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Flying Horse North Filing No. 9
Stormwater Management Plan (SWMP)

November 2026

HR Green Project No: 2502599

El Paso County No. SF2625

Prepared For (Applicant/Owner):

PRI #2, LLC.

Mr. Drew Balsick

Vice President / Project Manager

6385 Corporate Drive, Ste. 200

Colorado Springs, CO 80919

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Prepared By:

HR Green Development, LLC

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Designated Stormwater Manager:

Adam Doyle

Flying Horse Development, LLC.

GEC Administrator:

Adam Doyle

Flying Horse Development, LLC.

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▷ PREPARING ENGINEER:

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Company: Flying Horse Development, LLC.

Title: Owner/Developer

Phone Number: (719) 785-3237

Address: 2138 Flying Horse Club Drive, Colorado Springs, CO 80921

▷ DESIGNATOR STORMWATER MANAGER

Contact: Adam Doyle

Company: Flying Horse Development, LLC.

Title: Construction Manager

Phone Number: 719-331-6174

Address: 6385 Corporate Drive, Ste. 200 Colorado Springs, CO 80919

▷ GEC ADMINISTRATOR:

Contact: Adam Doyle

Company: Flying Horse Development, LLC.

Title: Construction Manager

Phone Number: 719-331-6174

Address: 6385 Corporate Drive, Ste. 200 Colorado Springs, CO 80919

Engineer's Statement

The Stormwater Management Plan was prepared under my direction and supervision and is correct to the best of my knowledge and belief. Said Plan has been prepared according to the criteria established by the County and State for Stormwater Management Plans.

Name: Richard D. Lyon, P.E. Date:

Phone Number: 719-318-0871

Seal

I. Site Location & Description

Location

Flying Horse North Filing No. 9 is in El Paso County. The larger Flying Horse North development is bordered by Highway 83 to the west, Black Forest Road to the east, Cathedral Pines to the south, and High Forest Ranch to the north. The greater Flying Horse North area contains approximately 1,459 acres within the whole Section 36, Township 11 South, Range 66 West of the Sixth Principal Meridian, and a portion of Section 30 and 31, Township 11 South, and Range 65 West of the Sixth Principal Meridian.

Legal Description

Flying Horse North Filing No. 9

Description of Property

The Flying Horse North Filing No. 9 area is in the center of the overall Flying Horse North subdivision, northeast of existing Filing No. 3 with a proposed road off the existing Allen Ranch Road. Adjacent to the filing area on the west is Tract K of Filing No.1, and on the east are Tract A and Tract F of Filing No. 3. To the north of the Filing No. 9 site is the golf clubhouse, a portion of Tract K of Filing No. 1. Tract A and Tract K are to be replatted with the Filing No. 9 final plat as the boundaries are revised.

The Filing No. 9 area totals 30.96 acres consisting of a total of eleven (11) 2.5-acre single-family residential estate lots, establishment of Sorraia Way 50' local urban public right of way. Of the total Filing No. 9 area, approximately 29.76 acres (96.1%) consists of the 11 lots and 1.20 acres (3.9%) consists of public right-of-way. The development includes the single-family residential lots for future development, 50' width right-of-way that consist of asphalt paved roadways with curb and gutter, public improvement easements, and electric easements available to Mountain View Electric Association.

A majority of the filing falls within the Black Squirrel Creek Basin, while portions of the east side of the site fall within the East Cherry Creek Basin. There are no existing formal channels or drainageways traversing the site. The stormwater runoff for areas of proposed development within the Black Squirrel Creek basin drain to existing downstream Pond 8 within Filing No. 1 and areas within the East Cherry Creek Basin drain to either existing downstream Pond A within Filing No. 3 or existing downstream Pond 13 within Filing No. 1. These ponds provide full spectrum detention which ensures that water quality treatment is provided and the stormwater runoff release rates from the site in the developed condition are at or below historical rates.

Neighboring Areas

The land uses at the perimeter of Filing No. 9 include residential large acreage lots (RR-2.5) and the commercial golf course. The surrounding areas include the golf course on the west and east, the Flying Horse clubhouse to the north, Flying Horse North Filing No. 1 to the northwest, and Flying Horse North Filing No. 3 to the southwest.

Construction Activity

The proposed development is to only include construction of the roadway and utilities including stormwater. Construction activities include but are not limited to corridor grading, pavement installation, final stabilization of the proposed roadways and right-of-way corridors, storm sewer installation, and installation of a modified orifice plate within Pond A Filing No. 3.

A vertical/final phase plan is included within the GEC and SWMP report for the future development of the eleven (11) 2.5-acre single-family residential estate lots which will include construction of homes in the vicinity of the designated pad sites shown on the plans, driveways, and any hardscape and landscaping.

Construction will begin with setting up perimeter controls which are prescribed to be silt fence along the disturbance areas, designated stockpile areas, and filing boundary. Following perimeter control, construction activity includes corridor grading for the roadways and storm pipe and drainage structure installations. Construction will be completed with final stabilization including permanent seeding and mulch per the GEC plan set. Once final stabilization is achieved for disturbed areas, temporary erosion control measures will be removed.

Temporary stabilization measures (silt fence and vehicular tracking control) will be installed prior to construction. Stabilized staging area(s) and stockpile management area(s) are shown on the GEC plans in designated areas. During construction, temporary stabilization measures, including culvert inlet protection and temporary sediment basin will be utilized to control stormwater runoff.

Off-site disturbance is limited to work within the Allen Ranch Road right-of-way, which includes the curb cut and curb return, cross pan, and tie in to the existing Allen Ranch Road roadway and sidewalk. Relocation of the golf cart path is within Tract A Filing No. 9, a replat of Tract K Filing No. 1.

II. Construction Phasing

Phasing and Sequence Schedule

The proposed sequence of major construction activities and Construction Control Measures for the project as are follows:

1. Install VTC, SSA, SP, TSB and other perimeter erosion and stormwater control measures (i.e. silt fence, construction fence etc.) (Fall of 2026)
2. Install Inlet Protection control measures (Fall of 2026)
3. Clear, grub and grade site for improvements. (Fall of 2026)
4. Excavate and install improvements including underground piping and drainage structures. Install ECB and TRM per GEC plans. (Fall/Winter of 2027)
5. Landscaping, restoration and final stabilization. Ensure final stabilization achieved prior to site closure. (Spring 2027)
6. Remove construction BMPs (Spring 2027)

Construction Documentation

Construction drawings are provided with this document showing the Grading and Erosion Control plan for this project and are intended to be a “living” document used by the SWMP Manager to document construction activities. See Appendix E for record log.

