



## Colorado Springs Utilities

*It's how we're all connected*

May 4, 2012

Ms. Julie Ann Woods  
Director of Planning & Development  
Pueblo County  
229 West 12<sup>th</sup> Street  
Pueblo, CO 81003-2810

Subject: **SDS – Construction Permits for South Raw Water Pipeline Segments**

Dear Ms. Woods,

On behalf of the Southern Delivery System (SDS) Project Participants and pursuant to the Pueblo County 1041 Permit No. 2008-002, Mitigation Appendix Condition C-7, No. 2 - Permitting, we have enclosed copies of the following permits and related documents obtained by Colorado Springs Utilities and our General Contractors for the SDS Project for your records:

South 1 (S1):

- Waste Management Non-Hazardous Waste Manifest for asbestos-cement pipe disposal (CDPHE Asbestos Approval Notice previously provided)

South 2 (S2):

- CDPHE Asbestos Approval Notice for asbestos-cement pipe removal and disposal (complete) issued to MJB Environmental Services, Inc.

South 3 (S3):

- US Army Corps of Engineers Action No. SPA-201 1-005 15-SCO, Southern Delivery System Bank Stabilization, Steele Hollow, Pueblo, County, Colorado (Nationwide 13 Permit) issued to Colorado Springs Utilities
- CDPHE Notice of Start-Up for concrete batch plant, issued by MK1 Construction Services
- SDS S3 Dewatering Plan prepared by Reynolds, Inc. (per Mitigation Condition C-8, No. 2)
- CDPHE Certification for Stormwater Discharges Associated with Construction Activities (issued to Reynolds, Inc.), complete (previously submitted)

As per your letter to John Fredell, dated Dec. 14, 2011 we are submitting this correspondence to you, and as you indicated, you will forward the correspondence accordingly. If you have any questions regarding this report, please feel free to contact me directly at 719-668-8667.

Sincerely,

Allison Mosser  
Permitting and Compliance  
Southern Delivery System

Attachments:

Permits and correspondence for indicated construction activities

Cc: (without enclosures)

Keith Riley, SDS Planning and Permitting Program Manager, Colorado Springs Utilities



To Whom It May Concern:

This letter serves as correction to the Waste Management Non-Hazardous Waste Manifest Number 1192827 Brought to DADS Landfill on 3/13/2012. The Generator's mailing address is listed as:

HCP Constructors Inc.  
1850 E Platteville Blvd. Bldg C,  
Pueblo West, CO 81007

However, it should have read:

Colorado Springs Utilities  
121 South Tejon Street  
Third Floor P.O. Box 1103  
Mail Code 930 Colorado Springs, CO 80947  
Phone: 719-668-8677

The generator project address is correct but should include "Water main removal at Spaulding Ave".

Please attach this to the manifest copy 1192827 for your permanent record.

Thank you.

Karen Pilkington  
(Representative of Eagle Environmental Services, Corp)

President  
(Title)

03/20/2012  
(Date)

Jeff Sprowls  
(Representative of Waste Management)

Technical Service Center Rep  
(Title)

3/20/12  
(Date)

NON-HAZARDOUS WASTE MANIFEST		WM WASTE MANAGEMENT 228, 615		1192827	
1. Generator's Mailing Address & Phone HCP CONSTRUCTORS, INC. 1850 E. PLATEVILLE BLVD. BLDG. C PUEBLO WEST, CO 81007 720 343-1207		Generator's Project Address SOUTHERN DELIVERY SYSTEM RAW WATER PIPELINE #1 CLARK STREET, ASH FORD & SPAULDING PUEBLO, CO		2. Bill to: Eagle Environm D COD	
Iron Woman		3. Transporter: Company Name		3a. Transporter's Phone	
		4. Transporter: Company Name		4a. Transporter's Phone	
5. Designated Management Facility Name and Site Address Denver Arapahoe Disposal Site 3500 South Gun Club Road Aurora, CO 80018		5a. Facility's Phone (720) 876-2620			
6. Waste Code/Profile #	Waste Description	Quantity	Units		
NON-FRIABLE ASBESTOS WASTE ONLY (Friable may not be shipped on this manifest)					
Waste Code/Profile #	Waste Description	Quantity	Units or Drums		
11109300	Non-Friable Asbestos	1	48		
7. Regulatory Agency: Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246		24 HOUR EMERGENCY PHONE NUMBER ( ) - - - - -			
8. Contractor/Generator Certification: I hereby certify that the above described waste is not hazardous waste as defined by federal, state or local regulations and does not contain regulated quantities of PCB's or radioactive materials. This waste has been accurately classified, described, packaged, marked and labeled and is in proper condition for transportation according to applicable international and governmental regulations.					
8a. Contractor/Generator					
Printed/Typed Full Name Miche Wink		Signature (Full Name) 		Month Day Year 3 1 12	
9. Transporter 1 Acknowledgement of Receipt of Materials					
Printed/Typed Full Name Jose Avila		Signature (Full Name) 		Month Day Year 3 13 12	
10. Transporter 2 Acknowledgement of Receipt of Materials					
Printed/Typed Full Name		Signature (Full Name)		Month Day Year	
11. Discrepancy Indication Space					
Initials of Person noting discrepancy _____ Date _____				12. Ticket # 17089	
13. Management Method/Location <input type="checkbox"/> Solidification <input type="checkbox"/> Monofill <input type="checkbox"/> Landfill <input type="checkbox"/> Bio-Beds					
Grid Location (if applicable):					
14. Facility Owner or Operator: Certification of receipt of waste materials covered by this manifest except as noted in item 11					
Printed/Typed Full Name K Rodinde		Signature (Full Name) 		Month Day Year 3 1 12	



