

Stormwater Pollution Prevention Plan, Management Plan & Erosion & Sediment Quality Control Plan

For:

Colorado Springs My Place Hotel
369 Gleneagle Gate View, Colorado Springs, CO 80921
Lot 3, Academy Gateway Subdivision Filing No. 1

Developer:

Segelke Real Estate, LLC and/or MPCOS, LLC
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Stormwater Manager, SWPPP & ESQCP Contact(s):

Legacy Builders
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– Site Superintendent: Dallas Keller
– Environmental Manager: Jason Stoltenburg
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Preparation Date: July 2017

Estimated Project Dates:

Start of Construction: October 2017
Completion of Construction: May 2018
Final Stabilization: May 2018



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SECTION 1: SITE EVALUATION, ASSESSMENT, AND PLANNING

1.1 Project/Site Information

Project/Site Name: Colorado Springs My Place Hotel

Project Street/Location: - Struthers Road

City: Colorado Springs State: CO Zip Code: 80921

County or Similar Subdivision: Academy Gateway Subdivision

Latitude/Longitude Latitude: Longitude:

39.029775° N 104.831005°W

Method for determining latitude/longitude: Google Earth

Is the project located in Indian Country? Yes No

If yes, name of reservation, or if not part of a Reservation, indicate "not applicable." _____

Not Applicable _____

Is this project considered a Federal Facility? Yes No

Permit tracking number:

(This is the unique identifying number assigned to your project by your permitting authority after you have applied for coverage under the appropriate COR-030000 construction general permit.)



1.2 Contact Information / Responsible Parties

Operator(s):

Legacy Builders
1910 8th Ave NE
Aberdeen, SD 57401
605.725.5275 (office)
605.725.5265 (fax)

Project Manager(s) or Site Supervisor(s):

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– Environmental Manager: Jason Stoltenburg
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This SWPPP Was Prepared By:

Legacy Design Group
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Aberdeen, SD 57401
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Emergency 24 hour contact:

– Site Superintendent: Dallas Keller
605.377.8533 (Cell)



1.3 Nature and Sequence of Construction Activity

Construction Activities are scheduled to begin August of 2017 on a new 3 story, 64 unit My Place Extended Stay Hotel, located on Lot 3 of Academy Gateway Subdivision Filing No. 1. The affected site area is approximately 1.44 acres.

Major construction activities expected include (in sequence from start to finish):

Overlot grading – pier installations and excavations for concrete foundations - Installation of utilities - typical wood framed construction - parking lot paving - fine grading – landscaping/stabilization.

Protective measures have been established to ensure there is no adverse impact to water quality in the surrounding area. This *Stormwater Pollution Prevention Plan* details all of the protective environmental measures which will be employed during construction of the project.

What is the function of the construction activity?

Residential Commercial Industrial Road Construction

Other (please specify): _____

Estimated Project Start Date: October 2017

Estimated Project Completion Date: May 2018

Estimated Final Stabilization Date: Spring 2018

1.4 Soils, Slopes, Vegetation, and Current Drainage Patterns

Soil type(s):

The majority of the site surface is covered with overburden soils consisting of lean clay with varying amounts of sand on interbedded claystone/sandstone bedrock.

Slopes:

The site is sloped to the Southeast at 2%-5%.

Drainage Patterns:

Drainage, detention and treatment will be provided by a subdivision detention basin provided by the master developer of the subdivision. The overall drainage study has conservatively assumed 100% of our development will be impervious. The actual impervious area will be 66% which will result in much less runoff than initially anticipated.



Vegetation:

The existing vegetation on site is native grasses and weeds. Existing ground cover is estimated to be 80%.

1.5 Construction Site Estimates

The following are estimates of the construction site:

Construction Site Area to be disturbed	1.5 Acres
Total Project Area	1.44 Acres
Percentage impervious area before construction	0%
Percentage impervious area after construction	66%

1.6 Post Construction Receiving Waters

Description of receiving waters: Drainage, detention and treatment will be provided by a subdivision detention basin provided by the master developer in the south corner of the subdivision. From the subdivision detention basin runoff will flow through an 18" discharge pipe and into roadside curb and gutter of Northgate Boulevard and continue into a roadside swale shortly thereafter. The swale eventually discharges into Smith Creek and Monument Creek.

1.7 Site Features and Sensitive Areas to be protected

There are no sensitive areas or site features that require protection. No springs or irrigation ditches exist on the site.

1.8 Potential Sources of Pollution

Sediment is the greatest potential for pollution. All impervious areas of the site are to receive protection for sediment transport. There are no batch plants planned for the site. The state of Colorado CDPS General Permit (COR-300000) lists minimum potential pollutant sources to be identified and addressed if such potential sources exist at our site. They are listed and addressed below:

- all disturbed and stored soils
 - all disturbed soils will be located within areas that have erosion protection measures in place such as silt fence, straw wattles or gravel bags.
- vehicle tracking of sediments
 - an aggregate vehicle tracking control facility will be installed and implemented.
- management of contaminated soils
 - it is not anticipated that contaminated soils will be encountered based on investigations that have already taken place. New contamination of soils are not expected to be caused. In the event that either of these conditions change the policies and procedures outlined in this plan shall be followed.



- loading and unloading operations
 - all loading and unloading will occur within areas that have erosion protection measures in place such as silt fence, straw wattles or gravel bags. Storage of materials and goods will be provided within fully enclosed conex containers.
- outdoor storage activities (building materials, fertilizers, chemicals, etc.)
 - Outdoor storage will occur within areas that have erosion protection measures in place such as silt fence, straw wattles or gravel bags. It is not anticipated that pollutant potential materials will be stored outdoors, such as fertilizer and chemicals.
 -
- vehicle and equipment maintenance and fueling
- significant dust or particulate generating processes
- routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc.
- on-site waste management practices (waste piles, liquid wastes, dumpsters, etc.)
- concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment
- dedicated asphalt and concrete batch plants
- non-industrial waste sources such as worker trash and portable toilets
- other areas or procedures where potential spills can occur

1.9 Endangered Species Certification

Are endangered or threatened species and critical habitats on or near the project area?

Yes No

1.10 Historic Preservation

Are there any historic sites on or near the construction site?

Yes No

1.11 Maps

For mapping and additional details please refer to the SWPPP drawing, geotechnical investigation, and civil construction documents including the topographical survey & drainage plans.



SECTION 2: EROSION AND SEDIMENT CONTROL BMPS

2.1 Minimize Disturbed Area & Protect Natural Features & Soil

The subject property will be disturbed with the construction of the proposed underground utilities, surface parking areas and the building itself. The contractor is to construct the necessary silt fencing or fiber roll and controlled vehicle construction entrance as shown on the SWPPP plan prior to construction. The project entrance will be protected with a stabilized gravel construction entrance to protect off-site streets from tracked debris, mud, or other waste. Any topsoil found onsite will be stockpiled and preserved for re-use to the maximum extent possible.

- Legacy Builders will include inspection and maintenance schedules as appropriate and staff responsible for maintenance
- The proposed site will include a 3 story, 64 room hotel. The project will consist of underground sewer, water, and storm drain utilities.

2.2 Phase I

The proposed Phase I will begin upon Project Commencement and continue throughout the fall and winter months. All SWPPP facilities are to be in place prior to construction. Phase I will consist of all underground utilities, mass fill grading, and parking areas.

1. Standard BMP's to be used with Phase I:

- BMP SF: Fiber Roll or Silt Fence
- BMP SCE: Stabilized Construction Entrance
- BMP IP-G: Curb/Inlet Protection –Gravel Bag or Wattle
- BMP MS: Material Storage
- BMP CWM: Concrete Waste Management

2. Control Stormwater flowing onto and Through the Project:

- There is very little offsite flow anticipated.
- Installation Schedule: The installation of selected BMP will be in place prior to construction beginning.
- Maintenance and Inspection: refer to the maintenance and inspection section.
- Responsible Staff: Legacy Builders

3. Stabilize Soils:

- Virtually all exposed soils will be stabilized if necessary and filtered through fiber rolls, silt fence, straw bales, gravel bags, wattles, etc. to protect surface water quality. Approved erosion control blankets will also be used



as an emergency BMP to cover previously stabilized areas, which begin to erode if necessary. Loose straw and mulch covers are not to be used as they may be washed into drainage structures or channels.

4. *Protect Slopes:*

- Cut and fill slopes are minimal and will correlate to the natural topography of the land.

5. *Protect Storm Drain Inlets:*

Existing storm drain inlets will be protected to prevent stormwater from entering without first being filtered or treated to remove sediment. There are no proposed inlets on this project. Wattle, Gravel Bags, Filter Fabric or the equivalent will be placed in downstream gutters affected by this site.

BMP to be used:

- BMP SF: Silt Fence or Fiber Roll
- BMP IP-G: Inlet Protection – Wattle, Gravel Bag or Filter Fabric

6. *Establish perimeter controls and sediment barriers:*

The downstream limits of construction will be outlined with Silt Fencing and/or Fiber Rolls.

7. *Retain Sediment On-Site and Control Dewatering Practices:*

Sediment control practices (i.e., sediment trap and/or sediment basins), will be implemented at the construction site to retain sediments on-site. No dewatering is anticipated.

BMP Description:

- BMP MS: Material Storage
- BMP TDS: Temporary Drains and Swales
- BMP CWM: Concrete Waste Management
- BMP SCE: Stabilized Construction Entrance
- Responsible Staff: Legacy Builders

8. *Establish Stabilized Construction Exits:*

The vehicle entrance and exit, for this site will come from Gleneagle Gate View, a private drive. A stabilized construction entrance will be constructed and maintained in accordance with BMP procedures to remove accumulated sediment off-site (i.e., vehicle tracking), and stabilization practices (i.e., stone pads and/or wash racks) to minimize off-site vehicle tracking of sediments and discharges to stormwater.

BMP Description:



- BMP SCE: Stabilized Construction Entrance
- Installation Schedule: To be installed prior to construction
- Maintenance and Inspection: Refer to maintenance and inspection schedules.
- Responsible Staff: Legacy Builders

SECTION 3: DISCHARGE MANAGEMENT

3.1 Good Housekeeping BMPs

1. Material Handling and Waste Management:

Trash disposal, sanitary wastes, recycling, and proper material handling are to be in place in order to prevent the discharge of solid materials to waters of the U.S., except as authorized by a permit issued under section 404 of the CWA.

BMP Descriptions:

- BMP MS: Material Storage
- BMP CWM: Concrete Waste Management
- Installation Schedule: to be installed prior to construction
- Maintenance and Inspection: refer to the maintenance and inspection schedules
- Responsible Staff: Legacy Builders

2. Establish Proper Building Material Staging Areas:

Construction materials are expected to be stored on-site and procedures for storage of materials to minimize exposure of the materials to stormwater.

BMP Description:

- BMP MS: Material Storage
- Installation Schedule: To be installed prior to construction
- Maintenance and Inspection: Refer to the maintenance and inspection schedules
- Responsible Staff: Legacy Builders

3. Designate Washout Areas:

The contractor is to minimize the potential for stormwater pollution from washout areas for concrete mixers, paint, stucco, etc.

BMP Description:

- BMP SCU: Spill Clean-up
- BMP WD: Waste Disposal
- BMP MS: Material Storage
- BMP CWM: Concrete Waste Management



- Installation Schedule: To be installed prior to construction
- Maintenance and Inspection: Refer to the maintenance and inspection schedules
- Responsible Staff: Legacy Builders

4. *Establish proper equipment/vehicle fueling and maintenance practices:*

All equipment/vehicle fueling and maintenance practices will be implemented to control pollutants to stormwater. All chemicals including liquid products, petroleum products, water treatment chemicals, and wastes stored on site will be covered and contained and protected from vandalism.

BMP Description:

- BMP SCU: Spill Clean-up
- Installation Schedule: To be installed prior to construction
- Maintenance and Inspection: Refer to the maintenance and inspection schedules

5. *Allowable non-stormwater discharges and control equipment/vehicles washing:*

All pollutants, including waste materials and demolition debris, that occur on-site during construction will be handled in a way that does not contaminate stormwater.

BMP Description:

- BMP SCU: Spill Clean-up
- Installation Schedule: To be installed prior to construction
- Maintenance and Inspection: Refer to the maintenance and inspection schedules
- Responsible Staff: Legacy Builders

6. *Spill Prevention and Control Plan:*

The primary objective in responding to a spill is to quickly contain the material(s) and prevent or minimize their migration into stormwater runoff and conveyance systems. If the release has impacted on-site stormwater, it is critical to contain the released materials on site and prevent their release into receiving waters.

If a spill of pollutants threatens stormwater at the site, the spill response procedures outlined below must be implemented in a timely manner to prevent the release of pollutants.

- The site superintendent will be notified immediately when a spill, or a threat of the spill, is observed. The superintendent will assess the situation and determine the appropriate response.
- If spills represent and imminent threat of escaping facilities and entering the receiving waters, facility personnel will respond immediately to contain the release and notify the superintendent



after the situation has been stabilized.

- Spill kits containing materials and equipment for spill response and cleanup will be maintained at the site. Each spill kit may contain:
 - Oil Absorbent Pads (one bale)
 - Oil absorbent booms (40 feet)
 - 55-gallon drums (2)
 - 9-mil plastic bags (10)
 - Personal protective equipment including gloves and goggles

- If oil sheen is observed on surface water (e.g., settling ponds, detention pond, swales), absorbent pads and/or booms will be applied to contain and remove the oil. The source of the oil sheen will also be identified and removed or repaired as necessary to prevent further releases.

- The site superintendent, or his designee, will be responsible for completing the spill reporting form and for reporting the spill to the appropriate state or local agency (see Forms and the end of this section).

- Facility personnel with primary responsibility for spill response and cleanup will receive training from the site superintendent. This training will include identifying the location of spill kits and other spill response equipment and the use of spill response materials.

- Spill response equipment will be inspected and maintained as necessary to replace any materials used in spill response activities.

3.2 Allowable Non-Stormwater Discharge Management

Allowable non-stormwater discharges will be the minimal landscaping sprinkler runoff. Any runoff will flow into the projects stormwater system.



3.3 Spill Report

Individual reporting spill	
Individual responsible for spill	
Time & date spill began	
Location of spill, its source & type of material spilled	
Estimated volume of spill & date & time it was fully controlled/stopped	
Ongoing spill? If so, rate of flow & timeline to be fully controlled/stopped	
Cleanup measures taken to contain, reduce and/or cleanup spill	
Potentially affected areas downstream that have been or will be notified	
Phone & Email of responsible person or their representative	
Comments:	



SECTION 4: SELECTING POST-CONSTRUCTION BMPs

All post-construction stormwater management measures will be installed during the construction process to control pollutants in stormwater discharges after construction operations have been completed. The post-construction BMPs include:

- All stormwater runoff will flow to an off-site subdivision water quality treatment pond.

SECTION 5: INSPECTIONS and MAINTENANCE

5.1 Inspections

1. *Inspection Personnel:*

Identify the person(s) who will be responsible for conducting inspections and describe their qualifications.

The SWPPP will be updated as requested by Legacy Builders. Legacy Builders is an experienced general contractor and has successfully managed SWPPP's for a series of projects over multiple years.

2. *Inspection Schedule and Procedures:*

All temporary and permanent erosion and sediment control BMPs will be maintained and repaired as needed to assure continued performance of their intended function. All maintenance and repair will be conducted in accordance with BMPs. Recommended BMP maintenance requirements are listed in Tables 1 and 2 included in this section. Following Tables 1 and 2 is a BMP Inspection Checklist for use in routine inspections of the construction site.



Table 1

BMP Maintenance and Inspection Schedule (Source Control BMPs) BMP Designation	BMP Name	Recommended Maintenance	Recommended Schedule of Maintenance
C101	Preserving Natural Vegetation	Inspect flagged areas to make sure flagging has not been removed. If tree roots have been exposed or injured, recover and/or seal them.	Daily
C102	Buffer Zones	Inspect the area frequently to make sure flagging remains in place and the area remains undisturbed.	Daily
C103	Plastic or Metal Fence	If the fence has been damaged or visibility reduced, it shall be repaired or replaced immediately and visibility restored.	Daily
C104	Stake and Wire Fence	If the fence has been damaged or visibility reduced, it shall be repaired or replaced immediately and visibility restored.	Daily
C105	Stabilized Construction Entrance and Tire Wash	Quarry spalls (or hog fuel) shall be added if the pad is no longer in accordance with the specification. If the rock (or hog fuel) entrance is not working to keep streets clean, then install wheel wash, sweep streets, or wash streets if wash water can be collected.	Daily
C106	Wheel Wash	Wheel wash water shall not be discharged into a storm drain or the site's stormwater collection system. Use closed-loop recirculation, land application, or discharge to sanitary sewer (by permit).	Daily



BMP Maintenance and Inspection Schedule (Source Control BMPs) BMP Designation	BMP Name	Recommended Maintenance	Recommended Schedule of Maintenance
C107	Const. Road Stabilization	Inspect stabilized areas regularly, especially after large storm events. Add rock (hog fuel), gravel, etc. as needed to maintain a stable surface which won't erode.	Daily
C108	Temporary & Permanent Seeding	Re-seed areas failing to establish 80% cover within one month (during growing season). If re-seeding is ineffective, use sodding or nets/blankets. Eroded areas shall be corrected, re-planted, and irrigated as required.	Inspect to ensure growth weekly
C109	Mulching	Maintain specified thickness of mulch cover, Eroded areas must be corrected and re-mulched. Drainage problems must be corrected.	Weekly and following storms
C110	Nets and Blankets	Inspect to ensure good contact with ground and no erosion of soils. Replace damaged material and re-staple where required. Correct erosion problems immediately.	Weekly and following storms
C111	Plastic Covering	Replace torn sheets and repair open seams. Replace deteriorated plastic sheets. Dispose of plastic when no longer needed.	Weekly
C112	Sodding	If sod is unhealthy correct problem. If sod can't be established seed area and use net or blanket to stabilize soils.	Weekly and following storms
C113	Top Soiling	Inspect stockpiles regularly, especially after large storm events. Stabilize areas that have eroded.	Weekly and following storms



BMP Maintenance and Inspection Schedule (Source Control BMPs) BMP Designation	BMP Name	Recommended Maintenance	Recommended Schedule of Maintenance
C114	Polyacrylamide Application	Reapply PAM to actively worked soils at 48-hr. intervals not to exceed 7 applications per month. Reapply PAM to undisturbed soils at 2-month intervals.	Daily
C115	Surface Roughening	Seed roughened surfaces as soon as possible. Re-grade and re-seed any areas beginning to erode.	Weekly and following storms
C116	Gradient Terraces	Maintenance should be performed as needed.	Annually and following large storm events
C117	Dust Control	Re-apply dust control measures as necessary to keep dust to a minimum.	Daily during dry weather



Table 2

BMP Maintenance and Inspection Schedule
(Runoff, Conveyance, and Treatment BMPs)

