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Chuck Broerman

El Paso County, CO

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**PRIVATE DETENTION BASIN /
STORMWATER QUALITY BEST MANAGEMENT PRACTICE
MAINTENANCE AGREEMENT AND EASEMENT**

This PRIVATE DETENTION BASIN / STORMWATER QUALITY BEST MANAGEMENT PRACTICE MAINTENANCE AGREEMENT AND EASEMENT (“Agreement”) is made by and among EL PASO COUNTY (the “County”) by and through THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO (the “Board”), WINSOME, LLC, a Colorado limited liability company (“Developer”) and WINSOME METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and political subdivision of the State of Colorado (the “Metro District”). The above may occasionally be referred to herein singularly as “Party” and collectively as “Parties.”

Recitals

A. WHEREAS, the Metro District was organized in conjunction with Winsome Metropolitan District No. 2 (“District No. 2”), Winsome Metropolitan District No. 3 (“District No. 3”) and Winsome Metropolitan District No. 4 (“District No. 4,” and, together with the Metro District and District Nos. 2 through 4, the “Districts”) as part of a common plan to provide certain public services and facilities serving the needs of the development known as Winsome; and

B. WHEREAS, the Districts are authorized pursuant to their Service Plan to provide various public improvements and services, including the design, financing, installation, construction, acquisition, operation, and maintenance of flood and surface drainage improvements, including but not limited to, detention ponds, within their boundaries; and

C. WHEREAS, the Metro District will serve as the operations and maintenance district for the Districts and will own, operate and maintain those public improvements not dedicated to another governmental entity; and

D. WHEREAS, Developer is the owner of certain real estate (the “Property”) in El Paso County, Colorado, which Property is legally described in **Exhibit A**, attached hereto and incorporated herein by this reference, and lies within District No. 2; and

E. WHEREAS, Developer desires to plat and develop on the Property a subdivision to be known as Winsome Filing No. 2 (the “Subdivision”); and

F. WHEREAS, the development of this Property will substantially increase the volume of water runoff and will decrease the quality of the stormwater runoff from the Property, and, therefore, it is in the best interest of public health, safety and welfare for the County to condition approval of this subdivision on Developer’s promise to construct adequate drainage, water runoff control facilities, and stormwater quality structural Best Management Practices (“BMPs”) for the Subdivision; and

G. WHEREAS, Chapter 8, Section 8.4.5 of the El Paso County Land Development Code, as periodically amended, promulgated pursuant to Section 30-28-133(1), Colorado Revised Statutes (C.R.S.), requires the County to condition approval of all subdivisions on a developer’s promise to so construct adequate drainage, water runoff control facilities, and BMPs in subdivisions; and

H. WHEREAS, the Drainage Criteria Manual, Volume 2, as amended by Appendix I of the El Paso County Engineering Criteria Manual (“ECM”), as each may be periodically amended, promulgated pursuant to the County’s Colorado Discharge Permit System General Permit (“MS4 Permit”) as required by Phase II of the National Pollutant Discharge Elimination System (“NPDES”), which MS4 Permit requires that the County take measures to protect the quality of stormwater from sediment and other contaminants, requires subdividers, developers, landowners, and owners of facilities located in the County’s rights-of-way or easements to provide adequate permanent stormwater quality BMPs with new development or significant redevelopment; and

I. WHEREAS, Section 2.9 of the El Paso County Drainage Criteria Manual provides for a developer’s promise to maintain a subdivision’s drainage facilities in the event the County does not assume such responsibility; and

J. WHEREAS, developers in El Paso County have historically chosen water runoff detention basins as a means to provide adequate drainage and water runoff control in subdivisions, which basins, while effective, are less expensive for developers to construct than other methods of providing drainage and water runoff control; and

K. WHEREAS, Developer desires to construct for the Subdivision a detention basin/stormwater quality BMP (“Detention Basin/BMP”) as the means for providing adequate drainage and stormwater runoff control and to meet requirements of the County’s MS4 Permit, and to provide for operating, cleaning, maintaining and repairing such Detention Basin/BMP; and

L. WHEREAS, Developer desires to construct the Detention Basin/BMP designated as Detention Pond No. 5 on the map attached hereto as **Exhibit B** and incorporated herein by this reference, within the areas legally described in **Exhibit C**, attached hereto and incorporated herein by this reference; and

M. WHEREAS, Developer shall be charged with the duty of constructing the Detention Basin/BMP, and, following conveyance and acceptance of the Detention Basin/BMP for maintenance by the Metro District, the Metro District shall be charged with the duties of operating, maintaining and repairing the Detention Basin/BMP on the easement described in **Exhibit C**; and

N. WHEREAS, it is the County’s experience that subdivision developers and property owners historically have not properly cleaned and otherwise not properly maintained and repaired such detention basins/BMPs, and that such detention basins/BMPs, when not so properly cleaned, maintained, and repaired, threaten the public health, safety and welfare; and

O. WHEREAS, the County, in order to protect the public health, safety and welfare, has historically expended valuable and limited public resources to so properly clean, maintain, and repair such detention basins/BMPs when developers and property owners have failed in their responsibilities, and therefore, the County desires the means to recover its costs incurred in the event the burden falls on the County to so clean, maintain and repair the Detention Basin/BMP serving this Subdivision due to the Developer’s or the Metro District’s failure to meet its obligations to do the same; and

P. WHEREAS, the County conditions approval of this Subdivision on the Developer’s promise to so construct the Detention Basin/BMP, and further conditions approval on the Developer’s

and/or Metro District's promise to reimburse the County in the event the burden falls upon the County to so clean, maintain and/or repair the Detention Basin/BMP serving this Subdivision; and

Q. WHEREAS, the County could condition subdivision approval on the Developer's promise to construct a different and more expensive drainage, water runoff control system and BMPs than those proposed herein, which more expensive system would not create the possibility of the burden of cleaning, maintenance and repair expenses falling on the County; however, the County is willing to forego such right upon the performance of Developer's and the Metro District's promises contained herein; and

R. WHEREAS, the County, in order to secure performance of the promises contained herein, conditions approval of this Subdivision upon the Developer's grant herein of a perpetual drainage easement and access easement over the portion of the Property described in **Exhibit C** to both the County and the Metro District for the purpose of allowing the County and/or the Metro District, following acceptance of the Detention Basin/BMP, to periodically access, inspect, and, when so necessary, to clean, maintain and/or repair the Detention Basin/BMP; and

S. WHEREAS, pursuant to Colorado Constitution, Article XIV, Section 18(2) and Section 29-1-203, Colorado Revised Statutes, governmental entities may cooperate and contract with each other to provide any function, services, or facilities lawfully authorized to each.

Agreement

NOW, THEREFORE, in consideration of the mutual promises contained herein, the sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals: The Parties incorporate the Recitals above into this Agreement.
2. Covenants Running with the Land: Developer and the Metro District agree that this entire Agreement and the performance thereof shall become a covenant running with the land, which land is legally described in **Exhibit A**, and that this entire Agreement and the performance thereof shall be binding upon themselves, their respective successors and assigns.
3. Construction: Developer shall construct on that portion of the Property described in **Exhibit C** the Detention Basin/BMP. Developer shall not commence construction of the Detention Basin/BMP until the El Paso County Planning and Community Development Department ("PCD") has approved in writing the plans and specifications for such Detention Basin/BMP and this Agreement has been signed by all Parties and returned to the PCD. Developer shall complete construction of the Detention Basin/BMP in substantial compliance with the County-approved plans and specifications for the Detention Basin/BMP. Failure to meet these requirements shall be a material breach of this Agreement and shall entitle the County to pursue any remedies available to it at law or in equity to enforce the same. Construction of the Detention Basin/BMP shall be substantially completed within one (1) year (defined as 365 days), which one-year period will commence to run on the date the approved plat of this Subdivision is recorded in the records of the El Paso County Clerk and Recorder. Rough grading of the Detention Basin/BMP must be completed and inspected by the El Paso County Planning and Community Development Department prior to commencing road construction.

In the event construction of the Detention Basin/BMP for the Subdivision is not substantially completed within the one (1) year period, then the County may exercise its discretion to complete the

Detention Basin/BMP and shall have the right to seek reimbursement from the Developer and its respective successors and assigns, for its actual costs and expenses incurred in the process of completing the Detention Basin/BMP. The term “actual costs and expenses” as used herein and in Paragraph 7 shall be liberally construed in favor of the County, and shall include, but shall not be limited to, labor costs, tool and equipment costs, supply costs, and engineering and design costs, regardless of whether the County uses its own personnel, tools, equipment and supplies, etc. to correct the matter. In the event the County initiates any litigation or engages the services of legal counsel in order to enforce the provisions arising herein, the County shall be entitled to its damages and costs, including reasonable attorney fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same.

4. Maintenance: Subject to Paragraph 17 below, the Developer and Metro District agree for themselves and their respective successors and assigns that they will regularly and routinely inspect, clean, and maintain the Detention Basin/BMP and otherwise keep the same in good repair, all at their own cost and expense. No trees or shrubs that will impair the structural integrity of the Detention Basin/BMP(s) shall be planted or allowed to grow on the Detention Basin/BMP.

5. Creation of Easement: Developer hereby grants to the County and the Metro District a non-exclusive perpetual drainage easement and access easement, together with all rights and privileges as are incidental to the full use and enjoyment of the easement rights, upon, over, above, through and across that portion of the Property described in **Exhibit C** (the “Easement”). The purpose of the Easement is to allow the County and the Metro District to access, inspect, clean, repair and maintain the Detention Basin/BMP; however, the creation of the easement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the Detention Basin/BMP, and the Metro District does not have the obligation to inspect, clean, repair and maintain the Detention Basin/BMP until the Metro District accepts the Detention Basin/BMP for maintenance.

6. County’s Rights and Obligations: Any time the County determines, in the sole exercise of its discretion, that the Detention Basin/BMP is not properly cleaned, maintained and/or otherwise kept in good repair, the County shall give reasonable notice to the Developer, the Metro District, and their respective successors and assigns, that the Detention Basin/BMP needs to be cleaned, maintained and/or otherwise repaired. The notice shall provide a reasonable time to correct the problem(s). Should the responsible parties fail to correct the specified problem(s) within the reasonable time provided or such other period of time with which the County agrees, the County may enter upon the Property to so correct the specified problem(s). Notice shall be effective to the above by the County’s deposit of the same into the regular United States mail, postage pre-paid. Notwithstanding the foregoing, this Agreement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the Detention Basin/BMP.

7. Reimbursement of County’s Costs: The Developer and the Metro District agree and covenant, for themselves, their respective successors and assigns, that they will reimburse the County for its actual costs and expenses incurred in the process of completing construction of, cleaning, maintaining, and/or repairing the Detention Basin/BMP pursuant to the provisions of this Agreement.

8. Contingencies of Subdivision Approval: Developer’s and the Metro District’s execution of this Agreement is a condition of Subdivision approval. Additional conditions of this Agreement include, but are not limited to, the following:

- a. A copy of the Covenants of the Subdivision, if applicable, establishing that the Metro District is obligated to inspect, clean, maintain, and repair the Detention Basin/BMP.

The County shall have the right, in the sole exercise of its discretion, to approve or disapprove any documentation submitted to it under the conditions of this Paragraph, including but not limited to, any separate agreement or amendment, if applicable, identifying any specific maintenance responsibilities not addressed herein. The County's rejection of any documentation submitted hereunder shall mean that the appropriate condition of this Agreement has not been fulfilled.

9. Agreement Monitored by El Paso County Planning and Community Development Department and/or El Paso County Department of Public Works: Any and all actions and decisions to be made hereunder by the County shall be made by the Director of the El Paso County Planning and Community Development Department and/or the Director of the El Paso County Department of Public Works. Accordingly, any and all documents, submissions, plan approvals, inspections, etc. shall be submitted to and shall be made by the Director of the Planning and Community Development Department and/or the Director of the El Paso County Department of Public Works.

10. Indemnification and Hold Harmless: To the extent authorized by law, Developer and the Metro District agree, for themselves, their respective successors and assigns, that they will indemnify, defend, and hold the County harmless from any and all loss, costs, damage, injury, liability, claim, lien, demand, action and causes of action whatsoever, whether at law or in equity, arising from or related to their respective intentional or negligent acts, errors or omissions or that of their agents, officers, servants, employees, invitees and licensees in the construction, operation, inspection, cleaning (including analyzing and disposing of any solid or hazardous wastes as defined by State and/or Federal environmental laws and regulations), maintenance, and repair of the Detention Basin/BMP, and such obligation arising under this Paragraph shall be joint and several. Nothing in this Paragraph shall be deemed to waive or otherwise limit the defense available to the County pursuant to the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.* C.R.S., or as otherwise provided by law.

11. Severability: In the event any Court of competent jurisdiction declares any part of this Agreement to be unenforceable, such declaration shall not affect the enforceability of the remaining parts of this Agreement.

12. Third Parties: This Agreement does not and shall not be deemed to confer upon or grant to any third party any right to claim damages or to bring any lawsuit, action or other proceeding against either the County, the Developer, the Metro District, or their respective successors and assigns, because of any breach hereof or because of any terms, covenants, agreements or conditions contained herein.

13. Solid Waste or Hazardous Materials: Should any refuse from the Detention Basin/BMP be suspected or identified as solid waste or petroleum products, hazardous substances or hazardous materials (collectively referred to herein as "hazardous materials"), the Developer and the Metro District shall take all necessary and proper steps to characterize the solid waste or hazardous materials and properly dispose of it in accordance with applicable State and/or Federal environmental laws and regulations, including, but not limited to, the following: Solid Wastes Disposal Sites and Facilities Acts, §§ 30-20-100.5 – 30-20-119, C.R.S., Colorado Regulations Pertaining to Solid Waste Disposal Sites and Facilities, 6 C.C.R. 1007-2, *et seq.*, Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992k, and Federal Solid Waste Regulations 40 CFR Ch. I. The County shall not be responsible or liable for identifying, characterizing, cleaning up, or disposing of such solid waste or hazardous materials. Notwithstanding the previous

sentence, should any refuse cleaned up and disposed of by the County be determined to be solid waste or hazardous materials, the Developer and the Metro District, but not the County, shall be responsible and liable as the owner, generator, and/or transporter of said solid waste or hazardous materials.

14. Applicable Law and Venue: The laws, rules, and regulations of the State of Colorado and the County shall be applicable in the enforcement, interpretation, and execution of this Agreement, except that Federal law may be applicable regarding solid waste or hazardous materials. Venue shall be in the El Paso County District Court.

15. Governmental Immunity. Nothing in this Agreement shall be construed to be a waiver, in whole or in part, of any right, privilege or protection afforded the County or its Board, the Metro District or its Board of Directors, or their respective officers, employees, servants, agents or authorized volunteers pursuant to the Colorado Governmental Immunity Act, Sections 24-10-101, et seq., C.R.S.

16. Annual Appropriations. The Metro District does not intend hereby to create a multiple-fiscal year direct or indirect debt or other financial obligation whatsoever.

17. Limitation on Developer and Metro District's Obligations and Liabilities: The obligation and liability of the Developer hereunder shall only continue until such time as all of the following occur: (i) the Final Plat for the Subdivision as described in Paragraph E of the Recitals set forth above is recorded; (ii) the Developer completes the construction of the Detention Basin/BMP; and (iii) the Detention Basin/BMP is conveyed and accepted for ownership and maintenance by the Metro District. By execution of this agreement, the Metro District agrees to accept conveyance of the Detention Basin/BMP from the Developer and all responsibilities and duties assigned to it under this Agreement, upon completion of items (i), (ii) and (iii) herein.

18. Contract Modification. The Agreement may not be amended, altered or otherwise changed except by a written agreement signed by the Parties.

19. Counterpart Execution. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the Parties affix their signatures below.

Executed this 16 day of NOVEMBER, 2021, by:

WINSOME, LLC

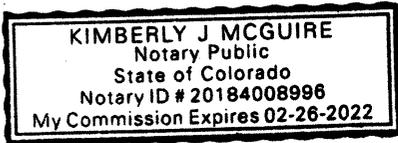
By: 
Andrew J. Biggs, Manager

State of Colorado
County of El Paso

The foregoing instrument was acknowledged before me this 16th day of November, 2021, by Andrew J. Biggs as Manager of Winsome, LLC.