**Colorado Department of Public Health and Environment**

Air Pollution Control Division – Stationary Sources Program – Indoor Air Unit

4300 Cherry Creek Drive South, APCD-SS-B1

Denver, Colorado 80246-1530

Phone: 303-692-3100 – Fax: 303-782-0278

E-mail: asbestos@state.co.us

11-098

## **ASBESTOS APPROVAL NOTICE**

This notice is granted subject to Colorado Air Quality Control Commission Regulation No. 8, Part B, adopted December 16, 2003, and effective March 2, 2005, the Colorado Air Pollution Prevention and Control Act C.R.S. (25-7-101 and 25-7-501 et seq). It is only for the purpose of allowing asbestos abatement.

As a contractor, you may be subject to other licenses and permits, depending on the requirements of the county and municipality in which the work is being performed. The Colorado Department of Public Health and Environment, Air Pollution Control Division strongly suggests that you check with county and municipal authorities in order to determine any other local building/permitting requirements that must be met.

### **THE ORIGINAL PERMIT MUST BE POSTED ON SITE AT ALL TIMES.**

*Immediately notify the Unit of project modifications by fax (number above) or e-mail (address above) and the appropriate county health department by fax. Project modifications include changes in the scope of work or the scheduled work dates, etc.*

This asbestos approval notice is valid beginning 3/29/2012 through 11:59 PM on 6/15/2012.

The actual scheduled work dates are from 3/29/2012 through 6/15/2012.

Approval issued on: 8/23/2011

Amount paid: \$80.00

Record number: 79971

Check number: CC 9122

**Notice Number: 11PB3319N**

For the location specified below:

**Souter delivery system pipeline route S2  
16 work locations near Hwy 50 & Purcel  
Pueblo  
Pueblo County**

This notice has been issued to:

**MJB Environmental Services, Inc.**

**6625 Southmoor Dr.**

**Fountain, CO 80817**

Issued by: ADS







Colorado Department  
of Public Health  
and Environment

# ASBESTOS/DEMOLITION NOTIFICATION and PERMIT MODIFICATION FORM

11-098

Submit form to:  
Permit Coordinator  
Colorado Dept. of Public Health  
and Environment  
APCD-IE-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Phone: 303-692-3100  
Fax: 303-782-0278  
asbestos@state.co.us

Name of Facility: N/A	Facility Location: 16 locations near hwy 50 & Purcell, Pueblo, Pueblo County		
GAC/Consultant: MJB Environmental Services Inc.	Phone # (719) 492-7147	Fax # (719) 391-8988	
E-mail Address: MJBEnvironmental@aol.com		Permit Number (if already issued): 11PB3319N	

Please check the appropriate box(es) in A, B and C, as applicable:

- A. Upgrade to: ☐ 30-day permit ☐ 90-day permit ☐ 1-year permit
- B. ☐ Request to cancel above notice/permit. (All but \$80 of the application fee will be returned. If you paid by check or money order, a state of Colorado Warrant will be mailed to the company appearing in the contractor box on the application. If you paid by credit card, a credit will be issued to the same account used to pay for the original application fee.)

C. Change in:

☐ Supervisor: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ A.M.S.: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ Project Manager: \_\_\_\_\_ Certification # \_\_\_\_\_

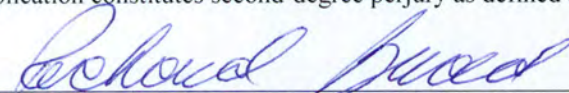
☒ Start Date: 3/29/12 ☒ End Date: 6/15/12

Work Times: \_\_\_\_\_ ☐ Disposal Site: \_\_\_\_\_ ☐ County: \_\_\_\_\_

☐ Additional Scope of work (include type of ACM, quantity, location in or on facility and work practices):

Please amend the start and end date for this project.