BMP Designation	BMP Name	Recommended Maintenance	Recommended Schedule of Maintenance
C201	Interceptor Dike & Swale	Inspect to insure structural integrity. Repair as needed.	Weekly and following storms
C202	Grass-Lined Channels	During growth period, inspect grass after rainstorms. Remove accumulated sediment. Inspect outlets to prevent scouring and erosion.	Weekly and following storms
C203	Riprap Channel Lining	Inspect to ensure underlain soils are not eroding. Inspect for slippage on slopes.	Weekly and following storms
C204	Pipe Slope Drains	Check inlets for undercutting and outlets for erosion after rainstorms. Inspect pipe for damage. Check pipe for clogging debris.	Weekly and following storms
C205	Subsurface Drains	Check to ensure drains are not clogged with sediment or plant roots. Prevent heavy truck traffic from crushing piping.	Monthly
C206	Level Spreader	Check to ensure proper functioning after rainstorms. Prevent traffic from crossing the spreader. Repair if damaged.	Weekly and following storms
C207	Check Dams	Remove sediment when on half the sump depth. Check for erosion around edges of dams.	Weekly and following storms
C208	Outlet Protection	Inspect and repair as needed. Add rock as needed. Clean energy dissipater if sediment builds up.	Weekly and following storms
C209	Storm Drain Inlet Protection	Replace clogged filter fabric. Clean sediment from stone filters. Do not wash collected sediments into storm drains – removed to soil stockpile.	Weekly and following storms



BMP Designation	BMP Name	Recommended Maintenance	Recommended Schedule of Maintenance
C210	Straw Bale Barrier	Inspect daily during rainy periods. Check for undercutting, end runs, and damaged bales. Remove accumulated sediment when one half the barrier height.	Daily during prolonged rainy periods
C211	Brush Barrier	Inspect daily during rainy periods. Check for undercutting, end runs, and damaged sections. Remove accumulated sediment.	Weekly and following storms
C212	Silt Fence or Fiber Roll	Repair damaged fencing or roll immediately. Intercept concentrated flows and reroute. Remove sediment accumulations at 6-inches. Replace deteriorated fencing or roll material. Properly dispose of used fencing or roll.	Weekly and following storms
C213	Vegetated Strip	Re-seed damaged areas immediately. Install sod to replace eroded vegetation. Reroute concentrated flows through vegetated strip.	Weekly and following storms
C214	Sediment Trap	Remove sediment when it reaches a depth of one foot. Repair damage to trap embankments and slopes.	Weekly and following storms
C215	Sediment Pond	Remove sediment when it reaches a depth of one foot. Repair damage to pond embankments and slopes.	Weekly and following storms



5.2 Maintenance of Controls

Maintenance Procedures:

BMP Designation	O.K.	Not O.K.	BMP Condition, Corrective action, General Notes
Construction Access Trackout? Street Clean?			
Soil Stabilization Signs of Erosion: Gullies? Slope Failures? Rills?			
Slope Protection Plastic Condition? Grass Growing? Hydroseed Condition? Matting?			
Perimeter Control Clearing Limits Marked? Silt Fences? Swales?			
Conveyances Stable Ditches? Check Dams Intact? Sand Bags? Slope Drains?			
TESC Management Revisions Required?			
Water Management Infiltration System? Clean and Dirty Water Separated? Offsite Water Bypassing?			
Outlet Protection Stabilized?			
Comments: _____ _____ _____ _____ _____ _____			



5.3 Corrective Action Log

Corrective Action Log:

BMP Designation	O.K.	Not O.K.	BMP Condition, Corrective Action, General Notes
Stormwater Detention And Monitoring			
BMP Maintenance			
Inlet Protection			
Dust Control			
Spill Prevention			
Condition of Discharge Water			
Comments: _____ _____ _____ _____ _____ _____			



SECTION 6: Recordkeeping and Training

6.1 Recordkeeping

The following is a list of records you should keep at your project site available for inspectors to review:

- Dates of grading, construction activity, (and stabilization which is covered in Section 7).
- A copy of the construction general permit (attach).
- The signed and certified NOI form or permit application form (attach.)
- A copy of the letter from the EPA/State notifying you of their receipt of your complete NOI/application (attach).
- Inspection reports (attach).
- Records relating to endangered species and historic preservation (attach).
- Check your permit for additional details.

Dates when major grading activities occur:

DATE	DESCRIPTION
Comments: _____ _____ _____ _____ _____	

Dates when construction activities temporarily or permanently cease on a portion of the site

DATE	DESCRIPTION
Comments: _____ _____ _____ _____ _____	



6.2 Log of Changes to the SWPPP

Log of changes and updates to the SWPPP

Inspector(s): _____ Date: _____

Site Name and Location: _____

Current Weather Conditions: _____ Last 24 Hours: _____

BMP Designation	O.K.	Not O.K.	BMP Condition, Corrective Action, General Notes
Construction Access Trackout? Street Clean?			
Soil Stabilization Signs of Erosion: Gullies? Slope Failures? Rills?			
Slope Protection Plastic Condition? Grass Growing? Hydroseed Condition? Matting?			
Perimeter Control Clearing Limits Marked? Silt Fences? Swales?			
Conveyances Stable Ditches? Check Dams Intact? Sand Bags? Slope Drains?			
TESC Management Revisions Required?			
Water Management Infiltration System? Clean and Dirty Water Separated? Offsite Water Bypassing?			
Outlet Protection Stabilized?			



6.3 Training

Legacy Builders will provide onsite training to key personnel responsible for compliance with the SWPPP. The contractor's superintendent and project manager will be familiarized with the major elements of the plan. Construction workers and other at the site will be given appropriate training information at the conclusion of site safety meetings or on an as-needed basis.

SECTION 7: FINAL STABILIZATION

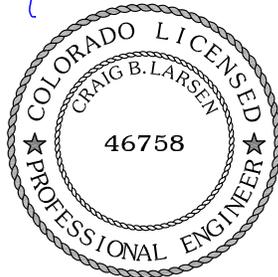
- Final stabilization of the site will require all curb, gutter, sidewalk, asphalt and landscaping to be in place. In the areas of undeveloped pad sites, a silt fence or equivalent will need to be in place and continue to be maintained by the owner of the property until such time that further construction occurs.

SECTION 8: CERTIFICATION & NOTIFICATION

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 evaluated 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.

Name: Craig B. Larsen, P.E. Title: Civil Engineer

Signature:  Date: Sept. 19, 2017



SWPPP APPENDICES

Attach the following documentation to the SWPPP:

App A – Vicinity Map

App B – El Paso County Erosion and Stormwater Quality Control Plan

App C – Civil Construction Documents

App D – State of Colorado Memo on 70% plant density and Copy of Construction General Permit COR-030000

App E – Copy of NOI and acknowledgement letter from EPA/State

App F– Notice of Termination Application

App G – Inspection Reports

App H – Corrective Action Log (or in Section 5.3)

App I – Log of Changes and Updates to SWPPP (or in Section 6.2)

App J – Subcontractor Certifications/Agreements



App A – Vicinity Map & Site Map



App B – El Paso County Erosion and Stormwater Quality Control Plan



3.2 Erosion and Stormwater Quality Control Plan

General Principles

Purpose

The required Erosion and Stormwater Quality Control Plan is a plan for controlling erosion, sedimentation and stormwater quality during construction in compliance with the City laws, ordinances, regulations, resolutions, standards and specifications, including this *Drainage Criteria Manual – Volume 2: Stormwater Quality Policies, Procedures and Best Management Practices*. The plan shall be a part of the total site development plan and shall prescribe all the steps necessary including scheduling to assure erosion, sediment and stormwater quality control during all phases of construction including final stabilization.

The objectives for erosion and stormwater quality control during construction include the following:

1. Conduct all land disturbing activities in a manner that effectively reduces accelerated soil erosion and reduces sediment movement and deposition off-site.
2. Schedule construction activities to minimize the total amount of soil exposed at any given time to reduce the period of accelerated soil erosion.
3. Establish temporary or permanent cover on areas that have been disturbed as soon as possible after overlot or final grading is completed.
4. Design and construct all temporary or permanent facilities for the conveyance of water around, through, or from the disturbed area to limit the flow of water to non-erosive velocities.
5. Remove sediment caused by accelerated soil erosion from surface runoff water before it leaves the site.
6. Stabilize the areas of land disturbance with permanent vegetative cover or stormwater quality control measures.
7. Implement other BMPs such as spill containment and control measures and proper materials storage practices to minimize impacts to stormwater quality.

Applicability

At a minimum, an Erosion and Stormwater Quality Control Plan is required whenever a Grading Plan is required or when one (1) acre or more of land will be disturbed. All requirements for any land disturbance in Hillside Overlay areas are incorporated into Section 504 of Part 5 of Article 3 of Chapter 7 of the City Code. The Erosion and Stormwater Quality Control Plan shall require the design, implementation and maintenance of BMPs as set forth in this *Manual* and shall include the plan elements as set forth in this *Manual*.

Typical activities for which an Erosion and Stormwater Quality Control Plan is generally not required are designated as minor land disturbing activities and include:

1. Any project involving earth disturbing activity of less than 1 acre, and which disturbs less than 500 cubic yards of material (cut and/or fill).
2. Individual home landscaping, gardening, maintenance and repair work.
3. Agriculture and related activities.
4. Other land disturbing activities which will result in minimum soil erosion or the movement of sediment into waters or onto property off the project site and that include land disturbance of less than 1 acre and less than 500 cubic yards of material (cut and/or fill).

An Erosion and Stormwater Quality Control Plan may be required for specific minor land disturbing activities if deemed necessary by the City Engineer.

Planning and Relationship to Other Plans

Planning for Erosion and Stormwater Quality Control shall begin with the Preliminary Drainage Report preparation, and shall include first hand knowledge of the site by the engineer. Plan approval for the Erosion and Stormwater Quality Control Plan shall be concurrent with review of the Preliminary/Final Drainage Report and approval of the Grading Plan. The plan may be combined with the Grading Plan if all information can be clearly presented.

Basic Grading, Erosion and Stormwater Quality Requirements and General Prohibitions

Any land disturbance by any owner, developer, builder, contractor, or other person shall comply with the Basic Grading, Erosion and Stormwater Quality Requirements and General Prohibitions as noted below. In many cases, this will require the design, implementation and maintenance of Best Management Practices (BMPs) as specified in the *Manual*, even if an Erosion and Stormwater Quality Control Plan is not required. A typical example for this requirement would be a home building contractor constructing one or more homes in an area on individual lots where the construction activity on each lot meets the definition of minor earth disturbing activity.

1. Stormwater discharges from construction sites shall not cause or threaten to cause pollution, contamination, or degradation of State Waters.
2. Concrete wash water shall not be discharged to or allowed to runoff to State Waters, including any surface or subsurface storm drainage system or facilities.
3. Building, construction, excavation, or other waste materials shall not be temporarily placed or stored in the street, alley, or other public way, unless in accordance with an approved Traffic Control Plan. BMPs may be required by City Engineering if deemed necessary, based on specific conditions and circumstances (e.g., estimated time of exposure, season of the year, etc.).
4. Vehicle tracking of soils off-site shall be minimized.

5. All wastes composed of building materials must be removed from the construction site for disposal in accordance with local and State regulatory requirements. No building material wastes or unused building materials shall be buried, dumped, or discharged at the site.
6. No chemicals are to be used by the contractor, which have the potential to be released in stormwater unless permission for the use of a specific chemical is granted in writing by the City Engineer. In granting the use of such chemicals, special conditions and monitoring may be required.
7. Bulk storage structures for petroleum products and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled material from entering State Waters, including any surface or subsurface storm drainage system or facilities.
8. All persons engaged in earth disturbance shall implement and maintain acceptable soil erosion and sediment control measures including BMPs in conformance with the erosion control technical standards of the *Manual* and in accordance with the Erosion and Stormwater Quality Control Plan approved by the City of Colorado Springs, if required.
9. All temporary erosion control facilities including BMPs and all permanent facilities intended to control erosion of any earth disturbance operations, shall be installed as defined in the approved plans and the *Manual* and maintained throughout the duration of the earth disturbance operation. The installation of the first level of temporary erosion control facilities and BMPs shall be installed and inspected prior to any earth disturbance operations taking place.
10. Any earth disturbance shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation.
11. All earth disturbances shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest practical period of time.
12. All work and earth disturbance shall be done in a manner that minimizes pollution of any on-site or off-site waters, including wetlands.
13. Suspended sediment caused by accelerated soil erosion shall be minimized in runoff water before it leaves the site of the earth disturbance.
14. Any temporary or permanent facility designed and constructed for the conveyance of stormwater around, through, or from the earth disturbance area shall be designed to limit the discharge to a non-erosive velocity.
15. Temporary soil erosion control facilities shall be removed and earth disturbance areas graded and stabilized with permanent soil erosion control measures pursuant to the standards and specifications prescribed in the *Manual*, and in accordance with the permanent erosion control features shown on the Erosion and Stormwater Quality Control Plans approved by the City of Colorado Springs, if required.
16. Soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within twenty-one (21) calendar days after final grading, or final

earth disturbance, has been completed. Disturbed areas and stockpiles which are not at final grade but will remain dormant for longer than 30 days shall also be mulched within 21 days after interim grading. An area that is going to remain in an interim state for more than 60 days shall also be seeded. All temporary soil erosion control measures and BMPs shall be maintained until permanent soil erosion control measures are implemented.

17. No person shall cause, permit, or contribute to the discharge into the municipal separate storm sewer pollutants that could cause the City of Colorado Springs to be in violation of its Colorado Discharge Permit System Municipal Stormwater Discharge Permit.
18. The owner, site developer, contractor, and/or their authorized agents shall be responsible for the removal of all construction debris, dirt, trash, rock, sediment, and sand that may accumulate in the storm sewer or other drainage conveyance system and stormwater appurtenances as a result of site development.
19. No person shall cause the impediment of stormwater flow in the flow line of the curb and gutter, including the temporary or permanent ramping with materials for vehicle access.
20. Individuals shall comply with the “Colorado Water Quality Control Act” (Title 25, Article 8, CRS), and the “Clean Water Act” (33 USC 1344), regulations promulgated, certifications or permits issued, in addition to the requirements included in the *Manual*. In the event of conflicts between these requirements and water quality control laws, rules, or regulations of other Federal or State agencies, the more restrictive laws, rules, or regulations shall apply.
21. The quantity of materials stored on the project site shall be limited, as much as practical, to that quantity required to perform the work in an orderly sequence. All materials stored on-site shall be stored in a neat, orderly manner, in their original containers, with original manufacturer’s labels. Materials shall not be stored in a location where they may be carried by stormwater runoff into a State Water at any time.
22. Spill prevention and containment measures shall be used at storage, and equipment fueling and servicing areas to prevent the pollution of any State Waters, including wetlands. All spills shall be cleaned up immediately after discovery, or contained until appropriate cleanup methods can be employed. Manufacturer’s recommended methods for spill cleanup shall be followed, along with proper disposal methods.

Minimum Best Management Practices Elements

The following best management practices must be included in the Erosion and Stormwater Quality Control Plan. See section 3.3 – *Construction BMP Factsheets and Guidelines for Implementing Construction BMPs* for additional details.

1. Erosion and Sediment Control
 - Sediment Trapping Devices (perimeter controls, vehicle tracking, inlet protection)
 - Sediment Control Devices (Basins and Check Dams)
 - Stabilization Requirements (ground stabilization and slope controls)

2. Spill Prevention and Response
3. Material Management
4. Inspection and Maintenance

Plan Elements

An Erosion and Stormwater Quality Control Plan shall be developed that consists of a narrative description of the construction project and appropriate plans/maps. The Erosion and Stormwater Quality Control Plan shall consist of the most appropriate or best selection of erosion control practices and sediment trapping facilities in conjunction with an appropriate schedule in order to accomplish adequate control. Adequate erosion control measures shall be constructed prior to land disturbing activities such that no adverse affect of site alternatives will impact the surrounding properties. Particular attention shall be given to concentrated flows of water either to prevent their occurrence or to provide appropriate conveyance devices to prevent erosion. Sediment trapping devices shall be required at all points where sediment laden water might leave the site. The Erosion and Stormwater Quality Control Plan shall include permanent structures for conveying storm runoff, how the site will be graded, final site stabilization, temporary sediment control features including sediment basins and finally, stabilization of the site where temporary features have been removed. Plans showing improvements or construction outside the property line of the site will not be approved unless the plan is accompanied by an appropriate legal easement or written acceptance by the adjacent property owner for the area in which such work is required.

The plan shall be annotated with appropriate standard symbols as shown on the List of Standard Symbols. The symbols should be bold and tend to “stand out” on the plans.

The required plan elements are listed as follows:

Applicant Information

The name, address, telephone number, email address and fax number of the applicant and/or owner and the engineer must be listed on the plan. In addition, it is recommended that the same information be provided for the contractor, if known).

Site Map

The information listed below shall be included on one or multiple site maps. The map shall use one of the following scales; 1"=20', 1"=30', 1"=40', 1"=50' or 1"=100'. The scale selected must be suitable for practical use and readability. The contour interval for these plans shall be 2 feet or closer.

1. Construction site boundaries.
2. Areas of soil disturbance.
3. Areas of cut and fill.
4. Areas used for the storage of building materials, soils, equipment, fuel, lubricants, chemicals, or waste storage.
5. Location of any dedicated asphalt or concrete batch plants.

6. Critical erosion areas and location of major erosion and sediment control facilities or structures.
7. Existing and proposed water courses including springs, streams, wetlands and other surface waters.
8. Boundaries of the 100-year flood plains, if determined.
9. Vicinity map showing relationship of the site to existing and planned roadways, jurisdictional boundaries, and major creeks/streams.
10. Soil types.
11. Existing and proposed contours.
12. Adjacent existing and proposed development affected by the construction.
13. Other proposed features and structures on the site.
14. Vegetation.
15. Property lines for the parcel/lot on which the land disturbance will occur.
16. Existing and proposed utility locations. The following note shall be added: "The Plan shall not substantially change the depth of cover, or access to utility facilities. Additionally, the Plan shall not increase or divert water towards utility facilities. Any changes to utility facilities to accommodate the plan, must be discussed and agreed to by the affected utility prior to implementing the plan. The resulting cost to relocate or protect utilities, or provide interim access is at the expense of the Plan applicant."

Description of Construction Activities

This includes the nature and purpose of the land disturbing activity.

Timing

The proposed sequence for major construction activities. This includes the anticipated starting and completion time periods of the site grading and/or construction sequence, including installation and removal time periods of erosion and sediment control measures, and the time of exposure of each area prior to completion of temporary erosion and sediment control measures.

Areas

Estimates of the total area of the site and the area of the site that will be cleared, excavated or graded.

Soils Information

A brief description of the soils on the site including information on soil type and names, mapping unit, erodibility, permeability, hydrologic soil group, depth, texture and soil structure. In addition, an estimate of the runoff coefficient of the site before and after construction activities should be included. This information may be obtained from the soil report for the site, or, if available, from soils reports from adjacent sites.