Witness my hand and official seal.

My commission expires: 02-26-2022




Notary Public

Executed this 16 day of November, 2021, by:
WINSOME METROPOLITAN DISTRICT NO. 1

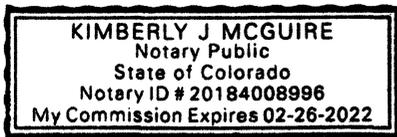
By: 
Andrew J. Biggs, President

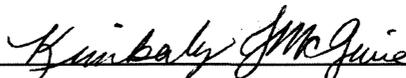
State of Colorado
County of El Paso

The foregoing instrument was acknowledged before me this 16th day of November,
2021, by Andrew J. Biggs as President of WINSOME METROPOLITAN DISTRICT NO. 1.

Witness my hand and official seal.

My commission expires: 02-26-2022




Notary Public

Executed this 3rd day of January, 2022 by:

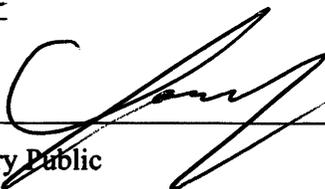
BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Craig Dossey, Executive Director
Planning and Community Development Department
Authorized signatory pursuant to LDC

The foregoing instrument was acknowledged before me this 4th day of January, 2022, by Craig Dossey, Executive Director of El Paso County Planning and Community Development Department.

Witness my hand and official seal.

My commission expires: October 11, 2022


Notary Public

Approved as to Content and Form:


Steven Klaffky (Dec 29, 2021 08:15 MST)

Assistant County Attorney

Tara Joy Younger
Notary Public
State of Colorado
Notary ID 20184040076
My Commission Expires October 11, 2022

EXHIBIT A

A TRACT OF LAND BEING A PORTION OF SECTION 24, RANGE 11 SOUTH, RANGE 65 WEST AND A PORTION OF THE WEST HALF OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E A DISTANCE OF 2636.99 FEET AS SHOWN IN LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, THENCE S00°14'17"W, A DISTANCE OF 1,684.27 FEET TO A POINT ON THE BOUNDARY OF WINSOME FILING NO. 1; THENCE ON THE BOUNDARY OF WINSOME FILING NO. 1, THE FOLLOWING TWO (2) COURSES:

1. S00°14'17"E, A DISTANCE OF 922.65 FEET;
2. N89°30'15"E, A DISTANCE OF 4,535.40 FEET TO THE SOUTHEAST CORNER OF SAID FILING NO. 1, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON THE BOUNDARY OF SAID WINSOME FILING NO. 1, THE FOLLOWING TEN (10) COURSES:
 1. N00°29'45"W, A DISTANCE OF 484.81 FEET;
 2. N10°20'00"W, A DISTANCE OF 247.91 FEET;
 3. N21°16'12"W, A DISTANCE OF 333.95 FEET;
 4. N32°53'11"W, A DISTANCE OF 363.08 FEET TO A POINT ON CURVE;
 5. ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS N38°40'46"W, HAVING A DELTA OF 3°27'19", A RADIUS OF 4,030.00 FEET, A DISTANCE OF 243.03 FEET TO A POINT OF TANGENT;
 6. S54°46'33"W, A DISTANCE OF 146.74 FEET;
 7. N35°13'27"W, A DISTANCE OF 60.00 FEET;
 8. N54°46'33"E, A DISTANCE OF 146.74 FEET TO POINT OF CURVE;
 9. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 3°31'19", A RADIUS OF 3,970 FEET, A DISTANCE OF 244.03 FEET TO A POINT ON CURVE;
 10. N34°15'42"W, A DISTANCE OF 1,176.07 FEET;
 11. S41°49'33"W, A DISTANCE OF 100.05 FEET TO A POINT OF CURVE;
 12. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 7°37'13", A RADIUS OF 1,530 FEET, A DISTANCE OF 203.49 FEET TO A POINT ON CURVE;
 13. N40°33'13"W, A DISTANCE OF 117.62 FEET;
 14. S54°25'41"W, A DISTANCE OF 240.00 FEET;

15. S30°48'16"E, A DISTANCE OF 58.07 FEET TO A POINT ON CURVE;
16. ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS N30°48'16"W, HAVING A DELTA OF 50°01'50", A RADIUS OF 1,470.00 FEET, A DISTANCE OF 1,283.60 FEET TO A POINT ON THE BOUNDARY LINE OF SAID WINSOME FILING NO. 1,

THENCE CONTINUING ON AN ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 3°42'29", A RADIUS OF 1,470.00 FEET, A DISTANCE OF 95.13 FEET TO A POINT ON CURVE; THENCE N20°46'13"E, A DISTANCE OF 758.90 FEET; THENCE S89°29'30"E, A DISTANCE OF 757.49 FEET; THENCE S82°21'05"E, A DISTANCE OF 229.91 FEET; THENCE N15°45'23"E, A DISTANCE OF 1,195.74 FEET; THENCE N89°29'13"E, A DISTANCE OF 722.44 FEET; THENCE N89°02'00"E, A DISTANCE OF 60.00 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS S89°02'00"W, HAVING A DELTA OF 5°13'06", A RADIUS OF 1,710.00 FEET; A DISTANCE OF 115.74 FEET TO A POINT ON CURVE; THENCE S89°42'54"E, A DISTANCE OF 609.60 FEET; THENCE N00°17'06"E, A DISTANCE OF 239.06 FEET; THENCE S89°15'17"E A DISTANCE OF 613.35 FEET TO A POINT ON THE WEST LINE OF SECTION 19 TOWNSHIP 11 SOUTH, RANGE 64 WEST; THENCE S89°15'18"E A DISTANCE OF 1,158.32 FEET TO THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19 ; THENCE S00°17'06"W ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19, A DISTANCE OF 3,838.66 FEET TO A POINT 30.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19; THENCE S89°55'06"W, ON A LINE 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, ON SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE BOUNDARY LINE PARCEL NUMBER RW-36 AS SHOWN IN THE WARRANTY DEED AS RECORDED UNDER RECEPTION NUMBER 213096397; THENCE ON THE BOUNDARY OF SAID PARCEL THE FOLLOWING (3) THREE COURSES:

1. N00°17'06"E, BEING 30.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19, A DISTANCE OF 5.25 FEET;
2. N89°47'54"W A DISTANCE OF 368.05 FEET;
3. S89°14'50"W A DISTANCE OF 603.68 FEET TO A POINT BEING 30.00 FEET NORTH OF THE SOUTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 19;

THENCE S89°55'06"W ON A LINE 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, ON SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 173.03 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 24; THENCE S89°30'15"W ON A LINE 30.00 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 703.04 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 11,071,118 SQUARE FEET OR 254.158 ACRES.

EXHIBIT B

(Map of Detention Ponds/BMP)

ATTACHED

EXHIBIT B

PROPOSED FULL SPECTRUM
DETENTION FACILITY (POND 5)

WETLAND BOUNDARY

WETLAND BOUNDARY

POND 3
SEE FILING 1 PLANS

489.0' DRAINAGE
EASEMENT

100.0' DRAINAGE
EASEMENT

S89°1'

LOT 19

N89°42'54"W 609.60'

LOT 21

R=1680.00'
L=594.78'

50.0'

DRAINAGE
EASEMENT

70.0
EA

R=960.00'
L=486.79'

LOT 18

LOT 17

LOT 20

N19°05'31"W
184.51'

NORTHING: 47580.11
EASTING: 48801.46

ALAMAR WAY

N8
12'

R=1354.00'
L=1145.17'

LOT 34

LOT 35

LOT 36

60.0' |
EAS

R=1354.00'
L=1145.17'

LOT 32

LOT 31

LOT 30

LOT 43

LOT 42

LOT 41

LO

N15°45'23"E-1195.74'

30.0' DRAINAGE
EASEMENT

S41°49'33"W
207.94'

LOT 26

R=1500.00'
L=199.50'

S89°29'13"W 722.44'

LOT 22

LOT 23

LOT 24

TWINKLING STAR LANE

PROPOSED FULL SPECTRUM
DETENTION FACILITY (POND 5)

WETLAND BOUNDARY

WETLAND BOUNDARY

POND 3
SEE FILING 1 PLANS

489.0' DRAINAGE
EASEMENT

100.0' DRAINAGE
EASEMENT

S89°1'

LOT 19

N89°42'54"W 609.60'

LOT 21

R=1680.00'
L=594.78'

50.0'

DRAINAGE
EASEMENT

70.0
EA

R=960.00'
L=486.79'

LOT 18

LOT 17

LOT 20

N19°05'31"W
184.51'

NORTHING: 47580.11
EASTING: 48801.46

ALAMAR WAY

N8
12'

R=1354.00'
L=1145.17'

LOT 34

LOT 35

LOT 36

60.0' |
EAS

R=1354.00'
L=1145.17'

LOT 32

LOT 31

LOT 30

LOT 43

LOT 42

LOT 41

LO

N15°45'23"E-1195.74'

30.0' DRAINAGE
EASEMENT

S41°49'33"W
207.94'

LOT 26

R=1500.00'
L=199.50'

S89°29'13"W 722.44'

LOT 22

LOT 23

LOT 24

TWINKLING STAR LANE

EXHIBIT C

(legal description of pond easements; must be drawn so as to be adjacent to a public road for legal access)

ATTACHED



EXHIBIT C

LEGAL DESCRIPTION: POND 5 EASEMENT

A TRACT OF LAND BEING A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

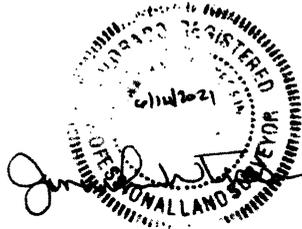
BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E, A DISTANCE OF 2636.99 FEET AS SHOWN ON THE LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE N75°16'06"E, A DISTANCE OF 4,177.13 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A POINT ON CURVE, THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N85°44'53"W, HAVING A DELTA OF 14°34'33", A RADIUS OF 1,710.00 FEET, A DISTANCE OF 435.01 FEET, TO A POINT OF REVERSE CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 02°24'35", A RADIUS OF 1,390.00 FEET, A DISTANCE OF 58.46 FEET TO A POINT ON CURVE; THENCE S89°25'17"E, A DISTANCE OF 489.74 FEET; THENCE S00°34'43"W, A DISTANCE OF 247.96 FEET; THENCE S89°15'17"E, A DISTANCE OF 155.82 FEET; THENCE S00°17'06"W, A DISTANCE OF 239.06 FEET; THENCE N89°42'54"W, A DISTANCE OF 609.60 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 262,779 SQUARE FEET OR 6.033 ACRES.

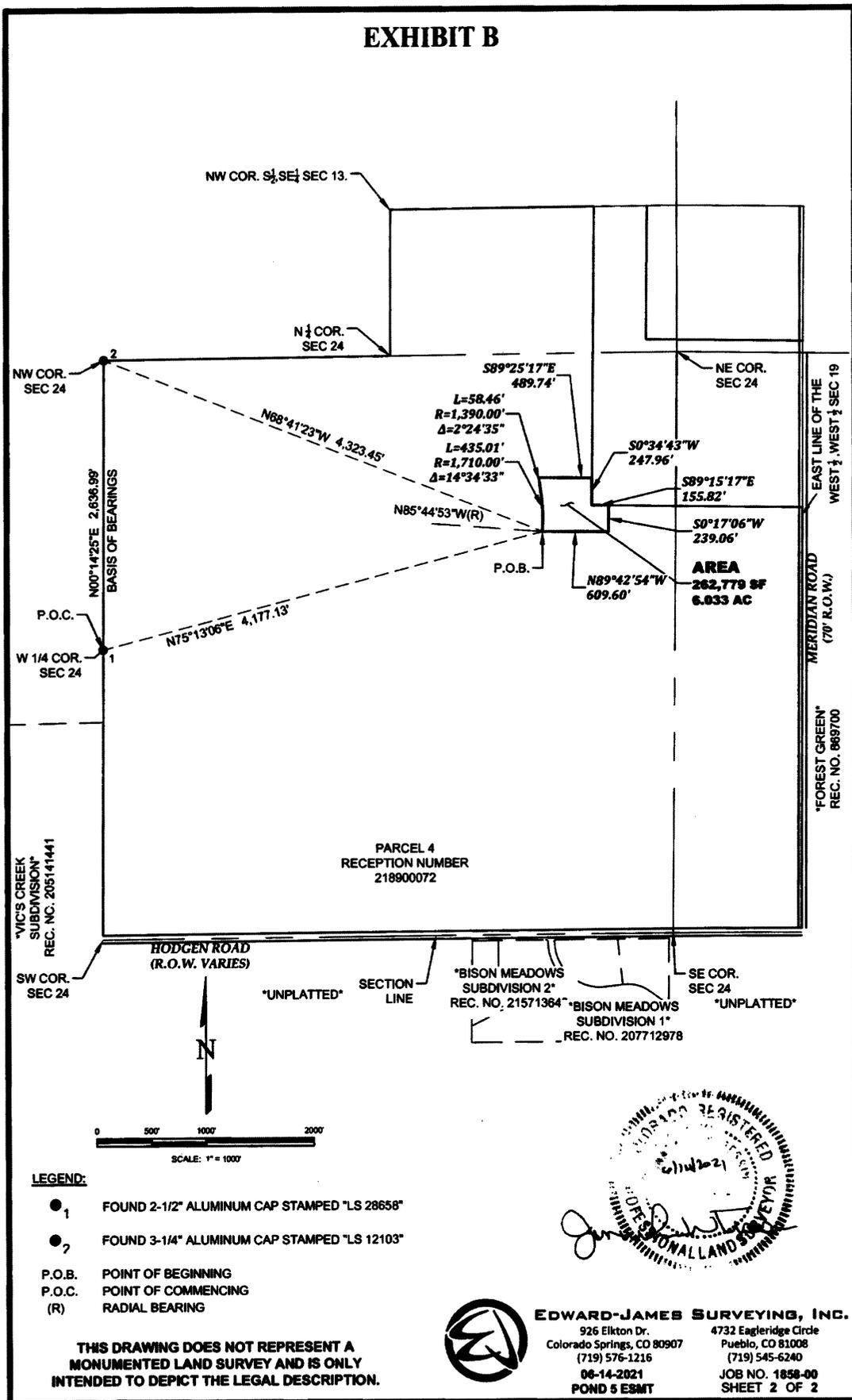
LEGAL DESCRIPTION STATEMENT

I, JONATHAN W. TESSIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.



JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

EXHIBIT B



THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE LEGAL DESCRIPTION.



EDWARD-JAMES SURVEYING, INC.
 926 Elkton Dr. 4732 Eagleridge Circle
 Colorado Springs, CO 80907 Pueblo, CO 81008
 (719) 576-1216 (719) 545-6240
 06-14-2021 JOB NO. 1858-00
 POND 5 ESMT SHEET 2 OF 2



STORMWATER MANAGEMENT PLAN (SWMP)

FOR

**Project:
Winsome Filing No. 2
El Paso County, CO**



Permittee:

**Joe DesJardin
Winsome, LLC
1864 Woodmoor Drive
Suite 100
Monument, Colorado 80132**

Preparing Engineer:

**Kimley-Horn and Associates, Inc.
2 North Nevada Avenue, Suite 300
Colorado Springs, CO 80903
Kevin Kofford, P.E.
(719) 453-0180**

QUALIFIED STORMWATER MANAGER

Name: _____

Company: _____

Address: _____

CONTRACTOR

Name: _____

Company: _____

Address: _____

May 13, 2021

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DEVELOPER/OWNER'S STATEMENT

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

Developer/Owner Signature: ✓ Joseph W. Desjardin

Name of Developer/Owner: Winsome, LLC Date: 6/9/2021

DBA: _____ Phone: 719 476 0800

Title: Director of Entitlements Email: jdesjardin@proterraco.com

Address: 1864 Woodmoor Drive, Suite 100, Monument, CO 80132 Fax: _____

ENGINEER'S STATEMENT

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

Signature: Kevin Kofford Date: 6/9/2021

Printed Name: Kevin Kofford, P.E.