III. Pre-Development Conditions and Soils

Floodway

According to the current FEMA Flood Insurance Rate Maps FEMA FIRM 08041C0315G, revised December 7, 2018, this site is designated as Zone X (outside 0.2% chance of flood). See Appendix A for FEMA FIRM Exhibit.

Existing Vegetation

The existing vegetative cover is approximately 90 percent as evidenced by a field survey and aerial imagery. The existing vegetation includes native grasses and weeds, shrubs, and pine trees.

Existing Drainage Patterns

The majority the site is tributary to the Black Squirrel Creek Basin, while a portion of Lots 1, 2, 7, 8, 9, 10, and 11 on the east side of the filing are tributary to the East Cherry Creek Basin. Stormwater from the site flows into existing offsite ponds and are directed to natural offsite drainageways that ultimately drain to the Black Squirrel Creek and East Cherry Creek. There are no stream crossings located in within the construction boundary.

The stormwater outfalls to the respective downstream waterways from this site are not in the vicinity of this site and are not directly connected to outfall locations. The Black Squirrel Creek is located approximately 4,500 feet southwest of the boundary of Filing No. 9 and the East Cherry Creek is located approximately 4,600 feet northeast of the boundary of Filing No. 9. There are no public or private storm outfall pipes known to convey stormwater from the site directly to outfall locations in the Black Squirrel Creek or East Cherry Creek.

Existing Slopes

The Filing No. 9 area consists of varied slopes between 1% and 33% with several peaks and gullies throughout the property.

Soils

According to the US Department of Agriculture Natural Resources Conservation Service Soil Survey of El Paso County, Colorado, the primary soils through the filing area are Elbeth sandy loam and Peyton sandy loam within the Black Squirrel Creek and East Cherry Creek basin areas. These soil types within the filing are within Hydrologic Soil Group B. Runoff coefficients for this study were selected based on "A/B" type soils. This agrees with the MDDP report which also identified these soil classifications and hydrologic soil groups for the area. A copy of the soil map for the site can be found in Appendix A.

The existing soil types have a slight potential for erosion which can be mitigated by employing appropriate downstream construction control measures before/during/after construction to limit potential impacts to stormwater discharges. The potential impacts are sediment discharge into the existing stormwater conveyance system.

IV. Description of Potential Pollutants

Potential sources of sediment to stormwater runoff include earth moving and concrete activities associated with grading, residential structure construction including concrete foundations and hardscape, and landscaping.

Potential pollutants and sources other than sediment to stormwater runoff include trash, debris, fueling and equipment failure. Materials of significance stored on the project site include: sediment, concrete washout, cement, trash & debris, fuels and oils.

Discharge of concrete wash water to ground within the contained concrete washout area is an allowable non-stormwater discharge per the COR400000 Permit if properly identified in the Stormwater Management Plan and if the appropriate control measures are implemented.

There are no other non-stormwater discharge anticipated from the site.

Construction activities can produce a variety of pollutants that can potentially cause stormwater contamination. Grading activities remove rocks, vegetation and other erosion controlling surfaces and can result int he exposure of underlying soil to the elements, which can then be displaced into water sources.

Wind and erosion and vehicular transport can produce sediment debris.

Potential Sources of Pollution:

1. Potential sources of pollution from construction activities include
    a. Disturbed or stored soils
    b. Vehicle tracking of sediment
    c. Loading & unloading operations
    d. Outdoor Storage activities
    e. Vehicle and Equipment Maintenance/Fueling
    f. Dust or Particulate Generating Processes
    g. Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents etc.
    h. On-site waste management (waste piles, liquid wastes, dumpsters)
    i. Concrete truck/equipment washing (washing truck chute and associated fixtures)
    j. Non-industrial waste (worker trash and portable toilets)

V. Areas and Volumes

The limit of disturbance is 3.82 acres per the Grading and Erosion Control Plan for improvements such as roadways, sidewalk, golf cart path, stormwater infrastructure, and daylight grading from the right-of-way. The final construction phase shows a limit of disturbance and construction that encompasses the full vertical construction of each single-family lot development. The full developable area including private lots is included in the limits of disturbance and construction for the final phase to account for private lot construction and to establish perimeter control measures such as silt fence at the initial construction phase. However, the total disturbance area is not the full limits of construction area as individual lot development will require future plans and lot specific control measures at the time of construction.

Below are roadway construction earthwork figures. These numbers are adjusted using a fill factor of 1.15.

Roadway Construction Phase:

Earthwork Analysis with 15% Compaction Factor

Cut Quantity (adjusted) : 13,686.12 cubic yards

Fill Quantity (adjusted): 2,950.13 cubic yards

Net (adjusted): 10,735.99 cubic yards CUT

*This analysis is to finished grade and does not include the pavement thickness of the roadways

Earthwork Analysis with no Compaction Factor

Cut Quantity (unadjusted) : 13,686.12 cubic yards

Fill Quantity (unadjusted): 2,565.33 cubic yards

Net (unadjusted): 11,120.79 cubic yards CUT

*This analysis is to finished grade and does not include the pavement thickness of the roadways

The full build-out earthwork quantities cannot be quantified at this stage as each respective lot disturbance and construction will vary by architecture, layout, and plot plan.

VI. Self-Inspections

Self-inspections of the Construction Control Measures must be completed by the certified GEC Administrator. The below provides the minimum to satisfy the El Paso County self-inspection requirements. A more frequent self-inspection schedule may be required to ensure Control Measures are operating in compliance with the approved GEC plan.

1. Inspection Schedules:
    a. The GEC Administrator shall make a thorough inspection of the Control Measures:
        i. At least once every fourteen (14) calendar days.
        ii. Within 24 hours following any precipitation event (i.e. rain, snow, hail etc.) that causes surface erosion.
            - Alternatively, the GEC Administrator can perform a thorough inspection of the Control Measures once every seven (7) days and forego post-precipitation inspections.
    b. For sites where construction activities have completed and final stabilization measures installed but final stabilization has not yet been achieved, the GEC Administrator shall make a thorough inspection of the Control Measures:
        i. At least once every month
        ii. Within 72 hours following any precipitation event that causes surface erosion
2. Inspection Procedures:
    a. Site Inspection & Observation Items:
        i. Limits of disturbance perimeter and stormwater discharge points
        ii. All disturbed areas to ensure necessary Construction Control Measures are in place to control potential stormwater runoff.
        iii. Areas used for material/waste storage.
        iv. Any areas having a signification potential for storm water pollution (i.e site entrances, concrete washout areas etc.)
        v. All Construction Control Measures identified on the GEC plans.
    b. Inspection Requirements:
        i. Determine any locations, or potential locations, where pollutants and stormwater may be exiting the site/entering the receiving waters.
        ii. Evaluate Construction Control measures and determine if they are constructed in accordance with the latest revision of the approved GEC plan and operating effectively.
        iii. Provide recommendations for the need of additional Construction Control measures and the maintenance of existing measures in disrepair to ensure complication with the El Paso County Stormwater Construction Manual.
    c. Construction Control Measure Maintenance/Replacement:
        i. The GEC administrator shall ensure sediment has been removed from perimeter controls and relocated to an area without the potential for sediment to discharge from the site
        ii. The GEC administrator shall ensure diversion ditches and temporary sediment ponds have not accumulated excess sediment that impedes their functionality.