Existing Site Conditions

A description of the existing topography, vegetation, and drainage including a description of any wetlands. This includes a description of the existing vegetation at the site and an estimate of the percent vegetative ground cover. In addition, a description should be included of any anticipated non-stormwater components of offsite discharges such as springs, and landscape irrigation return flows.

Other Pollutant Sources

The location and description of any potential pollutant sources including, but not limited to, vehicle fueling areas, storage of fertilizers or chemicals, etc.

Receiving Waters

The name of the receiving water(s) and the site, type and location of any concentrated flow points from the site. If the discharge is into an existing storm sewer system, this should be stated, along with the name of the ultimate receiving water.

Best Management Practices

The plan shall include a narrative description of appropriate controls and measures that will be implemented before and during construction activities at the facility. It shall clearly describe the relationship between the phases of construction and the implementation and maintenance of control measures. For example, what BMPs will be implemented during each of the following stages of construction:

1. Clearing and grubbing necessary for perimeter controls.
2. Initiation of perimeter controls.
3. Remaining clearing and grubbing.
4. Road grading.
5. Drainage facility installation.
6. Utilities installation.
7. Final grading.
8. Stabilization.
9. Removal of temporary control measures.

The description of controls shall address the following areas:

1. Erosion and Sediment Control. This includes:
 - Structural Practices – A description of structural site management practices that will minimize erosion and sediment transport.
 - Non-Structural Practices – A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices.
2. Materials Handling. The plan shall identify any procedures of significant materials handled at the site that could contribute pollutants to runoff.
3. Spill Prevention and Response. Areas where potential spills can occur shall have spill prevention and response procedures identified.

4. Other Controls. A description of other measures to control pollutants in stormwater discharges including plans for waste disposal.

Detail Drawings

Design drawings of sediment controls, temporary diversions and any practices used that are not referenced in the BMPs or design criteria.

Plans for all Drainage Features

Plans will be submitted for all drainage features including paved areas, retaining walls, cribbing, planting, temporary or permanent soil erosion control measures, or other features to be constructed in connection with, or as a part of, the proposed work.

Final Stabilization and Long-Term Stormwater Management

A description of the measures used to achieve final stabilization and permanent measures to control pollutants in stormwater discharges that will occur after construction operations have been completed.

Final stabilization is reached when all soil disturbing activities at the site have been completed, and uniform vegetative cover has been established with a density of at least 70 percent of pre-disturbance levels and such cover is adequate to control soil erosion, as determined by the City Engineer, or equivalent permanent, physical erosion reduction methods have been employed. The seeded areas shall be kept in good condition at all times until the project is completed. The plan shall include procedures for promptly repairing any damaged areas.

For purposes of this plan, establishment of a vegetative cover capable of providing erosion control equivalent to a density of at least 70 percent of pre-existing conditions at the site and capable of adequately controlling future erosion can be considered final stabilization. The developer will be responsible for providing to the City the documentation to make this comparison. The City may, after consultation with the developer and upon good cause, amend the final stabilization criteria for specific operations. Where possible, coordination of erosion control elements and building schedule will occur so that previously seeded areas are not redisturbed.

Construction Staging and Sequencing

A schedule of anticipated starting and completion dates for each sequence and stage of land-disturbing activities and BMP installation including the expected date on which the final stabilization will be completed. Where possible, the clearing and grubbing operations shall be scheduled and performed so that grading operations and final stabilization can follow immediately.

Owner Inspections

A description of procedures to inspect the vegetation, erosion and sediment control measures, and other protective measures identified in the plan.

For sites where construction has not been completed, the owner/developer or their representative shall make a thorough inspection of their stormwater management system at

least every 14 days and after any precipitation or snowmelt event that causes surface erosion. The inspections shall be made during the progress of the work, during work suspension and until final acceptance of the work. The person making these inspections must be certified in a City-approved inspection training program.

1. The construction site perimeter, disturbed areas and areas used for material storage that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly.
2. Based on the results of the inspection, the description of potential pollutant sources, and the pollution prevention and control measures that are identified in the plan shall be revised and modified as appropriate as soon as practicable after such inspection. Modification to control measures shall be implemented in a timely manner, but in no case more than seven (7) calendar days after the inspection.
3. The operator shall keep a record of inspections. Uncontrolled releases of mud or muddy water or measurable quantities of sediment found off the site shall be recorded with a brief explanation as to the measures taken to prevent future releases as well as any measures taken to clean up the sediment that has left the site. Inspection records shall be made available to the City upon request.

The owner/developer shall make a thorough inspection of their stormwater management system at least once every month for sites where all construction activities are completed but final stabilization has not been achieved because planted vegetative cover has not become established. When site conditions make this schedule impractical, the owner/developer may petition the City to grant an alternative inspection schedule. These inspections must be conducted in accordance with the above paragraphs.

Maintenance

A detailed description of the maintenance program for sediment control facilities, including inspection programs, vegetative establishment on exposed soils, method and frequency of removal and disposal of waste materials from control facilities, and disposition of temporary structural measures shall be included. The description shall include a program for continuous maintenance of erosion and sediment control features so that they function properly during construction and work suspensions until the project is accepted by the City.

Soil Borings/Tests and Groundwater

Soil borings and tests, including groundwater analysis and plan for safe discharge must be included if appropriate.

Cost Estimate

A cost estimate shall be provided for all temporary and permanent BMPs, including reasonable costs for replacement and maintenance of BMPs depending on the anticipated length of construction until final stabilization.

Plan Expiration/Resubmittal Requirements

Grading Plans and/or Erosion and Stormwater Quality Control Plans (Plans) expire if construction has not commenced within 12 months of the City Engineer's acceptance of the plan. The plans must be resubmitted for acceptance. Previously accepted Plans must also be resubmitted to the City Engineer for acceptance when any of the following occur: (1) a change in ownership of the property to be disturbed, (2) proposed development changes to the site, or (3) proposed grading revisions.

Signatory Requirements

The Erosion and Stormwater Quality Control Plan is to be signed and sealed by a Colorado Registered Engineer and to be signed by the Owner with a statement that "The Owner will comply with the requirements of the Erosion and Stormwater Quality Control Plan." This statement may be modified if a combined Grading, Erosion and Stormwater Quality Control Plan is submitted. The following Owner statement shall also be included on all Grading and/or Erosion and Stormwater Quality Control Plans: "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."

Best Management Practices (BMPs)

The objective of erosion control is to limit the amount and rate of erosion occurring on disturbed areas until the site is stabilized. The objective of sediment control is to capture the soil that has been eroded before it leaves the construction site. Despite the use of both erosion control and sediment control measures, it is recognized that some amount of sediment will remain in runoff leaving the construction site. This should be minimal.

The best management practices for a site are usually comprised of four major elements:

- Erosion Control Measures. Used to limit erosion of soil from disturbed areas at a construction site.
- Sediment Control Measures. Used to limit transport of sediment to off-site properties and downstream receiving waters.
- Drainageway Protection Measures. Used to protect streams and other drainageways located on or adjacent to the construction site from erosion and sediment damages.
- Other Stormwater Quality Control Measures. Used to control other potential pollutants from impacting stormwater runoff.

Erosion controls (or BMPs) are surface treatments that stabilize soil exposed by excavation or grading. Erosion control measures are referred to as source controls, vegetative controls, or non-structural controls.

Sediment controls (or BMPs) capture soil that has been eroded. Soil particles suspended in runoff can be filtered through a porous media or deposited by slowing the flow and allowing the natural process of sedimentation to occur. Sediment controls (or BMPs) are facilities built to perform this function, and are referred to as structural controls.

Drainageway control measures (or BMPs) protect channels or storm sewers during site construction. This can be accomplished by limiting equipment travel across a stream, constructing a temporary channel crossing, or diverting a stream into a temporary channel while work is done on the permanent channel. Where storm sewers are used, sediment can be filtered prior to entry of runoff into the storm drainage system.

Non-sediment impacts to water quality can be managed by other controls (or BMPs) on equipment, material storage, or use of chemicals at construction sites.

Planning Process

Planning for the inclusion of appropriate BMPs should occur early in the site development process. The planning process can be divided into five separate steps:

1. Gather information on topography, soils, drainage, vegetation, and other predominant site features.
2. Analyze the information in order to anticipate erosion, sedimentation and stormwater quality problems.
3. Devise a plan that schedules construction activities and minimizes the amount of erosion created by development.
4. Develop an Erosion and Stormwater Quality Control Plan which specifies effective erosion, sediment, and stormwater quality control measures.
5. Follow the Erosion and Stormwater Quality Control Plan and revise it when necessary.

Site Assessment

Topography is the primary factor to be considered in determining the best management practices to be used at the site. Soils, vegetation, and hydrologic features must also be considered.

Final grading will determine the slope gradient and slope length of the disturbed area. Small areas, or subbasins, will be created that have relatively uniform characteristics of slope and slope length. After grading is completed, areas that remain exposed to precipitation and runoff will require the inclusion of BMPs. The overall size of subbasin areas will determine what BMPs are appropriate for each area.

Soil conditions should be assessed as to their potential for erosion and suitability for revegetation. A detailed analysis of soil-erosion potential is not necessary because all soils will be subject to erosion and can be generalized as equivalent for the design of BMPs.

In many land disturbing activities (excluding Hillside Overlay areas), significant vegetation will be removed from a construction site during clearing and grading operations. An assessment of existing vegetation on the site is of limited use when post-development landscaping and irrigation are planned, but can be useful in selecting grasses when non-irrigated revegetation is planned. Analysis of soil is useful to determine fertilizer requirements for vegetation establishment.

Analysis of streams and other hydrologic features of a site is important in the design of BMPs. The drainage basins upslope and within the site should be assessed. The

configuration of hillslope areas and drainageways, in the context of planned roads and buildings, will determine what erosion and sediment controls will be needed. The location of permanent drainage channels and other elements of the drainage system should be defined as a part of the plan.

Selection of Controls

The following guidelines are recommended in determining the appropriate BMPs for the site:

1. Determine the limits of clearing and grading. If the entire site will not undergo excavation and grading, the boundaries of cut-and-fill operations should be defined. Buffer strips of natural vegetation may be utilized as a control measure.
2. Define the layout of buildings and roads. This will have been decided previously as a part of the general development plan. If building layout is not final, the road areas stabilized with pavement and the drainage features related to roads should be defined as they relate to the plan.
3. Determine permanent drainage features. The location of permanent channels, storm sewers, detention ponds, roadside swales, and stormwater quality controls such as detention ponds, wetlands, grassed-lined swales, buffer strips, and areas of porous pavement, if known, should be defined.
4. Determine extent of temporary channel diversions. If permanent channel improvements are a part of the plan, the route, sizing, and lining needed for temporary channel diversions should be determined. Location and type of temporary channel crossings can be assessed.
5. Determine the boundaries of watersheds. The size of drainage basins will determine the types of sediment controls to be used. Areas located off the site that contribute overland flow runoff must be assessed. Measures to limit the size of upland overland flow areas, such as diversion dikes, may be initially considered at this stage.
6. Select sediment controls. Areas greater than one (1) acre will require that sediment basins be installed. Division of large drainage basins into subareas each served by a sediment basin can also be considered.
7. Areas smaller than one acre can utilize other sediment controls. Limitations on the size of areas served by individual controls are defined in these criteria.
8. Determine preliminary staging of construction. The schedule of construction will determine areas to be disturbed at various stages throughout development of the site. The opportunity for staging cut-and-fill operations to minimize the period of exposure of soils can be assessed. The sequence for installing sediment controls and erosion controls can also be determined at this time. This staging plan and schedule is subject to modification by the contractor in coordination with the City.
9. Identify locations of topsoil stockpiles. Areas for storing topsoil should be determined and noted as to a general location.

10. Identify location of temporary construction roads, vehicle tracking controls, and material storage areas. These three elements can be determined in the context of previously defined aspects of the plan.
11. Select Erosion Controls. All areas of exposed soil will require a control measure be defined dependent on the duration of exposure. These can be selected based on the schedule of construction.

Summary of Criteria

All runoff leaving a disturbed area shall pass through at least one BMP before it exits the site. The list below is a summary of recommended BMPs. Additional information on these BMPs can be found in section 3.3.

- Silt Fence. Silt fences shall be used at the perimeter of the site to prevent overland flows from transporting sediment off-site.
- Sediment Basin. Sediment basins are to be installed when the contributing area to be disturbed is greater than one (1) acre.
- Temporary Swales/Berms. Temporary swales are to be used to convey stormwater runoff to a sediment-trapping device or to divert runoff away from a slope face. Temporary swales can also be used at the perimeter of the site to prevent overland flows from transporting sediment off-site.
- Vehicle Tracking Controls. Whenever construction vehicles enter onto paved roads, provisions must be made to prevent the transport of sediment (mud and dirt) by vehicles tracking onto the paved surface. Sediment transported onto a public road, regardless of the size of the site, shall be cleaned at the end of each day.
- Check Dam. Check dams are to be used in open channels that receive flow from drainage areas between 1 and 10 acres, also in steeply sloped swales.
- Slope Drain. Slope drains shall be used to convey stormwater down steep slopes.
- Erosion Control Blankets. Erosion control blankets shall be installed in temporary swales with slopes greater than 2 percent, but less than 5 percent and with velocities less than 8 feet per second and on recently seeded slopes, as necessary. See Temporary Swale Figure TSW-3 for swales where slope is greater than 5% or velocity is greater than 8 feet per second.
- Inlet Protection. All storm sewer inlets made operable during construction must have sediment entrapment facilities installed to prevent sediment-laden runoff from entering the inlet.
- Surface Roughening. Surface roughening should be performed after final grading to create depressions two to four inches deep and four to six inches apart, parallel to contours.
- Temporary Mulching/Seeding. All disturbed areas must be properly mulched, or seeded and mulched, within 21 days after final grade is reached on any portion of the site not otherwise permanently stabilized.

- Chemicals, Oils and Material Storage. Areas used for storage of chemicals, petroleum-based products and waste materials, including solid and liquid waste, shall be designed to prevent discharge of these materials in the runoff from a construction site.
- Maintenance. All temporary and permanent erosion and sediment control practices shall be maintained and repaired by the owner during the construction phase as needed to assure continued performance of their intended function. All facilities must be inspected and then cleaned, repaired or replaced if necessary, following each precipitation or snowmelt event that results in runoff.

Additional Information Requirements/Modifications to Plan

City Requested

Additional information may be required for projects where the City Engineer deems that soil erosion, sedimentation, or stormwater quality control problems will not be adequately handled by the submitted plan. Such data may include, but not be limited to, other engineering studies, computations, schedules, and supportive data such as product design information and specifications as deemed necessary by the City Engineer.

It shall be understood that additional or revised BMPs may be required should construction site observation indicate the BMPs are not adequately controlling erosion, sedimentation or stormwater runoff from equipment fueling/maintenance and materials storage areas.

Owner/Contractor/Engineer Proposed

Minor field modifications may be approved by the City Engineering Inspector. Such modifications would include minor adjustments to BMP field locations or a change to a similar BMP to better correspond to actual site conditions or to improve BMP performance. No plan changes or formal written approval will be required, except that documentation of acceptance should be provided by the City Engineering Inspector to the contractor/owner. All other requested modifications shall be in writing and submitted to City Engineering. Such proposed modifications, including revised plans, shall be submitted at least ten (10) working days prior to desired date of implementation. City Engineering will re-approve the Plan/Permit if the proposed modifications are acceptable.

Plan Implementation

Acceptance

No clearing, grading, excavation, filling, or other land-disturbing activities shall be permitted until signoff and acceptance of the Grading Plan and Erosion and Stormwater Quality Control Plan is received from City Engineering.

Installation of BMPs

Once signoff and acceptance is received, the approved erosion and sediment control measures must be installed before land-disturbing activities are initiated so that no adverse effect of site alteration will impact surrounding property. These measures shall apply to all features of the construction site including, but not limited to, street and utility installations,

as well as to the protection of individual lots. During all phases of construction, it shall be the responsibility of those initiating such land disturbing activities to maintain all erosion control features in a functional manner.

City Inspections

Right to Inspect

The City shall have the right to enter the construction site at any time to determine if the site is in compliance with the plan.

Correction of Deficiencies

If the approved or implemented erosion, sediment and stormwater quality control BMPs are observed to be inadequate, as determined by the City Engineer, modifications to correct deficiencies shall be made immediately.

Record Keeping

1. The owner or developer shall retain all copies of the approved plan, all reports and inspections required by the permit and records of all data used to complete the plan.
2. The owner or developer shall retain a copy of the plan and all required reports and inspections at the construction site from the date of project initiation to the date of final stabilization, unless the City approves another location, specified by the owner or developer.

Guarantee

A financial assurance of all temporary and permanent BMPs included on the Erosion and Stormwater Quality Control Plan shall be provided, subject to current policies.

Relation to CDPS Stormwater Requirements

The Erosion and Stormwater Quality Control Plan has been structured to meet the requirements of the CDPS Stormwater Construction Permit, in addition to City requirements. It is anticipated that a single plan could meet both State and City requirements. However, City requirements for the Erosion and Stormwater Quality Control Plan are more inclusive than State requirements for a Stormwater Construction Permit. In addition, the developer should note that compliance with one program does not fill the need to comply with the other. Currently, a CDPS permit is required whenever the site disturbance exceeds 1 acre.

Consistency and Compliance with Other Plans and Regulations

Drainage, Grading, Utility, and Site Development Plans

The Erosion and Stormwater Quality Control Plan should be consistent with the final drainage report for a development and other plans including Grading Plans, site development plans, and utility facility plans. All hydrologic features of the drainage report should be incorporated into the site at the time of development. Permanent drainage features will be built during the construction phase. Temporary sediment controls can be

located and designed to take advantage of the final drainage design features. All temporary controls should be staged and removed at the appropriate time relative to the construction of permanent drainage features.

Stormwater Quality Plans

New developments may incorporate elements of permanent stormwater quality controls (BMPs) in the design of construction BMPs. The Erosion and Stormwater Quality Control Plan must be prepared consistent with these structural and nonstructural controls. If practical, temporary controls should be modified into permanent controls. Where possible, permanent stormwater quality controls should be constructed at the initial stages of construction, or modified at the end of construction.

Other Regulations

Compliance with all other local, State and Federal regulations is the responsibility of the owner, developer, contractor and engineer as it relates to the development and implementation of the Erosion and Stormwater Quality Control Plan.

3.3 Construction BMP Factsheets

This section provides a description, criteria for use, construction details/installation requirements, and maintenance requirements for the following Construction BMPs:

1. Check Dam.
2. Erosion Control Blankets.
3. Inlet Protection.
4. Mulching.
5. Sediment Basin.
6. Silt Fence.
7. Slope Drain.
8. Straw Bale Barriers.
9. Street Wash Water Associated with Construction Activities.
10. Surface Roughening.
11. Temporary Seeding.
12. Temporary Swale.
13. Vehicle Tracking.