INTRODUCTION

The purpose of this report is to outline the SWMP plan for the Winsome Filing No. 2 single-family development (herein the "Project"), located within the jurisdictional limits of El Paso County ("the County").

PERMIT COVERAGE AND APPLICATIONS

Based upon a Site Disturbance Area of one (1) acre or more, this Site requires the approval of this Stormwater Management Plan and a Grading and Erosion Control Plan with the County and the issuance of a Colorado Discharge Permit System (CDPS) - Stormwater Discharge Associated with Construction Activities Application (the General Permit) through the Colorado Department of Public Health and Environment (CDPHE).

The primary goal of pollution prevention efforts during Project construction is to control sediment and pollutants that originate on the site and prevent them from flowing to surface waters. A successful pollution prevention program also relies upon careful inspection and adjustments during the construction process to enhance its effectiveness. It is the intent of this plan to implement stormwater control measures, also referred to as best management practices (BMP) for enhancing the quality of stormwater discharges associated with the construction activity. Control measures designs are based on the criteria set forth by the General Permit, the Urban Storm Drainage Criteria Manual, Volume 3, El Paso County Drainage Criteria Manual Vol. 2 ("DCM") and the El Paso County Engineering Criteria Manual ("ECM"). This plan must be implemented before construction begins on the site. It primarily addresses the impact of storm rainfall and runoff on areas of the ground surface disturbed during the construction process. In addition, there are recommendations for controlling other sources of pollution that could accompany the major construction activities. Applicability of this plan shall be terminated when disturbed areas are stabilized, temporary erosion controls are removed, construction activities covered herein have ceased and the permit has been inactivated.

SITE DESCRIPTION

GENERAL PROJECT DESCRIPTION

The proposed Winsome Filing No. 2 development is located north of the Hodgen Road and west of Meridian Road in El Paso County, Colorado. More specifically, the Project is made up of a portion of Sections 13 and 24, Township 11 South, Range 65 South, and a portion of the West half Section 19, Township 11 South, Range 64 West of the 6th Principle Meridian, County of El Paso, State of Colorado. The site is bounded by Hodgen Road to the south, Meridian Road to the east, Kiowa Creek to the north, and Winsome Filing No. 1 development to the west. A vicinity map has been provided in the Appendix of this report.

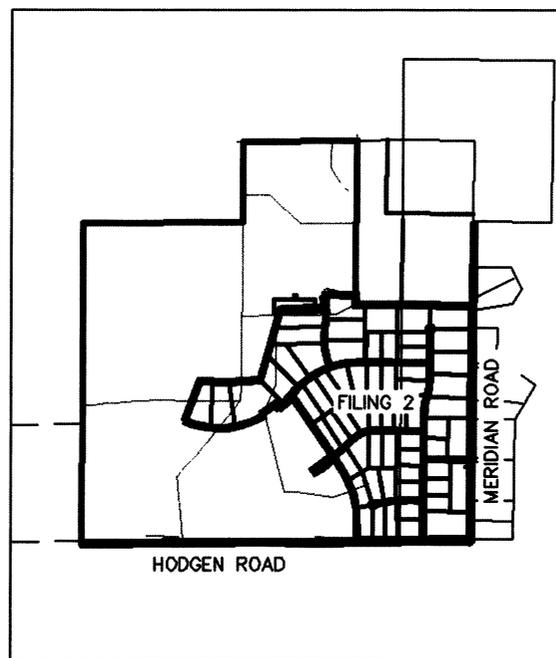
Filing No. 2 is approximately 258 acres in size. The Project involves 62 lots, and will include the construction of public streets. Stormwater quality and detention is required for the site and will be accomplished with the construction of one Full Spectrum Extended Detention Basins located in the northwest end of the site (Pond 5). Stormwater throughout the site will be conveyed via overland flow across the lots, within drainage ditches located within the streets right-of-way, and will converge into Pond 5.

PROJECT LOCATION

The proposed project is located northwest of the Hodgen Road and Meridian Road intersection in El Paso County, Colorado. More specifically, the Project is made up of a portion of Sections 13 and 24, Township 11 South, Range 65 South, and a portion of the West half Section 19, Township 11 South, Range 64 West of the 6th Principle Meridian, County of El Paso, State of Colorado. The site is bounded by Hodgen Road to the south, Meridian Road to the east, Kiowa Creek to the north, and Winsome Filing No. 1 development to the west. A vicinity map has been provided below.

VICINITY MAP

A vicinity map is provided below for reference:



VICINITY MAP

1"=2,000'

SITE CONDITIONS

VEGETATION

The existing Site is currently undeveloped with onsite conditions consisting 90% native grasses and other native seedings based on visual inspection. Existing trees are present at the southeastern corner of the property.

DRAINAGE CHARACTERISTICS

Generally, the site slopes approximately 3-9% from east to west on the east side of the site and then slopes approximately 3-8% east to west on the western majority of the site. The site slopes approximately 3-15% from north to south. This historic runoff pattern will generally be maintained and unaffected with the proposed Project.

The proposed paved roadways, and other impervious surfaces comprise roughly 2.83 percent (318,712 square feet) of the overall Project Site.

The 5-year and 100-year design storm events were used in determining rainfall and runoff for the proposed drainage system per chapter 6 of the El Paso County Drainage Criteria. Table 6-2 of the El Paso County Drainage Criteria is the source for rainfall data for the 5-year and 100-year design storm events. Design runoff was calculated using the Rational Method for developed conditions as established in the El Paso County Drainage Criteria Manual and the Mile-High Flood District Manual. Runoff coefficients for the proposed development were determined using Table 6-6 of the El Paso County Drainage Manual by calculating weighted impervious values for each specific site basin. The detention storage requirement was calculated using Full Spectrum Detention methods as specified in the El Paso County Drainage Criteria Manual and the Mile-High Flood District Manual. The detention basin's outlet structure was designed to release the Water Quality Capture Volume (WQCV) in 40 hours. Based upon this approach, we feel that the drainage design provided for the Site is conservative and in keeping with the zoning and historic drainage concept for the area.

Water quality treatment will be provided by a proposed private full spectrum extended detention basins with a trickle channel and micro pool. One facility is located at the southeast corner of the Site and eventually outfalls and it routed to a facility near West Kiowa Creek. The controlled 5-year and 100-year release from the detention basin outlet structures will eventually outfall to West Kiowa Creek.

The Flood Insurance Rate Map (FIRM) 08041C0350G, effective date December 7, 2018, by FEMA, shows the proposed development to be outside of the 100-year and 500-year flood plains. This panel is included in the Appendix.

ULTIMATE DISCHARGE

The site ultimately will discharge into West Kiowa Creek. There are no other streams that cross through the project site.

SOILS

NRCS soil data is available for the Site (See Appendix) and the onsite soils are USCS Hydrologic Soil Group B. Group Soils have a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission. Per the Geotechnical Engineering Report by Entech dated 01/26/2021, the soils types on Site are "highly susceptible to wind erosion and moderately to highly susceptible to water erosion." "Watering of the cut areas or the use of chemical palliative may be required to control dust. However, once construction has been completed and vegetation re-established, the potential for wind erosion should be considerably reduced"

DEWATERING

Groundwater dewatering is not anticipated per the Geotechnical Engineering Report by Entech dated 01/26/2021. According to the Geotechnical Engineering Report, "Groundwater was encountered in Test Boring Nos. 1 and 4 at 18 and 17 feet respectively. Groundwater was not encountered in the remaining test borings which were drilled to 12 to 20 feet." If groundwater is encountered during construction and the site must be dewatered, the operator shall file for appropriate dewatering permits (Permit No. COG070000) with the CDPHE.

If groundwater is encountered on the project site, a State of Colorado General Permit for Construction Dewater Activities will be required. The state dewatering permit application and associated information can be found at <https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits>. The permit application will need to be filled out 30 days prior to the anticipated discharge. Refer to the UDFCDs detail and fact sheet for additional dewatering operations information.

AREAS & VOLUMES

The gross Site area is approximately 258 acres with a road coverage of 7.32 acres. The total anticipated Project disturbance area is approximately 28 acres. The estimated earthwork quantities are as follows:

Cut: ±72,750 cubic yards

Fill: ±47,030 cubic yards

Net: ±25,720 cubic yards FILL

EROSION & SEDIMENT CONTROL MEASURES

Construction operations including grading, hauling of soil, drainage, pavement work, and final stabilization shall implement erosion and sediment control measures as described below and in the Timing section of this report. Additional measures shall be implemented as appropriate.

Erosion and sediment control measures shall be implemented during construction of the Project. One construction entrance with vehicle tracking control (VTC) shall be implemented to reduce off-site sediment tracking. The entrance will be located on at the intersection of the existing Hodgen Rd and the proposed Early Light Dr. Temporary Soil Stockpiles (SP) shall be protected from stormwater using Sediment Control Logs (SCL) or other perimeter control to inhibit soil transport as well as at material storage areas. SCLs will also be used for perimeter control. A Concrete Washout Area (CWA) shall be placed near the entrance to the site. In addition to those measures noted above, Portable Toilets will also be utilized on Site. Portable toilets shall be located on flat surfaces away from drainage paths, tied-down or staked-down, emptied regularly, and where possible secondary containment pans shall be provided under the portable toilets. Please see the Grading and Erosion Control Plans for locations and sizing of recommended erosion control measures.

All persons engaged in earth disturbances shall design, implement, and maintain acceptable soil erosion and sedimentation control measures in conformance with the erosion and sediment control technical standards adopted by the City. All temporary erosion and sediment control facilities, and all permanent facilities intended to control erosion of any earth disturbance operation shall be installed before any earth disturbance operations take place. Any earth disturbances shall be conducted in such a manner to effectively control runoff volumes, reduce accelerated soil erosion, sediment movement, and deposition off-site. All earth disturbances shall be completed in such a manner so that the total amount of soil exposed at any given time shall be minimized, and the exposed area of any disturbed land shall be limited to the shortest possible period of time. Temporary soil erosion control facilities shall be removed, and earth disturbance areas graded and stabilized with permanent soil erosion control measures pursuant to approved plans and specifications.

Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fourteen (14) calendar days after final grading or the final earth disturbances have been completed. When it is not possible to permanently stabilize a disturbed area after an earth disturbance has been completed or where significant earth disturbance activity ceases, temporary soil

erosion control measures shall be implemented within fourteen (14) calendar days. All temporary soil erosion control measures shall be maintained until final stabilization has been achieved.

Paved and impervious surfaces which are adjacent to construction sites must be swept on a daily basis and as needed during the day when sediment and other materials are tracked or discharged onto them. Either sweeping by hand or use of street sweepers is acceptable. Street sweepers using water while sweeping is preferred in order to minimize dust. Flushing off paved surfaces with water is prohibited.

All construction site operators shall control waste such as discarded building materials, hazardous chemicals (to include but not be limited to, heavy equipment maintenance fluids, motor oil, antifreeze and secondary containment of vehicle fuel), litter, and sanitary waste at the construction Site that may cause adverse impacts to water quality. Chemicals, paints, solvents, fertilizers, and other toxic materials must be stored in weatherproof containers. Except during application, the contents must be kept in trucks or within storage facilities. Runoff containing such material must be collected, removed from the Site, treated, and disposed at an approved solid waste or chemical disposal facility. On-site fueling is not expected with this Project.

Throughout build-out, the developer shall be responsible for implementing and maintaining Best Management Practices (BMPs) to control erosion and sediment problems on all idle lots.

All stockpiles shall require erosion and sediment control. All stockpiles shall:

- Not be located adjacent to a waterway.
- Be stabilized within 14 days after establishment. Stabilization shall include, but not be limited to, surface roughening, seeding, and mulching.
- Not exceed 10 feet in height.
- Utilize silt fence in all down slope sides of the stockpile.

TIMING & SCHEDULE

The proposed project will begin in June 2021 to June 2022. The general sequence of the phasing of the related construction activities will occur according to the following anticipated sequence:

Project sequence:

Phased BMP Implementation – Initial Phase (Pre-Development Grading and Erosion Control Permit)

The initial phase shall consist of the temporary construction BMPs to minimize potential for erosion and sediment transfer while mobilizing and preparing the Site for construction activities. The operator shall complete the anticipated initial phase sequencing as follows:

1. Prepare and submit the state of Colorado, Colorado department of public health and environment (CDPHE) application. A copy of the permit shall be provided to the owner upon receipt from the CDPHE.
2. Install SWMP information sign (S) in accordance with applicable city, state, and owner requirements.
3. Ensure that general construction BMPs which are required throughout the Project at locations shown on the GEC plans or as dictated by construction activities are operational.

4. Install perimeter controls (CF) and ensure that the limits of construction (LOC) are defined as necessary or known by all parties which will be responsible for construction on the Site.
5. Install stabilized vehicle tracking control pad (VTC) as indicated on the GEC plans.
6. Construct required stabilized staging area (SSA).
7. Install silt fence (SF) as shown on the GEC plans.
8. Install Temporary Sediment Basins (SB) per details on GEC plans.
9. Upon completion of the initial BMP installation the operator shall schedule a pre-construction meeting with the owner and the County erosion control inspector to confirm BMPs installed are adequate prior to proceeding with additional land disturbing activities.
10. Complete clearing and grubbing of the Site as necessary to proceed with initial grading operations. Stockpile materials in accordance with the stockpile management (SP) BMP.

Phased BMP Implementation - Interim Phase (Pre-Development Grading and Erosion Control Permit)

The Interim phase shall consist of the temporary construction BMPs to minimize potential for erosion and sediment transfer during the construction of the proposed roadways and associated limited site improvements. The operator shall complete the anticipated Interim phase sequencing as follows:

1. Confirm existing BMPs from the initial phase, which are to be maintained throughout construction, are in working order and compliant with applicable regulations.
2. Repair and/or replace any existing BMPs which are deemed inadequate.
3. Complete required temporary grading operations necessary for construction. Conduct excavation as needed for the underground utilities. Stockpile materials in accordance with the stockpile management (SP) BMP.
4. Temporary stabilize (TS) all areas of the Site which will remain inactive for a period greater than 30 days. Temporary stabilization shall be implemented within 14 days of disturbance.
5. Install concrete washout area (CWA) prior to construction of concrete improvements.
6. Complete required grading operations necessary for construction of the proposed commercial building and associated site and utility improvements. Stockpile materials in accordance with the stockpile management (SP) BMP.
7. **Subgrade undercut grading only during the Pre-development Phase. Asphalt and base course shall not be constructed with this Pre-development Phase.**
8. Construct underground dry utilities.

9. Install Inlet Protection (IP) around the upstream and downstream side of each installed culvert.
10. Complete fine grading and proceed with temporary stabilization (TS) and permanent stabilization (PS) practices in accordance with approved landscape plans.

Phased BMP Implementation - Final Phase

The Final phase shall consist of the temporary construction BMPs to minimize potential for erosion and sediment transfer during the construction of the proposed paving and associated limited site improvements to achieve final stabilization:

1. Confirm existing BMPs from the initial phase, which are to be maintained throughout construction, are in working order and compliant with applicable regulations.
2. Repair and/or replace any existing BMPs which are deemed inadequate.
3. Complete required temporary grading operations necessary for construction. Conduct excavation as needed for the underground utilities. Stockpile materials in accordance with the stockpile management (SP) BMP.
4. Temporary stabilize (TS) all areas of the Site which will remain inactive for a period greater than 30 days. Temporary stabilization shall be implemented within 14 days of disturbance
5. Add base course and commence roadway paving.
6. Construction of permanent Private Full Spectrum Extended Detention Facilities (Pond 5). (The Full Spectrum Extended Detention Facilities cannot be constructed as part of the early grading permit)
7. Achieve permanent stabilization in accordance with El Paso County, CDPHE and owner requirements.
8. Remove remaining BMPs once permanent stabilization (PS) has been achieved. Repair and stabilize areas disturbed through BMP removal.
9. Notify the owner of intent to file the notice of inactivation with the EL PASO COUNTY and CDPHE and receive owner acceptance to proceed with stormwater management close-out.
10. Notify the EL PASO COUNTY of the intent to file the notice of inactivation and receive EL PASO COUNTY field acceptance prior to proceeding with filing the notice of inactivation with the EL PASO COUNTY.
11. Proceed with filing the notice of inactivation with the EL PASO COUNTY and CDPHE.
12. Provide the owner with a copy of all stormwater documentation (permits, inspection reports, logs, etc.). Upon completion of Project, file the notice of inactivation.