I certify that I am the person authorized to sign this modification on behalf of the General Abatement Contractor and that all statements made in this modification are, to the best of my knowledge, correct and complete. (Note: Making false statements on this application constitutes second-degree perjury as defined by 18-8-503 C.R.S., and is punishable by law.)

  
Authorized Representative Signature

2/29/12

Date

Richard Budd  
Printed Name

Operations Manager  
Position or Title

## THIS BOX IS FOR CDPHE USE ONLY:

Postmark or Hand Delivery Date:	Approved By:	Code:	
Form of Payment & #:	Permit #:	Record #:	Date Issued:





Colorado Department  
of Public Health  
and Environment

## ASBESTOS/DEMOLITION NOTIFICATION and PERMIT MODIFICATION FORM

Submit form to:  
Permit Coordinator  
Colorado Dept. of Public Health  
and Environment  
APCD-IE-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Phone: 303-692-3100  
Fax: 303-782-0278  
asbestos@state.co.us

Name of Facility: Private Residence	Facility Location: 16 locations near hwy 50 & Purcell, Pueblo, Pueblo County		
GAC/Consultant: MJB Environmental Services Inc.	Phone # (719) 492-7147	Fax # (719) 391-8988	
E-mail Address: MJBEnvironmental@aol.com		Permit Number (if already issued): 11PB3319N	

Please check the appropriate box(es) in A, B and C, as applicable:

- A. Upgrade to: ☐ 30-day permit ☐ 90-day permit ☐ 1-year permit
- B. ☐ Request to cancel above notice/permit. (All but \$80 of the application fee will be returned. If you paid by check or money order, a state of Colorado Warrant will be mailed to the company appearing in the contractor box on the application. If you paid by credit card, a credit will be issued to the same account used to pay for the original application fee.)

C. Change in:

☐ Supervisor: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ A.M.S.: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ Project Manager: \_\_\_\_\_ Certification # \_\_\_\_\_

☒ Start Date: 2/28/12 ☒ End Date: 3/28/12

Work Times: \_\_\_\_\_ ☐ Disposal Site: \_\_\_\_\_ ☐ County: \_\_\_\_\_

☐ Additional Scope of work (include type of ACM, quantity, location in or on facility and work practices):

Please amend the start and end date for this project.

I certify that I am the person authorized to sign this modification on behalf of the General Abatement Contractor and that all statements made in this modification are, to the best of my knowledge, correct and complete. (Note: Making false statements on this application constitutes second-degree perjury as defined by 18-8-503 C.R.S., and is punishable by law.)

Authorized Representative Signature

2/9/12

Date

Aaron Powell  
Printed Name

Office Administrator  
Position or Title

### THIS BOX IS FOR CDPHE USE ONLY:

Postmark or Hand Delivery Date:	Approved By:	Code:	
Form of Payment & #:	Permit #:	Record #:	Date Issued:





Colorado Department  
of Public Health  
and Environment

## ASBESTOS/DEMOLITION NOTIFICATION and PERMIT MODIFICATION FORM

Submit form to:  
Permit Coordinator  
Colorado Dept. of Public Health  
and Environment  
APCD-IE-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Phone: 303-692-3100  
Fax: 303-782-0278  
asbestos@state.co.us

Name of Facility: Private Residence	Facility Location: 16 locations near hwy 50 & Purcell, Pueblo, Pueblo County		
GAC/Consultant: MJB Environmental Services Inc.	Phone # (719) 492-7147	Fax # (719) 391-8988	
E-mail Address: MJBEnvironmental@aol.com		Permit Number (if already issued): 11PB3319N	

Please check the appropriate box(es) in A, B and C, as applicable:

- A. Upgrade to: ☐ 30-day permit ☐ 90-day permit ☐ 1-year permit
- B. ☐ Request to cancel above notice/permit. (All but \$80 of the application fee will be returned. If you paid by check or money order, a state of Colorado Warrant will be mailed to the company appearing in the contractor box on the application. If you paid by credit card, a credit will be issued to the same account used to pay for the original application fee.)