App C – Civil Construction Documents



App D – State of Colorado Memo on 70% plant density and Copy of Construction General Permit COR-030000



STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

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

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

Memorandum

To: Stormwater Construction Permittees

From: Rik Gay, Permits Section, Water Quality Control Division

Date: March 5, 2013

RE: Final Stabilization requirements for stormwater construction permit termination
Alternatives to the 70% plant density re-vegetation requirement

The Water Quality Control Division (Division) prepared this guidance to clarify options available to permittees to achieve final stabilization at construction sites.

In accordance with Part 1.C.4.c of the CDPS General Permit for Stormwater Discharges Associated with Construction Activity (COR-300000) (the stormwater permit):

*“Final stabilization is reached when all ground surface disturbing activities at the site have been completed and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, **or equivalent permanent, physical erosion reduction methods have been employed.**”*

When vegetation is used to achieve final stabilization, the 70% vegetation requirement applies to a **uniform** plant density, which means that all areas of the site that rely on a vegetative cover to achieve stabilization must be uniformly vegetated.

As provided in the bolded text above, the stormwater permit allows the permittee to use alternatives to vegetation to achieve final stabilization. All alternatives to vegetation must meet specific criteria to be considered equivalent to vegetation (see below). Permittees must ensure these criteria are met when planning for final stabilization in the Stormwater Management Plan (SWMP).

- **Stabilization must be permanent:** All final stabilization methods, whether the permittee implements vegetation or an alternative to vegetation, must be permanent, and must be designed and implemented as such. Temporary measures, such as erosion control blankets that are designed to be removed or to degrade in place, are not permanent and cannot be used to meet the final stabilization requirements in the permit.
- **ALL disturbed areas must be stabilized:** Final stabilization is achieved at a facility when **all** disturbed areas are stabilized. Stabilization alternatives must be implemented in all disturbed areas where the permittee will not utilize vegetation to meet the 70% vegetation requirement.
- **Alternatives must follow good practices:** All stabilization practices must be selected, installed and implemented following good engineering, hydrologic and pollution control practices adequate to prevent pollution or degradation of State waters. Typically, industry-accepted criteria manuals that document the appropriate use of practices using selection criteria such as slope and slope length, soil type, flow

conditions, pollutant sources, etc., will meet this standard. To help ensure that the alternate stabilization practices meet this standard, the Division recommends that a Licensed Professional Landscape Architect or other appropriately trained specialist design them.

Further, the SWMP must include details specifying how any alternative stabilization practices will be installed and implemented in accordance with those good practices. For example, if landscape gravel cover is implemented, the permittee must rely on good landscaping design practices and specifications for **permanent** rock cover, including proper soil preparation, underlayment, slope limitation, etc. in accordance with the industry-accepted criteria used.

Examples of practices that may be considered for alternative stabilization include:

- **Permanent Pavement and Buildings:** Permanent impervious areas, including roofed buildings, asphalt, and concrete meet the alternative stabilization criteria as long as they are designed and implemented to minimize erosion and are permanent. Note that when permanent impervious areas are part of the overall site plan and not implemented for the purposes of stabilization, it is not necessary to provide specifications for their use in the SWMP. Temporary coverings such as tarps and shelters with roofs that allow precipitation or runoff to contact underlying soils are **not** considered permanent stabilization practices.
- **Hardscape:** May be used where the upper soil profile is not exposed and the materials, including underlayment as necessary, are appropriate for slopes and other conditions. Hardscape must be designed to minimize erosion, e.g. must prevent rill erosion. The SWMP must include the design details including the underlayment type and fasteners. An example of an installation that does not meet the criteria of good engineering practices is spreading rock on a site without determining the necessary depth and underlayment to prevent erosion of the underlying soils.
- **Geogrid:** A geosynthetic material mainly used to permanently reinforce soil by interlocking with the soil to improve stabilization. Geosynthetic material must be designed to minimize erosion, e.g. must prevent rill erosion. Applications include base stabilization in areas slow to vegetate, highly erosive soils, steepened slopes, and embankments constructed over weak soils. A wide variety of such materials are available, for example, products such as Turf Reinforcement Mat (TRM), which provides a permanent alternative to hard armor erosion protection, and can withstand prolonged exposure to UV light with negligible degradation.
- **Xeriscape:** Landscape design that minimizes water requirements must be designed and implemented in such a way that area(s) will not have rill or other erosion between plants, including such practices as providing cover with rocks and/or bark.
- **Compacted and Stabilized Unpaved Driving Surfaces:** Includes areas such as stabilized gravel roads and parking areas. Stabilized unpaved surfaces must follow good engineering practices for slopes, preventing concentrated flow, compaction, and surface cover appropriate for traffic, etc. The surface must be designed, graded, compacted and otherwise prepared in such a way as to minimize erosion, e.g. prevent rill erosion.

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

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CDPS GENERAL PERMIT
STORMWATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY
AUTHORIZATION TO DISCHARGE UNDER THE
COLORADO DISCHARGE PERMIT SYSTEM

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 (and specific allowable non-stormwater discharges in accordance with Part I.D.3 of the permit) certified under this permit, from those locations specified throughout the State of Colorado to specified waters of the State. Such discharges shall be in accordance with the conditions of this permit.

This permit specifically authorizes the facility listed on page 1 of this permit to discharge, as of this date, in accordance with permit requirements and conditions set forth in Parts I and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

This permit and the authorization to discharge shall expire at midnight, **June 30, 2012**.

Issued and Signed this 31st day of May, 2007

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Janet S. Kieler
Permits Section Manager
Water Quality Control Division

SIGNED AND ISSUED MAY 31, 2007

EFFECTIVE JULY 1, 2007

ADMINISTRATIVELY
CONTINUED EFFECTIVE
JULY 1, 2012

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PART I

A. COVERAGE UNDER THIS PERMIT

1. **Authority to Discharge**

Under this permit, facilities are granted authorization to discharge stormwater associated with construction activities into waters of the state of Colorado. This permit also authorizes the discharge of specific allowable non-stormwater discharges, in accordance with Part I.D.3 of the permit, which includes discharges to the ground. This includes stormwater discharges from areas that are dedicated to producing earthen materials, such as soils, sand and gravel, for use at a single construction site (i.e., borrow or fill areas). This permit also authorizes stormwater discharges from dedicated asphalt batch plants and dedicated concrete batch plants. (Coverage under the construction site permit is not required for batch plants if they have alternate CDPS permit coverage.) This permit does not authorize the discharge of mine water or process water from such areas.

- a) **Applicable Sections:** In accordance with Part I.A.3 of this permit, some parts of this permit do not apply to sites covered under a Qualifying Local Program, as defined in I.A.2.d. For sites not covered by a Qualifying Local Program, all parts of the permit apply except Part I.A.3. The permittee will be responsible for determining and then complying with the applicable sections.
- b) **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 (5CCR 1002-61), and require coverage under this permit in accordance with that regulation. However, references in this permit to specific authority under the Federal Clean Water Act (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.

2. **Definitions**

- a) **Stormwater:** Stormwater is precipitation-induced surface runoff.
- b) **Construction activity:** Construction activity refers to ground surface disturbing activities, 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 original line and grade, hydraulic capacity, or original purpose of the facility.
- c) **Small construction activity:** Stormwater discharge associated with small construction activity means 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 will ultimately disturb equal to or greater than one and less than five acres.
- d) **Qualifying Local Program:** This permit includes conditions that incorporate qualifying local erosion and sediment control program (Qualifying Local Program) requirements by reference. A Qualifying Local Program is a municipal stormwater program for stormwater discharges associated with small construction activity that has been formally approved by the Division.

Other Definitions: Definitions of additional terms can be found in Part I.E. of this permit.

3. **Permit Coverage Without Application** – for small construction activities under a Qualifying Local Program **only**

If a small construction site is within the jurisdiction of a Qualifying Local Program, the operator of the construction activity is authorized to discharge stormwater associated with small construction activity under this general permit without the submittal of an application to the Division.

- a) **Applicable Sections:** For sites covered by a Qualifying Local Program, only Parts 1.A.1, 1.A.2, 1.A.3, I.D.1, I.D.2, I.D.3, I.D.4, I.D.7, I.D.8, I.D.11, I.E and Part II of this permit, with the exception of Parts II.A.1, II.B.3, II.B.8, and II.B10, apply.

A. COVERAGE UNDER THIS PERMIT (cont.)

- b) **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.
- c) **Permit Coverage Termination:** When a site under a Qualifying Local Program has been finally stabilized, coverage under this permit is automatically terminated.
- d) **Compliance with Qualifying Local Program:** A construction site operator that has authorization to discharge under this permit under Part I.A.3 shall comply with the requirements of the Qualifying Local Program with jurisdiction over the site.
- e) **Full Permit Applicability:** The Division may require any operator within the jurisdiction of a Qualifying Local Program covered under this permit to apply for and obtain coverage under the full requirements of this permit. The operator must be notified in writing that an application for full coverage is required. When a permit certification under this permit is issued to an operator that would otherwise be covered under Part I.A.3 of this permit, the full requirements of this permit replace the requirements as per Part I.A.3 of this permit, upon the effective date of the permit certification. A site brought under the full requirements of this permit must still comply with local stormwater management requirements, policies or guidelines as required by Part I.D.1.g of this permit.

4. **Application, Due Dates**

- a) **Application Due Dates:** At least **ten calendar days** prior to the commencement of construction activities, the applicant shall submit an application form as provided by the Division, with a certification that the Stormwater Management Plan (SWMP) is complete.

One original completed discharge permit application shall be submitted, by mail or hand delivery, to:

Colorado Department of Public Health and Environment
Water Quality Control Division
WQCD-Permits-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

- b) **Summary of Application:** The application requires, at a minimum, the following:
 - 1) The applicant's company name; address; telephone number; and email address (if available); whether the applicant is the owner, developer, or contractor; and local contact information;
 - 2) Project name, address, county and location of the construction site, including the latitude and longitude to the nearest 15 seconds of the approximate center of the construction activity;
 - 3) Legal description or map of the construction site;
 - 4) Estimates of: the total area of the site, the area of the site that is expected to be disturbed, and the total area of the larger common plan of development or sale to undergo disturbance;
 - 5) The nature of the construction activity;
 - 6) The anticipated start date and final stabilization date for the project;
 - 7) The name of the receiving water(s), or the municipal separate storm sewer system and the ultimate (i.e., named) receiving water(s);
 - 8) Certification that the SWMP for the construction site is complete (see Part I.C. below); and
 - 9) The signature of the applicant, signed in accordance with Part I.F.1 of this permit.

5. **Permit Certification Procedures**

If this general permit is appropriate for the applicant's operation, then a certification will be developed and the applicant will be authorized to discharge stormwater under this general permit.

- a) **Request for Additional Information:** The Division shall have up to **ten calendar days** after receipt of the above information to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information, the Division shall have an additional **ten calendar days** to issue or deny authorization for the particular discharge. (Notification of denial shall be by letter, in cases where coverage under an alternate general permit or an individual permit is required, instead of coverage under this permit.)

A. COVERAGE UNDER THIS PERMIT (cont.)

- b) **Automatic Coverage:** If the applicant does not receive a request for additional information or a notification of denial from the Division dated within ten calendar days of receipt of the application by the Division, authorization to discharge in accordance with the conditions of this permit shall be deemed granted.
- c) **Individual Permit Required:** If, after evaluation of the application (or additional information, such as the SWMP), it is found that this general permit is not appropriate for the operation, then the application will be processed as one for an individual permit. The applicant will be notified of the Division's decision to deny certification under this general permit. For an individual permit, additional information may be requested, and 180 days may be required to process the application and issue the permit. At the Division's discretion, temporary coverage under this general permit may be allowed until the individual permit goes into effect.
- d) **General vs. Individual Permit Coverage:** Any permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual CDPS permit. The permittee shall submit an individual application, with reasons supporting the request, to the Division at least 180 days prior to any discharge.
- e) **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.

6. **Inactivation Notice**

When a site has been finally stabilized in accordance with the SWMP, the permittee must submit an **Inactivation Notice** form that is signed in accordance with Part I.F.1. of this permit. The Inactivation Notice form is available from the Division and includes:

- a) Permit certification number;
- b) The permittee's name, address, telephone number;
- c) Name, location, and county for the construction site for which the inactivation notice is being submitted; and
- d) Certification that the site has been finally stabilized, and a description of the final stabilization method(s).

7. **Transfer of Permit**

When responsibility for stormwater discharges at a construction site changes from one entity to another, the permittee shall submit a completed **Notice of Transfer and Acceptance of Terms** form that is signed in accordance with Part I.F.1. of this permit. The Notice of Transfer form is available from the Division and includes:

- a) Permit certification number;
- b) Name, location, and county for the construction site for which the Notice of Transfer is being submitted;
- c) Identifying information for the new permittee;
- d) Identifying information for the current permittee; and
- e) Effective date of transfer.

If the new responsible party will not complete the transfer form, the permit may be inactivated upon written request to the Division and completion of the Inactivation Notice if the permittee has no legal responsibility, through ownership or contract, for the construction activities at the site. In this case, the new owner or operator would be required to obtain permit coverage separately.

8. **Reassignment of Permit**

When a permittee no longer has control of a specific portion of a permitted site, and wishes to transfer coverage of that portion of the site to a second party, the permittee shall submit a completed **Notice of Reassignment of Permit Coverage** form that is signed in accordance with Part I.F.1. of this permit. The Notice of Reassignment of Permit Coverage form is available from the Division and includes:

- a) Current permit certification number;
- b) Identifying information and certification as required by Part I.A.4.b for the new permittee;
- c) Identifying information for the current permittee, revised site information and certification for reassignment; and
- d) Effective date of reassignment.

A. COVERAGE UNDER THIS PERMIT (cont.)

If the new responsible party will not complete the reassignment form, the applicable portion of the permitted site may be removed from permit coverage upon written request to the Division if the permittee has no legal responsibility, through ownership or contract, for the construction activities at the portion of the site. In this case, the new owner or operator would be required to obtain permit coverage separately.

9. **Sale of Residence to Homeowners**

For residential construction only, when a residential lot **has been conveyed to a homeowner** and all criteria in paragraphs a through e, below, are met, coverage under this permit is no longer required and the conveyed lot may be removed from coverage under the permittee's certification. At such time, the permittee is no longer responsible for meeting the terms and conditions of this permit for the conveyed lot, including the requirement to transfer or reassign permit coverage. The permittee remains responsible for inactivation of the original certification.

- a) The lot has been sold to the homeowner(s) for private residential use;
- b) the lot is less than one acre of disturbed area;
- c) all construction activity conducted by the permittee on the lot is completed;
- d) a certificate of occupancy (or equivalent) has been awarded to the home owner; and
- e) the SWMP has been amended to indicate the lot is no longer covered by permit.

Lots not meeting all of the above criteria require continued permit coverage. However, this permit coverage may be transferred (Part I.A.7, above) or reassigned (Part I.A.8, above) to a new owner or operator.

10. **Permit Expiration Date**

Authorization to discharge under this general permit shall expire on June 30, 2012. The Division must evaluate and reissue this general permit at least once every five years and must recertify the permittee's authority to discharge under the general permit at such time. Therefore, a permittee desiring continued coverage under the general permit must reapply by March 31, 2012. The Division will initiate the renewal process; however, it is ultimately the permittee's responsibility to ensure that the renewal is submitted. The Division will determine if the permittee may continue to operate 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.

11. **Individual Permit Criteria**

Various criteria can be used in evaluating whether or not an individual (or alternate general) permit is required instead of this general permit. This information may come from the application, SWMP, or additional information as requested by the Division, and includes, but is not limited to, the following:

- a) the quality of the receiving waters (i.e., the presence of downstream drinking water intakes or a high quality fishery, or for preservation of high quality water);
- b) the size of the construction site;
- c) evidence of noncompliance under a previous permit for the operation;
- d) the use of chemicals within the stormwater system; or
- e) discharges of pollutants of concern to waters for which there is an established Total Maximum Daily Load (TMDL).

In addition, an individual permit may be required when the Division has shown or has reason to suspect that the stormwater discharge may contribute to a violation of a water quality standard.

B. STORMWATER MANAGEMENT PLAN (SWMP) – **GENERAL REQUIREMENTS**

1. A SWMP shall be developed for each facility covered by this permit. The SWMP shall be prepared in accordance with good engineering, hydrologic and pollution control practices. (The SWMP need not be prepared by a registered engineer.)

B. STORMWATER MANAGEMENT PLAN (SWMP) – **GENERAL REQUIREMENTS** (cont.)

2. The SWMP shall:
 - a) Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the facility;
 - b) Describe the practices to be used to reduce the pollutants in stormwater discharges associated with construction activity at the facility; and ensure the practices are selected and described in accordance with good engineering practices, including the installation, implementation and maintenance requirements; and
 - c) Be properly prepared, and updated in accordance with Part I.D.5.c, to ensure compliance with the terms and conditions of this permit.
3. Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit. The Division reserves the right to review the SWMP, and to require the permittee to develop and implement additional measures to prevent and control pollution as needed.
4. The SWMP may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the CWA, or Best Management Practices (BMPs) Programs otherwise required by a separate CDPS permit, and may incorporate any part of such plans into the SWMP by reference, provided that the relevant sections of such plans are available as part of the SWMP consistent with Part I.D.5.b.
5. For any sites with permit coverage before June 30, 2007, the permittee's SWMP must meet the new SWMP requirements as summarized in Section II.I of the rationale. Any needed changes must be made by **October 1, 2007**.

C. STORMWATER MANAGEMENT PLAN (SWMP) – **CONTENTS**

The SWMP shall include the following items, at a minimum.

1. **Site Description.** The SWMP shall clearly describe the construction activity, to include:
 - a) The nature of the construction activity at the site.
 - b) The proposed sequence for major activities.
 - c) Estimates of the total area of the site, and the area and location expected to be disturbed by clearing, excavation, grading, or other construction activities.
 - d) A summary of any existing data used in the development of the site construction plans or SWMP that describe the soil or existing potential for soil erosion.
 - e) A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
 - f) The location and description of all potential pollution sources, including ground surface disturbing activities (see Part I.A.2.b), vehicle fueling, storage of fertilizers or chemicals, etc.
 - g) The location and description of any anticipated allowable sources of non-stormwater discharge at the site, e.g., uncontaminated springs, landscape irrigation return flow, construction dewatering, and concrete washout.
 - h) The name of the receiving water(s) and the size, type and location of any outfall(s). If the stormwater discharge is to a municipal separate storm sewer system, the name of that system, the location of the storm sewer discharge, and the ultimate receiving water(s).
2. **Site Map.** The SWMP shall include a legible site map(s), showing the entire site, identifying:
 - a) construction site boundaries;
 - b) all areas of ground surface disturbance;
 - c) areas of cut and fill;
 - d) areas used for storage of building materials, equipment, soil, or waste;
 - e) locations of dedicated asphalt or concrete batch plants;
 - f) locations of all structural BMPs;
 - g) locations of non-structural BMPs as applicable; and
 - h) locations of springs, streams, wetlands and other surface waters.