STORMWATER MANAGEMENT CONTROLS

QUALIFIED STORMWATER MANAGER

The Qualified Stormwater Manager is the Operator selected for the project. The Qualified Stormwater Manager is an individual knowledgeable in the principles and practices of erosion and sediment control and pollution prevention, and with the skills to assess the effectiveness of stormwater controls implemented to meet the requirements of the General Permit. The Qualified Stormwater Manager will be sufficiently qualified for the required duties per the ECM Appendix 1.5. The Qualified Stormwater Manager is responsible for developing, implementing, maintaining and revising the Grading, Erosion and Sediment Control Plan. The activities and responsibilities of the Qualified Stormwater Manager shall address all aspects of the facility's Grading, Erosion and Sediment Control Plan.

Company:

Contact:

Address:

Phone:

Email:

SITE SPECIFIC POLLUTION SOURCES

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

IDENTIFICATION OF POLLUTANT SOURCES

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

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

- **Routine Maintenance** – Routine maintenance involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc., other than those identified within Vehicle and Equipment Maintenance and Fueling are not anticipated with this Project. If encountered, the SWMP Administrator shall take appropriate containment and treatment measures.
- **Onsite Waste Management** – Waste management consisting of solid waste piles, liquid wastes, dumpsters, etc. are anticipated onsite; therefore, the potential exists for these operations to introduce sediment and non-sediment pollutants to stormwater discharges.
- **Concrete Truck / Equipment Washing** – Concrete truck and equipment washing are anticipated with this Project. The SWMP Administrator shall take appropriate containment and treatment measures.
- **Dedicated Asphalt and Concrete Batch Plants** – Dedicated asphalt and/or concrete batch plants are not anticipated with this Project. If encountered, the SWMP Administrator shall take appropriate containment and treatment measures and document as necessary.
- **Non-Industrial Waste Sources** – Non-Industrial waste sources limited to portable sanitary facilities are anticipated with this Project.
- **Additional Pollutant Sources** – Additional areas or procedures where potential spills could occur are not anticipated with this Project.

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

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

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

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

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

BEST MANAGEMENT PRACTICES FOR STORMWATER POLLUTION PREVENTION

Structural Practices for Erosion and Sediment Control

Structural BMPs shall be implemented onsite to minimize erosion and sediment transport. Recommended BMPs based upon a limited site review may be seen within the SWMP Site Map included in the Appendices of this report. Additional BMPs shall be implemented by the SWMP Administrator if necessary to prevent sediment-laden runoff from leaving the Project Site. The SWMP shall be updated to reflect any changes or revisions enacted in the field. Temporary Structural BMPs for this Site consist of:

- **Silt Fence (SF):** A silt fence is a woven geotextile fabric attached to wooden posts and trenched into the ground. It is designed as a sediment barrier to intercept sheet flow runoff from disturbed areas.
- **Check Dams/Erosion Bales (CD):** Check dams are temporary grade control structures placed in drainage channels to limit the erosivity of stormwater by reducing flow velocity. Sediment control logs may also be used as check dams
- **Vehicle Tracking Control (VTC):** Vehicle tracking controls provide stabilized construction site access where vehicles exit the site onto paved public roads. An effective vehicle tracking control helps remove sediment (mud or dirt) from vehicles, reducing tracking onto the paved surface.
- **Sediment Control Logs (SCL):** A sediment control log is a linear roll made of natural materials such as straw, coconut fiber, or compost. The most common type of sediment control log has straw filling and is often referred to as a "straw wattle." All sediment control logs are used as a sediment barrier to intercept sheet flow runoff from disturbed areas.
- **Erosion Control Blanket (ECB):** A temporary degradable rolled erosion control product composed of processed natural or polymer fibers which are mechanically, structurally or chemically bound together to form a continuous matrix to provide erosion control and facilitate vegetation establishment. ECBs can be further differentiated into rapidly degrading single-net and double-net types or slowly degrading types.
- **Temporary Sediment Basins (SB):** A sediment basin is a temporary pond built on a construction site to capture eroded or disturbed soil transported in storm runoff prior to discharge from the site. Sediment basins are designed to capture site runoff and slowly release it to allow time for settling of sediment prior to discharge
- **Inlet Protection (IP):** Inlet protection consists of permeable barriers installed around an inlet to filter runoff and remove sediment prior to entering a storm drain inlet. Inlet protection can be constructed from rock socks, sediment control logs, silt fence, block and rock socks, or other materials

Permanent Structural BMPs for this Site consist of:

- Full Spectrum Extended Detention Basins (EDB) (Ponds 5)

Non-Structural Practices for Erosion and Sediment Control

Non-Structural BMPs shall be implemented onsite to minimize erosion and sediment transport. Recommended BMPs based upon a limited site review may be seen within the SWMP Site Map included in the Appendices of this report. Additional BMPs shall be implemented by the SWMP Administrator if necessary to prevent sediment-laden runoff from leaving the Project Site. The SWMP shall be updated to reflect any changes or revisions enacted in the field. Non- Structural BMPs for this Site consist of:

- **Temporary Seeding and Mulching (SM):** Temporary seeding can be used to stabilize disturbed areas that will be inactive for an extended period. provide temporary vegetative cover on disturbed areas which will not be paved, built upon, or fully landscaped or worked for an extended period (typically 30 days or more), plant an annual grass appropriate for the time of planting and mulch the planted areas

- **Permanent Seeding and Mulching (SM):** To provide vegetative cover on disturbed areas that have reached final grade, a perennial grass mix should be established. Permanent seeding should be performed promptly (typically within 14 days) after reaching final grade.
- **Good Housekeeping (Multiple Practices):** Implement construction site good housekeeping practices to prevent pollution associated with solid, liquid and hazardous construction-related materials and wastes. Stormwater Management Plans (SWMPs) should clearly specify BMPs including these good housekeeping practices: 1. Provide for waste management. 2. Establish proper building material staging areas. 3. Designate paint and concrete washout areas. 4. Establish proper equipment/vehicle fueling and maintenance practices. 5. Control equipment/vehicle washing and allowable nonstormwater discharges. 6. Develop a spill prevention and response plan.
- **Stabilized Staging and Storage Area (SSA):** A stabilized staging area is a clearly designated area where construction equipment and vehicles, stockpiles, waste bins, and other construction-related materials are stored. The contractor office trailer may also be located in this area.
- **Concrete Washout Area (CWA):** Concrete waste management involves designating and properly managing a specific area of the construction site as a concrete washout area. A concrete washout area can be created using one of several approaches designed to receive wash water from washing of tools and concrete mixer chutes, liquid concrete waste from dump trucks, mobile batch mixers, or pump trucks.
- **Stockpile Management (SP):** Stockpile management includes measures to minimize erosion and sediment transport from soil stockpiles.

Phased BMP Implementation

Construction of the identified improvements will take place under three main phases of construction anticipated as identified within the construction sequencing included within this report.

A Land Disturbance, BMP Installation, and Stabilization Log is provided in the Appendices and shall be filled out accordingly during BMP implementation.

Materials Handling and Spill Prevention

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

- **Material Safety Data Sheets (MSDS)** information shall be kept on Site for any and all applicable materials.
- **All materials with hazardous properties** (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, additives for soil stabilization, concrete, curing compounds and additives, etc.) shall be stored in a secure location, under cover and in appropriate, tightly sealed containers when not in use.
- **The minimum practical quantity** of all such materials shall be kept on the job Site and scheduled for delivery as close to time of use as practical.
- **A spill control and containment kit** (containing, for example, absorbent material, acid neutralizing agent, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) shall be provided on the construction Site and location(s) shown on Site Maps.
- **All of the product in a container** shall be used before the container is disposed of. All such containers shall be triple rinsed, with water prior to disposal. The rinse water used in these

containers shall be disposed of in a manner in compliance with State and Federal regulations and shall not be allowed to mix with stormwater discharges.

- All products shall be stored in and used from the original container with the original product label and used in strict compliance with the instructions on the product label.
- The disposal of excess or used products shall be in strict compliance with instructions on the product label.

Temporary onsite fuel tanks for construction vehicles shall meet all state and federal regulations. Tanks shall have approved spill containment with the capacity required by the applicable regulations. From NFPA 30: All tanks shall be provided with secondary containment (i.e. containment external to and separate from primary containment). Secondary containment shall be constructed of materials of sufficient thickness, density and composition so as not to be structurally weakened as a result of contact with the fuel stored and capable of containing discharged fuel for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of discharged fuel.

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

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

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

- CDPHE Environmental Release and Incident Reporting Line (877) 518-5608.

For reference, a bulletin on Environmental Spill Reporting published by the CDPHE, has been included in the Appendices of this report.

Vehicle Tracking and Dust Control

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

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

Waste Management and Disposal

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

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

Concrete waste is anticipated with this Project; and therefore, a dedicated concrete washout is required. The SWMP Administrator shall take appropriate containment and treatment measures and document as necessary.

Portable Toilets

Portable toilets shall be provided on-site as necessary for construction personnel. Portable toilets shall be located on flat surfaces away from drainage paths, tied-down or staked-down, emptied regularly, and where possible secondary containment pans shall be provided under the portable toilets. Portable toilets will be located a minimum of 10 feet from stormwater inlets and 50 feet from state waters. They will be secured at all four corners to prevent overturning and cleaned on a weekly basis. They will be inspected daily for spills. In the event of a spill, the Permittee shall follow spill prevention measures as noted in the Appendix.

NON-STORMWATER DISCHARGE COMPONENTS

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

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

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

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

- **Landscape Irrigation Return Flows**

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

STABILIZATION AND STORMWATER MANAGEMENT

TEMPORARY STABILIZATION AND SHORT-TERM STORMWATER MANAGEMENT

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

FINAL STABILIZATION AND LONG-TERM STORMWATER MANAGEMENT

In the natural condition, the site soil is stabilized by means of native vegetation. The final stabilization technique to be used at this project for stabilizing soils shall be to provide a protective cover of landscaping vegetation, pavement and granular stabilization material. Seeding should be conducted after final grade is achieved and soils are prepared to take advantage of soil moisture and seed germination. The Qualified Stormwater Manager should evaluate the short and long-term forecasts prior to applying permanent seed.

Final site stabilization is achieved when vegetative cover provides permanent stabilization with a density greater than 70 percent of the pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed over the entire area to be stabilized by vegetative cover.

INSPECTION AND MAINTENANCE

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

INSPECTION SCHEDULE REQUIREMENTS

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

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

When snow cover exists over the entire site for an extended period, inspections are not always feasible. This condition should be documented, including date of snowfall and date of melting conditions to bring awareness of and preparation for areas where melting conditions may pose a risk of surface erosion. A copy of the SWMP shall be maintained at the site at all times. Any degradation of the control measures described in the SWMP or excessive accumulation of sediments shall be remedied immediately upon discovery. The Contractor shall record all storm events on the Storm Event Log included in **Appendix**.

INSPECTION PROCEDURES

The inspection shall include observations of:

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

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

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

1. **Vehicle Tracking Control** - Locations where vehicles enter and exit the site shall be inspected for evidence of offsite sediment tracking. Exits shall be maintained as necessary to prevent the release of sediment from vehicles leaving the site. Any sediment deposited on the adjacent roadway shall be removed as necessary throughout the day or at the end of every day and disposed of in an appropriate manner. Sediment shall not be washed into storm sewer systems.
2. **Erosion Control Devices** - Rolled erosion control products (nets, blankets, turf reinforcement mats) and marginally vegetated areas (areas not meeting required vegetative densities for final stabilization) must be inspected frequently. Riling, rutting and other signs of erosion indicate the erosion control device is not functioning properly and additional erosion control devices are warranted.
3. **Sediment Control Devices** - Sediment barriers (silt fence, sediment control logs, etc.), traps and basins must be inspected, and they must be cleaned out at such time as their original capacity has been reduced by 50 percent. All material excavated from behind sediment barriers or in traps and basins shall be incorporated into onsite soils or spread out on an upland portion of the site and stabilized. To minimize the potential for sediment releases from the

Project, site perimeter control devices shall be inspected with consideration given to changing up-gradient conditions.

4. **Material Storage Areas** - Material storage areas should be located to minimize exposure to weather. Inspections shall evaluate disturbed areas and areas used for storing materials that are exposed to rainfall for evidence of, or the potential for, pollutants entering the drainage system or discharging from the site. If necessary, the materials must be covered, or original covers must be repaired or supplemented. Also, protective berms must be constructed, if needed, in order to contain runoff from material storage areas. All state and local regulations pertaining to material storage areas shall be adhered to.
5. **Vegetation - Seed/Sod** shall be free of weedy species and appropriate for site soils and regional climate. Seeding, sodding, tacking, and mulching shall be completed, in accordance with the requirements outlined within the Project Manual and locations identified within the plans, immediately after topsoil is applied and final grade is reached. Grassed areas shall be inspected to confirm that a healthy stand of grass is maintained. Rip-rap, mulch, gravel, decomposed granite or other equivalent permanent stabilization measures may be employed in lieu of vegetation based on site-specific conditions and Owner approval.
6. **Discharge Points** - All discharge points must be inspected to determine whether erosion and sediment control measures are effective in preventing discharge of sediment from the site or impacts to receiving waters.

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

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

- a. The inspector's name and signature (must be a Qualified Stormwater Manager),
- b. The date and type of the inspection (regular inspection vs. post-storm inspection),
- c. Weather conditions at the time of the inspection,
- d. Phase of construction at the time of the inspection,
- e. Estimated acreage of disturbance at the time of inspection,
- f. The minimum frequency of inspections chosen,
- g. Location(s) of discharges of sediment or other pollutants from the site,
- h. Location(s) of control measures needing maintenance,
- i. Location(s) and identification of inadequate control measures
- j. Location(s) and identification of additional control measures are needed that were not in place at the time of inspection, and
- k. Any corrective actions taken.

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

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

This statement must be signed by a Qualified Stormwater Manager. If it is infeasible to install or repair

of control measure immediately after discovering the deficiency, the following information must be documented and kept on record:

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

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

CONTROL MEASURE MAINTENANCE / REPLACEMENT AND FAILED CONTROL MEASURES

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

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

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

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

DISPOSITION OF TEMPORARY MEASURES

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

PLAN MODIFICATIONS

This document should be viewed as a "living document" that is continuously being reviewed and modified as a part of the overall process of evaluating and managing stormwater quality issues at the site. The Qualified Stormwater Manager shall amend the SWMP 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 if the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity or when BMPs are no longer necessary and are removed. These actions are defined under the Control Measure Maintenance/Replacement and Failed Control Measure Section of this report.

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

- Date of site change,

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

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

REFERENCES

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

Colorado Discharge Permit System (CDPS) General Permit – Stormwater Discharges Associated with Construction Activity - Prepared by Water Quality Control Division, Colorado Department of Public Health and Environment; signed and issued on May 31, 2007 and administratively continued effective July 1, 2012.

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

Stormwater Discharges Associated with Construction Activity – Stormwater Management Plan Preparation Guidance - Prepared by Water Quality Control Division, Colorado Department of Public Health and Environment; Revised April 2011.

Urban Storm Drainage Criteria Manual, Volume 3 – Mile High Flood District, Denver, CO.; November 2015.