iii. The GEC administrator shall ensure that failed Control Measures are repaired/reinstalled within three (3) calendar days, according to the El Paso County Stormwater Control Measure details, to ensure pollutants and/or sediment do not discharge from the site. GEC details are provided in Appendix B.

d. Documentation:
   i. Update the GEC plan to document the installation/revision of Control Measures
   ii. Identify Control Measure deficiencies and that noncompliance is resolved within three (3) calendar days.
   iii. Identify Self-Inspection schedule in most recent inspection form
   iv. Complete and submit Self-Inspection forms to the El Paso County within five (5) business days of the completed inspection
   v. Ensure Self-Inspections are available, either physically or electronically, throughout the duration of the project
   vi. Self-Inspection Repost shall contain at least the following:
      - Inspection Date
      - Name and title of the GEC Administrator performing inspection
      - Location(s) of illicit discharges of stormwater, sediment or pollutants from the site
      - Location(s) of Construction Control Measures in need of maintenance/repair
      - Location(s) of Construction Control Measures that failed to operate as designed or proved inadequate
      - Location(s) of additional Construction Control Measures not shown on the latest, approved revision of the GEC plan
      - Any deviations from the minimum inspection schedule
      - Signature of GEC Administrator

VII. Materials Handling

1. General Materials Handling Practices:
   a. Potential pollutants shall be stored and used in a manner consistent with the manufacturer's instructions in a secure location. To the extent practical, material storage areas should be located away from storm drain inlets and should be equipped with covers, roofs or secondary containment as required to prevent stormwater from contacting stored materials. Chemicals that are not compatible shall be stored in segregated areas so that spill materials cannot combine and react.
   b. Disposal of materials shall be in accordance with the manufacturer's instructions and applicable local, state, and federal regulations.
   c. Materials no longer required for construction shall be removed from the site as soon as possible.
   d. Adequate garbage, construction waste, and sanitary waste handling and disposal facilities shall be provided as necessary to keep the site clear of obstruction and Control Measures clear and functional.
2. Specific Materials Handling Practices:
   a. All pollutants, including waste materials and demolition debris, that occur onsite during construction shall be handled in a way that does not contaminate stormwater.
   b. All chemicals including liquid products, petroleum products, water treatment chemicals, and wastes stored onsite shall be covered and protected from vandalism.

c. Maintenance, fueling, and repair of all equipment and vehicles involving oil changes, hydraulic system drain down, degreasing operation, fuel tank drain down and removal, and other activities which may result in the accidental release of contaminants, shall be conducted under cover during wet weather and on an impervious surface to prevent release of contaminants onto the ground. Materials spilled during maintenance operations shall be cleaned up immediately and properly disposed of.
d. Wheel wash water shall be settled and discharged onsite by infiltration.
e. Application of agricultural chemicals, including fertilizers and pesticides, shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Follow manufacturer's recommendations for application rates and procedures.
f. pH-modifying sources shall be managed to prevent contamination of runoff and stormwater collected onsite. The most common sources of pH-modifying materials are bulk cement, cement kiln dust (CKD), fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, and concrete pumping and mixer washout waters.

VIII. Spill Prevention & Response Plan

1. The primary objective in responding to a spill is to quickly contain the material and prevent or minimize their mitigation into stormwater runoff and conveyance systems. If the release has impacted onsite stormwater, it is critical to contain the released materials onsite and prevent their release into receiving waters.
2. Spill Response Procedures:
    a. Notify site superintendent immediately when a spill, or the threat of a spill, is observed. The superintendent shall assess the situation and determine the appropriate response.
    b. If spills represent an imminent threat of escaping onsite facilities and entering the receiving waters, site personnel shall respond immediately to contain the release and notify the superintendent once the situation has stabilized.
    c. The site superintendent shall be responsible for completing a spill reporting form and for reporting the spill to the appropriate agency.
    d. Spill response equipment shall be inspected and maintained as necessary to replace any materials used in spill response activities.
3. Spill kits shall be on-hand at all fueling sites. Spill kit locations shall be reported to the GEC administrator.
4. Absorbent materials shall be on-hand at all fueling areas for use in containing advertent spills. Containers shall be on-hand at all fueling sites for disposal of used absorbents.
5. Recommended components of spill kits include the following:
    a. Oil absorbent pads
    b. Oil absorbent booms
    c. 55-gallon drums
    d. 9-mil plastic bags
    e. Personal protective equipment including gloves and goggles
6. Concrete wash water: unless confined in a pre-defined, bermed containment area, the cleaning of concrete truck delivery chutes is prohibited at the job site.
7. Notification procedures:
    a. In the event of an accident or spill, the GEC administrator shall be notified.

b. Depending on the nature of the spill and material involved, the Colorado Department of Public Health and Environment, downstream water users, or other agencies may also need to be notified.
c. Any spill of oil which 1) violates water quality standards, 2) produces a “sheen” on a surface water, or 3) causes a sludge or emulsion, or any hazardous substance release, or hazardous waste release which exceeds the reportable quantity, must be reported immediately by telephone to the National Response Center Hotline at (800) 424-8802.

There are no dedicated batch plants proposed as a part of this project and therefore are not a source of pollution requiring spill prevention and response.

