



# **COLORADO**

**Department of Public  
Health & Environment**

**CERTIFICATION TO DISCHARGE  
UNDER  
CDPS GENERAL PERMIT COR-0300000  
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

Certification Number: COR03T751

**This Certification to Discharge specifically authorizes:**

**Lake Woodmoor Development Inc**  
to discharge stormwater from the facility identified as

**The Beach at Woodmoor Filing No 1**

**To the waters of the State of Colorado, including, but not limited to:**

**Lake Woodmoor - Arkansas River**

**Facility Activity :**

Residential development

**Disturbed Acres:**

7.6 acres

**Facility Located at:**

Lake Woodmoor Dr and Lower Lake Rd Unincorporated CO 80132  
El Paso County  
Latitude 39.09780 Longitude -104.85485

**Specific Information  
(if applicable):**

**Certification is issued and effective: 7/25/2018**

**Expiration Date:** This authorization expires upon effective date of the General Permit COR030000 renewal unless otherwise notified by the division.

**\*ADMINISTRATIVELY CONTINUED**

This certification under the permit requires that specific actions be performed at designated times. The certification holder is legally obligated to comply with all terms and conditions of the permit.

This certification was approved by:  
Margo Griffin Work Group Lead  
Permits Section  
Water Quality Control Division

\*explanation of Admin Continued in cover letter





## COLORADO

Department of Public  
Health & Environment

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

Michael Ruebenson, VP  
Lake Woodmoor Development Inc  
1755 Telestar Dr Ste 211  
Colorado Springs, CO 80920

DATE: 7/25/2018

MEMO RE: Certification, Colorado Discharge Permit System  
Permit No., COR030000, Certification Number: COR03T751

DIVISION CONTACTS: Debbie Jessop WGL 303-692-3590

ATTACHMENTS: Certification COR03T751, General Permit, Highlight Sheet, Termination Application

The Water Quality Control Division (the Division) has reviewed the application submitted for the **The Beach at Woodmoor Filing No 1** facility and determined that it qualifies for coverage under the CDPS General Permit for Stormwater Discharges Associated with Construction Activities (the permit). Enclosed please find a copy of the permit certification, which was issued under the Colorado Water Quality Control Act.

### FEE INFORMATION: 7.6 acres

An application fee of \$175 - 50% of the annual fee) will be assessed for all new applications received between July 1, 2018 and June 30, 2019. Beginning July 1, 2019 an annual fee of \$ 350 category 7, subcat - Stormwater Construction 1-30 Acres Disturbed per CRS 25-8-502] will be assessed and invoiced every July for as long as the permit certification is in effect. All certifications terminated prior to July 1, 2018, will not be invoiced the annual fee for the year beginning July 1, 2017.

It is the responsibility of the permittee to submit a termination application when the permit is no longer needed. Fees are assessed and invoiced for every permit that is active July 1 of the fiscal year. Permits for which termination applications are received by June 30 of the current fiscal year will not be invoiced for the new fiscal year.

### CERTIFICATION RECORDS INFORMATION:

The following information is what the Division records show for this certification.

For any changes to Contacts - Legal, Facility, or Billing - a "Notice of Change of Contacts form" must be submitted to the Division. This form is also available on our web site and must be signed by the legal contact.

**Facility: The Beach at Woodmoor Filing No 1**

El PasoCounty

**Construction Activities**

Residential development

**Legal Contact** (*receives all legal documentation pertaining to the permit certification*):

Michael Ruebenson, VP  
Lake Woodmoor Development Inc  
1755 Telestar Dr Ste 211  
Colorado Springs, CO 80920

Phone number: 719-867-2244  
Email: mruebenson@laplatalc.com

**Facility Contact** (*contacted for general inquiries regarding the facility*):

Neil McLeod, Projct Mgr  
Lake Woodmoor Development Inc  
1755 Telstar Dr Ste 211  
Colorado Springs, CO 80920

Phone number: 719-200-7315  
Email: nmcleod@laplatalc.com

**Billing Contact** (*receives the invoice pertaining to the permit certification*):

Michael Ruebenson, VP  
Lake Woodmoor Development Inc  
1755 Telestar Dr Ste 211  
Colorado Springs, CO 80920

Phone number: 719-260-7477  
Email: mruebenson@laplatalc.com

### ADMINISTRATIVE CONTINUATION EXPLANATION:

The Division is currently developing a renewal permit and associated certification for the above permitted facility. The development and review procedures required by law have not yet been completed. The Construction Stormwater General Permit, which expired June 30, 2012, is administratively continued and will remain in effect under Section 104(7) of the Administrative Procedures Act, C.R.S. 1973, 24-4-101, et seq (1982 repl. vol. 10) until a renewal permit/certification is issued and effective. The renewal for this facility will be based on the application that was received 7/19/2018 All effluent limits, terms and conditions of the administratively continued permit are in effect until the renewal is complete.



# HIGHLIGHTS

## CONSTRUCTION ACTIVITY

## STORMWATER GENERAL PERMIT

### PERMIT REQUIREMENTS:

- \* **Inspections:** Inspection of stormwater management system required at least every 14 days **and** after any precipitation or snowmelt event that causes surface erosion. (See Inspections, page 12 of the permit, enclosed.)
- \* **Records:** Records of inspections must be kept and be available for review by the Division.
- \* **Stormwater Management Plan (SWMP):** A copy of the SWMP must be kept on the construction site at all times.

### PERMIT FEE:

- \* Send payment only when you receive an invoice (sent once a year).

### PERMIT TERMINATION AND TRANSFER:

- \* If the facility is *finally stabilized*, you may inactivate the permit, using the enclosed Division form.
- \* “*Final stabilization*” is reached when all the construction is complete, paving is finished, and the vegetation (grass, etc.) is established, **not just reseeded**. See permit, page 9.
- \* If the **entire** site changes ownership, you should transfer the permit to the new owner.
- \* If **part** of the site will be sold to a new owner, you will need to reassign permit coverage.
- \* Forms for these actions are available on our website, below. Also see page 5 of the permit.

### QUESTIONS?

- \* [www.coloradowaterpermits.com](http://www.coloradowaterpermits.com)
- \* Email [cdphe\\_wqcd\\_permits@state.co.us](mailto:cdphe_wqcd_permits@state.co.us)
- \* Or call (303)692-3517



**COLORADO**  
Department of Public  
Health & Environment



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

FOR DIVISION USE ONLY

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"**

**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.

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 31<sup>st</sup> 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 I.A.1, I.A.2, I.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.B.10, apply.



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.

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 SMWP must meet the new SWMP requirements as summarized in Section III.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) 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.

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). 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) **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;
  - viii) 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.

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.

## 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.)

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.)

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.

## **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](http://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.)

### 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 SWMP 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(h) 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.)

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.)

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 (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.*

## 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.)

**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.)

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](http://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](http://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](mailto:cdphe.wqstorm@state.co.us), or by calling the Division at 303-692-3517.

Kathleen Rosow  
May 31, 2007