APPENDICES





**APPENDIX A
STORMWATER MANAGEMENT PLANS / SITE MAPS**



NO.	REVISIONS	DATE	BY

Kimley»Horn
 2 N HEVARD AVE SUITE 300, COLORADO SPRINGS, CO 80901
 PHONE: 719-583-0100
 WWW.KIMLEY-HORN.COM

PROJECT NO: 2021-0001
 SHEET NO: 4
 DATE: 05/13/2021
 SCALE: AS SHOWN
 DESIGNED BY: KHM/AM
 CHECKED BY: KHM/AM
 CO. LICENSE NUMBER: 97234
 LICENSED PROFESSIONAL

INITIAL GEC PLAN

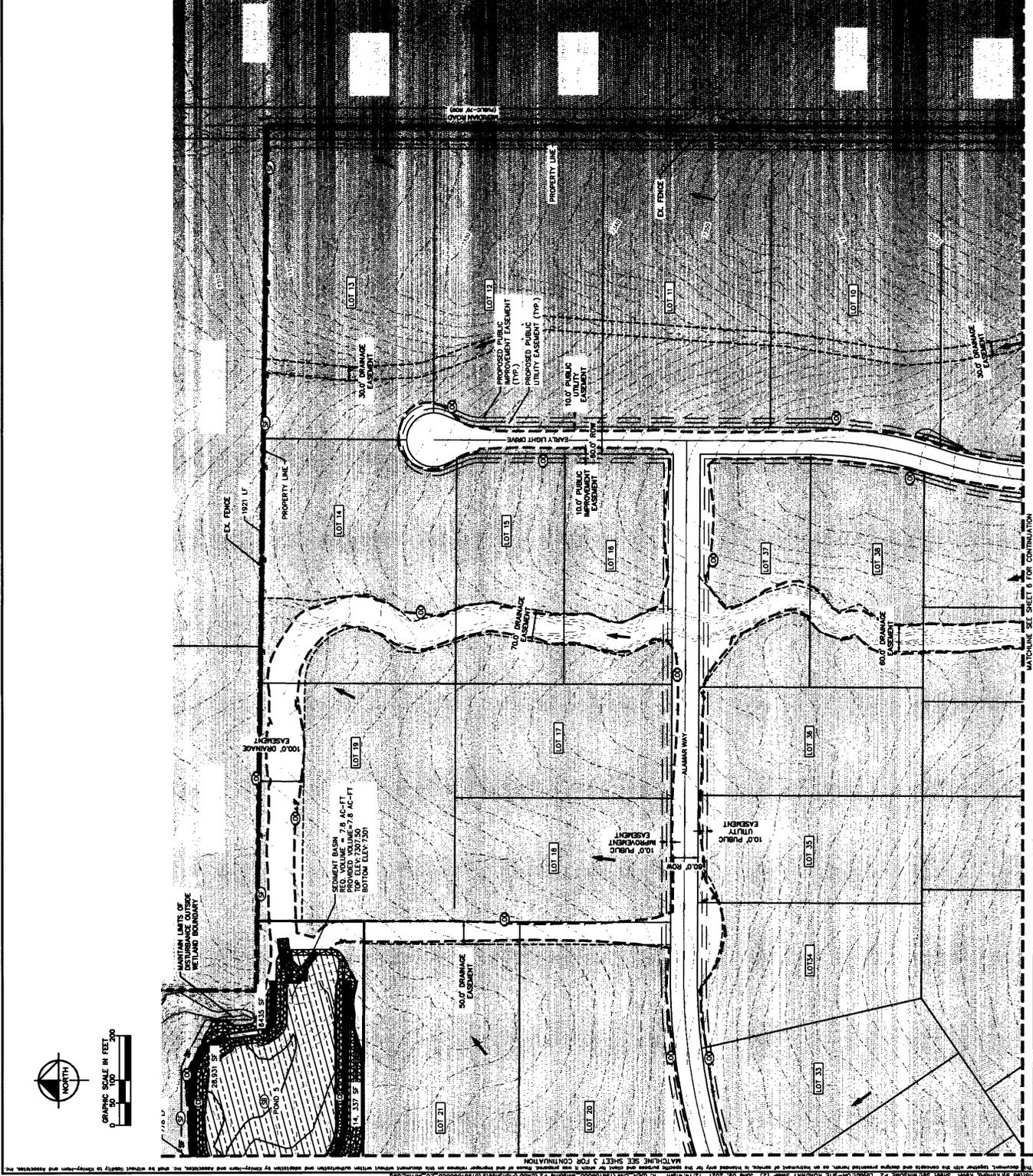
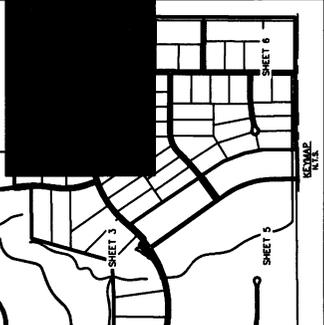
EL PASO COUNTY
WINSOME FILING NO. 2
WINSOME LLC
 PREPARED FOR
 SHEET NUMBER **4**

- LEGEND**
- PROPERTY LINE
 - 100' YEAR FLOODPLAIN
 - WETLAND BOUNDARY
 - LIMITS OF DISTURBANCE
 - SLT FENCE
 - CONSTRUCTION FENCE
 - SEDIMENT CONTROL LOGS
 - CHECK DAM
 - CULVERT INLET/OUTLET PROTECTION
 - CONCRETE WASHOUT AREA
 - STABILIZED STAGING AREA
 - EROSION CONTROL BLANKET
 - VEHICLE TRACKING CONTROL
 - SOIL STOOPPLE
 - TEMPORARY SEDIMENT BASIN
 - TEMP/ PERMANENT SEEDING AND MULCHING
 - EXISTING FLOW ARROW
 - EXISTING MINOR CONTOUR
 - EXISTING MAJOR CONTOUR
 - PROPOSED MAJOR CONTOUR
 - PROPOSED MINOR CONTOUR

LIMITS OF CONSTRUCTION

ON-SITE DISTURBANCE = 27.40 ACRES
 OFF-SITE DISTURBANCE = 43.55 ACRES
TOTAL = 70.95 ACRES

- NOTES**
- THE LIMIT OF THIS PLAN IS TO IDENTIFY THE EROSION CONTROL PRACTICES RECOMMENDED. THE CONTRACTOR SHALL REFERENCE ALL APPLICABLE LOCAL ORDINANCES FOR DETERMINATION OF EXISTING AND PROPOSED LIMITS OF CONSTRUCTION.
 - ADJACENT STREETS SHALL BE KEPT CLEAN AND FREE OF DEBRIS.
 - TEMPORARY STABILIZATION (TS) SHALL BE IMPLEMENTED WITHIN THE DISTURBED PORTIONS OF THE PROJECT SITE NO LATER THAN WITHIN THE DISTURBED AREAS OF CONSTRUCTION ACTIVITIES.
 - PERMANENT STABILIZATION (PS) MAY BE USED WITHIN AREAS OF CONSTRUCTION. STABILIZATION SHALL BE APPLIED IN ACCORDANCE WITH APPLICABLE TEMPORARY STABILIZATION SCHEDULING.
 - CONTRACTOR SHALL UTILIZE ROLLED EROSION CONTROL PRODUCTS (RECP) WITHIN ALL SLOPES OF 3:1 OR GREATER.
 - ADDITIONAL EROSION CONTROL PRACTICES SHALL BE IDENTIFIED WITHIN THE ANTICIPATED LIMITS OF CONSTRUCTION AND SHALL BE APPLIED IN ACCORDANCE WITH ALL APPLICABLE LOCAL ORDINANCES WITHIN THE ANTICIPATED LIMITS OF CONSTRUCTION.
 - REQUIRE A ROW PERMIT FROM EL PASO COUNTY. CONTRACTOR IS RESPONSIBLE FOR APPLYING FOR AND OBTAINING ALL NECESSARY PERMITS AND CONSTRUCTION PERMITS.
 - SLT FENCE TO BE INSTALLED PRIOR TO COMMENCEMENT OF DISTURBANCE AND CONSTRUCTION. TREATMENT SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEER'S REPORT.
 - VEGETATION COVER IS ABOUT 80% CONSISTING OF NATIVE GRASS AND LEGUMES. VEGETATION SHALL BE MAINTAINED AND REPLANTED AS NECESSARY. NO ASPHALT OR CONCRETE PATCH PLANTS SHALL BE USED FOR THIS PROJECT.



THIS DOCUMENT IS THE PROPERTY OF KIMLEY-HORN AND ASSOCIATES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF KIMLEY-HORN AND ASSOCIATES, INC. IS STRICTLY PROHIBITED. THE USER OF THIS DOCUMENT ASSUMES ALL LIABILITY FOR ANY ERRORS, OMISSIONS, OR INADEQUACIES. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSTRUCTION PERMITS. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSTRUCTION PERMITS. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSTRUCTION PERMITS.

NO.	REVISIONS	DATE	BY

Kimley»Horn
 2 N HEVANA AVE SUITE 300, COLORADO SPRINGS, CO 80903
 PHONE 719-453-1800
 WWW.KIMLEY-HORN.COM

PROJECT NO. 019610800
 DATE 05/13/2021
 DESIGNED BY KATHALAN AS SHOWN
 CHECKED BY KATHALAN
 CO LICENSE NUMBER 57234
 KENN KOPFORD
 LICENSED PROFESSIONAL

INITIAL GEC PLAN

EL PASO COUNTY
WINSOME FILING NO. 2
 PREPARED FOR
WINSOME LLC

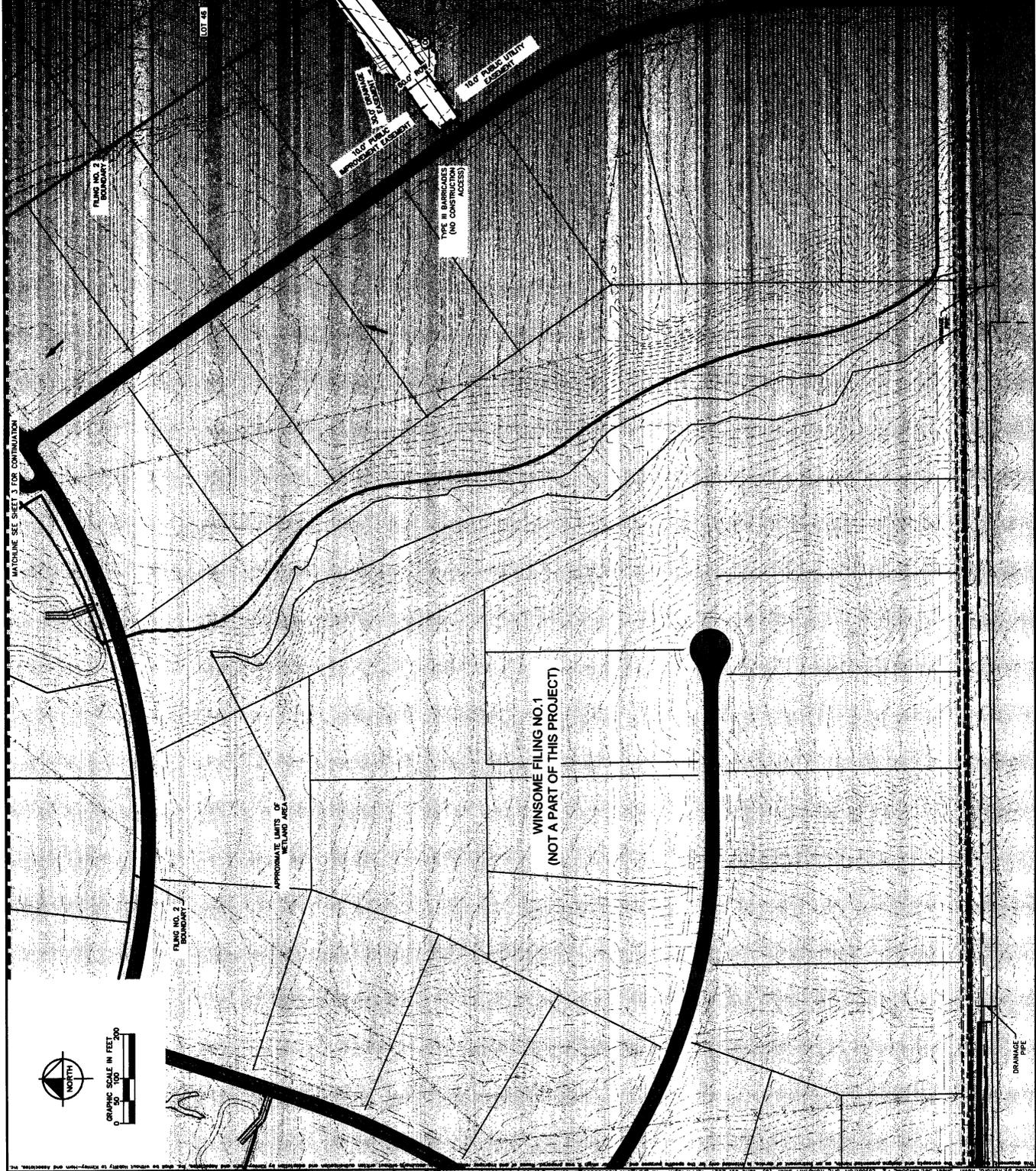
SHEET NUMBER
2

- LEGEND**
- PROPERTY LINE
 - 100 YEAR FLOODPLAIN
 - WETLAND BOUNDARY
 - LIMITS OF DISTURBANCE
 - LIMITS OF DISTURBANCE
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 - SOIL STOOPPILE
 - TEMPORARY SEDIMENT BASIN
 - TEMP / PERMANENT SEEDING AND MULCHING
 - EXISTING FLOW ARROW
 - EXISTING MINOR CONTOUR
 - EXISTING MAJOR CONTOUR
 - PROPOSED MAJOR CONTOUR
 - PROPOSED MINOR CONTOUR

LIMITS OF CONSTRUCTION

ON-SITE DISTURBANCE = 277.40 ACRES
 OFF-SITE DISTURBANCE = 20.55 ACRES
 TOTAL = 297.95 ACRES

- NOTES**
- THE INTENT OF THIS PLAN IS TO IDENTIFY THE EROSION CONTROL AND STABILIZATION MEASURES TO BE IMPLEMENTED FOR THE PROPOSED CONSTRUCTION PROJECT. THE CONTRACTOR SHALL MAINTAIN ACCEPTABLE EROSION CONTROL PRACTICES WITHIN THE ANTICIPATED LIMITS OF CONSTRUCTION. STABILIZATION SHALL BE COMPLETED AS IDENTIFIED HEREIN IN ORDER TO MAINTAIN THE PROPOSED LIMITS OF CONSTRUCTION.
 - TEMPORARY STABILIZATION (TS) SHALL BE IMPLEMENTED WITHIN 14 DAYS FOLLOWING THE CEASE OF CONSTRUCTION ACTIVITIES WITHIN THE DISTURBED AREAS.
 - TEMPORARY STABILIZATION (TS) AT THE CONTRACTOR'S DISCRETION SHALL BE APPLIED TO AREAS WHERE EROSION CONTROL MEASURES ARE NOT FEASIBLE OR WHERE EROSION CONTROL MEASURES ARE NOT NECESSARY FOR OBTAINING ALL NECESSARY ROW PERMITS.
 - CONTRACTOR SHALL MAINTAIN ACCEPTABLE EROSION CONTROL PRACTICES WITHIN THE ANTICIPATED LIMITS OF CONSTRUCTION. STABILIZATION SHALL BE COMPLETED AS IDENTIFIED HEREIN IN ORDER TO MAINTAIN THE PROPOSED LIMITS OF CONSTRUCTION.
 - ALL WORK IN THE HIGHWAY ROW AND MEDIAN ROAD ROW SHALL BE COMPLETED WITHIN THE ROW PERMITS.
 - CONTRACTOR SHALL MAINTAIN ACCEPTABLE EROSION CONTROL PRACTICES WITHIN THE ANTICIPATED LIMITS OF CONSTRUCTION. STABILIZATION SHALL BE COMPLETED AS IDENTIFIED HEREIN IN ORDER TO MAINTAIN THE PROPOSED LIMITS OF CONSTRUCTION.
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**APPENDIX B
CDPHE STOMWATER PERMIT**





STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Water Quality Control Division

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

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), this permit authorizes the discharge of stormwater associated with construction activities (and specific allowable non-stormwater discharges in accordance with Part I.A.1. 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 the certification to discharge 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 becomes effective on April 1, 2019, and shall expire at midnight March 31, 2024.