IX. Implementation of Control Measures

Stormwater control measures must be installed according to El Paso County design specifications, presented in Appendix D, and the approved Grading and Erosion Control plan this report supports. Within the context of this SWMP’s construction activities the following control measures, at a minimum, are required:

- Perimeter Silt Fence
  - Silt fence is to be installed at the initial construction phase at the perimeter of the project to prevent sediment runoff offsite from the project disturbance area. While disturbance for roadway construction may be more central to the project construction area, the silt fence acts as a barrier for downstream sediment from the disturbed area and may remain in place for private lot construction.
- Vehicle Tracking Control
  - Vehicle Tracking Control is required for the ingress/egress areas of the project for large construction vehicles to access the site with minimal disturbance to existing infrastructure and pavement. The VTC also assists in debris removal from vehicles prior to exit of the site. The control measure is to be installed at the initial construction phase
- Stabilized Staging Area
  - A designated stabilized staging area is required for equipment staging at the initial construction phase. This area is to be sufficient in size and relatively flat to prevent erosion and sediment runoff when handling materials and maneuvering vehicles. Perimeter controls of the SSA are recommended as localized erosion and sediment control of this area.
- Stockpile Management
  - A designated stockpile area is required for dirt and debris containment at the initial construction phase. This area is to have perimeter controls for localized erosion and sediment control. Frequent export haul is recommended to maintain a minimal stockpile size and minimize sediment runoff during rain events during construction activities.
- Inlet Protection
  - Inlet protection is to be installed to prevent sediment runoff from entering storm systems and allow present and future stormwater conveyance as designed. Inlet protection is to remain in place until permanent stabilization is completed. Any sediment identified in inlets and storm pipes is to be removed prior to inspection and/or final permanent stabilization. Frequent inspection and maintenance of the inlet protection is to take place to ensure that wear and tear of the control measure has not taken place.
- Temporary Outlet Protection

  - Temporary outlet protection is to be installed at the initial construction phase and as outlet pipes are installed to prevent sediment runoff from entering storm systems and allow present and future stormwater conveyance as designed. Culvert protection is to remain in place until permanent stabilization is completed. Any sediment identified in inlets and storm pipes is to be removed prior to inspection and/or final permanent stabilization. Frequent inspection and maintenance of the culvert inlet protection is to take place to ensure that wear and tear of the control measure has not taken place.
- Erosion Control Blanket
  - Erosion Control Blanket is to be installed on disturbed slopes of 3:1 or greater to stabilize these areas for permanent stabilization in future construction phases. The erosion control blanket remains in place from the time of disturbance and establishment of the slope in perpetuity as natural degradation of the control measure will occur over time. Any disturbance of the blanket itself requires replacement to ensure stabilization of the slope.
- Diversion Ditches (Earth Dikes & Drainage Swales)
  - Diversion Ditches proposed within this project scope include drainage swales that outfall to temporary sediment basins. The drainage swales are to be maintained throughout the initial construction phase to ensure that tributary areas that the temporary sediment basins are designed for are captured during rain events.
- Temporary Sediment Basins
  - A Temporary Sediment Basin is to be constructed at the initial construction phase for stormwater attenuation during the initial construction phase which includes earthwork disturbance and results in sediment runoff. The TSB is designed to capture sediment runoff during this phase to minimize sediment runoff directly offsite.
- Seeding & Mulching
  - Seeding and mulching is proposed as a temporary construction phase control measure for slope stabilization and restoration of disturbed areas to remain pervious areas. Permanent seeding and mulching is included in the final construction phase as a permanent stabilization method to stabilize disturbed areas and provide vegetation.
- Rock Socks
  - Rock socks are to be installed in curb and gutter urban roadway sections along flowlines as shown on the GEC. The rocks socks assist in mitigating sediment runoff within paved curb and gutter sections where earthwork disturbance erosion and sediment runoff can be conveyed downstream to inlets and stormwater infrastructure. Rock socks are to be inspected and maintained as needed. Cleaning of rock socks is to occur as needed to dispose of sediment build up during construction activities.
- Concrete Washout Areas
  - Concrete Washout Areas are to be established at the initial construction phase as designated concrete washouts per MHFD details. The designated CWA's are to be monitored to ensure that effluent does not overflow or drain out of the excavation. Removal of materials is to take place prior to deconstruction and fill of the CWA.

Additional control measures may be required at the discretion of the County Stormwater Inspector.

Stormwater pollutant control measures for waste disposal and off-site soil tracking are to follow the State's CDPHE Brochure instructions and guidelines. Site specific off-site soil tracking is to be mitigated via Vehicle Tracking Control measures and daily project site street sweeping. Perimeter control measures are to be inspected and maintained as required to reduce sediment runoff.

X. Final Stabilization & Long-Term Stormwater Management Plan

1. Temporary seeding and mulching will be installed to provide interim stabilization prior to final landscaping installation (Refer to approved Landscape Plan). Final stabilization will be achieved at time of final landscaping. See approved landscaping plans for final stabilization details. Final stabilization is met when 70% of pre disturbance levels, not including noxious weeds, are stabilized. Final stabilization must be achieved prior to removal of temporary stormwater control measures. Anticipated date of final stabilization is Spring of 2027; however, this is subject to change. Long term stormwater management will be provided for the existing ponds within Flying Horse North. See below for seeding and mulching details:
    a. Prior to seeding, fill any eroded rills and gullies with topsoil.
    b. Ensure all areas are seeded and mulched per the County Stormwater Construction Manual.
    c. Continue monthly self-inspections of final stabilization methods and the stormwater management system to ensure proper function. If repairs are needed, reseed and re-mulch as needed.
    d. Control noxious weeds in a manner acceptable to the GEC inspector.
    e. Seed Mix: See Appendix D for approved seed mixes.
    f. Seeding Requirements:
        i. Drill seed whenever possible, seed depth must be 1/3 to ½ inch when drill-seeding. Cross drilling should be used whenever possible with the seed divided between the two operations. The second drilling should be perpendicular to the first.
        ii. When drill seeding is not possible or on slopes greater than 3:1, hydro-seeding with tackifier may be substituted at the discretion of the GEC inspector. Hydro-seeding must be lightly raked into soil. Seeding rates are presented in Appendix D.
        iii. All seeded areas must be mulched.
    g. Mulching Requirements:
        i. Mulching shall be completed as soon as practical after seeding but no more than fourteen (14) days after planting. Erosion control blanket can be used in place of the below mulching methods.
        ii. Hay or straw mulch:
            1. Only certified weed-free and certified-seed free mulch may be used. Must be applied at 2 tons/acre and adequately secured.
            2. Crimping shall not be used no slopes greater than 3:1, tackifier must be used in place.
        iii. Hydraulic mulching:
            1. Allowable on steep slopes or areas with limited access
            2. If hydro-seeding is used, mulching must be applied secondly.
            3. Wood cellulose fibers mixed with water must be applied at a rate of 2,000-2,500 lbs/acre, and tackifier applied at a rate of 100 lbs/acre.