C. Change in:

☐ Supervisor: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ A.M.S.: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ Project Manager: \_\_\_\_\_ Certification # \_\_\_\_\_

X Start Date: 02/14/12 X End Date: 03/15/12

Work Times: \_\_\_\_\_ ☐ Disposal Site: \_\_\_\_\_ ☐ County: \_\_\_\_\_

☐ Additional Scope of work (include type of ACM, quantity, location in or on facility and work practices):

I certify that I am the person authorized to sign this modification on behalf of the General Abatement Contractor and that all statements made in this modification are, to the best of my knowledge, correct and complete. (Note: Making false statements on this application constitutes second-degree perjury as defined by 18-8-503 C.R.S., and is punishable by law.)

  
Authorized Representative Signature

01/27/12  
Date

James Fernandez  
Printed Name

Project Estimator  
Position or Title

### THIS BOX IS FOR CDPHE USE ONLY:

Postmark or Hand Delivery Date:	Approved By:	Code:	
Form of Payment & #:	Permit #:	Record #:	Date Issued:





Colorado Department  
of Public Health  
and Environment

## ASBESTOS/DEMOLITION NOTIFICATION and PERMIT MODIFICATION FORM

Submit form to:  
Permit Coordinator  
Colorado Dept. of Public Health  
and Environment  
APCD-IE-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Phone: 303-692-3100  
Fax: 303-782-0278  
asbestos@state.co.us

Name of Facility: Private Residence	Facility Location: 16 locations near hwy 50 & Purcell, Pueblo, Pueblo County		
GAC/Consultant: MJB Environmental Services Inc.	Phone # (719) 492-7147	Fax # (719) 391-8988	
E-mail Address: MJBEnvironmental@aol.com		Permit Number (if already issued): 11PB3319N	

Please check the appropriate box(es) in A, B and C, as applicable:

- A. Upgrade to: ☐ 30-day permit ☐ 90-day permit ☐ 1-year permit
- B. ☐ Request to cancel above notice/permit. (All but \$80 of the application fee will be returned. If you paid by check or money order, a state of Colorado Warrant will be mailed to the company appearing in the contractor box on the application. If you paid by credit card, a credit will be issued to the same account used to pay for the original application fee.)

C. Change in:

☐ Supervisor: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ A.M.S.: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ Project Manager: \_\_\_\_\_ Certification # \_\_\_\_\_

☒ Start Date: 1/30/12 ☒ End Date: 2/29/12

Work Times: \_\_\_\_\_ ☐ Disposal Site: \_\_\_\_\_ ☐ County: \_\_\_\_\_

☐ Additional Scope of work (include type of ACM, quantity, location in or on facility and work practices):

Please amend the start and end date for this project.

I certify that I am the person authorized to sign this modification on behalf of the General Abatement Contractor and that all statements made in this modification are, to the best of my knowledge, correct and complete. (Note: Making false statements on this application constitutes second-degree perjury as defined by 18-8-503 C.R.S., and is punishable by law.)

Authorized Representative Signature

1/16/12

Date

Aaron Powell  
Printed Name

Office Assistant  
Position or Title

### THIS BOX IS FOR CDPHE USE ONLY:

Postmark or Hand Delivery Date:	Approved By:	Code:	
Form of Payment & #:	Permit #:	Record #:	Date Issued:



**Colorado Department of Public Health and Environment**

Air Pollution Control Division – Stationary Sources Program – Indoor Air Unit

4300 Cherry Creek Drive South, APCD-SS-B1

Denver, Colorado 80246-1530

Phone: 303-692-3100 – Fax: 303-782-0278

E-mail: asbestos@state.co.us

Mod #5  
11-098

## **ASBESTOS APPROVAL NOTICE**

This notice is granted subject to Colorado Air Quality Control Commission Regulation No. 8, Part B, adopted December 16, 2003, and effective March 2, 2005, the Colorado Air Pollution Prevention and Control Act C.R.S. (25-7-101 and 25-7-501 et seq). It is only for the purpose of allowing asbestos abatement.

As a contractor, you may be subject to other licenses and permits, depending on the requirements of the county and municipality in which the work is being performed. The Colorado Department of Public Health and Environment, Air Pollution Control Division strongly suggests that you check with county and municipal authorities in order to determine any other local building/permitting requirements that must be met.

### **THE ORIGINAL PERMIT MUST BE POSTED ON SITE AT ALL TIMES.**

*Immediately notify the Unit of project modifications by fax (number above) or e-mail (address above) and the appropriate county health department by fax. Project modifications include changes in the scope of work or the scheduled work dates, etc.*

This asbestos approval notice is valid beginning 1/2/2012 through 11:59 PM on 1/31/2012.

The actual scheduled work dates are from 1/2/2012 through 1/31/2012.