Issued and signed this 1st day of November 2018.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Ellen Howard Kutzer, Permits Section Manager
Water Quality Control Division

Permit History

Originally signed and issued October 31, 2018; effective April 1, 2019.

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Part I

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

A. COVERAGE UNDER THIS PERMIT**1. Authorized Discharges**

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

a. Allowable Stormwater Discharges

- i. Stormwater discharges associated with construction activity.
- ii. Stormwater discharges associated with producing earthen materials, such as soils, sand, and gravel dedicated to providing material to a single contiguous site, or within ¼ mile of a construction site (i.e. borrow or fill areas)
- iii. Stormwater discharges associated with dedicated asphalt, concrete batch plants and masonry mixing stations (Coverage under this permit is not required if alternative coverage has been obtained.)

b. Allowable Non-Stormwater Discharges

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

- i. Discharges from uncontaminated springs that do not originate from an area of land disturbance.
- ii. Discharges to the ground of concrete washout water associated with the washing of concrete tools and concrete mixer chutes. Discharges of concrete washout water must not leave the site as surface runoff or reach receiving waters as defined by this permit.
- iii. Discharges of landscape irrigation return flow.

c. Emergency Fire Fighting

Discharges resulting from emergency firefighting activities are authorized by this permit.

2. Limitations on Coverage

Discharges not authorized by this permit include, but are not limited to, the discharges and activities listed below. Permittees may seek individual or alternate general permit coverage for the discharges, as appropriate and available.

a. Discharges of Non-Stormwater

Discharges of non-stormwater, except the authorized non-stormwater discharges listed in Part I.A.1.b., are not eligible for coverage under this permit.

- b. Discharges Currently Covered by another Individual or General Permit**
 - c. Discharges Currently Covered by a Water Quality Control Division (division) Low Risk Guidance Document**
- 3. Permit Certification and Submittal Procedures**
- a. Duty to apply**

The following activities shall apply for coverage under this permit:

 - i. Construction sites that will disturb one acre or more; or**
 - ii. Construction sites that are part of a common plan of development or sale; or**
 - iii. Stormwater discharges that are designated by the division as needing a stormwater permit because the discharge:**
 - (a) Contributes to a violation of a water quality standard; or**
 - (b) is a significant contributor of pollutants to state waters.**
 - b. Application Requirements**

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

 - i. Owners and operators submitting an application for permit coverage will be co-permittees subject to the same benefits, duties, and obligations under this permit.**
 - ii. Signature requirements: Both the owner and operator (permittee) of the construction site, as defined in Part I.E., must agree to the terms and conditions of the permit and submit a completed application that includes the signature of both the owner and the operator. In cases where the duties of the owner and operator are managed by the owner, both application signatures may be completed by the owner. Both the owner and operator are responsible for ensuring compliance with all terms and conditions of the permit, including implementation of the stormwater management plan.**
 - iii. Applicants must use the paper form provided by the division or the electronic form provided on the division's web-based application platform when applying for coverage under this permit.**
 - iv. The applicant(s) must develop a stormwater management plan (SWMP) in accordance with the requirements of Part I.C. The applicant(s) must also certify that the SWMP is complete, or will be complete, prior to commencement of any construction activity.**

- v. The applicant(s) must submit a complete, accurate, and signed permit application electronically, by mail or hand delivery to the division at least 10 days prior to the commencement of construction activity except that construction activities that are in response to a public emergency related site shall apply for coverage no later than 14 days after the commencement of construction activities. The provisions of this part in no way remove a violation of the Colorado Water Quality Control Act if a point source discharge occurs prior to the issuance of a CDPS permit.
- vi. The application must be signed in accordance with the requirements of Part IA. Applications submitted by mail or hand delivered should be directed to:

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

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

c. Division Review of Permit Application

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

- i. Issue a certification of coverage;
- ii. request additional information necessary to evaluate the discharge;
- iii. delay the authorization to discharge pending further review;
- iv. notify the applicant that additional terms and conditions are necessary; or
- v. deny the authorization to discharge under this general permit.

d. Alternative Permit Coverage

i. Division Required Alternate Permit Coverage:

The Division may require an applicant or permittee to apply for an individual permit or an alternative general permit if it determines the discharge does not fall under the scope of this general permit. In this case, the Division will notify the applicant or permittee that an individual permit application is required.

ii. Permittee Request for alternate permit coverage:

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

e. Submittal Signature Requirements

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

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

i. Signature Certification

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

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

f. Compliance Document Signature Requirements

Documents which are required for compliance with the permit, but for which submittal to the division is not required unless specifically requested by the division, must be signed by the individual(s) designated as the Qualified Stormwater Manager, as defined in Part I.E.

i. Any person(s) signing inspection documents required for compliance with the permit must make the following statement:

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

g. Field Wide Permit Coverage for Oil and Gas Construction

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

h. Permit Coverage without Application

Qualifying Local Program: When a small construction site is within the jurisdiction of a qualifying local program, the owner and operator of the construction activity are authorized to discharge stormwater associated with small construction activity under this general permit without the submittal of an application to the division. Sites covered by a qualifying local program are exempt from the following sections of this general permit:

Part I.A.3.a.; Part I.A.3.b.; Part I.A.3.c.; Part I.A.3.d.; Part I.A.3.g.; Part I.A.3.i.; Part I.A.3.j.; Part I.A.3.k.

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

- i. **Local Agency Authority:** This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of stormwater to storm drain systems or other water courses within their jurisdiction.
 - ii. **Permit Coverage Termination:** When a site under a Qualifying Local Program is finally stabilized, coverage under this permit is automatically terminated.
 - iii. **Compliance with Qualifying Local Program:** Qualifying Local Program requirements that are equivalent to the requirements of this permit are incorporated by reference. Permittees authorized to discharge under this permit, must comply with the equivalent requirements of the Qualifying Local Program that has jurisdiction over the site as a condition of this permit.
 - iv. **Compliance with Remaining Permit Conditions.** Requirements of this permit that are in addition to or more stringent than the requirements of the Qualifying Local Program apply in addition to the requirements of the Qualifying Local Program.
 - v. **Written Authorization of Coverage:** The division or local municipality may require any permittee within the jurisdiction of a Qualifying Local Program covered under this permit to apply for, and obtain written authorization of coverage under this permit. The permittee must be notified in writing that an application for written authorization of coverage is required.
- i. **Permittee Initiated Permit Actions**
Permittee initiated permit actions, including but not limited to modifications, contact changes, transfers, reassignments, and terminations, shall be conducted following division guidance and using appropriate division-provided forms.
 - j. **Sale of Residence to Homeowner**
Residential construction sites only: The permittee may remove residential lots from permit coverage once the lot meets the following criteria:
 - i. the residential lot has been sold to the homeowner(s) for private residential use;
 - ii. a certificate of occupancy, or equivalent, is maintained on-site and is available during division inspections;
 - iii. the lot is less than one acre of disturbance;
 - iv. all construction activity conducted on the lot by the permittee is complete;
 - v. the permittee is not responsible for final stabilization of the lot; and
 - vi. the SWMP was modified to indicate the lot is no longer part of the construction activity.

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

k. Permit Expiration and Continuation of Permit Coverage

Authorization to discharge under this general permit shall expire at midnight on March 31, 2024. While Regulation 61.4 requires a permittee to submit an application for continuing permit coverage 180 days before the permit expires, the division is requiring that permittees desiring continued coverage under this general permit must reapply at least 90 days in advance of this permit expiration. The Division will determine if the permittee may continue to discharge stormwater under the terms of the general permit. An individual permit may be required for any facility not reauthorized to discharge under the reissued general permit.

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

- i. An authorization to discharge under a reissued permit, or a replacement of this permit, following the timely and appropriate submittal of a complete application requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
- ii. The issuance and effect of a termination issued by the Division; or
- iii. The issuance or denial of an individual permit for the facility's discharges; or
- iv. A formal permit decision by the Division not to reissue this general permit, at which time the Division will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- v. The Division has informed the permittee that discharges previously authorized under this permit are no longer covered under this permit.

B. EFFLUENT LIMITATIONS**1. Requirements for Control Measures Used to Meet Effluent Limitations**

The permittee must implement control measures to minimize the discharge of pollutants from all potential pollutant sources at the site. Control measures must be installed prior to commencement of activities that may contribute pollutants to stormwater discharges. Control measures must be selected, designed, installed and maintained in accordance with good engineering, hydrologic and pollution control practices. Control measures implemented at the site must be designed to prevent pollution or degradation of state waters.

a. Stormwater Pollution Prevention

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

i. Control Measures for Erosion and Sediment Control

Control measures for erosion and sediment control may include, but are not limited to, wattles/sediment control logs, silt fences, earthen dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, sediment basins, temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, maintaining existing vegetation, protection of trees, and preservation of mature vegetation. Specific non-structural control measures must meet the requirements listed below.

Specific control measures must meet the requirements listed below.

- (a) Vehicle tracking controls shall either be implemented to minimize vehicle tracking of sediment from disturbed areas, or the areas where vehicle tracking occurs shall meet subsection Part I.B.1.a.i(b);
- (b) Stormwater runoff from all disturbed areas and soil storage areas for which permanent or temporary stabilization is not implemented, must flow to at least one control measure to minimize sediment in the discharge. This may be accomplished through filtering, settling, or straining. The control measure must be selected, designed, installed and adequately sized in accordance with good engineering, hydrologic and pollution control practices. The control measure(s) must contain or filter flows in order to prevent the bypass of flows without treatment and must be appropriate for stormwater runoff from disturbed areas and for the expected flow rate, duration, and flow conditions (i.e., sheet or concentrated flow);
- (c) Outlets that withdraw water from or near the surface shall be installed when discharging from basins and impoundments, unless infeasible.
- (d) Maintain pre-existing vegetation or equivalent control measures for areas within 50 horizontal feet of receiving waters as defined by this permit, unless infeasible.
- (e) Soil compaction must be minimized for areas where infiltration control measures will occur or where final stabilization will be achieved through vegetative cover.
- (f) Unless infeasible, topsoil shall be preserved for those areas of a site that will utilize vegetative final stabilization.
- (g) Minimize the amount of soil exposed during construction activity, including the disturbance of steep slopes.

ii. Practices for Other Common Pollutants

- (a) Bulk storage, 55 gallons or greater, for petroleum products and other liquid chemicals must have secondary containment, or equivalent protection, in order to contain spills and to prevent spilled material from entering state waters.
- (b) Control measures designed for concrete washout waste must be implemented. This includes washout waste discharged to the ground as authorized under this permit and washout waste from concrete trucks and masonry operations contained on site. The permittee must ensure the washing activities do not contribute pollutants to stormwater runoff, or receiving waters in accordance Part I.A.1.b.ii. Discharges that may reach groundwater must flow through soil

that has buffering capacity prior to reaching groundwater, as necessary to meet the effluent limits in this permit, including Part I.B.3.a. The concrete washout location shall be not be located in an area where shallow groundwater may be present and would result in buffering capacity not being adequate, such as near natural drainages, springs, or wetlands. This permit authorizes discharges to the ground of concrete washout waste.

iii. Stabilization Requirements

The following requirements must be implemented for each site.

- (a) Temporary stabilization must be implemented for earth disturbing activities on any portion of the site where ground disturbing construction activity has permanently ceased, or temporarily ceased for more than 14 calendar days. Temporary stabilization methods may include, but are not limited to, tarps, soil tackifier, and hydroseed. The permittee may exceed the 14-day schedule when either the function of the specific area of the site requires it to remain disturbed, or, physical characteristics of the terrain and climate prevent stabilization. The SWMP must document the constraints necessitating the alternative schedule, provide the alternate stabilization schedule, and identify all locations where the alternative schedule is applicable on the site map.
- (b) Final stabilization must be implemented for all construction sites. Final stabilization is reached when all ground surface disturbing activities at the construction site are complete; and, for all areas of ground surface disturbing activities, either a uniform vegetative cover with an individual plant density of at least 70 percent of pre-disturbance levels is established, or equivalent permanent alternative stabilization methods are implemented. The division may approve alternative final stabilization criteria for specific operations.
- (c) Final stabilization must be designed and installed as a permanent feature. Final stabilization measures for obtaining a vegetative cover or alternative stabilization methods include, but are not limited to, the following as appropriate:
 - (1) Seed mix selection and application methods;
 - (2) Soil preparation and amendments;
 - (3) Soil stabilization methods (e.g., crimped straw, hydro mulch or rolled erosion control products);
 - (4) Appropriate sediment control measures as needed until final stabilization is achieved;
 - (5) Permanent pavement, hardscape, xeriscape, stabilized driving surfaces;
 - (6) Other alternative stabilization practices as applicable;

(d) The permittee(s) must ensure all temporary control measures are removed from the construction site once final stabilization is achieved, except when the control measure specifications allow the control measure to be left in place (i.e., bio-degradable control measures).

b. Maintenance

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

c. Corrective Actions

The permittee must assess the adequacy of control measures at the site, and the need for changes to those control measures, to ensure continued effective performance. When an inadequate control measure, as defined in Part I.E., is identified (i.e., new or replacement control measures become necessary), the following corrective action requirements apply. The permittee is in noncompliance with the permit until the inadequate control measure is replaced or corrected and returned to effective operating condition in compliance with Part I.B.1. and the general requirements in Part I.B.3. If the inadequate control measure results in noncompliance that meets the conditions of Part II.L., the permittee must also meet the requirements of that section.

i. The permittee must take all necessary steps to minimize or prevent the discharge of pollutants, until a control measure is implemented and made operational and/or an inadequate control measure is replaced or corrected and returned to effective operating condition. If it is infeasible to install or repair of control measure immediately after discovering the deficiency, the following must be documented and kept on record in accordance with the recordkeeping requirements in Part II.

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

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

ii. If applicable, the permittee must remove and properly dispose of any unauthorized release or discharge (e.g., discharge of non-stormwater, spill, or leak not authorized by this permit.) The permittee must also clean up any contaminated surfaces to minimize discharges of the material in subsequent storm events.

2. Discharges to an Impaired Waterbody

a. Total Maximum Daily Load (TMDL)

If the permittee's discharge flows to or could reasonably be expected to flow to any water body for which a TMDL has been approved, and stormwater discharges

associated with construction activity were assigned a pollutant-specific Wasteload Allocation (WLA) under the TMDL, the division may:

- i. ensure the WLA is implemented properly through alternative local requirements, such as by a municipal stormwater permit; or
- ii. notify the permittee of the WLA and amend the permittee's certification to add specific effluent limits and other requirements, as appropriate. The permittee may be required to do the following:
 - (a) under the permittee's SWMP, implement specific control measures based on requirements of the WLA, and evaluate whether the requirements are met through implementation of existing stormwater control measures or if additional control measures are necessary. Document the calculations or other evidence demonstrating that the requirements are expected to be met; and
 - (b) if the evaluation shows that additional or modified control measures are necessary, describe the type and schedule for the control measure additions or modifications.
- iii. Discharge monitoring may also be required. The permittee may maintain coverage under the general permit provided they comply with the applicable requirements outlined above. The division reserves the right to require individual or alternate general permit coverage.

3. General Requirements

- a. Discharges authorized by this permit shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any applicable water quality standard, including narrative standards for water quality.
- b. The division may require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that the SWMP is not adequately minimizing pollutants in stormwater or in order to measure the effectiveness of the control measures in removing pollutants in the effluent. Such monitoring may include Whole Effluent Toxicity testing.
- c. The permittee must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts and other local agencies including applicable requirements in Municipal Stormwater Management Programs developed to comply with CDPS permits. The permittee must comply with local stormwater management requirements, policies and guidelines including those for erosion and sediment control.
- d. All construction site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.
- e. This permit does not relieve the permittee of the reporting requirements in 40 CFR 110, 40 CFR 117 or 40 CFR 302. Any discharge of hazardous material must be handled in accordance with the division's Noncompliance Notification Requirements (see Part II.L. of the permit).