2. The project control measures are to be owned and maintained by the Developer or their assigns (General Contractor, GEC Administrator).
3. This Stormwater Management Plan Report is a living document that is to be continuously reviewed and modified as 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, or operations and maintenance of the site which would require the implementation of new or revised control measures or if the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with the construction activity when control measures are no longer necessary and are removed.

XI. References

El Paso County – Drainage Criteria Manual, latest revision October 31, 2018

El Paso County – Engineering Criteria Manual, latest revision October 14, 2020

Mile High Flood District Urban Storm Drainage Criteria Manual Volumes 1, 2, and 3; latest revisions

APPENDIX A – GEC PLANS

GEC PLANS TO BE INSERTED HERE WHEN FINALIZED AND APPROVED BY EPC

APPENDIX B – ESQCP FORM

2880 International Circle, Suite 110
Colorado Springs, CO 80910
Phone: 719-520-6300
Email: Stormwater@elpasoco.com
publicworks.elpasoco.com/stormwater/

Stormwater Permit Number: ESQ_____

EL PASO COUNTY
STORMWATER PERMIT FORM
Erosion and Stormwater Quality Control Permit (ESQCP)

EPC Project Number: SFXXXX_____

There are multiple Stormwater Permits. Please refer to Engineering Criteria Manual (ECM) Appendix I to determine which permit is applicable to your project.

This form initially acts as the permit application. Only once this form has been signed & approved, all other required documents have been submitted & approved, and the Notice to Proceed has been issued, does this form become an active permit.

Part I. Property Owner or Authorized Representative (Co-Permit Holder)	
Company/Organization	PRI #2, LLC / FLYING HORSE DEVELOPMENT
Name or Name of Representative	DREW BALSICK
Title	VICE PRESIDENT / PROJECT MANAGER
Physical Address (not PO Box)	
Street Number and Street Name	6385 CORPORATE DRIVE, STE 200
City, State, Zip Code	COLORADO SPRINGS, CO 80919
Mailing Address (if differs from above)	
Street Number and Street Name	
City, State, Zip Code	
Phone Number - Office	719-592-9333
Phone Number - Cell	
Email Address	DBALSICK@CLASSICHOMES.COM

Part II. Contractor/Operator (Co-Permit Holder)*	
Company/Organization	
Name or Name of Representative	
Title	
Physical Address (not PO Box)	
Street Number and Street Name	
City, State, Zip Code	
Mailing Address (if differs from above)	
Street Number and Street Name	
City, State, Zip Code	
Phone Number - Office	
Phone Number - Cell	
Email Address	

*This section can be left blank through design review but must be filled in no later than at the Pre-Con Meeting.

2880 International Circle, Suite 110
Colorado Springs, CO 80910
Phone: 719-520-6300
Email: Stormwater@elpasoco.com
publicworks.elpasoco.com/stormwater/

Stormwater Permit Number: ESQ_____

EL PASO COUNTY
STORMWATER PERMIT FORM
Erosion and Stormwater Quality Control Permit (ESQCP)

EPC Project Number: SFXXXX_____

Part III. Qualified Stormwater Manager (QSM)*	
Company/Organization	
Name	
Phone Number - Office	
Phone Number - Cell	
Email Address	

*This section can be left blank through design review but must be filled in no later than at the Pre-Con Meeting.

Part IV. Project Information	
Project Name	FLYING HORSE NORTH FILING NO. 9
Address (or nearest major cross streets)	Allen Ranch Road & Old Stagecoach Rd
Acreage	Total: 30.96 acres Proposed Disturbance: 3.56 acres
Description of Project	CONSTRUCTION OF 1 PUBLIC ROADWAY (URBAN LOCAL RESIDENTIAL) FOR 11 SINGLE-FAMILY ESTATE LOT OF MINIMUM 2.5 ACRES. NO PROPOSED PONDS IN THIS FILING
Schedule (input estimated month or season)	Start of Construction: FALL OF 2026 Completion of Construction: SPRING OF 2027 Final Stabilization: SPRING OF 2027

2880 International Circle, Suite 110
Colorado Springs, CO 80910
Phone: 719-520-6300
Email: Stormwater@elpasoco.com
publicworks.elpasoco.com/stormwater/

Stormwater Permit Number: ESQ_____

EL PASO COUNTY
STORMWATER PERMIT FORM
Erosion and Stormwater Quality Control Permit (ESQCP)

EPC Project Number: SFXXXX_____

REQUIRED SUBMISSIONS

See ECM Appendix I for the documentation required to be submitted, reviewed, and approved in conjunction with this Stormwater Permit Form.

RESPONSIBILITY FOR DAMAGE

The County and its officers and employees, including but not limited to the ECM Administrator, shall not be answerable or accountable in any manner for damage to property or for injury to or death of any person, including but not limited to the Permit Holder(s), persons employed by the Permit Holder(s), or persons acting on behalf of the Permit Holder(s), from any cause. The Permit Holder(s) shall be responsible for any liability imposed by law and for damage to property or injuries to or death of any person, including but not limited to the Permit Holder(s), persons employed by the Permit Holder(s), and persons acting on behalf of the Permit Holder(s), arising out of work or other activity permitted and done under a permit, or arising out of the failure to perform the obligations under any permit with respect to maintenance or any other obligations, or resulting from defects or obstructions, or from any cause whatsoever during the progress of the work or other activity, or at any subsequent time work or other activity is being performed under the obligations provided by and contemplated by the permit.

The Permit Holder(s) shall indemnify, save, and hold harmless the County and its officers and employees, including but not limited to the Board of County Commissioners (BoCC) and ECM Administrator, from all claims, suits or actions of every name, kind and description brought for or on account of damage to property or injuries to or death of any person, including but not limited to the Permit Holder(s), persons employed by the Permit Holder(s), persons acting in behalf of the Permit Holder(s) and the public, resulting from the performance of work or other activity under the permit, or arising out of the failure to perform obligations under any permit with respect to maintenance or any other obligations, or resulting from defects or obstructions, or from any cause whatsoever during the progress of the work or other activity, or at any subsequent time work or other activity is being performed under the obligations provided by and contemplated by the permit, except as otherwise provided by state law. The Permit Holder(s) waives any and all rights to any type of expressed or implied indemnity against the County, its officers or employees. It is the intent of the parties that the Permit Holder(s) will indemnify, save, and hold harmless the County, its officers and employees from any and all claims, suits or actions as set forth above regardless of the existence or degree of fault of or negligence, whether active or passive, primary or secondary, on the part of the County, the Permit Holder(s), persons employed by the Permit Holder(s), or persons acting in behalf of the Permit Holder(s).