Approval issued on: 8/23/2011

Amount paid: \$80.00

Record number: 79971

Check number: CC 9122

**Notice Number: 11PB3319N**

For the location specified below:

**Souter delivery system pipeline route S2  
16 work locations near Hwy 50 & Purcel  
Pueblo  
Pueblo County**

This notice has been issued to:

**MJB Environmental Services, Inc.  
6625 Southmoor Dr.  
Fountain, CO 80817**

Issued by: JWA

*[Handwritten signature]*





Colorado Department  
of Public Health  
and Environment

## ASBESTOS/DEMOLITION NOTIFICATION and PERMIT MODIFICATION FORM

Submit form to:  
Permit Coordinator  
Colorado Dept. of Public Health  
and Environment  
APCD-IE-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Phone: 303-692-3100  
Fax: 303-782-0278  
asbestos@state.co.us

Name of Facility: N/A	Facility Location: 16 locations near hwy 50 & Purcell, Pueblo, Pueblo County		
GAC/Consultant: MJB Environmental Services Inc.	Phone # (719) 492-7147	Fax # (719) 391-8988	
E-mail Address: MJBEnvironmental@aol.com		Permit Number (if already issued): 11PB3319N	

Please check the appropriate box(es) in A, B and C, as applicable:

- A. Upgrade to: ☐ 30-day permit ☐ 90-day permit ☐ 1-year permit
- B. ☐ Request to cancel above notice/permit. (All but \$80 of the application fee will be returned. If you paid by check or money order, a state of Colorado Warrant will be mailed to the company appearing in the contractor box on the application. If you paid by credit card, a credit will be issued to the same account used to pay for the original application fee.)

C. Change in:

☐ Supervisor: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ A.M.S.: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ Project Manager: \_\_\_\_\_ Certification # \_\_\_\_\_

☒ Start Date: \_\_\_\_\_ 1/2/12 ☒ End Date: \_\_\_\_\_ 1/31/12

Work Times: \_\_\_\_\_ ☐ Disposal Site: \_\_\_\_\_ ☐ County: \_\_\_\_\_

☐ Additional Scope of work (include type of ACM, quantity, location in or on facility and work practices):

Please amend the start and end date for this project.

I certify that I am the person authorized to sign this modification on behalf of the General Abatement Contractor and that all statements made in this modification are, to the best of my knowledge, correct and complete. (Note: Making false statements on this application constitutes second-degree perjury as defined by 18-8-503 C.R.S., and is punishable by law.)

  
Authorized Representative Signature

12/13/11

Date

Richard Budd  
Printed Name

Operations Manager  
Position or Title

### THIS BOX IS FOR CDPHE USE ONLY:

Postmark or Hand Delivery Date:	Approved By:	Code:	
Form of Payment & #:	Permit #:	Record #:	Date Issued:





Colorado Department  
of Public Health  
and Environment

## ASBESTOS/DEMOLITION NOTIFICATION and PERMIT MODIFICATION FORM

Submit form to:  
Permit Coordinator  
Colorado Dept. of Public Health  
and Environment  
APCD-IE-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Phone: 303-692-3100  
Fax: 303-782-0278  
asbestos@state.co.us

Name of Facility: Private Residence	Facility Location: 16 locations near hwy 50 & Purcell, Pueblo, Pueblo County		
GAC/Consultant: MJB Environmental Services Inc.	Phone # (719) 492-7147	Fax # (719) 391-8988	
E-mail Address: MJBEnvironmental@aol.com		Permit Number (if already issued): 11PB3319N	

Please check the appropriate box(es) in A, B and C, as applicable:

- A. Upgrade to: ☐ 30-day permit ☐ 90-day permit ☐ 1-year permit
- B. ☐ Request to cancel above notice/permit. (All but \$80 of the application fee will be returned. If you paid by check or money order, a state of Colorado Warrant will be mailed to the company appearing in the contractor box on the application. If you paid by credit card, a credit will be issued to the same account used to pay for the original application fee.)

C. Change in:

☐ Supervisor: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ A.M.S.: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ Project Manager: \_\_\_\_\_ Certification # \_\_\_\_\_

☒ Start Date: 12/15/11 ☒ End Date: 1/13/12

Work Times: \_\_\_\_\_ ☐ Disposal Site: \_\_\_\_\_ ☐ County: \_\_\_\_\_

☐ Additional Scope of work (include type of ACM, quantity, location in or on facility and work practices):

Please amend the start and end date for this project.

I certify that I am the person authorized to sign this modification on behalf of the General Abatement Contractor and that all statements made in this modification are, to the best of my knowledge, correct and complete. (Note: Making false statements on this application constitutes second-degree perjury as defined by 18-8-503 C.R.S., and is punishable by law.)