C. STORMWATER MANAGEMENT PLAN (SWMP) – CONTENTS (cont.)

3. **Stormwater Management Controls.**

The SWMP must include a description of all stormwater management controls that will be implemented as part of the construction activity to control pollutants in stormwater discharges. The appropriateness and priorities of stormwater management controls in the SWMP shall reflect the potential pollutant sources identified at the facility.

The description of stormwater management controls shall address the following components, at a minimum:

- a) **SWMP Administrator** - The SWMP shall identify a specific individual(s), position or title who is responsible for developing, implementing, maintaining, and revising the SWMP. The activities and responsibilities of the administrator shall address all aspects of the facility's SWMP.
- b) **Identification of Potential Pollutant Sources** - All potential pollutant sources, including materials and activities, at a site must be evaluated for the potential to contribute pollutants to stormwater discharges. The SWMP shall identify and describe those sources determined to have the potential to contribute pollutants to stormwater discharges, and the sources must be controlled through BMP selection and implementation, as required in paragraph (c), below.

At a minimum, each of the following sources and activities shall be evaluated for the potential to contribute pollutants to stormwater discharges, and identified in the SWMP if found to have such potential:

- 1) all disturbed and stored soils;
 - 2) vehicle tracking of sediments;
 - 3) management of contaminated soils;
 - 4) loading and unloading operations;
 - 5) outdoor storage activities (building materials, fertilizers, chemicals, etc.);
 - 6) vehicle and equipment maintenance and fueling;
 - 7) significant dust or particulate generating processes;
 - 8) routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc.;
 - 9) on-site waste management practices (waste piles, liquid wastes, dumpsters, etc.);
 - 10) concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment;
 - 11) dedicated asphalt and concrete batch plants;
 - 12) non-industrial waste sources such as worker trash and portable toilets; and
 - 13) other areas or procedures where potential spills can occur.
- c) **Best Management Practices (BMPs) for Stormwater Pollution Prevention** - The SWMP shall identify and describe appropriate BMPs, including, but not limited to, those required by paragraphs 1 through 8 below, that will be implemented at the facility to reduce the potential of the sources identified in Part I.C.3.b to contribute pollutants to stormwater discharges. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP to ensure proper implementation, operation and maintenance of the BMP.
 - 1) Structural Practices for Erosion and Sediment Control. The SWMP shall clearly describe and locate all structural practices implemented at the site to minimize erosion and sediment transport. Practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins.
 - 2) Non-Structural Practices for Erosion and Sediment Control. The SWMP shall clearly describe and locate, as applicable, all non-structural practices implemented at the site to minimize erosion and sediment transport. Description must include interim and permanent stabilization practices, and site-specific scheduling for implementation of the practices. The SWMP should include practices to ensure that existing vegetation is preserved where possible. Non-structural practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees, and preservation of mature vegetation.

C. STORMWATER MANAGEMENT PLAN (SWMP) – CONTENTS (cont.)

- 3) Phased BMP Implementation. The SWMP shall clearly describe the relationship between the phases of construction, and the implementation and maintenance of both structural and non-structural stormwater management controls. The SWMP must identify the stormwater management controls to be implemented during the project phases, which can include, but are not limited to, clearing and grubbing; road construction; utility and infrastructure installation; vertical construction; final grading; and final stabilization.
- 4) Materials Handling and Spill Prevention. The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials (see definitions at Part I.E.) that could contribute pollutants to runoff. Such procedures or significant materials could include: exposed storage of building materials; paints and solvents; fertilizers or chemicals; waste material; and equipment maintenance or fueling procedures.

Areas or procedures where potential spills can occur must have spill prevention and response procedures identified in the SWMP.

- 5) Dedicated Concrete or Asphalt Batch Plants. The SWMP shall clearly describe and locate all practices implemented at the site to control stormwater pollution from dedicated concrete batch plants or dedicated asphalt batch plants covered by this certification.
- 6) Vehicle Tracking Control. The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking. Practices must be implemented for all areas of potential vehicle tracking, and can include: minimizing site access; street sweeping or scraping; tracking pads; graveled parking areas; requiring that vehicles stay on paved areas on-site; wash racks; contractor education; and/or sediment control BMPs, etc.
- 7) Waste Management and Disposal, Including Concrete Washout.
 - i) The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes (liquid and solid), including concrete washout activities.
 - ii) The practices used for concrete washout must ensure that these activities do not result in the contribution of pollutants associated with the washing activity to stormwater runoff.
 - iii) Part I.D.3.c of the permit authorizes the conditional discharge of concrete washout water to the ground. The SWMP shall clearly describe and locate the practices to be used that will ensure that no washout water from concrete washout activities is discharged from the site as surface runoff or to surface waters.
- 8) Groundwater and Stormwater Dewatering.
 - i) The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater from excavations, wells, etc.
 - ii) Part I.D.3.d of the permit authorizes the conditional discharge of construction dewatering to the ground. For any construction dewatering of groundwater not authorized under a separate CDPS discharge permit, the SWMP shall clearly describe and locate the practices to be used that will ensure that no groundwater from construction dewatering is discharged from the site as surface runoff or to surface waters.

4. **Final Stabilization and Long-term Stormwater Management**

- a) The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site, and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.
- b) Final stabilization practices for obtaining a vegetative cover should include, as appropriate: seed mix selection and application methods; soil preparation and amendments; soil stabilization practices (e.g., crimped straw, hydro mulch or rolled erosion control products); and appropriate sediment control BMPs as needed until final stabilization is achieved; etc.

C. STORMWATER MANAGEMENT PLAN (SWMP) – CONTENTS (cont.)

- c) Final stabilization is reached when all ground surface disturbing activities at the site have been completed, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

The Division may, after consultation with the permittee and upon good cause, amend the final stabilization criteria in this section for specific operations.

5. **Inspection and Maintenance**

Part I.D.6 of the permit includes requirements for site inspections. Part I.D.7 of the permit includes requirements for BMP maintenance. The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control practices and other protective practices identified in the SWMP, in good and effective operating condition.

D. TERMS AND CONDITIONS

1. **General Limitations**

The following limitations shall apply to all discharges covered by this permit:

- a) Stormwater discharges from construction activities shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any water quality standard, including narrative standards for water quality.
- b) Concrete washout water shall not be discharged to state surface waters or to storm sewer systems. On-site permanent disposal of concrete washout waste is not authorized by this permit. Discharge to the ground of concrete washout waste that will subsequently be disposed of off-site is authorized by this permit. See Part I.D.3.c of the permit.
- c) Bulk storage structures for petroleum products and any other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering State waters.
- d) No chemicals are to be added to the discharge unless permission for the use of a specific chemical is granted by the Division. In granting the use of such chemicals, special conditions and monitoring may be addressed by separate correspondence.
- e) The Division reserves the right to require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that compliance with the SWMP is a problem, or to measure the effectiveness of the BMPs in removing pollutants in the effluent. Such monitoring may include Whole Effluent Toxicity testing.
- f) All site wastes must be properly managed to prevent potential pollution of State waters. This permit does not authorize on-site waste disposal.
- g) All dischargers must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts and other local agencies regarding any discharges of stormwater to storm drain systems or other water courses under their jurisdiction, including applicable requirements in municipal stormwater management programs developed to comply with CDPS permits. Dischargers must comply with local stormwater management requirements, policies or guidelines including erosion and sediment control.

2. **BMP Implementation and Design Standards**

Facilities must select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of State waters.

D. TERMS AND CONDITIONS (cont.)

3. **Prohibition of Non-Stormwater Discharges**

- a) Except as provided in paragraphs b, c, and d below, **all discharges covered by this permit shall be composed entirely of stormwater associated with construction activity.** Discharges of material other than stormwater must be addressed in a separate CDPS permit issued for that discharge.
- b) Discharges from the following sources that are combined with stormwater discharges associated with construction activity may be authorized by this permit, provided that the non-stormwater component of the discharge is identified in the SWMP (see Part I.C.1.g of this permit):
 - emergency fire fighting activities
 - landscape irrigation return flow
 - uncontaminated springs
- c) Discharges to the ground of concrete washout water from washing of tools and concrete mixer chutes may be authorized by this permit, provided that:
 - 1) the source is identified in the SWMP;
 - 2) BMPs are included in the SWMP in accordance with Part I.C.3(c)(7) and to prevent pollution of groundwater in violation of Part I.D.1.a; and
 - 3) these discharges do not leave the site as surface runoff or to surface waters
- d) Discharges to the ground of water from construction dewatering activities may be authorized by this permit, provided that:
 - 1) the source is groundwater and/or groundwater combined with stormwater that does not contain pollutants in concentrations exceeding the State groundwater standards in Regulations 5 CCR 1002-41 and 42;
 - 2) the source is identified in the SWMP;
 - 3) BMPs are included in the SWMP, as required by Part I.C.3(c)(8); and
 - 4) these discharges do not leave the site as surface runoff or to surface waters.

Discharges to the ground from construction dewatering activities that do not meet the above criteria must be covered under a separate CDPS discharge permit. Contaminated groundwater requiring coverage under a separate CDPS discharge permit may include groundwater contaminated with pollutants from a landfill, mining activity, industrial pollutant plume, underground storage tank, or other source.

4. **Releases in Excess of Reportable Quantities**

This permit does not relieve the permittee of the reporting requirements of 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.A.3 of the permit).

5. **SWMP Requirements**

- a) **SWMP Preparation and Implementation:** The SWMP shall be prepared prior to applying for coverage under the general permit, and certification of its completion submitted with the application. The SWMP shall be implemented prior to commencement of construction activities. The plan shall be updated as appropriate (see paragraph c, below), below). SWMP provisions shall be implemented until expiration or inactivation of permit coverage.
- b) **SWMP Retention Requirements:** A copy of the SWMP must be retained on site unless another location, specified by the permittee, is approved by the Division.
- c) **SWMP Review/Changes:** The permittee shall amend the SWMP:
 - 1) when there is a change in design, construction, operation, or maintenance of the site, which would require the implementation of new or revised BMPs; or
 - 2) if the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity; or

D. TERMS AND CONDITIONS (cont.)

- 3) when BMPs are no longer necessary and are removed.

SWMP changes shall be made prior to changes in the site conditions, except as allowed for in paragraph d, below. SWMP revisions may include, but are not limited to: potential pollutant source identification; selection of appropriate BMPs for site conditions; BMP maintenance procedures; and interim and final stabilization practices. The SWMP changes may include a schedule for further BMP design and implementation, provided that, if any interim BMPs are needed to comply with the permit, they are also included in the SWMP and implemented during the interim period.

- d) **Responsive SWMP Changes:** SWMP changes addressing BMP installation and/or implementation are often required to be made in response to changing conditions, or when current BMPs are determined ineffective. The majority of SWMP revisions to address these changes can be made immediately with quick in-the-field revisions to the SWMP. In the less common scenario where more complex development of materials to modify the SWMP is necessary, SWMP revisions shall be made in accordance with the following requirements:
 - 1) the SWMP shall be revised as soon as practicable, but in no case more than 72 hours after the change(s) in BMP installation and/or implementation occur at the site, and
 - 2) a notation must be included in the SWMP prior to the site change(s) that includes the time and date of the change(s) in the field, an identification of the BMP(s) removed or added, and the location(s) of those BMP(s).

6. **Inspections**

Site inspections must be conducted in accordance with the following requirements and minimum schedules. The required minimum inspection schedules do not reduce or eliminate the permittee's responsibility to implement and maintain BMPs in good and effective operational condition, and in accordance with the SWMP, which could require more frequent inspections.

- a) **Minimum Inspection Schedule:** The permittee shall, at a minimum, make a thorough inspection, in accordance with the requirements in I.D.6.b below, at least once every 14 calendar days. Also, post-storm event inspections must be conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. Provided the timing is appropriate, the post-storm inspections may be used to fulfill the 14-day routine inspection requirement. A more frequent inspection schedule than the minimum inspections described may be necessary, to ensure that BMPs continue to operate as needed to comply with the permit. The following conditional modifications to this Minimum Inspection Schedule are allowed:
 - 1) **Post-Storm Event Inspections at Temporarily Idle Sites** – If no construction activities will occur following a storm event, post-storm event inspections shall be conducted prior to re-commencing construction activities, but no later than 72 hours following the storm event. The occurrence of any such delayed inspection must be documented in the inspection record. Routine inspections still must be conducted at least every 14 calendar days.
 - 2) **Inspections at Completed Sites/Areas** – For sites or portions of sites that meet the following criteria, but final stabilization has not been achieved due to a vegetative cover that has not become established, the permittee shall make a thorough inspection of their stormwater management system at least once every month, and post-storm event inspections are not required. This reduced inspection schedule is *only* allowed if:
 - i) all construction activities that will result in surface ground disturbance are completed;
 - ii) all activities required for final stabilization, in accordance with the SWMP, have been completed, with the exception of the application of seed that has not occurred due to seasonal conditions or the necessity for additional seed application to augment previous efforts; and
 - iii) the SWMP has been amended to indicate those areas that will be inspected in accordance with the reduced schedule allowed for in this paragraph.

D. TERMS AND CONDITIONS (cont.)

- 3) **Winter Conditions Inspections Exclusion** – Inspections are not required at sites where construction activities are temporarily halted, snow cover exists over the entire site for an extended period, and melting conditions posing a risk of surface erosion do not exist. This exception is applicable only during the period where melting conditions do not exist, and applies to the routine 14-day and monthly inspections, as well as the post-storm-event inspections. The following information must be documented in the inspection record for use of this exclusion: dates when snow cover occurred, date when construction activities ceased, and date melting conditions began. Inspections, as described above, are required at all other times.

When site conditions make the schedule required in this section impractical, the permittee may petition the Division to grant an alternate inspection schedule.

b) **Inspection Requirements**

- 1) **Inspection Scope** - The construction site perimeter, all disturbed areas, material and/or waste storage areas that are exposed to precipitation, discharge locations, and locations where vehicles access the site shall 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. All erosion and sediment control practices identified in the SWMP shall be evaluated to ensure that they are maintained and operating correctly.
- 2) **Inspection Report/Records** - The permittee shall keep a record of inspections. Inspection reports must identify any incidents of non-compliance with the terms and conditions of this permit. Inspection records must be retained for three years from expiration or inactivation of permit coverage. At a minimum, the inspection report must include:

- i) The inspection date;
- ii) Name(s) and title(s) of personnel making the inspection;
- iii) Location(s) of discharges of sediment or other pollutants from the site;
- iv) Location(s) of BMPs that need to be maintained;
- v) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- vi) Location(s) where additional BMPs are needed that were not in place at the time of inspection;
- vii) Deviations from the minimum inspection schedule as provided in Part I.D.6.a above;
- vii) Description of corrective action for items iii, iv, v, and vi, above, dates corrective action(s) taken, and measures taken to prevent future violations, including requisite changes to the SWMP, as necessary; and
- viii) After adequate corrective action(s) has been taken, or where a report does not identify any incidents requiring corrective action, the report shall contain a signed statement indicating the site is in compliance with the permit to the best of the signer's knowledge and belief.

- c) **Required Actions Following Site Inspections** – Where site inspections note the need for BMP maintenance activities, BMPs must be maintained in accordance with the SWMP and Part I.D.7 of the permit. Repair, replacement, or installation of new BMPs determined necessary during site inspections to address ineffective or inadequate BMPs must be conducted in accordance with Part I.D.8 of the permit. SWMP updates required as a result of deficiencies in the SWMP noted during site inspections shall be made in accordance with Part I.D.5.c of the permit.

7. **BMP Maintenance**

All erosion and sediment control practices and other protective measures identified in the SWMP must be maintained in effective operating condition. Proper selection and installation of BMPs and implementation of comprehensive Inspection and Maintenance procedures, in accordance with the SWMP, should be adequate to meet this condition. BMPs that are not adequately maintained in accordance with good engineering, hydrologic and pollution control practices, including removal of collected sediment outside the acceptable tolerances of the BMPs, are considered to be no longer operating effectively and must be addressed in accordance with Part I.D.8, below. A specific timeline for implementing maintenance procedures is not included in this permit because BMP maintenance is expected to be proactive, not responsive. Observations resulting in BMP maintenance activities can be made during a site inspection, or during general observations of site conditions.

D. TERMS AND CONDITIONS (cont.)

8. **Replacement and Failed BMPs**

Adequate site assessment must be performed as part of comprehensive Inspection and Maintenance procedures, to assess the adequacy of BMPs at the site, and the necessity of changes to those BMPs to ensure continued effective performance. Where site assessment results in the determination that new or replacement BMPs are necessary, the BMPs must be installed to ensure on-going implementation of BMPs as per Part I.D.2.

Where BMPs have failed, resulting in noncompliance with Part I.D.2, they must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants.

When new BMPs are installed or BMPs are replaced, the SWMP must be updated in accordance with Part I.D.5(c).

9. **Reporting**

No scheduled reporting requirements are included in this permit; however, the Division reserves the right to request that a copy of the inspection reports be submitted.

10. **SWMP Availability**

A copy of the SWMP shall be provided upon request to the Division, EPA, or any local agency in charge of approving sediment and erosion plans, grading plans or stormwater management plans, and within the time frame specified in the request. If the SWMP is required to be submitted to any of these entities, it must include a signed certification in accordance with Part I.F.1 of the permit, certifying that the SWMP is complete and meets all permit requirements.

All SWMPs required under this permit are considered reports that shall be available to the public under Section 308(b) of the CWA and Section 61.5(4) of the Colorado Discharge Permit System Regulations. The permittee shall make plans available to members of the public upon request. However, the permittee may claim any portion of a SWMP as confidential in accordance with 40 CFR Part 2.

11. **Total Maximum Daily Load (TMDL)**

If a TMDL has been approved for any waterbody into which the permittee discharges, and stormwater discharges associated with construction activity have been assigned a pollutant-specific Wasteload Allocation (WLA) under the TMDL, the Division will either:

- a) Ensure that the WLA is being implemented properly through alternative local requirements, such as by a municipal stormwater permit; or
- b) Notify the permittee of the WLA, and amend the permittee's certification to add specific BMPs and/or other requirements, as appropriate. The permittee may be required to do the following:
 - 1) Under the permittee's SWMP, implement specific management practices based on requirements of the WLA, and evaluate whether the requirements are being met through implementation of existing stormwater BMPs or if additional BMPs are necessary. Document the calculations or other evidence that show that the requirements are expected to be met; and
 - 2) If the evaluation shows that additional or modified BMPs are necessary, describe the type and schedule for the BMP additions/revisions.

Discharge monitoring may also be required. The permittee may maintain coverage under the general permit provided they comply with the applicable requirements outlined above. The Division reserves the right to require individual or alternate general permit coverage.