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Stormwater Permit Number: ESQ_____

EL PASO COUNTY
STORMWATER PERMIT FORM
Erosion and Stormwater Quality Control Permit (ESQCP)

EPC Project Number: SFXXXX_____

APPLICATION AND PERMIT CERTIFICATION – PERMIT HOLDERS

We, as the Permit Holder(s), hereby certify that this application is correct and complete as per the requirements presented in the El Paso County Engineering Criteria Manual (ECM) and Drainage Criteria Manual (DCM) Volume 2. We, as the Permit Holder(s), have read and will comply with all of the requirements of the submitted Stormwater Management Plan (SWMP), Grading & Erosion Control (GEC) Plan, and any other documents specifying construction control measures to be used on the site, including permit conditions that may be required by the ECM Administrator. We understand that the approved plans are an enforceable part of the ESQCP. We further understand that we are to comply with all requirements set forth by the ECM and DCM Volume 2. We understand that the permitted area is that which is shown as the Limits of Disturbance on the GEC Plans. We further understand that a Construction Permit must be obtained and all necessary construction control measures are to be installed in accordance with the SWMP, GEC Plan, ECM, and DCM Volume 2 before land disturbance begins and that failure to comply will result in a Stop Work Order and may result in other penalties as allowed by law. We understand that the construction control measures are to be maintained on the site and be modified as necessary to protect stormwater quality as the project progresses. We further understand and agree to indemnify, save, and hold harmless the County and its officers and employees, including but not limited to the BoCC and ECM Administrator, from all claims, suits or actions of every name, kind and description as outlined in Responsibility for Damage section above.

_____ 09/21/2026
Signature of Owner or Representative Date

DREW BALSICK
_____
Print Name of Owner or Representative

_____ _____
Signature of Contractor/Operator or Representative* Date
*If signed by a Rep, an Affidavit of Signature Authority must be included

_____
Print Name of Contractor/Operator or Representative

APPLICATION AND PERMIT CERTIFICATION – EL PASO COUNTY

The following signature from the ECM Administrator signifies the approval of this ESQCP Application.

_____ _____
Signature of ECM Administrator Date

APPENDIX C – CDPS DISCHARGE PERMIT COR400000 CERTIFICATION AND COPY OF THE GENERAL PERMIT

COLORADO
Department of Public Health & Environment

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

CDPS GENERAL PERMIT COR400000

STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

AUTHORIZATION TO DISCHARGE UNDER THE

COLORADO DISCHARGE PERMIT SYSTEM (CDPS)

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

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

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

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

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

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

PERMITS ACTION SUMMARY

Issued January 31, 2024, Effective April 1, 2024

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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. Stormwater Discharges

i. Stormwater discharges associated with construction activity.

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

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

b. Non-Stormwater Discharges

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

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

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

iii. Discharges of landscape irrigation return flow.

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

c. Emergency Fire Fighting

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

2. Limitations on Coverage

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

a. Discharges of non-stormwater

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

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

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

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

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

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

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

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

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

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

e. Chemical additions.

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

3. Permit Certification and Submittal Procedures

a. Duty to Apply

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

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

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

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

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

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

b. Application Requirements

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

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

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

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

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

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

Colorado Department of Public Health and Environment

Water Quality Control Division

Permits Section, WQCD-PS-B2

4300 Cherry Creek Drive South

Denver, CO 80246

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

c. Division Review of Permit Application

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

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

ii. Request additional information necessary to evaluate the discharge;

iii. Delay the authorization to discharge pending further review;

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

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

d. Alternative Permit Coverage

i. Division Required Alternative Permit Coverage:

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

ii. Permittee Request for Alternative Permit Coverage:

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

e. Submittal Signature Requirements

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

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

i. Signature Certification

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

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

f. Field Wide Permit Coverage for Oil and Gas Construction

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

g. Permit Coverage without Application

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

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

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

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

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

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

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

h. Permittee Initiated Permit Actions

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

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

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

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

i. Sale of Residence to Homeowner

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

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

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

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

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

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

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

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

j. Permit Expiration and Continuation of Permit Coverage

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

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

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

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

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

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

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

B. EFFLUENT LIMITATIONS

1. Requirements for Control Measures Used to Meet Effluent Limitations

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

a. Stormwater Pollution Prevention

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

i. Control Measures for Erosion and Sediment Control

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

Specific control measures must meet the requirements listed below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ii. Practices for Other Common Pollutants

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

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

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

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

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

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

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

iii. Stabilization Requirements

The following requirements must be implemented for each site.

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

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

(1) All construction activities are complete.

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

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

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

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

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

(1) Seed mix selection and application methods;

(2) Soil preparation and amendments;

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

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

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

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

(7) Other alternative stabilization practices as applicable.

b. Routine Maintenance

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

c. Corrective Actions

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

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

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

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

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

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

2. Discharges to an Impaired Waterbody or Outstanding Water

a. Total Maximum Daily Load (TMDL)

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

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

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

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

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

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

b. Outstanding Waters

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

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

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

3. General Requirements

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

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

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

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

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

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

C. STORMWATER MANAGEMENT PLAN REQUIREMENTS

1. Stormwater Management Plan General Requirements

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

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

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

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

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

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

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

2. Stormwater Management Plan Content

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Construction site boundaries;

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

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

iv. Areas used for storage of soil;

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

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

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

viii. Locations of all structural control measures;

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

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

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

xii. Locations where alternative temporary stabilization schedules apply; and

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

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

(a) Disturbed and stored soils;

(b) Vehicle tracking of sediments;

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

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

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

(b) Loading and unloading operations;

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

(d) Vehicle and equipment maintenance and fueling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Stormwater Management Plan Review and Revisions

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

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

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

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

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

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

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

4. Stormwater Management Plan Availability

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

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

D. SITE INSPECTIONS

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

1. Person Responsible for Conducting Inspections

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

2. Inspection Frequency

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

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

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

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

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

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

4. **Reduced Inspection Frequency**

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

a. Post-Storm Inspections at Temporarily Idle Sites

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

b. Inspections at Sites Awaiting Final Stabilization

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

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

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

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

c. Winter Conditions Inspections Exclusion

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

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

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

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

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

(a) Dates when snow cover existed;

(b) Date when construction activities ceased; and

(c) Date melting conditions began.