C. STORMWATER MANAGEMENT PLAN (SWMP) REQUIREMENTS**1. SWMP General Requirements**

- a. A SWMP shall be developed for each construction site covered by this permit. The SWMP must be prepared in accordance with good engineering, hydrologic and pollution control practices.
 - i. For public emergency related sites a SWMP shall be created no later than 14 days after the commencement of construction activities.
- b. The permittee must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete. The division may review the SWMP.
- c. A copy of the SWMP must be retained onsite or be onsite when construction activities are occurring at the site unless the permittee specifies another location and obtains approval from the division.

2. SWMP Content

- a. The SWMP, at a minimum, must include the following elements.
 - i. Qualified Stormwater Manager. The SWMP must list individual(s) by title and name who are designated as the site's qualified stormwater manager(s) responsible for implementing the SWMP in its entirety. This role may be filled by more than one individual.
 - ii. Spill Prevention and Response Plan. The SWMP must have a spill prevention and response plan. The plan may incorporate by reference any part of a Spill Prevention Control and Countermeasure (SPCC) plan under section 311 of the Clean Water Act (CWA) or a Spill Prevention Plan required by a separate CDPS permit. The relevant sections of any referenced plans must be available as part of the SWMP consistent with Part I.C.4.
 - iii. Materials Handling. The SWMP must describe and locate all control measures implemented at the site to minimize impacts from handling significant materials that could contribute pollutants to runoff. These handling procedures can include control measures for pollutants and activities such as, exposed storage of building materials, paints and solvents, landscape materials, fertilizers or chemicals, sanitary waste material, trash and equipment maintenance or fueling procedures.
 - iv. Potential Sources of Pollution. The SWMP must list all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the site. This shall include, but is not limited to, the following pollutant sources:
 - (a) disturbed and stored soils;
 - (b) vehicle tracking of sediments;
 - (c) management of contaminated soils;
 - (d) loading and unloading operations;

- (e) outdoor storage activities (erodible building materials, fertilizers, chemicals, etc.);
 - (f) vehicle and equipment maintenance and fueling;
 - (g) significant dust or particulate generating processes (e.g., saw cutting material, including dust);
 - (h) routine maintenance activities involving fertilizers, pesticides, herbicides, detergents, fuels, solvents, oils, etc.;
 - (i) on-site waste management practices (waste piles, liquid wastes, dumpsters);
 - (j) concrete truck/equipment washing, including washing of the concrete truck chute and associated fixtures and equipment;
 - (k) dedicated asphalt, concrete batch plants and masonry mixing stations;
 - (l) non-industrial waste sources such as worker trash and portable toilets.
- v. Implementation of Control Measures. The SWMP must include design specifications that contain information on the implementation of the control measure in accordance with good engineering hydrologic and pollution control practices; including as applicable drawings, dimensions, installation information, materials, implementation processes, control measure-specific inspection expectations, and maintenance requirements.

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

- vi. Site Description. The SWMP must include a site description which includes, at a minimum, the following:
- (a) the nature of the construction activity at the site;
 - (b) the proposed schedule for the sequence for major construction activities and the planned implementation of control measures for each phase. (e.g.: clearing, grading, utilities, vertical, etc.);
 - (c) estimates of the total acreage of the site, and the acreage expected to be disturbed by clearing, excavation, grading, or any other construction activities;
 - (d) a summary of any existing data used in the development of the construction site plans or SWMP that describe the soil or existing potential for soil erosion;

- (e) a description of the percent of existing vegetative ground cover relative to the entire site and the method for determining the percentage;
- (f) a description of any allowable non-stormwater discharges at the site, including those being discharged under a division low risk discharge guidance policy;
- (g) a description of areas receiving discharge from the site. Including a description of the immediate source receiving the discharge. If the stormwater discharge is to a municipal separate storm sewer system, the name of the entity owning that system, the location of the storm sewer discharge, and the ultimate receiving water(s); and
- (h) a description of all stream crossings located within the construction site boundary.

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

- (a) construction site boundaries;
- (b) flow arrows that depict stormwater flow directions on-site and runoff direction;
- (c) all areas of ground disturbance including areas of borrow and fill;
- (d) areas used for storage of soil;
- (e) locations of all waste accumulation areas, including areas for liquid, concrete, masonry, and asphalt;
- (f) locations of dedicated asphalt, concrete batch plants and masonry mixing stations;
- (g) locations of all structural control measures;
- (h) locations of all non-structural control measures;
- (i) locations of springs, streams, wetlands and other state waters, including areas that require pre-existing vegetation be maintained within 50 feet of a receiving water, where determined feasible in accordance with Part I.B.1.a.i.(d).; and
- (j) locations of all stream crossings located within the construction site boundary.

viii. Final Stabilization and Long Term Stormwater Management. The SWMP must 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 are completed. Including but not limited to, detention/retention ponds, rain gardens, stormwater vaults, etc.

ix. Inspection Reports. The SWMP must include documented inspection reports in accordance with Part ID.

3. SWMP Review and Revisions

Permittees must keep a record of SWMP changes made that includes the date and identification of the changes. The SWMP must be amended when the following occurs:

- a. a change in design, construction, operation, or maintenance of the site requiring implementation of new or revised control measures;
- b. the SWMP proves ineffective in controlling pollutants in stormwater runoff in compliance with the permit conditions;
- c. control measures identified in the SWMP are no longer necessary and are removed;
and
- d. corrective actions are taken onsite that result in a change to the SWMP.

For SWMP revisions made prior to or following a change(s) onsite, including revisions to sections addressing site conditions and control measures, a notation must be included in the SWMP that identifies the date of the site change, the control measure removed, or modified, the location(s) of those control measures, and any changes to the control measure(s). The permittee must ensure the site changes are reflected in the SWMP. The permittee is noncompliant with the permit until the SWMP revisions have been made.

4. SWMP Availability

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

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

D. SITE INSPECTIONS

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

1. Person Responsible for Conducting Inspections

The person(s) inspecting the site may be on the permittee's staff or a third party hired to conduct stormwater inspections under the direction of the permittee(s). The permittee is responsible for ensuring that the inspector is a qualified stormwater manager.

2. Inspection Frequency

Permittees must conduct site inspections in accordance with one of the following minimum frequencies, unless the site meets the requirements of Part ID.3

- a. At least one inspection every 7 calendar days. Or
- b. At least one inspection every 14 calendar days, if post-storm event inspections are conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. Post-storm inspections may be used to fulfill the 14-day routine inspection requirement.
- c. When site conditions make the schedule required in this section impractical, the permittee may petition the Division to grant an alternate inspection schedule. The alternative inspection schedule may not be implemented prior to written approval by the division and incorporation into the SWMP.

3. Inspection Frequency for Discharges to Outstanding Waters

Permittees must conduct site inspections at least once every 7 calendar days for sites that discharge to a water body designated as an Outstanding Water by the Water Quality Control Commission.

4. Reduced Inspection Frequency

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

a. Post-Storm Inspections at Temporarily Idle Sites

For permittees choosing to combine 14-day inspections and post-storm-event-inspections, if no construction activities will occur following a storm event, post-storm event inspections must be conducted prior to re-commencing construction activities, but no later than 72 hours following the storm event. The delay of any post-storm event inspection must be documented in the inspection record. Routine inspections must still be conducted at least every 14 calendar days.

b. Inspections at Completed Sites/Areas

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

- i. all construction activities resulting in ground disturbance are complete;
- ii. all activities required for final stabilization, in accordance with 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 locate those areas to be inspected in accordance with the reduced schedule allowed for in this paragraph.

c. Winter Conditions Inspections Exclusion

Inspections are not required for sites that meet all of the following conditions: 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 inspection exception is applicable only during the period where melting conditions do not exist, and applies to the routine 7-day, 14-day and monthly inspections, as well as the post-storm-event inspections. When this inspection exclusion is implemented, the following information must be documented in accordance with the requirements in Part II:

- i. dates when snow cover existed;
- ii. date when construction activities ceased; and
- iii. date melting conditions began.

5. Inspection Scope

a. Areas to be Inspected

When conducting a site inspection the following areas, if applicable, must be inspected for evidence of, or the potential for, pollutants leaving the construction site boundaries, entering the stormwater drainage system, or discharging to state waters:

- i. construction site perimeter;
- ii. all disturbed areas;
- iii. designated haul routes;
- iv. material and waste storage areas exposed to precipitation;
- v. locations where stormwater has the potential to discharge offsite; and
- vi. locations where vehicles exit the site.

b. Inspection Requirements

- i. Visually verify whether all implemented control measures are in effective operational condition and are working as designed in their specifications to minimize pollutant discharges.
- ii. Determine if there are new potential sources of pollutants.
- iii. Assess the adequacy of control measures at the site to identify areas requiring new or modified control measures to minimize pollutant discharges.
- iv. Identify all areas of non-compliance with the permit requirements and, if necessary, implement corrective action in accordance with Part IB.1.c.

c. Inspection Reports

The permittee must keep a record of all inspections conducted for each permitted site. Inspection reports must identify any incidents of noncompliance with the terms and conditions of this permit. Inspection records must be retained in accordance with Part II.O. and signed in accordance with Part I.A.3.f. At a minimum, the inspection report must include:

- i. the inspection date;

- ii. name(s) and title(s) of personnel conducting the inspection;
- iii. weather conditions at the time of inspection;
- iv. phase of construction at the time of inspection;
- v. estimated acreage of disturbance at the time of inspection
- vi. location(s) of discharges of sediment or other pollutants from the site;
- vii. location(s) of control measures needing maintenance;
- viii. location(s) and identification of inadequate control measures;
- ix. location(s) and identification of additional control measures are needed that were not in place at the time of inspection;
- x. description of the minimum inspection frequency (either in accordance with Part I.D.2., I.D.3. or I.D.4.) utilized when conducting each inspection.
- xi. deviations from the minimum inspection schedule as required in Part I.D.2.;
- xii. after adequate corrective action(s) and maintenance have been taken, or where a report does not identify any incidents requiring corrective action or maintenance, the report shall contain a statement as required in Part I.A.3.f.

E. DEFINITIONS

For the purposes of this permit:

- (1) **Bypass** - the intentional diversion of waste streams from any portion of a treatment facility in accordance with 40 CFR 122.41(m)(1)(i) and Regulation 61.2(12).
- (2) **Common Plan of Development or Sale** - A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. The Division has determined that "contiguous" means construction activities located in close proximity to each other (within ¼ mile). Construction activities are considered to be "related" if they share the same development plan, builder or contractor, equipment, storage areas, etc. "Common plan of development or sale" includes construction activities that are associated with the construction of field wide oil and gas permits for facilities that are related.
- (3) **Construction Activity** - Ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of routine maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is exposed as part of the repaving operation are considered construction activities. Construction activity is from initial ground breaking to final stabilization regardless of ownership of the construction activities.
- (4) **Control Measure** - Any best management practice or other method used to prevent or reduce the discharge of pollutants to state waters. Control measures include, but are not limited to, best management practices. Control measures can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices.

- (5) **Control Measure Requiring Routine Maintenance** - Any control measure that is still operating in accordance with its design and the requirements of this permit, but requires maintenance to prevent a breach of the control measure. See also inadequate control measure.

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

- (7) **Final Stabilization** - The condition reached when all ground surface disturbing activities at the site have been completed, and for all areas of ground surface disturbing activities where a 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.

- (8) **Good Engineering, Hydrologic and Pollution Control Practices:** are methods, procedures, and practices that:
 - a. Are based on basic scientific fact(s).
 - b. Reflect best industry practices and standards.
 - c. Are appropriate for the conditions and pollutant sources.
 - d. Provide appropriate solutions to meet the associated permit requirements, including practice based effluent limits.

- (9) **Inadequate Control Measure** - Any control measure that is not designed or implemented in accordance with the requirements of the permit and/or any control measure that is not implemented to operate in accordance with its design. See also Control Measure Requiring Routine Maintenance.

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

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

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

- (13) **Municipal Separate Storm Sewer System (MS4)** - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - a) owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to state waters;
 - i. designed or used for collecting or conveying stormwater;
 - ii. are not a combined sewer; and
 - iii. are not part of a Publicly Owned Treatment Works (POTW). See 5 CCR 1002-61.2(62).

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

- (15) **Operator** - The party that has operational control over day-to-day activities at a project site which are necessary to ensure compliance with the permit. This party is authorized to direct individuals at a site to carry out activities required by the permit.(e.g. the general contractor)
- (16) **Owner** - The party that has overall control of the activities and that has funded the implementation of the construction plans and specifications. This is the party with ownership of, a long term lease of, or easements on the property on which the construction activity is occurring (e.g., the developer).
- (17) **Permittee(s)** - The owner and operator named in the discharge certification issued under this permit for the construction site specified in the certification.
- (18) **Point Source** - Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include irrigation return flow. See 5 CCR 102-61.2(75).
- (19) **Pollutant** - Dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste. See 5 CCR 1002-61.2(76).
- (20) **Presentation of credentials** - a government issued form of identification, if in person; or (ii) providing name, position and purpose of inspection if request to enter is made via telephone, email or other form of electronic communication. A Permittee's non-response to a request to enter upon presentation of credentials constitutes a denial to such request, and may result in violation of the Permit.
- (21) **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.
- (22) **Public Emergency Related Site** - a project initiated in response to an unanticipated emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.
- (23) **Qualified Stormwater Manager** - An individual knowledgeable in the principles and practices of erosion and sediment control and pollution prevention, and with the skills to assess conditions at construction sites that could impact stormwater quality and to assess the effectiveness of stormwater controls implemented to meet the requirements of this permit.
- (24) **Qualifying Local Program** - A municipal program for stormwater discharges associated with small construction activity that was formally approved by the division as a qualifying local program.
- (25) **Receiving Water** - Any classified or unclassified surface water segment (including tributaries) in the State of Colorado into which stormwater associated with construction activities discharges. This definition includes all water courses, even if they are usually dry, such as borrow ditches, arroyos, and other unnamed waterways.
- (26) **Severe Property Damage** - substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41(m)(1)(ii).

- (27) **Significant Materials** - Include, but not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the permittee is required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.
- (28) **Small Construction Activity** - The discharge of stormwater from construction activities that result in land disturbance of equal to, or greater than, one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan ultimately disturbs equal to, or greater than, one acre and less than five acres.
- (29) **Spill** - An unintentional release of solid or liquid material which may pollute state waters.
- (30) **State Waters** - means any and all surface and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.
- (31) **Steep Slopes**: where a local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a "steep slope", this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 3:1 or greater.
- (32) **Stormwater** - Precipitation runoff, snow melt runoff, and surface runoff and drainage. See 5 CCR 1002-61.2(103).
- (33) **Total Maximum Daily Loads (TMDLs)** -The sum of the individual wasteload allocations (WLA) for point sources and load allocations (LA) for nonpoint sources and natural background. For the purposes of this permit, a TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes WLAs, LAs, and must include a margin of safety (MOS), and account for seasonal variations. See section 303(d) of the CWA and 40 C.F.R. 130.2 and 130.7.
- (34) **Upset** - an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation in accordance with 40 CFR 122.41(n) and Regulation 61.2(114).

F. MONITORING

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

If monitoring is required, the following applies:

1. the thirty (30) day average must be determined by the arithmetic mean of all samples collected during a thirty (30) consecutive-day period; and
2. a grab sample, for monitoring requirements, is a single "dip and take" sample.

G. Oil and Gas Construction

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

Part II: Standard Permit Conditions**A. DUTY TO COMPLY**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Water Quality Control Act and is grounds for:

- a. enforcement action;
- b. permit termination, revocation and reissuance, or modification; or
- c. denial of a permit renewal application.

B. DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain authorization as required by Part I.A.3.k. of the permit.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. DUTY TO MITIGATE

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

E. PROPER OPERATION AND MAINTENANCE

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

F. PERMIT ACTIONS

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

G. PROPERTY RIGHTS

In accordance with 40 CFR 122.41(g) and 5 CCR 1002-61, 61.8(9):

1. The issuance of a permit does not convey any property or water rights in either real or personal property, or stream flows or any exclusive privilege.

