief Description of Amendment	Prepared By