E. ADDITIONAL DEFINITIONS

For the purposes of this permit:

1. **Best Management Practices (BMPs):** schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, pollution prevention, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage.
2. **Dedicated asphalt plants and concrete plants:** portable asphalt plants and concrete plants that are located on or adjacent to a construction site and that provide materials only to that specific construction site.
3. **Final stabilization:** when all ground surface disturbing activities at the site have been completed, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. For purposes of this permit, establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site will be considered final stabilization.
4. **Municipal separate storm sewer system:** a conveyance or system of conveyances (including: roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), owned or operated by a State, city, town, county, district, or other public body (created by state law), having jurisdiction over disposal of sewage, industrial waste, stormwater, or other wastes; designed or used for collecting or conveying stormwater.
5. **Operator:** the entity that has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, the developer, the general contractor or the agent of one of these parties, in some circumstances. It is anticipated that at different phases of a construction project, different types of parties may satisfy the definition of 'operator' and that the permit may be transferred as the roles change.
6. **Outfall:** a point source at the point where stormwater leaves the construction site and discharges to a receiving water or a stormwater collection system.
7. **Part of a larger 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.
8. **Point source:** any discernible, confined and discrete conveyance from which pollutants are or may be discharged. Point source discharges of stormwater result from structures which increase the imperviousness of the ground which acts to collect runoff, with runoff being conveyed along the resulting drainage or grading pattern.
9. **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.
10. **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. This definition includes mine drainage.
11. **Receiving Water:** any classified stream segment (including tributaries) in the State of Colorado into which stormwater related to construction activities discharges. This definition includes all water courses, even if they are usually dry, such as borrow ditches, arroyos, and other unnamed waterways.
12. **Significant Materials** include, but are 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 facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharge.
13. **Stormwater:** precipitation-induced surface runoff.

F. GENERAL REQUIREMENTS

1. **Signatory Requirements**

- a) All reports required for submittal shall be signed and certified for accuracy by the permittee in accordance with the following criteria:
- 1) In the case of corporations, by a principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates;
 - 2) In the case of a partnership, by a general partner;
 - 3) In the case of a sole proprietorship, by the proprietor;
 - 4) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee, if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates.
- b) **Changes to authorization.** If an authorization under paragraph a) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph a) of this section must be submitted to the Division, prior to or together with any reports, information, or applications to be signed by an authorized representative.
- c) **Certification.** Any person signing a document under paragraph a) of this section shall 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.”

2. **Retention of Records**

- a) The permittee shall retain copies of the SWMP and all reports required by this permit and records of all data used to complete the application to be covered by this permit, for three years after expiration or inactivation of permit coverage.
- b) The permittee shall retain a copy of the SWMP required by this permit at the construction site from the date of project initiation to the date of expiration or inactivation of permit coverage, unless another location, specified by the permittee, is approved by the Division.

3. **Monitoring**

The Division reserves the right to require sampling and testing, on a case-by-case basis (see Part I.D.1.e), for example to implement the provisions of a TMDL (see Part I.D.11 of the permit). Reporting procedures for any monitoring data collected will be included in the notification by the Division of monitoring requirements.

If monitoring is required, the following definitions apply:

- a) The **thirty (30) day average** shall be determined by the arithmetic mean of all samples collected during a thirty (30) consecutive-day period.
- b) A **grab** sample, for monitoring requirements, is a single “dip and take” sample.

PART II

A. MANAGEMENT REQUIREMENTS

1. Amending a Permit Certification

The permittee shall inform the Division (Permits Section) in writing of changes to the information provided in the permit application, including the legal contact, the project legal description or map originally submitted with the application, or the planned total disturbed acreage. The permittee shall furnish the Division with any plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving stream. If applicable, this notification may be accomplished through submittal of an application for a CDPS process water permit authorizing the discharge. The SWMP shall be updated and implemented prior to the changes (see Part I.D.5.c).

Any discharge to the waters of the State from a point source other than specifically authorized by this permit or a different CDPS permit is prohibited.

2. Special Notifications - Definitions

- a) **Spill:** An unintentional release of solid or liquid material which may cause pollution of state waters.
- b) **Upset:** An exceptional incident in which there is unintentional and temporary noncompliance with permit discharge 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.

3. Noncompliance Notification

- a) The permittee shall report the following instances of noncompliance:
 - 1) Any noncompliance which may endanger health or the environment;
 - 2) Any spill or discharge of hazardous substances or oil which may cause pollution of the waters of the state.
 - 3) Any discharge of stormwater which may cause an exceedance of a water quality standard.
- b) For all instances of noncompliance based on environmental hazards and chemical spills and releases, all needed information must be provided orally to the Colorado Department of Public Health and Environment spill reporting line (24-hour number for environmental hazards and chemical spills and releases: 1-877-518-5608) within 24 hours from the time the permittee becomes aware of the circumstances.

For all other instances of noncompliance as defined in this section, all needed information must be provided orally to the Water Quality Control Division within 24 hours from the time the permittee becomes aware of the circumstances.

For all instances of noncompliance identified here, a written submission shall also be provided within 5 calendar days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of:

- 1) The noncompliance and its cause;
- 2) 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;
- 3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

A. MANAGEMENT REQUIREMENTS (cont.)

4. **Submission of Incorrect or Incomplete Information**

Where the permittee failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or report to the Division, or relevant new information becomes available, the permittee shall promptly submit the relevant application information which was not submitted or any additional information needed to correct any erroneous information previously submitted.

5. **Bypass**

- a) A bypass, which causes effluent limitations (i.e., requirements to implement BMPs in accordance with Parts I.B.3 and I.D.2 of the permit) to be exceeded is prohibited, and the Division may take enforcement action against a permittee for such a bypass, unless:
- 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities (e.g., alternative BMPs), retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment (e.g., implemented additional BMPs) to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - 3) The permittee submitted notices as required in "Non-Compliance Notification," Part II.A.3.

6. **Upsets**

- a) **Effect of an Upset:** An upset constitutes an affirmative defense to an action brought for noncompliance with permit limitations and requirements if the requirements of paragraph b of this section are met. (No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.)
- b) **Conditions Necessary for a Demonstration of 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:
- 1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
 - 2) The permitted facility was at the time being properly operated;
 - 3) The permittee submitted notice of the upset as required in Part II.A.3. of this permit (24-hour notice); and
 - 4) The permittee complied with any remedial measures required under 40 CFR Section 122.41(d) of the federal regulations or Section 61.8(3)(h) of the Colorado Discharge Permit System Regulations.
- c) **Burden of Proof:** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

7. **Removed Substances**

Solids, sludges, or other pollutants removed in the course of treatment or control of discharges shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State.

8. **Minimization of Adverse Impact**

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any terms and conditions specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

A. MANAGEMENT REQUIREMENTS (cont.)

9. **Reduction, Loss, or Failure of Stormwater Controls**

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the permit requirements. Upon reduction, loss, or failure of any stormwater controls, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, or remove all pollutant sources from exposure to stormwater, or both, until the stormwater controls are restored or an alternative method of treatment/control is provided.

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.

10. **Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

B. RESPONSIBILITIES

1. **Inspections and Right to Entry**

The permittee shall allow the Director of the State Water Quality Control Division, the EPA Regional Administrator, and/or their authorized representative(s), upon the presentation of credentials:

- a) To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;
- b) 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 monitoring equipment or monitoring method required in the permit; and
- c) To enter upon the permittee's premises to investigate, within reason, any actual, suspected, or potential source of water pollution, or any violation of the Colorado Water Quality Control Act. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing permittee staff on alleged violations and other matters related to the permit, and access to any and all facilities or areas within the permittee's premises that may have any effect on the discharge, permit, or any alleged violation.

2. **Duty to Provide Information**

The permittee shall furnish to the Division, within the time frame specified by the Division, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or inactivating coverage under 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.

3. **Transfer of Ownership or Control**

Certification under this permit may be transferred to a new permittee if:

- a) The current permittee notifies the Division in writing when the transfer is desired as outlined in Part I.A.7; and
- b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and
- c) The current permittee has met all fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15.

B. RESPONSIBILITIES (cont.)

4. **Modification, Suspension, or Revocation of Permit By Division**

All permit modification, inactivation or revocation and reissuance actions shall be subject to the requirements of the Colorado Discharge Permit System Regulations, Sections 61.5(2), 61.5(3), 61.7 and 61.15, 5 C.C.R. 1002-61, except for minor modifications.

- a) This permit, and/or certification under this permit, may be modified, suspended, or revoked in whole or in part during its term for reasons determined by the Division including, but not limited to, the following:
 - 1) Violation of any terms or conditions of the permit;
 - 2) Obtaining a permit by misrepresentation or failing to disclose any fact which is material to the granting or denial of a permit or to the establishment of terms or conditions of the permit;
 - 3) Materially false or inaccurate statements or information in the application for the permit;
 - 4) Promulgation of toxic effluent standards or prohibitions (including any schedule of compliance specified in such effluent standard or prohibition) which are established under Section 307 of the Clean Water Act, where such a toxic pollutant is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.
- b) This permit, and/or certification under this permit, may be modified in whole or in part due to a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge, such as:
 - 1) Promulgation of Water Quality Standards applicable to waters affected by the permitted discharge; or
 - 2) Effluent limitations or other requirements applicable pursuant to the State Act or federal requirements; or
 - 3) Control regulations promulgated; or
 - 4) Other available information indicates a potential for violation of adopted Water Quality Standards or stream classifications.
- c) This permit, or certification under this permit, may be modified in whole or in part to include new effluent limitations and other appropriate permit conditions where data submitted pursuant to Part I indicate that such effluent limitations and permit conditions are necessary to ensure compliance with applicable water quality standards and protection of classified uses.
- d) At the request of the permittee, the Division may modify or inactivate certification under this permit if the following conditions are met:
 - 1) In the case of inactivation, the permittee notifies the Division of its intent to inactivate the certification, and certifies that the site has been finally stabilized;
 - 2) In the case of inactivation, the permittee has ceased any and all discharges to state waters and demonstrates to the Division there is no probability of further uncontrolled discharge(s) which may affect waters of the State.
 - 3) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modification, amendment or inactivation;
 - 4) Fee requirements of Section 61.15 of the Colorado Discharge Permit System Regulations have been met; and
 - 5) Applicable requirements of public notice have been met.

For small construction sites covered by a Qualifying Local Program, coverage under this permit is automatically terminated when a site has been finally stabilized.

B. RESPONSIBILITIES (cont.)

5. **Permit Violations**

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit.

Dischargers of stormwater associated with industrial activity, as defined in the EPA Stormwater Regulation (40 CFR 122.26(b)(14) and Section 61.3(2) of the Colorado Discharge Permit System Regulations, which do not obtain coverage under this or other Colorado general permits, or under an individual CDPS permit regulating industrial stormwater, will be in violation of the federal Clean Water Act and the Colorado Water Quality Control Act, 25-8-101, as amended. Failure to comply with CDPS permit requirements will also constitute a violation.

6. **Legal Responsibilities**

The issuance of this permit does not convey any property or water rights in either real or personal property, or stream flows, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

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.

7. **Severability**

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

8. **Renewal Application**

If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least ninety (90) days before this permit expires. If the permittee anticipates that there will be no discharge after the expiration date of this permit, the Division should be promptly notified so that it can inactivate the certification in accordance with Part II.B.4.d.

9. **Confidentiality**

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and Colorado Discharge Permit System Regulations, Section 61.5(4), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division. The permittee must state what is confidential at the time of submittal.

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, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the 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.

10. **Fees**

The permittee is required to submit payment of an annual fee as set forth in the Water Quality Control Act. 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.

B. RESPONSIBILITIES (cont.)

11. **Requiring an Individual CDPS Permit**

The Director may require the permittee to apply for and obtain an individual or alternate general CDPS permit if:

- a) The discharger is not in compliance with the conditions of this general permit;
- b) Conditions or standards have changed so that the discharge no longer qualifies for a general permit; or
- c) Data/information become available which indicate water quality standards may be violated.

The permittee must be notified in writing that an application for an individual or alternate general CDPS permit is required. When an individual or alternate general CDPS permit is issued to an operator otherwise covered under this general permit, the applicability of this general permit to that operator is automatically inactivated upon the effective date of the individual or alternate general CDPS permit.

RATIONALE

STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

GENERAL PERMIT IN COLORADO THIRD RENEWAL COLORADO DISCHARGE PERMIT NUMBER COR-030000

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I. INTRODUCTION

This permit is for the regulation of stormwater runoff from construction activities, and specific allowable non-stormwater discharges in accordance with Part I.D.3 of the permit. The term "construction activity" includes ground surface disturbing activities, including, but not limited to, clearing, grading, excavation, demolition, installation of new or improved haul and access roads, staging areas, stockpiling of fill materials, and borrow areas. "Stormwater" is precipitation-induced surface runoff. This rationale will explain the background of the Stormwater program, activities which are covered under this permit, how to apply for coverage under this permit, and the requirements of this permit.

The forms discussed in the rationale and permit are available on the Water Quality Control Division's website at: www.cdphe.state.co.us/wq/PermitsUnit

II. CHANGES IN THIS GENERAL PERMIT

Several notable changes from the previous General Permit for Construction Activities have been incorporated into this permit. Significant changes are listed below. Numerous other minor changes were made for clarification purposes only.

A. Authority to Discharge

This section has been restructured to list all of the types of activities covered by this permit, and to be consistent with the definition of "construction activity." The definition of construction activity has been expanded to provide clarification. See Part I.A.1 of the permit.

II. *CHANGES IN THIS GENERAL PERMIT (cont.)*

B. *Authority to Discharge – Oil and Gas Construction*

This section has been added, to take into account a regulatory change. The federal Energy Policy Act of 2005 exempts nearly all oil and gas construction activities from federal requirements under the Clean Water Act's NPDES stormwater discharge permit program. In January 2006, the Colorado Water Quality Control Commission held a hearing to determine what effects, if any, the change in federal law would have upon Colorado's stormwater regulations. The Commission determined that oil and gas construction sites in Colorado that disturb one or more acres are still required to be covered under Colorado's stormwater permitting regulations (Colorado Discharge Permit System (CDPS) regulations (5CCR 1002-61)). In practice, oil and gas construction sites have the same requirements under this permit as do other types of construction. However, this permit contains some references to the federal Clean Water Act; generally these references are not applicable to oil and gas construction sites to the extent that the references are limited by the federal Energy Policy Act of 2005. See Part I.A.1(b) of the permit.

C. *Application Requirements*

The permit application requirements have changed slightly, including the addition of an email address, if available. See Part I.A.4(b).

The applicant must be either the owner and/or operator of the construction site. An operator at a construction site that is not covered by a certification held by an appropriate entity may be held liable for operating without the necessary permit coverage.

D. *Temporary Coverage*

Part I.A.5(d) of the previous permit (effective July 1, 2002) dealt with temporarily covering a facility under the general permit even if an individual permit is more appropriate. This permit section essentially duplicated the previous section (see Part I.A.5(c)), and so it has been deleted.

E. *Reassignment of Permit Coverage*

Procedures have been added to clarify the requirements for the transfer of coverage of specific portions of a permitted site to a second party. See Section VIII.I.3 of the rationale and Part I.A.8 of the permit.

F. *Individual Permit Criteria*

This section has been modified to include situations involving a Total Maximum Daily Load (TMDL). See Part I.A.11 of the permit.

G. *Stormwater Management Plan (SWMP)*

The Stormwater Management Plan section has been divided into two parts: Stormwater Management Plan (SWMP) – General Requirements, which provides the basic framework and general requirements for the SWMP, and Stormwater Management Plan (SWMP) – Contents, which specifically identifies each item that must be addressed in the SWMP. See Parts I.B and I.C of the permit.

H. *Stormwater Management Plan (SWMP) – General Requirements*

The SWMP General Requirements section has been modified to require that the SWMP be updated in accordance with Parts I.D.5(c) and I.D.5(d) of the permit (SWMP Review/Changes). This additional requirement ensures that the SWMP provisions reflect current site conditions. See Part I.B.2(c) of the permit.

II. CHANGES IN THIS GENERAL PERMIT (cont.)

I. Stormwater Management Plan (SWMP) – Contents

The SWMP Contents section has been modified. Some of the changes are limited to organization of information, which does not require modification of an existing permittee's current SWMP. Most of the SWMP changes involve either clarifications, reformatting, or taking recommendations from the Division's SWMP guide and making them permit requirements (e.g., vehicle tracking controls, BMP installation specifications). If an **existing permittee (i.e., those with permit coverage before June 30, 2007)** followed the recommendations in the SWMP guide (Appendix A of the permit application), then their SWMP will presumably meet the new requirements. However, for any existing permittees who did not follow the applicable SWMP guide recommendations, their SMWP must be amended to include the new required items:

-SWMP Administrator

-Identification of potential pollutant sources

-Best Management Practices descriptions and installation specifications, including dedicated concrete or asphalt batch plants; vehicle tracking control; and waste management and disposal (including concrete washout activities).

For existing permittees, any SWMP changes based on the change in permit requirements must be completed by **October 1, 2007**. The plan is not to be submitted to the Division unless requested, but must be available on site as outlined in Part I.D.5(b) of the permit.

The BMP requirement clarifications included in this renewed permit in no way imply that adequate BMPs to address all pollutant sources at a permitted site were not required in previous permits. The revised requirements are intended only to better clarify SWMP content requirements and provide improved direction to permittees.

The SWMP changes are listed below. All new applicants (after June 30, 2007) for permit coverage for their sites must fully comply with the new SWMP organization, plan requirements, and implementation.