Authorized Representative Signature

11/21/11

Date

Aaron Powell  
Printed Name

Office Administrator  
Position or Title

### THIS BOX IS FOR CDPHE USE ONLY:

Postmark or Hand Delivery Date:	Approved By:	Code:	
Form of Payment & #:	Permit #:	Record #:	Date Issued:





Colorado Department  
of Public Health  
and Environment

## ASBESTOS/DEMOLITION NOTIFICATION and PERMIT MODIFICATION FORM

Submit form to:  
Permit Coordinator  
Colorado Dept. of Public Health  
and Environment  
APCD-IE-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Phone: 303-692-3100  
Fax: 303-782-0278  
asbestos@state.co.us

Name of Facility: Private Residence	Facility Location: 16 locations near hwy 50 & Purcell, Pueblo, Pueblo County		
GAC/Consultant: MJB Environmental Services Inc.	Phone # (719) 492-7147	Fax # (719) 391-8988	
E-mail Address: MJBEnvironmental@aol.com		Permit Number (if already issued): 11PB3319N	

Please check the appropriate box(es) in A, B and C, as applicable:

- A. Upgrade to: ☐ 30-day permit ☐ 90-day permit ☐ 1-year permit
- B. ☐ Request to cancel above notice/permit. (All but \$80 of the application fee will be returned. If you paid by check or money order, a state of Colorado Warrant will be mailed to the company appearing in the contractor box on the application. If you paid by credit card, a credit will be issued to the same account used to pay for the original application fee.)

C. Change in:

☐ Supervisor: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ A.M.S.: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ Project Manager: \_\_\_\_\_ Certification # \_\_\_\_\_

☒ Start Date: 11/21/11 ☐ End Date: 12/13/11

Work Times: \_\_\_\_\_ ☐ Disposal Site: \_\_\_\_\_ ☐ County: \_\_\_\_\_

☐ Additional Scope of work (include type of ACM, quantity, location in or on facility and work practices):

Please amend the start date for this project.

I certify that I am the person authorized to sign this modification on behalf of the General Abatement Contractor and that all statements made in this modification are, to the best of my knowledge, correct and complete. (Note: Making false statements on this application constitutes second-degree perjury as defined by 18-8-503 C.R.S., and is punishable by law.)

Authorized Representative Signature

11/14/11

Date

Aaron Powell  
Printed Name

Office Administrator  
Position or Title

### THIS BOX IS FOR CDPHE USE ONLY:

Postmark or Hand Delivery Date:	Approved By:	Code:	
Form of Payment & #:	Permit #:	Record #:	Date Issued:





Colorado Department  
of Public Health  
and Environment

## ASBESTOS/DEMOLITION NOTIFICATION and PERMIT MODIFICATION FORM

Submit form to:  
Permit Coordinator  
Colorado Dept. of Public Health  
and Environment  
APCD-IE-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Phone: 303-692-3100  
Fax: 303-782-0278  
asbestos@state.co.us

Name of Facility: Private Residence	Facility Location: 16 locations near hwy 50 & Purcell, Pueblo, Pueblo County		
GAC/Consultant: MJB Environmental Services Inc.	Phone # (719) 492-7147	Fax # (719) 391-8988	
E-mail Address: MJBEnvironmental@aol.com		Permit Number (if already issued): 11PB3319N	

Please check the appropriate box(es) in A, B and C, as applicable:

- A. Upgrade to: ☐ 30-day permit ☐ 90-day permit ☐ 1-year permit
- B. ☐ Request to cancel above notice/permit. (All but \$80 of the application fee will be returned. If you paid by check or money order, a state of Colorado Warrant will be mailed to the company appearing in the contractor box on the application. If you paid by credit card, a credit will be issued to the same account used to pay for the original application fee.)

C. Change in:

☐ Supervisor: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ A.M.S.: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ Project Manager: \_\_\_\_\_ Certification # \_\_\_\_\_

☒ Start Date: 11/14/11 ☒ End Date: 12/13/11

Work Times: \_\_\_\_\_ ☐ Disposal Site: \_\_\_\_\_ ☐ County: \_\_\_\_\_

☐ Additional Scope of work (include type of ACM, quantity, location in or on facility and work practices):

Please amend the start and end date for this project.

I certify that I am the person authorized to sign this modification on behalf of the General Abatement Contractor and that all statements made in this modification are, to the best of my knowledge, correct and complete. (Note: Making false statements on this application constitutes second-degree perjury as defined by 18-8-503 C.R.S., and is punishable by law.)