5. **Inspection Scope**

a. Areas to Be Inspected

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

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

i. Construction site perimeter;

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

iii. Locations of installed control measures;

iv. Designated haul routes;

v. Material and waste storage areas exposed to precipitation;

vi. Locations of pumped stormwater;

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

viii. Locations where vehicles exit the site.

b. Inspection Requirements

Inspections must assess the following components:

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

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

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

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

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

c. Inspection Reports

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

i. The inspection date;

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

iii. Weather conditions at the time of inspection;

iv. Phase of construction at the time of inspection;

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

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

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

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

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

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

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

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

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

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

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

E. DEFINITIONS

For the purposes of this permit:

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

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

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

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

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

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

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

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

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

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

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

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

b. Reflect best industry practices and standards.

c. Are appropriate for the conditions and pollutant sources.

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

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

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

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

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

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

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

b. Designed or used for collecting or conveying stormwater;

c. Are not a combined sewer; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

completed.

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

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

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

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

F. MONITORING

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

If monitoring is required, the following applies:

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

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

G. OIL AND GAS CONSTRUCTION

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

PART II

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

A. DUTY TO COMPLY

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

B. DUTY TO REAPPLY

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

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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

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

D. DUTY TO MITIGATE

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

E. PROPER OPERATION AND MAINTENANCE

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

F. PERMIT ACTIONS

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

G. PROPERTY RIGHTS

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

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

H. DUTY TO PROVIDE INFORMATION

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

I. INSPECTION AND ENTRY

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

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

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

J. MONITORING AND RECORDS

1. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity. See 40 C.F.R. § 122.41(j)(1).

2. Monitoring must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. subchapters N or O. In the case of pollutants for which there are no approved methods under 40 C.F.R. part 136 or otherwise required under 40 C.F.R. subchapters N or O, monitoring must be conducted according to a test procedure specified in this permit for such pollutants. See 40 C.F.R. § 122.41(j)(4); 122.44(i)(1)(iv)(A).

3. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division or Regional Administrator.

4. Records of monitoring information must include:

   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) analyses were performed
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.

5. The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. See Regulation 61.8(4)(b)(iii). All sampling shall be performed by the permittee according to sufficiently sensitive test procedures required by 40 C.F.R. 122.44(i)(1)(iv) or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 C.F.R. Part 136.

6. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

7. Documentation required by this permit, including records of all data used to complete the application for permit coverage to be covered by this permit, stormwater management plans, inspection reports, etc., must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA or the division at any time.

K. SIGNATORY REQUIREMENTS

1. Authorization to Sign: All documents required to be submitted to the Division by the permit must be signed in accordance with 40 CFR §122.22, Regulation 61.4, and the following criteria:

   a. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term

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

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

   i. the authorization is made in writing by a person described in Part II.K.1.a, b, or c above;
   ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and,
   iii. The written authorization is submitted to the Division.

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

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

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

L. REPORTING REQUIREMENTS

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

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

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

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

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

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

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

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

7. Twenty-four hour reporting:

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

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

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

M. BYPASS

1. Definitions:

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

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

3. Notice of bypass:

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

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

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

N. UPSET

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

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

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

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

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

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

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

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

O. REOPENER CLAUSE

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

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

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

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

P. OTHER INFORMATION

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

Q. SEVERABILITY

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

R. NOTIFICATION REQUIREMENTS

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

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

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

      Water Quality Protection Section – Compliance Program
      Water Quality Control Division

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

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

S. RESPONSIBILITIES

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

T. OIL AND HAZARDOUS SUBSTANCES LIABILITY

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

U. EMERGENCY POWERS

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

V. CONFIDENTIALITY

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

W. FEES

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

X. DURATION OF PERMIT

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

Y. SECTION 307 TOXICS

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

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

APPENDIX D – CDPHE LOW RISK DISCHARGE GUIDANCE DOCUMENTS

LOW RISK DISCHARGES

Background:

In accordance with the Colorado Water Quality Control Act, and consistent with the federal Clean Water Act, no person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Water Quality Control Division (Division). The issuance of an individual permit to the operator of each point source, including the enormous number of small point sources, would create a situation of administrative infeasibility for the Division given its limited resources. To streamline the permitting process, the Division has the authority to issue general permits for categories of discharges that involve the same or substantially similar types of operations, discharge the same types of wastes, require the same effluent limits or operating conditions, and require the same monitoring conditions. Once a general permit is issued, operators can apply for certification of coverage and obtain authorization to discharge under the general permit. This approach is particularly useful for categories that have large numbers of discharges across the state.

The Division has used this general permitting approach to cover a wide variety of industrial discharges under the minimal industrial discharge permit, or MINDI. This general permit was specifically designed to cover discharges that are not expected to contain pollutants in toxic concentrations, are small volume, and/or will occur over a very short-term. Both numeric and practice-based regulatory approaches have been used for these types of discharges.

During the MINDI permit renewal process in 2007-2008, the Division attempted to further define and subcategorize the types of industrial discharges that would qualify for coverage. This was to address concerns that the permit covered industry types that were too broad to fit under one permit, meaning that additional general permits would need to be created to address the various categories of discharges previously covered under the MINDI permit. The Division's priority for permitting and compliance is to focus resources on discharges that have the greatest potential to cause water quality impacts. Based on a review of industry types and pollutants expected, the Division has begun to develop new general permits specifically geared to those industrial types, addressing the discharges of most concern first. Through this review, the Division has identified some discharges as low risk discharges, and has also found that few requests for coverage under the MINDI permit have been received for these types of discharges. The Division does not believe it is an efficient use of its limited resources to continue to issue general permits for these discharges.

Policy:

The Division has decided not to issue general permits for minimal industrial discharges with the lowest potential risk to water quality. The Division will develop guidance for these low risk categories of discharges including best management practices (BMPs) intended to be protective of water quality. While regulations do require that operators of point source discharges obtain a CDPS permit, the Division will not take enforcement action for those operators which have not obtained CDPS permit coverage for these discharges, providing that the operator can prove that all appropriate BMPs identified in the guidance have been fully implemented. This approach to enforcement will not apply to criminal violations or in situations where there are egregious circumstances, such as those resulting in serious environmental harm, adverse impacts to the quality of state waters, or which pose an imminent or substantial endangerment to public health and/or the environment.

It should be noted that unpermitted surface water discharges could be subject to third-party or federal enforcement even where BMPs are implemented. Operators wishing to obtain the additional legal protection provided by permit coverage can submit an individual permit application for these discharges to the Division for processing.