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

H. DUTY TO PROVIDE INFORMATION

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

I. INSPECTION AND ENTRY

The permittee shall allow the division and the authorized representative, upon the presentation of credentials as required by law, to allow for inspections to be conducted in accordance with 40 CFR 122.41(i), Regulation 61.8(3), and Regulation 61.8(4):

1. to enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;
2. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit;
3. at reasonable times, inspect any monitoring equipment or monitoring method required in the permit; and
4. to enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect or investigate, any actual, suspected, or potential source of water pollution, or any violation of the Colorado Water Quality Control Act. The investigation may include: sampling of any discharges, stormwater or process water, taking of photographs, interviewing site staff on alleged violations and other matters related to the permit, and assessing any and all facilities or areas within the site that may affect discharges, the permit, or an alleged violation.

The permittee shall provide access to the division or other authorized representatives upon presentation of proper credentials. A permittee's non-response to a request to enter upon presentation of credentials constitutes a denial of such request, and may result in a violation of the permit.

J. MONITORING AND RECORDS

1. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

2. The permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of the division at any time.
3. Records of monitoring information must include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
4. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

K. SIGNATORY REQUIREMENTS

1. Authorization to Sign:

All documents required to be submitted to the division by the permit must be signed in accordance with the following criteria:

- a. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means:
 - i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - ii. the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
- c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes
 - i. (i) the chief executive officer of the agency, or

- ii. (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. (e.g., Regional Administrator of EPA)

2. Electronic Signatures

For persons signing applications for coverage under this permit electronically, in addition to meeting other applicable requirements stated above, such signatures must meet the same signature, authentication, and identity-proofing standards set forth at 40 CFR § 3.2000(b) for electronic reports (including robust second-factor authentication). Compliance with this requirement can be achieved by submitting the application using the Colorado Environmental Online Service (CEOS) system.

3. Change in Authorization to Sign

If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the division, prior to the re-authorization, or together with any reports, information, or applications to be signed by an authorized representative.

L. REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give advance notice to the division, in writing, of any planned physical alterations or additions to the permitted facility in accordance with 40 CFR 122.41(l) and Regulation 61.8(5)(a). Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.41(a)(1).

2. Anticipated Non-Compliance

The permittee shall give advance notice to the division, in writing, of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. The timing of notification requirements differs based on the type of non-compliance as described in subparagraphs 5, 6, 7, and 8 below.

3. Transfer of Ownership or Control

The permittee shall notify the division, in writing, ten (10) calendar days in advance of a proposed transfer of the permit. This permit is not transferable to any person except after notice is given to the division.

- a. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination.
- b. The new owner or operator must submit an application. See also signature requirements in Part II.K, above.
- c. A permit may be automatically transferred to a new permittee if:
 - i. The current permittee notifies the Division in writing 30 calendar days in advance of the proposed transfer date; and
 - ii. The notice includes a written agreement between the existing and new permittee(s) containing a specific date for transfer of permit responsibility, coverage and liability between them; and
 - iii. The division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.
 - iv. Fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15, have been met.

4. Monitoring reports

Monitoring results must be reported at the intervals specified in this permit per the requirements of 40 CFR 122.41(l)(4).

5. Compliance Schedules

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

6. Twenty-four hour reporting

In addition to the reports required elsewhere in this permit, the permittee shall report the following circumstances orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances, and shall mail to the division a written report containing the information requested within five (5) working days after becoming aware of the following circumstances:

- a. Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;
- b. Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;
- c. Circumstances leading to any upset which causes an exceedance of any effluent limitation in the permit;

- d. Daily maximum violations for any of the pollutants limited by Part I of this permit. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.
- e. The division may waive the written report required under subparagraph 6 of this section if the oral report has been received within 24 hours.

7. Other non-compliance

A permittee must report all instances of noncompliance at the time monitoring reports are due. If no monitoring reports are required, these reports are due at least annually in accordance with Regulation 61.8(4)(p). The annual report must contain all instances of non-compliance required under either subparagraph 5 or subparagraph 6 of this subsection.

8. Other information

Where a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Permitting Authority, it has a duty to promptly submit such facts or information.

M. BYPASS

1. Bypass not exceeding limitations

The permittees may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II.M.2 of this permit. See 40 CFR 122.41(m)(2).

2. Notice of bypass

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR §122.41(m)(3)(i) and/or Regulation 61.9(5)(c).
- b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass in accordance with Part II.L.6. See 40 CFR §122.41(m)(3)(ii) .

3. Prohibition of Bypass

Bypasses are prohibited and the division may take enforcement action against the permittee for bypass, unless:

- i. the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

- ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- iii. proper notices were submitted to the division.

N. UPSET

1. Effect of an upset

An upset constitutes an affirmative defense to an action brought for noncompliance with permit effluent limitations if the requirements of Part II.N.2. of this permit 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 in accordance with Regulation 61.8(3)(j).

2. Conditions necessary for demonstration of an Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that

- a. an upset occurred and the permittee can identify the specific cause(s) of the upset;
- b. the permitted facility was at the time being properly operated and maintained; and
- c. the permittee submitted proper notice of the upset as required in Part II.L.6.(24-hour notice); and
- d. the permittee complied with any remedial measure necessary to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. In addition to the demonstration required above, a permittee who wishes to establish the affirmative defense of upset for a violation of effluent limitations based upon water quality standards shall also demonstrate through monitoring, modeling or other methods that the relevant standards were achieved in the receiving water.

3. Burden of Proof

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

O. RETENTION OF RECORDS

1. Post-Expiration or Termination Retention

Copies of documentation required by this permit, including records of all data used to complete the application for permit coverage to be covered by this permit, must be

retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

2. On-site Retention

The permittee must retain an electronic version or hardcopy of the SWMP at the construction site from the date of the initiation of construction activities to the date of expiration or inactivation of permit coverage; unless another location, specified by the permittee, is approved by the division.

P. REOPENER CLAUSE

1. Procedures for modification or revocation

Permit modification or revocation of this permit or coverage under this permit will be conducted according to Regulation 61.8(8).

2. Water quality protection

If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, the permittee may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.

Q. SEVERABILITY

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

R. NOTIFICATION REQUIREMENTS

1. Notification to Parties

All notification requirements, excluding information submitted using the CEOS portal, shall be directed as follows:

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

Clean Water Compliance Section
Water Quality Control Division
Telephone: (303) 692-3500

b. Written notification shall be to:

Clean Water Compliance Section
Water Quality Control Division
Colorado Department of Public Health and Environment
WQCD-WQP-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530

S. RESPONSIBILITIES**1. Reduction, Loss, or Failure of Treatment Facility**

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

T. Oil and Hazardous Substance Liability

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

U. Emergency Powers

Nothing in this permit shall be construed to prevent or limit application of any emergency power of the division.

V. Confidentiality

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

W. Fees

The permittee is required to submit payment of an annual fee as set forth in the 2016 amendments to the Water Quality Control Act. Section 25-8-502 (1.1) (b), and the Colorado Discharge Permit System Regulations 5 CCR 1002-61, Section 61.15 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S.1973 as amended.

X. Duration of Permit

The duration of a permit shall be for a fixed term and shall not exceed five (5) years. If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least ninety (90) calendar days before this permit expires. Filing of a timely and complete application shall cause the expired permit to continue in force to the effective date of the new permit. The permit's duration may be extended only through administrative extensions and not through interim modifications. If the permittee anticipates there will be no discharge after the expiration date of this permit, the division should be promptly notified so that it can terminate the permit in accordance with Part I.A.3.i.

Y. Section 307 Toxics

If a toxic effluent standard or prohibition, including any applicable schedule of compliance specified, is established by regulation pursuant to Section 307 of the Federal Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the discharge permit, the division

shall institute proceedings to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition

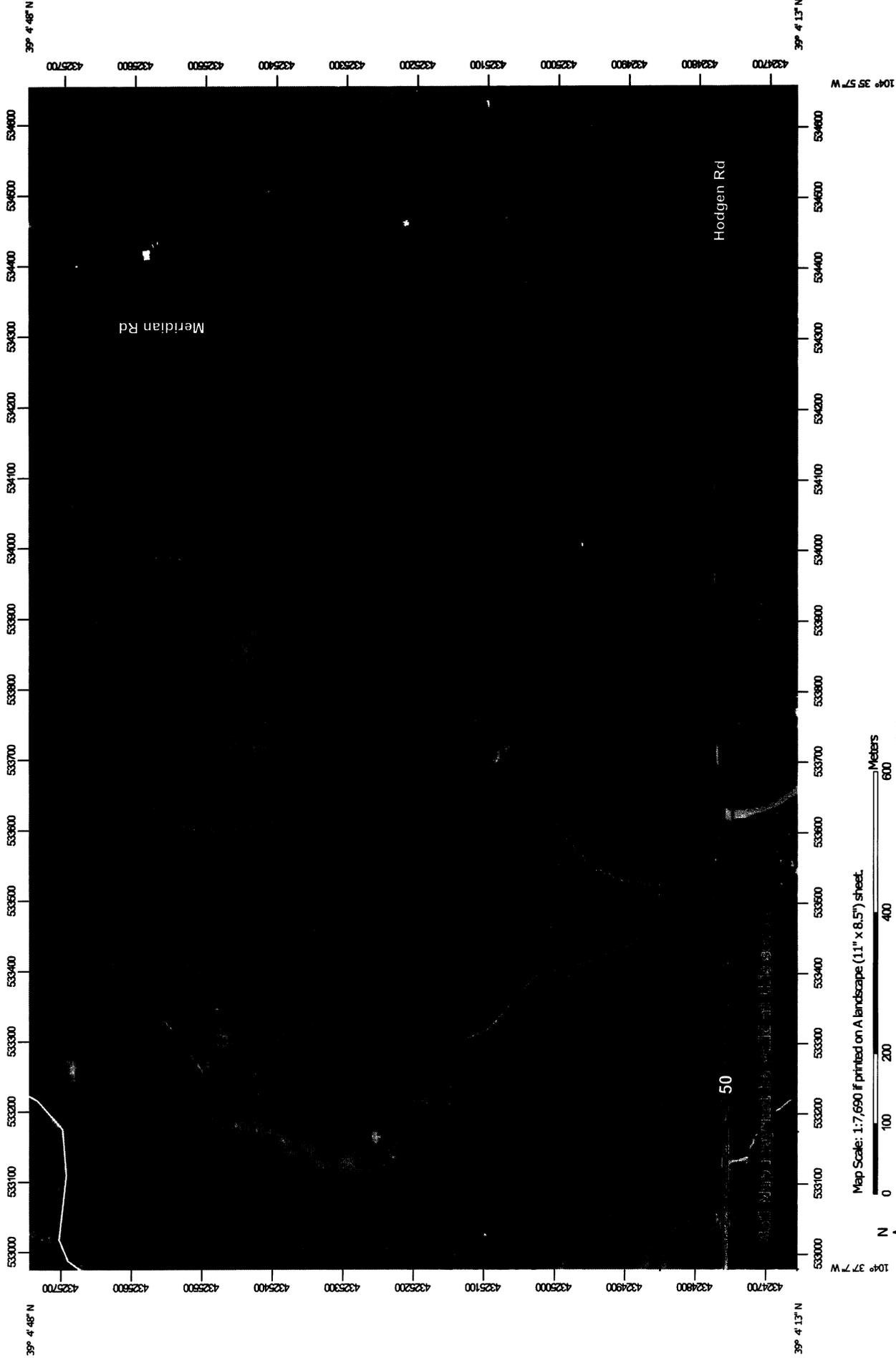


**APPENDIX C
FEMA FIRM MAP**



**APPENDIX D
SOILS INFORMATION**

Soil Map—El Paso County Area, Colorado



Map Scale: 1:7,690 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

Area of Interest (AOI)	Spoil Area
Soils	Stony Spot
Soil Map Unit Polygons	Very Stony Spot
Soil Map Unit Lines	Wet Spot
Soil Map Unit Points	Other
Special Point Features	Special Line Features
Blowout	Water Features
Borrow Pit	Streams and Canals
Clay Spot	Transportation
Closed Depression	Rails
Gravel Pit	Interstate Highways
Gravelly Spot	US Routes
Landfill	Major Roads
Lava Flow	Local Roads
Marsh or swamp	Background
Mine or Quarry	Aerial Photography
Miscellaneous Water	
Perennial Water	
Rock Outcrop	
Saline Spot	
Sandy Spot	
Severely Eroded Spot	
Sinkhole	
Slide or Slip	
Sodic Spot	

MAP INFORMATION

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

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

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

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

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

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

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

Soil Survey Area: El Paso County Area, Colorado
 Survey Area Data: Version 18, Jun 5, 2020

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

Date(s) aerial images were photographed: Sep 8, 2018—May 26, 2019

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Area in A0	Percent of A0
25	Elbeth sandy loam, 3 to 8 percent slopes	46.6	20.2%
26	Elbeth sandy loam, 8 to 15 percent slopes	14.0	6.1%
67	Peyton sandy loam, 5 to 9 percent slopes	45.4	19.7%
68	Peyton-Pring complex, 3 to 8 percent slopes	35.2	15.3%
92	Tomah-Crowfoot loamy sands, 3 to 8 percent slopes	89.5	38.8%
Totals for Area of Interest		230.7	100.0%

**APPENDIX E
IDENTIFICATION OF POLLUTANT SOURCES**

**APPENDIX F
LAND DISTURBANCE / CONTROL MEASURE / STABILIZATION
LOG**

**APPENDIX G
CDPHE ENVIRONMENTAL SPILL REPORTING / CONTROL
MEASURE**



Environmental Spill Reporting

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

1-877-518-5608

Updated: June, 2018

Reporting chemical spills and releases in Colorado

General

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

Releases from fixed facilities

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

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

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

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

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

Releases from RCRA facilities

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

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

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

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

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

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

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

Transportation accidents

Transportation accidents that require reporting:

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

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

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

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

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

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

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

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

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

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

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

Releases to water

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

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

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

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

Releases to air

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

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

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

Releases from oil and gas wells

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

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

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

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

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

Releases from storage tanks

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

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

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

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

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

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

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

Releases from pipelines

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

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

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

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

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

Radiological accidents, incidents, and events

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

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

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

Notification Numbers

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

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

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

Spill Prevention and Response Plan

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

General Spill Control Practices

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

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

Spill Response Plan

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

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



**APPENDIX H
STORM EVENT LOG**



**APPENDIX I
INSPECTION AND SAMPLING REPORTS**

CONSTRUCTION STORMWATER SITE INSPECTION REPORT

Facility Name		Permittee					
Date of Inspection		Weather Conditions					
Permit Certification #		Disturbed Acreage					
Phase of Construction		Inspector Title					
Inspector Name							
Is the above inspector a qualified stormwater manager? (permittee is responsible for ensuring that the inspector is a qualified stormwater manager)			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">NO</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input type="checkbox"/>
YES	NO						
<input type="checkbox"/>	<input type="checkbox"/>						

INSPECTION FREQUENCY		
Check the box that describes the minimum inspection frequency utilized when conducting each inspection		
At least one inspection every 7 calendar days		<input type="checkbox"/>
At least one inspection every 14 calendar days, with post-storm event inspections conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosions		<input type="checkbox"/>
<ul style="list-style-type: none"> • This is this a post-storm event inspection. Event Date: _____ 		<input type="checkbox"/>
Reduced inspection frequency - Include site conditions that warrant reduced inspection frequency		<input type="checkbox"/>
<ul style="list-style-type: none"> • Post-storm inspections at temporarily idle sites 		<input type="checkbox"/>
<ul style="list-style-type: none"> • Inspections at completed sites/area 		<input type="checkbox"/>
<ul style="list-style-type: none"> • Winter conditions exclusion 		<input type="checkbox"/>
Have there been any deviations from the minimum inspection schedule? If yes, describe below.	YES	NO
	<input type="checkbox"/>	<input type="checkbox"/>

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

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

REPORTING REQUIREMENTS

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

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

a. Endangerment to Health or the Environment

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

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

b. Numeric Effluent Limit Violations

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

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

Has there been an incident of noncompliance requiring 24-hour notification?

NO	YES
<input type="checkbox"/>	<input type="checkbox"/>

If "YES" document below

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

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

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

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

Name of Qualified Stormwater Manager

Title of Qualified Stormwater Manager

Signature of Qualified Stormwater Manager

Date

Notes/Comments

**APPENDIX J
SWMP AMENDMENT LOG**