Authorized Representative Signature

10/26/11

Date

Aaron Powell  
Printed Name

Office Administrator  
Position or Title

### THIS BOX IS FOR CDPHE USE ONLY:

Postmark or Hand Delivery Date:	Approved By:	Code:	
Form of Payment & #:	Permit #:	Record #:	Date Issued:





Colorado Department  
of Public Health  
and Environment

## ASBESTOS/DEMOLITION NOTIFICATION and PERMIT MODIFICATION FORM

Submit form to:  
Permit Coordinator  
Colorado Dept. of Public Health  
and Environment  
APCD-IE-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Phone: 303-692-3100  
Fax: 303-782-0278  
asbestos@state.co.us

Name of Facility: Private Residence	Facility Location: 16 locations near hwy 50 & Purcell, Pueblo, Pueblo County		
GAC/Consultant: MJB Environmental Services Inc.	Phone # (719) 492-7147	Fax # (719) 391-8988	
E-mail Address: MJBEnvironmental@aol.com		Permit Number (if already issued): 11PB3319N	

Please check the appropriate box(es) in A, B and C, as applicable:

- A. Upgrade to: ☐ 30-day permit ☐ 90-day permit ☐ 1-year permit
- B. ☐ Request to cancel above notice/permit. (All but \$80 of the application fee will be returned. If you paid by check or money order, a state of Colorado Warrant will be mailed to the company appearing in the contractor box on the application. If you paid by credit card, a credit will be issued to the same account used to pay for the original application fee.)

C. Change in:

☐ Supervisor: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ A.M.S.: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ Project Manager: \_\_\_\_\_ Certification # \_\_\_\_\_

☒ Start Date: 11/1/11 ☒ End Date: 11/31/11

Work Times: \_\_\_\_\_ ☐ Disposal Site: \_\_\_\_\_ ☐ County: \_\_\_\_\_

☐ Additional Scope of work (include type of ACM, quantity, location in or on facility and work practices):

Please amend the start and end date for this project.

I certify that I am the person authorized to sign this modification on behalf of the General Abatement Contractor and that all statements made in this modification are, to the best of my knowledge, correct and complete. (Note: Making false statements on this application constitutes second-degree perjury as defined by 18-8-503 C.R.S., and is punishable by law.)

Authorized Representative Signature

10/3/11

Date

Aaron Powell  
Printed Name

Office Administrator  
Position or Title

### THIS BOX IS FOR CDPHE USE ONLY:

Postmark or Hand Delivery Date:	Approved By:	Code:	
Form of Payment & #:	Permit #:	Record #:	Date Issued:





Colorado Department  
of Public Health  
and Environment

11-098

## ASBESTOS/DEMOLITION NOTIFICATION and PERMIT MODIFICATION FORM

Submit form to:  
Permit Coordinator  
Colorado Dept. of Public Health  
and Environment  
APCD-IE-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Phone: 303-692-3100  
Fax: 303-782-0278  
asbestos@state.co.us

Name of Facility: Private Residence	Facility Location: 16 work locations near Hwy 50 and Purcell Blvd, Pueblo, Pueblo		
GAC/Consultant: MJB Environmental Services Inc.	Phone # (719) 492-7147	Fax # (719) 391-8988	
E-mail Address: MJBEnvironmental@aol.com		Permit Number (if already issued): 11BP3319N	

Please check the appropriate box(es) in A, B and C, as applicable:

- A. Upgrade to: ☐ 30-day permit ☐ 90-day permit ☐ 1-year permit
- B. ☐ Request to cancel above notice/permit. (All but \$80 of the application fee will be returned. If you paid by check or money order, a state of Colorado Warrant will be mailed to the company appearing in the contractor box on the application. If you paid by credit card, a credit will be issued to the same account used to pay for the original application fee.)

C. Change in:

☐ Supervisor: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ A.M.S.: \_\_\_\_\_ Certification # \_\_\_\_\_

☐ Project Manager: \_\_\_\_\_ Certification # \_\_\_\_\_

☒ Start Date: 10/4/11 ☒ End Date: 10/31/11

Work Times: \_\_\_\_\_ ☐ Disposal Site: \_\_\_\_\_ ☐ County: \_\_\_\_\_

☐ Additional Scope of work (include type of ACM, quantity, location in or on facility and work practices):

Please amend the Start and End date for this permit.

I certify that I am the person authorized to sign this modification on behalf of the General Abatement Contractor and that all statements made in this modification are, to the best of my knowledge, correct and complete. (Note: Making false statements on this application constitutes second-degree perjury as defined by 18-8-503 C.R.S., and is punishable by law.)