1. **Site Description:** The requirement to provide an estimate of the run-off coefficient has been removed. The run-off coefficient as currently utilized in the SWMP may not contribute sufficiently to permit compliance to justify the effort in determining accurate values. See Part I.C.1 of the permit. However, the Division still encourages use of the coefficient as needed to adequately evaluate site-specific BMP selection and design criteria (e.g., pond capacities, BMP location, etc.) See Section C.2 of the SWMP guidance (Appendix A of the permit application).
2. **Site Map:** The requirement to identify boundaries of the 100-year flood plain has been removed. The boundaries as currently utilized in the SWMP may not contribute sufficiently to permit compliance to justify the effort in determining their location. See Part I.C.2 of the permit.
3. **Stormwater Management Controls:** This section has been modified to require identification of a SWMP Administrator and all potential pollutants sources in the SWMP. See Part I.C.3 of the permit.
 - a) The SWMP Administrator is a specific individual(s), position or title who is responsible for the process of developing, implementing, maintaining, and revising the SWMP. This individual serves as the comprehensive point of contact for all aspects of the facility's SWMP. **This requirement may necessitate changes to existing permittees' SWMPs.**

II. CHANGES IN THIS GENERAL PERMIT (cont.)

- b) *The requirement to identify Potential Pollutant Sources has been expanded to include more details for the evaluation of such sources. This evaluation allows for the appropriate selection of BMPs for implementation at a facility or site. Additionally, this section was added to be consistent with the SWMP guide. **This requirement may necessitate changes to existing permittees' SWMPs.***
- c) *Best Management Practices (BMPs) for Stormwater Pollution Prevention: This section was modified to require the following items to be addressed in the SWMP. **These requirements may necessitate changes to existing permittees' SWMPs.** This section also requires that the SWMP provide installation and implementation specifications for each BMP identified in the SWMP. For structural BMPs, in most cases, this must include a technical drawing to provide adequate installation specifications. See Part I.C.3(c).*
 - i) *Dedicated concrete or asphalt batch plants. This section requires that the practices used to reduce the pollutants in stormwater discharges associated with dedicated concrete or asphalt batch plants be identified in the SWMP. (Coverage under the construction site SWMP and permit is not required for batch plants if they have alternate CDPS permit coverage.)*
 - ii) *Vehicle tracking control. This section requires that practices be implemented to control sediment from vehicle tracking, and that all such practices implemented at the site be clearly described in the SWMP.*
 - iii) *Waste management and disposal. This section requires that the practices implemented at the site to control stormwater pollution from construction site waste, including concrete washout activities, be clearly described in the SWMP. It also requires that concrete washout activities be conducted in a manner that does not contribute pollutants to surface waters or stormwater runoff.*
 - iv) *Concrete Washout Water. Part I.D.3(c) of the permit has been revised to conditionally authorize discharges to the ground of concrete wash water from washing of tools and concrete mixer chutes when appropriate BMPs are implemented. The permit prohibits the discharge of concrete washout water to surface waters and to storm sewer systems. Part I.C.3(c)(7) of the permit requires that BMPs be in place to prevent surface discharges of concrete washout water from the site.*

The use of unlined pits to contain concrete washout water is a common practice in Colorado. The Division has further evaluated the need for a permit for discharge of concrete washout water to the ground. The Division has determined that the use of appropriate BMPs for on-site washing of tools and concrete mixer chutes would prevent any significant discharge to groundwater. BMPs to protect groundwater are required by Part I.C.3(c)(7) of the permit. Because pH is a pollutant of concern for washout activities, the soil must have adequate buffering capacity to result in protection of the groundwater standard, or a liner/containment must be used. The following management practices are recommended to prevent an impact from unlined pits to groundwater:

- (1) the use of the washout site should be temporary (less than 1 year), and*
- (2) the washout site should be not be located in an area where shallow groundwater may be present, such as near natural drainages, springs, or wetlands.*

II. *CHANGES IN THIS GENERAL PERMIT (cont.)*

Where adequate management practices are not followed to protect groundwater quality, the Department may require discharges to unlined pits to cease, or require the entity to obtain alternate regulatory approval through notice from either the Water Quality Control Division or the Hazardous Materials and Waste Management Division.

In addition, Part I.D.1(b) of the permit has been revised to clearly state that the permit does not authorize on-site permanent disposal of concrete washout waste, only temporary containment of concrete washout water from washing of tools and concrete mixer chutes. Upon termination of use of the washout site, accumulated solid waste, including concrete waste and any contaminated soils, must be removed from the site to prevent on-site disposal of solid waste.

- v) *Construction Dewatering. Part I.D.3(d) of the permit has been revised to conditionally authorize discharges to the ground of water from construction dewatering activities when appropriate BMPs are implemented. The permit does not authorize the discharge of groundwater from construction dewatering to surface waters or to storm sewer systems. Part I.C.3(c)(8) of the permit requires that BMPs be in place to prevent surface discharges. The permittee may apply for coverage under a separate CDPS discharge permit, such as the Construction Dewatering general permit, if there is a potential for discharges to surface waters.*

The Division has determined that potential pollutant sources introduced into groundwater from construction dewatering operations do not have a reasonable potential to result in exceedance of groundwater standards when the discharge is to the ground. The primary pollutant of concern in uncontaminated groundwater is sediment. Although technology-based standards for sediment do exist in 5 CCR 1002-41, the discharge of sediment to the ground as part of construction dewatering does not have the reasonable potential to result in transport of sediment to the groundwater table so as to result in an exceedance of those standards.

For a discharge of water contaminated with other pollutants that are present in concentrations that may cause an exceedance of groundwater standards, separate CDPS discharge permit coverage is required. Contaminated groundwater may include that contaminated with pollutants from a landfill, mining activity, industrial pollutant plume, underground storage tank, or other source of human-induced groundwater pollution and exceeding the State groundwater standards in Regulations 5 CCR 1002-41 and 42.

J. *Terms and Conditions, General Limitations and Design Standards*

This section reiterates the requirement that facilities select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. In addition, requirements for protection of water quality standards (see Part I.D.1.(a) of the permit) and requirements to adequately design BMPs to prevent pollution or degradation of State waters (see Part I.D.2 of the permit) have been revised and are fully discussed in Part III.B of the rationale, below. Additional language was also added to Section III.B of the rationale further clarifying the expectations for compliance with this permit.

1. *Management of Site Waste*

This section has been modified to clarify that on-site waste must be properly managed to prevent potential pollution of State waters, and that this permit does not authorize on-site waste disposal. Solid waste disposal is regulated by the Hazardous Materials and Waste Management Division.

II. *CHANGES IN THIS GENERAL PERMIT (cont.)*

K. *Terms and Conditions, SWMP Requirements*

1. **SWMP Review/Changes:** *This section now requires that when changes are made to site conditions, the SWMP must be revised immediately, except for some BMP description changes which conditionally may occur within 72 hours. This requirement is included to both ensure that the SWMP be kept accurate and up-to-date, and to clarify that stormwater management at a site typically should be proactive instead of responsive, and be integrated into site management to ensure it is calibrated with those changes. The section was also clarified to state that only changes in site conditions that do not require new or modified BMPs do not need to be addressed in the SWMP. See Part I.D.5(c) of the permit.*
2. **SWMP Certification:** *The previous permit was unclear on a requirement that the copy of SWMP that remains at the facility had to be signed in accordance with permit signatory requirements. This requirement has been deleted. The signatory requirement of Part I.F.1 only applies to the SWMP if it is to be submitted to the Division or to EPA. See Part I.F.1 of the permit.*

L. *Terms and Conditions, Post-Storm Inspections*

The previous permit required post-storm inspections, but did not specify the timing of inspections. This section now requires that post-storm event inspections generally be conducted within 24 hours of the event. An alternative timeline has been allowed, only for sites where there are no construction activities occurring following a storm event. For this condition, post-storm event inspections shall instead be conducted prior to commencing construction activities, but no later than 72 hours following the storm event, and the delay noted in the inspection report.

Any exception from the minimum inspection schedule is temporary, and does not eliminate the requirement to perform routine maintenance due to the effects of a storm event, including maintaining vehicle tracking controls and removing sediment from impervious areas. In many cases, maintenance needs will require a more frequent inspection schedule than the minimum inspections required in the permit, to ensure that BMPs continue to operate as needed to comply with the permit. See Part I.D.6(a) of the permit.

M. *Terms and Conditions, Inspections*

1. *The Winter Conditions Inspection Exclusion section has been modified to include documentation requirements for this exclusion. See Part I.D.6(a) of the permit. The Inspection Scope has been modified to include the requirement to inspect waste storage areas during inspections conducted in accordance with the permit. See Part I.D.6(b) of the permit.*
2. *The requirements for sites to qualify for reduced inspection frequencies for completed sites have been slightly modified (see Part I.D.6(a)(2) of the permit,). The requirement now is that only construction activities that disturb the ground surface must be completed. Construction activities that can be conducted without disturbance of the ground surface; for example, interior building construction, and some oil well activities, would not prohibit a site from otherwise qualifying for the reduced inspection frequency. In addition, the requirement for the site to be prepared for final stabilization has been slightly modified to allow for sites that have not yet been seeded to qualify, as long as the site has otherwise been prepared for final stabilization, including completion of appropriate soil preparation, amendments and stabilization practice. This will allow for sites with seasonal seeding limitations or where additional seed application may be needed in the future to still qualify.*

II. CHANGES IN THIS GENERAL PERMIT (cont.)

3. *The Inspection Report/Records section (Part I.D.6(b)(2)) was added to clarify requirements for inspection reports generated during an inspection conducted in accordance with Part I.D.6 of the permit. Inspection reports must be signed by the inspector, or the individual verifying the corrective action indicated in the inspection report, on behalf of the permittee. Inspection reports are not typically required to be submitted to the Division, and therefore, are not required to be signed and certified for accuracy in accordance with Part I.F.1 of the permit. However, any inspection reports that are submitted to the Division must follow the signatory requirements contained in that section.*

N. Terms and Conditions, Maintenance, Repair, and Replacement of Control Practices

These sections have been added to clarify requirements for maintaining the BMPs identified in the SWMP and for addressing ineffective or failed BMPs. BMP maintenance and site assessment to determine the overall adequacy of stormwater quality management at the site must occur proactively, in order to ensure adequate control of pollutant sources at the site. In most cases, if BMPs are already not operating effectively, or have failed, the issue must be addressed immediately, to prevent discharge of pollutants. See Parts I.D.7 and I.D.8 of the permit.

O. Total Maximum Daily Load (TMDL)

A section on TMDLs has been added. This section gives a general outline of the additional requirements that may be imposed by the Division if the facility discharges to a waterbody for which a stormwater-related TMDL is in place. See Section VIII.C of the rationale and Part I.D.11 of the permit.

P. Additional Definitions

Part I.E of the permit has been modified to remove the definition of runoff coefficient, as it is no longer a permit requirement. The definition for state waters has also been deleted, but can be found in Regulation 61.

Q. Changes in Discharge

The section on the types of discharge or facility changes that necessitate Division notification has been clarified. See Part II.A.1 of the permit.

R. Non-Compliance Notification

The section on notification to the Division regarding instances of non-compliance has been amended to clarify which types of noncompliance require notification. See Part II.A.3 of the permit.

S. Short Term Certifications

The previous permit allowed small short-term construction activities to be authorized for a predetermined period from 3 to 12 months, and then automatically expire (an inactivation request did not need to be submitted). The issuance of these certifications has led to significant confusion and incidents of noncompliance resulting from permittees unintentionally letting their certifications expire prior to final stabilization, as well as issues regarding billing. Therefore, the provisions for short-term certifications have been deleted.

T. Bypass

The Division has revised the Bypass conditions in Part II.A.5 of the permit to be consistent with the requirements of Regulation 61.8(3)(i). The revised language addresses under what rare occurrences BMPs may be bypassed at a site.

III. BACKGROUND

As required under the Clean Water Act amendments of 1987, the Environmental Protection Agency (EPA) has established a framework for regulating municipal and industrial stormwater discharges. This framework is under the National Pollutant Discharge Elimination System (NPDES) program (Note: The Colorado program is referred to as the Colorado Discharge Permit System, or CDPS, instead of NPDES.) The Water Quality Control Division ("the Division") has stormwater regulations (5CCR 1002-61) in place. These regulations require specific types of industrial facilities that discharge stormwater associated with industrial activity (industrial stormwater), to obtain a CDPS permit for such discharge. The regulations specifically include construction activities that disturb one acre of land or more as industrial facilities. Construction activities that are part of a larger common plan of development which disturb one acre or more over a period of time are also included.

A. General Permits

The Division has determined that the use of general permits is the appropriate procedure for handling most of the thousands of industrial stormwater applications within the State.

B. Permit Requirements

This permit does not impose numeric effluent limits or require submission of effluent monitoring data in the permit application or in the permit itself. The permit instead imposes practice-based effluent limitations for stormwater discharges through the requirement to develop and implement a Stormwater Management Plan (SWMP). The narrative permit requirements include prohibitions against discharges of non-stormwater (e.g., process water). See Part I.D.3 of the permit.

The permit conditions for the SWMP include the requirement for dischargers to select, implement and maintain Best Management Practices (BMPs) at a permitted construction site that adequately minimize pollutants in the discharges to assure compliance with the terms and conditions of the permit. Part I.D.2 of the permit includes basic design standards for BMPs implemented at the site. Facilities must select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. BMPs implemented at the site must be adequately designed to control all potential pollutant sources associated with construction activity to prevent pollution or degradation of State waters. Pollution is defined in CDPS regulations (5CCR 1002-61) as man-made or man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water. Utilizing industry-accepted standards for BMP selection that are appropriate for the conditions and pollutant sources present will typically be adequate to meet these criteria, since construction BMPs are intended to prevent the discharge of all but minimal amounts of sediment or other pollutants that would not result in actual pollution of State waters, as defined above. However, site-specific design, including ongoing assessment of BMPs and pollutant sources, is necessary to ensure that BMPs operate as intended.

The permit further requires that stormwater discharges from construction activities shall not cause, have the reasonable potential to cause, or measurably contribute to an excursion above any water quality standard, including narrative standards for water quality. This condition is the basis for all CDPS Discharge permits, and addresses the need to ensure that waters of the State maintain adequate water quality, in accordance with water quality standards, to continue to meet their designated uses. It is believed that, in most cases, BMPs can be adequate to meet applicable water quality standards. If water quality impacts are noted, or the Division otherwise determines that additional permit requirements are necessary, they are typically imposed as follows: 1) at the renewal of this general permit or through a general permit specific to an industrial sector (if the issue is sector-based); 2) through direction from the Division based on the implementation of a TMDL (if the issue is watershed-based); or 3) if the issue is site-specific, through a revision to the certification from the Division based on an inspection or SWMP review, or through an individual permit.

III. BACKGROUND (cont.)

Some construction sites may be required to comply with a Qualifying Local Program in place of meeting several of the specific requirements in this permit. Sites covered by a Qualifying Local Program may not be required to submit an application for coverage or a notice of inactivation and may not be required to pay the Division's annual fee. See Section VII of the rationale.

C. Violations/Penalties

Dischargers of stormwater associated with industrial activity, as defined in the CDPS regulations (5CCR 1002-61), that do not obtain coverage under this or other Colorado general permits, or under an individual CDPS permit regulating industrial stormwater, will be in violation of the Federal Clean Water Act and the Colorado Water Quality Control Act, 25-8-101. For facilities covered under a CDPS permit, failure to comply with any CDPS permit requirement constitutes a violation. As of the time of permit issuance, civil penalties for violations of the Act or CDPS permit requirements may be up to \$10,000 per day, and criminal pollution of state waters is punishable by fines of up to \$25,000 per day.

IV. STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

The stormwater regulations (CDPS regulations (5CCR 1002-61)), require that stormwater discharges associated with certain industrial activities be covered under the permit program. Construction activity that disturbs one acre or more during the life of the project is specifically included in the listed industrial activities. This permit is intended to cover most stormwater discharges from construction facilities required by State regulation to obtain a permit.

A. Construction Activity

Construction activity includes ground surface disturbing activities including, but not limited to, clearing, grading, excavation, demolition, installation of new or improved haul and access roads, staging areas, stockpiling of fill materials, and dedicated borrow/fill areas. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility. (The maintenance exclusion is intended for projects such as road resurfacing, and where there will be less than one acre of additional ground disturbed. Improvements or upgrades to existing facilities or roads, where at least one acre is disturbed, would not qualify as "routine maintenance.")

Definitions of additional terms can be found in Part I.E of the permit.

Stormwater discharges from all construction activity require permit coverage, except for operations that result in the disturbance of less than one acre of total land area and which are not part of a larger common plan of development or sale. A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules.

B. Types of Discharges/Activities Covered

1. **Stormwater:** *This permit is intended to cover most new or existing discharges composed **entirely** of stormwater from construction activities that are required by State regulation to obtain a permit. This includes stormwater discharges associated with areas that are dedicated to producing earthen materials, such as soils, sand, and gravel, for use at a single construction site. These areas may be located at the construction site or at some other location. This permit does not authorize the discharge of mine water or process water from borrow areas. This permit may also cover stormwater discharges associated with dedicated asphalt plants and concrete plants located at a specific construction site.*

IV. *STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (cont.)*

2. **Process water:** *Under certain restrictions, discharges to the ground from construction dewatering, and from concrete washout activities, are also covered (see Parts I.C.3(c)(7), I.C.3(c)(8), I.D.3(c) and I.D.3(d) of the permit).*

C. *Types of Activities NOT Covered*

1. **Stormwater:** *Aside from the sources listed in subparagraph B.1, above, this permit does not cover stormwater discharged from construction sites that is mixed with stormwater from other types of industrial activities, or process water of any kind. Other types of industrial activities that require stormwater discharge permits pursuant to different sections of the regulations (Regulation 5 CCR 1002-61, Section 61.2(e)(iii)(A-I, K)], are not covered by this permit.*
2. **Process water:** *This permit also does not cover any discharge of process water to surface waters. If the construction activity encounters groundwater, in order to discharge this groundwater to surface waters, a Construction Dewatering Discharge Permit (permit number COG-070000) must also be obtained. An application for this permit can be obtained from the Division at the address listed in Part I.A.4(a) of the permit, or at the website in Section I of the rationale.*

V. *COVERAGE UNDER THIS GENERAL PERMIT*

Under this general permit, owners or operators of stormwater discharges associated with construction activity may be granted authorization to discharge stormwater into waters of the State of Colorado. This includes stormwater discharges associated with industrial activity from areas that are dedicated to producing earthen materials, such as soils, sand and gravel, for use at a single construction site, and dedicated asphalt plants and dedicated concrete plants.

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

Authorization to discharge under the permit requires submittal of a completed application form and a certification that the SWMP is complete, unless the site is covered by a Qualifying Local Program. Upon receipt of all required information, the Division may allow or disallow coverage under the general permit.

VI. *APPLICATION AND CERTIFICATION*

*At least **ten days** prior to the commencement of construction activities, the owner or operator of the construction site shall submit an original completed application which includes the signed certification that the SWMP is complete. Original signatures are required for the application to be considered complete. For small construction sites only, if the site is covered by a Qualifying Local Program (see below), submittal of an application is not required.*

For the purposes of this permit, the “operator” is the person who has day-to-day control over the project. This can be the owner, the developer, the general contractor or the agent of one of these parties, in some circumstances. At different times during a construction project, different types of parties may satisfy the definition of “operator” and the certification may be transferred as roles change.

(Note - Under the Federal regulations, this application process is referred to as a Notice of Intent, or NOI. For internal consistency with its current program, the Division will continue to use the term “application.”) A summary of the permit application requirements is found in the permit at Part I.A.4(b).

If coverage under this general permit is appropriate, then a certification will be developed and the applicant will be certified under this general permit.

VII. QUALIFYING LOCAL PROGRAMS

For stormwater discharges associated with small construction activity (i.e., one to five acre disturbed area sites), the permit includes conditions that incorporate approved qualifying local erosion and sediment control program (Qualifying Local Program) requirements by reference. A Qualifying Local Program is a municipal stormwater program for stormwater discharges associated with small construction activity that has been formally approved by the Division. The requirements for Qualifying Local Programs are outlined in Part 61.8(12) of the Colorado Discharger Permit System Regulations (also see the Division's "Qualifying Local Programs for Small Construction Sites - Application Guidance"). Such programs must impose requirements to protect water quality that are at least as stringent as those required in this permit.