Colorado Water Quality Control Division

WATER QUALITY CONTROL DIVISION

Policy No: WQE-10
Initiated By: Dave Akers
Approved By:
Effective Date: 3/1/08
Revision No.:
Revision Date:

Guidance for Reporting Spills under the Colorado Water Quality Control Act and Colorado Discharge Permits

I. Purpose

To provide guidance on applicable Colorado reporting requirements pursuant to § 25-8-601(2), C.R.S., that pertains to spills or discharges that may cause pollution of State waters. This guidance does not relieve an entity of any other statutory or regulatory requirements applicable to a spill. Facilities possessing a Colorado Discharge Permit System (CDPS) permit should follow applicable permit terms and conditions regarding spill reporting and response. This guidance is not intended to supersede or modify such permit terms and conditions or the applicable statute and regulations. This guidance does not limit the existing rights or responsibilities of persons with respect to spill reporting. For example, persons retain the right and responsibility to determine in the first instance whether a particular spill is covered by an existing permit or may cause pollution to State waters (i.e., surface or ground waters).

II. Statutory Requirement Addressed

Colorado Water Quality Control Act - Spill Reporting Requirements - § 25-8-601(2), C.R.S.

> "Any person engaged in any operation or activity which results in a spill or discharge of oil or other substance which may cause pollution of the waters of the state contrary to the provisions of this article as soon as he has knowledge thereof, shall notify the division of such discharge."

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 (§ 25-8-103 (19), C.R.S.).

Examples of State waters include, but are not limited to, perennial streams, intermittent or ephemeral gulches and arroyos, ponds, lakes, reservoirs, irrigation canals or ditches, wetlands, stormwater conveyances (when they discharge to a surface water), and groundwater.

III. Policy/Applicability

The Division distinguishes between reporting requirements for spills that occur with respect to activities that result in a discharge that is authorized under a CDPS permit and those that are not. For non-permitted activities, or in the case of an activity where a permit does not address reporting of or response to a given spill, the Division recommends that the responsible person(s) take the following actions:

1. Immediately report spills that may result in a non-permitted discharge of pollutants to State waters to the Environmental Release and Incident Reporting Line at 1-877-518-5608;
2. Include the following information, if available, when notifying the Division of a spill:
   a. The name of the responsible person and, if not reported by that person, the name of the person reporting the spill and the name of the responsible person if known;
   b. An estimate of the date and time that the spill began or the actual date and time, if known;

c. The location of the spill, its source (e.g., manhole, tanker truck), and identification of the type of material spilled (e.g., untreated wastewater, biosolids, specific chemical);

d. The estimated volume of the spill and, if known, the actual date and time the spill was fully controlled/stopped.

e. Whether the spill is ongoing and, if it is, the rate of flow and an estimate of the time that the spill will be fully controlled, if known;

f. Measures that are being or have been taken to contain, reduce, and/or clean up the spill;

g. A list of any potentially affected area and any known downstream water uses (e.g., public water supplies, irrigation diversions, public use areas such as parks or swim beaches) that will be or have been notified; and

h. A phone number and e-mail to contact a representative of the responsible person that is in charge of the response. Where a non-responsible person is reporting the spill, they are encouraged, but not required, to provide contact information.

Reporting and management of spills that occur with respect to activities resulting in a discharge authorized under a permit should be performed in accordance with the specific requirements of that permit. If the permit does not provide specific reporting or management response requirements for a given spill that may pollute State waters, the Division recommends that the responsible person report the spill in accordance with the procedures listed above.

This guidance only addresses reporting requirements under the Division's authority. The person or entity engaged in any operation or activity that results in a spill is responsible for any other applicable reporting requirements associated with the spill to other regulatory agencies.

Section 25-8-601(2), C.R.S. only addresses spill reporting to the Division. Section 25-8-202(7), C.R.S. provides certain water quality responsibilities to other state "implementing agencies." The Division's position is that, where a spill to the ground that may impact ground water only is fully and timely reported to an implementing agency having jurisdiction over that spill, the intent of section 601(2) has been fulfilled, and the spill need not also be reported to the Division. The Division suggests that the responsible person confirm with the implementing agency that a spill falls under the jurisdiction of the implementing agency at the time it is reported in order to avoid possible legal liability should it fall under the Division's jurisdiction.

IV. Division Examples of Non-Reportable Spills

The Division has identified the following examples of types of spills that are considered "non-reportable" under § 25-8-601(2), C.R.S. Documentation of such spills, including the information listed in section III.2.a – III.2.f above, should be maintained by the responsible person for Division review for a period of three years.

1. A spill to a generally impervious surface or structure (e.g., paved street/parking lot, storm sewer, warehouse floor, manhole, vault, concrete basement), or onto soils, that is fully contained in/on the impervious surface/structure or soils, or that is managed in a manner so that it will not reach State waters at the time of the spill or in the future. Such spills that are cleaned up within 24 hours will be considered by the Division to have no potential to reach State waters. However, even if such spills are not cleaned up within 24 hours, the responsible person may be able to "fully contain" or otherwise manage a spill such that it will not reach State waters. Where there is a sump pump present in a basement to which a spill occurred, the responsible person must establish that the pump did not discharge to State waters during the time between the start of the spill and the completion of clean-up in accordance with best management practices.
2. A spill or discharge that is managed consistent with best management practices that are established in accordance with a CDPS discharge permit or any Water Quality Control Commission-adopted control regulation related to spill management or reporting.
3. A spill of potable water from a public water system that does not reach surface waters.

APPENDIX E – SELF-INSPECTION FORM

SWMP REPORT REVISION LOG

REVISION #	DATE	BY	COMMENTS

APPENDIX F – OTHER DOCUMENTS AND CREDENTIALS

Colorado Water Quality Control Division

WATER QUALITY CONTROL DIVISION

Policy No: WQE-10
Initiated By: Dave Akers
Approved By:
Effective Date: 3/1/08
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3. A spill of potable water from a public water system that does not reach surface waters.

Altitude Training Associates

Awards this Certificate of Completion to

Colleen Monahan

**Who on October 5, 2020 successfully completed a one day,
Instructor Led Online Training Class in:**

Stormwater Management & Erosion Control During Construction (GEC)

Instructor
Altitude Training Associates, LLC

altitudeta.com

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Altitude Training Associates

Awards this Certificate of Completion to

Colleen Monahan

Who on October 6, 2020 Successfully Completed
The Following Instructor Led, Online Training Class:

Developing & Implementing Stormwater Management Plans (SWMP)

Instructor
Altitude Training Associates

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ALTITUDE TRAINING ATA ASSOCIATES

CMS

Environmental Solutions

ENVIRONMENTAL COMPLIANCE MADE SIMPLE

CERTIFICATE OF COMPLETION

This certificate is awarded to

Adam Doyle

For the successful completion of

Qualified Stormwater Manager Inspector Training (CMSCIT-150)

PRESENTED THIS 28TH DAY OF JUNE, 2021

Jeff Hattox, Instructor, CISEC