A. Approval Termination

A Qualifying Local Program may be terminated by either the Division or the municipality. Upon termination of Division approval of a Qualifying Local Program, any small construction activity required to obtain permit coverage under Section 61.3(2)(h) of the CDPS regulations (5CCR 1002-61), shall submit an application form as provided by the Division, with a certification that the Stormwater Management Plan (SWMP) is complete as required by Part I.A.3 of the permit, within 30 days of Division notification.

B. Approval Expiration

Division approval of a Qualifying Local Program will expire with this general permit on June 30, 2012. Any municipality desiring to continue Division approval of their program must reapply by March 31, 2012. The Division will determine if the program may continue as a approved Qualifying Local Program.

VIII. TERMS AND CONDITIONS OF PERMIT

A. Coverage under a Qualifying Local Program – **For Small Construction Sites Only**

For small construction sites (disturbing less than 5 acres) covered under a Qualifying Local Program (see Section VII, above), only certain permit requirements apply, as outlined below. The local program must have been formally designated by the Division to qualify. Most municipalities have some type of local program and may require permits and fees. However, simply having a program in place does not necessarily mean that it is a qualifying program and that a State permit is not required. The local municipality is responsible for notifying operators and/or owners that they are covered by a Qualifying Local Program. As of May 31, 2007, the only approved Qualifying Local Programs within the state are for Golden, Durango and Lakewood. An updated list of municipalities with Qualifying Local Programs, including contact information, is available on the Division's website at: <http://www.cdphe.state.co.us/wq/PermitsUnit/stormwater/construction.html>.

The Division reserves the right to require any construction owner or operator within the jurisdiction of a Qualifying Local Program covered under this permit to apply for and obtain coverage under the full requirements of this permit.

1. **Permit Coverage:** *If a construction site is within the jurisdiction of a Qualifying Local Program, the owner or operator of the construction activity is authorized to discharge stormwater associated with small construction activity under this general permit **without** the submittal of an application to the Division. The permittee also is not required to submit an inactivation notice or payment of an annual fee to the Division.*

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

2. **Permit Terms and Conditions:** *The permittee covered by a Qualifying Local Program must comply with the requirements of that Qualifying Local Program. In addition, the following permit sections are applicable:*
 - a) *Parts 1.A.1, 1.A.2, and 1.A.3: Authorization to discharge and discussion of coverage under the permit.*
 - b) *Part I.D.1: General limitations that must be met in addition to local requirements.*
 - c) *Parts I.D.2, I.D.3, I.D.4: BMP implementation, prohibition of non-stormwater discharges unless addressed in a separate CDPS permit, and requirements related to releases of reportable quantities.*
 - d) *Part I.D.11: Potential coverage under a Total Maximum Daily Load (TMDL).*
 - e) *Part I.E: Additional definitions.*
 - f) *Part II (except for Parts II.A.1, II.B.3, II.B.8, and II.B.10): Specifically includes, but is not limited to, provisions applicable in the case of noncompliance with permit requirements, and requirements to provide information and access.*

B. Stormwater Management Plans (SWMPs)

Prior to commencement of construction, a stormwater management plan (SWMP) shall be developed and implemented for each facility covered by this permit. A certification that the SWMP is complete must be submitted with the permit application. The SWMP shall identify potential sources of pollution (including sediment) which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the facility. In addition, the plan shall describe the Best Management Practices (BMPs) which will be used to reduce the pollutants in stormwater discharges from the construction site. (Note that permanent stormwater controls, such as ponds, that are used as temporary construction BMPs must be adequately covered in the SWMP.) Facilities must implement the provisions of their SWMP as a condition of this permit. The SWMP shall include the following items:

1. *Site Description*
2. *Site Map*
3. *Stormwater Management Controls*
4. *Long-term Stormwater Management*
5. *Inspection and Maintenance*

(See Parts I.B. and I.C of the permit for a more detailed description of SWMP requirements.) The Division has a guidance document available on preparing a SWMP. The document is included as Appendix A of the permit application, and is available on the Division's website at www.cdphe.state.co.us/wq/PermitsUnit.

Some changes have been made to the SWMP requirements. See Section II.I of the rationale for a discussion on permittee responsibilities regarding those changes.

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

Master SWMP

Often, a large construction project will involve multiple smaller construction sites that are within a common plan of development, or multiple well pads under construction within an oil and gas well field. Pollutant sources and the types of BMPs used can be relatively consistent in such cases. A permittee could significantly streamline the SWMP development process through the use of a master SWMP. SWMP information must be developed and maintained for all construction activities that exceed one acre (or are part of a common plan of development exceeding one acre) conducted within the permitted area. By developing a single master plan, the permittee can eliminate the need to develop repetitive information in separate plans. Such a plan could include two sections, one containing a reference section with information applicable to all sites (e.g., installation details and maintenance requirements for many standard BMPs, such as silt fence and erosion blankets), and the second containing all of the information specific to each site (e.g., site BMP map, drainage plans, details for BMPs requiring site specific design, such as retention ponds).

As new activities begin, information required in the SWMP is added to the plan, and as areas become finally stabilized, the related information is removed. Records of information related to areas that have been finally stabilized that are removed from the active plan must be maintained for a period of at least three years from the date that the associated site is finally stabilized.

C. Total Maximum Daily Load (TMDL)

If the designated use of a stream or water body has been impaired by the presence of a pollutant(s), development of a Total Maximum Daily Load (TMDL) may be required. A TMDL is an estimate of allowable loading in the waterbody for the pollutant in question. Types of discharges that are or have the potential to be a significant source of the pollutant are also identified. If a TMDL has been approved for any waterbody into which the permittee discharges, and stormwater discharges associated with construction activity have been assigned a pollutant-specific Wasteload Allocation (WLA) under the TMDL, the Division will either:

- 1. Notify the permittee of the TMDL, and amend the permittee's certification to add specific BMPs and/or other requirements, as appropriate; or*
- 2. Ensure that the TMDL is being implemented properly through alternative local requirements, such as by a municipal stormwater permit. (The only current example of this is the Cherry Creek Reservoir Control Regulation (72.0), which mandates that municipalities within the basin require specific BMPs for construction sites.)*

See Part I.D.11 of the permit for further information.

D. Monitoring

Sampling and testing of stormwater for specific parameters is not required on a routine basis under this permit. However, the Division reserves the right to require sampling and testing on a case-by-case basis, in the event that there is reason to suspect that compliance with the SWMP is a problem, or to measure the effectiveness of the BMPs in removing pollutants in the effluent. See Part I.D.1(e) of the permit.

E. Facility Inspections

Construction sites typically must inspect their stormwater management controls at least every 14 days and within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. At sites or portions of sites where ground-disturbing construction has been completed but a vegetative cover has not been established, these inspections must occur at least once per month. (At sites where persistent snow cover conditions exist, inspections are not required during the period that melting conditions do not exist. These

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

conditions are only expected to occur at high elevations within the Colorado mountains.) For all of these inspections, records must be kept on file. Exceptions to the inspection requirements are detailed in Part I.D.6 of the permit.

F. SWMP Revisions

The permittee shall amend the SWMP whenever there is a change in design, construction, operation, or maintenance of the site, which would require the implementation of new or revised BMPs. The SWMP shall also be amended if it proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity. The timing for completion of SWMP changes is detailed in Parts I.D.5(c) and I.D.5(d) of the permit.

SWMP revisions shall be made prior to change in the field, or in accordance with Part I.D.5(d) of the permit.

G. Reporting

The inspection record shall be made available to the Division upon request. Regular submittal of an annual report is not required in this permit. See Part I.D.9 of the permit.

H. Annual Fee

The permittee is required to submit payment of an annual fee as set forth in the Water Quality Control Act. Permittees will be billed for the initial permit fee within a few weeks of permit issuance and then annually, based on a July 1 through June 30 billing cycle.

I. Responsibility for Permit

The permit certification for a site may be inactivated, once coverage is no longer needed. The certification may be transferred, if another party is assuming responsibility for the entire area covered by the certification. In addition, permit responsibility for **part** of the area covered by the certification may be reassigned to another party. These actions are summarized below. The Stormwater Program construction fact sheet explains these actions in further detail under the section on Multiple Owner/Developer Sites, and is available on the Division website at

<http://www.cdphe.state.co.us/wq/PermitsUnit/stormwater/ConstFactSheet.PDF>, Section F.

1. **Inactivation Notice:** When a site has been finally stabilized in accordance with the SWMP, the permittee shall submit an **Inactivation Notice** that is signed in accordance with Part I.F.1 of the permit. A summary of the Inactivation Notice content is described in Part I.A.6 of the permit. A copy of the Inactivation Notice form will be mailed to the permittee along with the permit certification. Additional copies are available from the Division.

For sites where all areas have been removed from permit coverage, the permittee may submit an inactivation notice and terminate permit coverage. In such cases the permittee would no longer have any land covered under their permit certification, and therefore there would be no areas remaining to finally stabilize. Areas may be removed from permit coverage by:

- reassignment of permit coverage (Part I.A.8 of the permit);
- sale to homeowner(s) (Part I.A.9 of the permit); or
- amendment by the permittee, in accordance with Division guidance for areas where permit coverage has been obtained by a new operator or returned to agricultural use.

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

2. **Transfer of Permit:** When responsibility for stormwater discharges for an *entire* construction site changes from one individual to another, the permit shall be transferred in accordance with Part I.A.7 of the permit. The permittee shall submit a completed **Notice of Transfer form**, which is available from the Division, and at www.cdphe.state.co.us/wq/PermitsUnit. If the new responsible party will not complete the transfer form, the permit may be inactivated if the permittee has no legal responsibility, through ownership or contract, for the construction activities at the site. In this case, the new owner or operator would be required to obtain permit coverage separately.
3. **Reassignment of Permit:** When a permittee no longer has control of a specific portion of a permitted site, and wishes to transfer coverage of that portion of the site to a second party, the permittee shall submit a completed **Notice of Reassignment of Permit Coverage form**, which is available from the Division, and at www.cdphe.state.co.us/wq/PermitsUnit. The form requires that both the existing permittee and new permittee complete their respective sections. See Part I.A.8 of the permit.

J. Duration of Permit

The general permit will expire on June 30, 2012. The permittee's authority to discharge under this permit is approved until the expiration date of the general permit. Any permittee desiring continued coverage under the general permit past the expiration date must apply for recertification under the general permit at least 90 days prior to its expiration date.

Kathleen Rosow
December 18, 2006

IX. PUBLIC NOTICE – 12/22/06

The permit was sent to public notice on December 22, 2006. A public meeting was requested, and was held on February 2, 2007. Numerous comments were received on the draft permit. Responses to those comments, and a summary of changes made to the draft permit, are in a separate document entitled "Division Response To Public Comments." The permit will be sent to a second public notice on March 23, 2007. Any changes resulting from the second public notice will be summarized in the rationale.

Kathleen Rosow
March 22, 2007

X. PUBLIC NOTICE – 3/23/07

The permit was sent to public notice for a second time on March 23, 2007. Numerous comments were received on the second draft permit. Responses to those comments, and a summary of the additional changes made to the draft permit, are contained in a separate document entitled "Division Response To Public Comments Part II". This document is part of the rationale. Any changes based on the Division response are incorporated into the rationale and permit. The response document is available online at <http://www.cdphe.state.co.us/wq/PermitsUnit/stormwater/construction.html>, or by emailing cdphe.wqstorm@state.co.us, or by calling the Division at 303-692-3517.

Kathleen Rosow
May 31, 2007

CDPS GENERAL PERMIT
STORMWATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY
AUTHORIZATION TO DISCHARGE UNDER THE
COLORADO DISCHARGE PERMIT SYSTEM

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 (and specific allowable non-stormwater discharges in accordance with Part I.D.3 of the permit) certified under this permit, from those locations specified throughout the State of Colorado to specified waters of the State. Such discharges shall be in accordance with the conditions of this permit.

This permit specifically authorizes the facility listed on page 1 of this permit to discharge, as of this date, in accordance with permit requirements and conditions set forth in Parts I and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

This permit and the authorization to discharge shall expire at midnight, **June 30, 2012**.

Issued and Signed this 31st day of May, 2007

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Janet S. Kieler
Permits Section Manager
Water Quality Control Division

SIGNED AND ISSUED MAY 31, 2007

EFFECTIVE JULY 1, 2007

ADMINISTRATIVELY
CONTINUED EFFECTIVE
JULY 1, 2012

App E – Copy of NOI and acknowledgement letter from EPA/State



App F – Notice of Termination Application





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

Effective date _____

COLORADO WATER QUALITY CONTROL DIVISION TERMINATION APPLICATION

Print or type all information. Mail original form with ink signature to the following address. Emailed and Faxed forms will not be accepted. All items must be filled out completely and correctly. If the form is not complete, you will be asked to resubmit it.

Colorado Dept of Public Health and Environment
 Water Quality Control Division WQCD-P-B2
 4300 Cherry Creek Drive South
 Denver CO 80246-1530

PART A. IDENTIFICATION OF PERMIT OR AUTHORIZATION - Please limit submission to one permit, certification, or authorization per form. All permit termination dates are effective on the date approved by the division. Processing times vary by type of discharge. Some discharge types require onsite inspections to verify information in this application.

PERMIT, CERTIFICATION, OR AUTHORIZATION NUMBER (DOES NOT END IN 0000) _____

PART B. PERMITTEE INFORMATION

Company Name _____

Legal Contact First Name _____ Last Name _____

Title _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone _____ Email address _____

PART C. FACILITY OR PROJECT INFORMATION

Facility/Project name _____

Location/Address _____

City _____ County _____

Local contact name _____ Title _____

Phone _____ Email address _____

PART D. TERMINATION INFORMATION QUESTIONS Provide information for Part D that applies to your facility and termination request. Not all questions need to be answered- only the part that applies to your facility.

Part D1 covers facilities no longer in operation.

Part D2 covers mining facilities no longer in operation

Part D3 covers facilities in operation but no longer discharging or needing permit coverage.

Part D4 covers Stormwater Construction facilities where construction is complete and the site is stabilized.

Please answer questions as completely as possible to assist in timely approval of this termination request.

D1. FACILITY IS NO LONGER IN OPERATION AT THIS LOCATION

All activities and discharges at the identified site have ceased; all potential pollutant sources have been removed; all industrial wastes have been disposed of properly; all DMR's, Annual Reports, and other reports have been submitted; and all elements of a Stormwater Management Plan have been completed (if this applies).

[FOR LAGOONS: please reference "information regarding Domestic Treatment Works Closure at Wastewater Treatment Facilities"](#)

D2. MINING FACILITY IS NO LONGER IN OPERATION AT THIS LOCATION.

Sand and Gravel, Coal or Hard Rock Mining

- A. Mining operation is no longer discharging process/treated water. Bond has not been released by DRMS. A stormwater only permit is requested at this time. Attach application for Stormwater Only permit.
- B. Reclamation of mining site is completed. Bond has been released by DRMS.
 YES Attach a copy of the Bond release letter. NO Explain below:

- C. Reclamation of mining site is complete. Is there any continued mine drainage? Eg. Adits or unreclaimed waste piles? YES , Please explain, attach additional pages as necessary.

D3. FACILITY IS STILL IN OPERATION BUT IS NO LONGER DISCHARGING OR NO LONGER NEEDS A PERMIT

- A. Facility continues to operate, however the activity producing the discharge has ceased (including changes in SIC Code resulting in change in duty to apply).
- B. Termination is based on alternate disposal of discharges (discharge is being disposed of in another way)
- a. Solid waste disposal unit (e.g. evaporative ponds)
 - b. No Exposure Exclusion (for industrial stormwater facilities only.) NOX Number _____
 - c. Combined with another authorized discharge. Permit Number _____
 - d. Permit is not required (includes coverage by low risk policy, etc.) - please explain, attach additional pages if necessary

- C. PERMITTEE IS NO LONGER THE OWNER/OPERATOR OF THE SITE and all efforts have been made to transfer the permit to appropriate parties. Please attach copies of registered mail receipts, letters, etc.

D4. STORMWATER CONSTRUCTION FACILITIES WHERE CONSTRUCTION IS COMPLETE (Select A, B, or C)

- A. SITE IS FINALLY STABILIZED OR CONSTRUCTION WAS NOT STARTED
- a. The permitted activities meet the requirements for FINAL stabilization in accordance with the permit, the Stormwater Management Plan, and as described in item b. (explanation can be construction activities were not started).
 - b. Describe the methods used to meet final stabilization. (Required)

*Final Stabilization defined on page 3

D4. STORMWATER CONSTRUCTION FACILITIES WHERE CONSTRUCTION IS COMPLETE (Continued)

- B. ALTERNATIVE PERMIT COVERAGE OR FULL REASSIGNMENT
 - a. All ongoing construction activities including all disturbed areas, covered under the permit certification listed in Part B have coverage under a separate CDPS Stormwater Construction permit. The Division's Reassignment form was used by the permittee to reassign all areas and activities.
 - b. Permit certification number covering the ongoing activities (Required) _____

- C. PERMITTEE IS NO LONGER THE OWNER OR OPERATOR OF THE FACILITY
 - All efforts have been made to transfer the permit to appropriate parties.
 - Please attach copies of registered mail receipt, letters, etc.

***Final stabilization is reached when:** all ground surface disturbing activities at the site have been completed including removal of all temporary erosion and sediment control measure, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of predisturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

PART E. CERTIFICATION SIGNATURE REQUIRED FOR ALL TERMINATION REQUESTS

I certify under penalty of law that this document and all attachments were prepared under my direction and/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 individuals immediately 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. " (See 18 USC 1001 and 33 USC 1319)

I certify that I am the legal representative of the above named company (PART B page 1).

- Applies to Stormwater Construction terminations:
 - I understand that by submitting this notice of termination, I am no longer authorized to discharge stormwater associated with construction activity by the general permit. I understand that discharging pollutants in stormwater associated with construction activities to the waters of the State of Colorado, where such discharges are not authorized by a CDPS permit, is unlawful under the Colorado Water Quality Control Act and the Clean Water Act.

Signature of Legally Responsible Party

Date Signed

Name (printed)

Title

Signatory requirements: This termination request shall be signed, dated, and certified for accuracy by the permittee in accord with the following criteria:

1. In the case of a corporation, by a principal executive officer of at least the level of vice-president, or his or her duly authorized representative, if such representative is responsible for the overall operation of the operation from which the discharge described herein originates;
2. In the case of a partnership, by a general partner;
3. In the case of a sole proprietorship, by the proprietor;
4. In the case of a municipal, state, or other public operation, by either a principal executive officer, ranking elected official, or other duly authorized employee.

App G – Inspection Reports



App H – Corrective Action Log (or in Section 5.3)



App I – Log of Changes and Updates to SWPPP (or in Section 6.2)



App J – Subcontractor Certifications/Agreements