*Aaron Powell*

Authorized Representative Signature

8/31/11

Date

Aaron Powell  
Printed Name

Office Administrator  
Position or Title

THIS BOX IS FOR CDPHE USE ONLY:

Postmark or Hand Delivery Date:	Approved By:	Code:	
Form of Payment & #:	Permit #:	Record #:	Date Issued:



# Colorado Department of Public Health and Environment

Air Pollution Control Division – Stationary Sources Program – Indoor Air Unit

4300 Cherry Creek Drive South, APCD-SS-B1

Denver, Colorado 80246-1530

Phone: 303-692-3100 – Fax: 303-782-0278

E-mail: asbestos@state.co.us

11-098

## ASBESTOS APPROVAL NOTICE

This notice is granted subject to Colorado Air Quality Control Commission Regulation No. 8, Part B, adopted December 16, 2003, and effective March 2, 2005, the Colorado Air Pollution Prevention and Control Act C.R.S. (25-7-101 and 25-7-501 et seq). It is only for the purpose of allowing asbestos abatement.

As a contractor, you may be subject to other licenses and permits, depending on the requirements of the county and municipality in which the work is being performed. The Colorado Department of Public Health and Environment, Air Pollution Control Division strongly suggests that you check with county and municipal authorities in order to determine any other local building/permitting requirements that must be met.

### THE ORIGINAL PERMIT MUST BE POSTED ON SITE AT ALL TIMES.

*Immediately notify the Unit of project modifications by fax (number above) or e-mail (address above) and the appropriate county health department by fax. Project modifications include changes in the scope of work or the scheduled work dates, etc.*

This asbestos approval notice is valid beginning 9/5/2011 through 11:59 PM on 9/30/2011.

The actual scheduled work dates are from 9/5/2011 through 9/30/2011.

Approval issued on: 8/23/2011

Amount paid: \$80.00

Record number: 79971

Check number: CC 9122

### Notice Number: 11PB3319N

For the location specified below:

**Souter delivery system pipeline route S2  
16 work locations near Hwy 50 & Purcel  
Pueblo  
Pueblo County**

This notice has been issued to:

**MJB Environmental Services, Inc.  
6625 Southmoor Dr.  
Fountain, CO 80817**

Issued by: RWJ







DEPARTMENT OF THE ARMY  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS  
Southern Colorado Regulatory Office  
200 S. Santa Fe Avenue, Suite 301  
Pueblo, Colorado 81003

April 3, 2012

REPLY TO  
ATTENTION OF:

Regulatory Division

SUBJECT: Action No. SPA-2011-00515-SCO, Southern Delivery System bank stabilization, Steel's Hollow, Pueblo, County, Colorado

Allison Mosser  
Colorado Springs Utilities  
P.O. Box 1103 MC940

Colorado Springs, CO 80902

Ms. Mosser:

We received your letter dated March 21, 2012 concerning bank stabilization of Steel's Hollow, Pueblo County, Colorado. The activity involves road crossing. We have assigned Action No. SPA-2011-00515-SCO to this activity. To avoid delay, please include this number in all future correspondence concerning this project.

We have reviewed this project in accordance with Section 404 of the Clean Water. Under Section 404, the Corps regulates the discharge of dredged and fill material into waters of the United States (U.S.), including wetlands. Based on your description of the proposed work, and other information available to us, we have determined that the proposed project will involve activities subject to Section 404. Therefore, a Department of the Army permit is required.

We have determined that this project is authorized by Nationwide Permit . A summary of this permit and the regional conditions for Colorado are available on our website at [www.spa.usace.army.mil/reg/](http://www.spa.usace.army.mil/reg/). You are only authorized to conduct the work described in your submittal. To use this permit, you must ensure that the work complies with the terms and conditions listed in the permit.

Our review of this project also addressed its effects on threatened and endangered species and historic properties in accordance with general conditions 18 and 20. Based on the information provided, we have determined that this project will not affect any species listed as threatened or endangered by the U.S. Fish and Wildlife Service within the permit area. We have also determined that this project will not affect historic properties listed, or eligible for listing, in the National Register of Historic Places. However, please note that you are responsible for meeting the requirements of general condition 18 on endangered species and general condition 20 on historic properties.

This verification is valid until March 18, 2017, unless the nationwide permit is modified, suspended, revoked or reissued prior to that date. The Corps will issue a public notice when the nationwide permits are reissued. If you commence or are under contract to commence the authorized activity before the date that the relevant nationwide permit(s) is modified, reissued or revoked you will have twelve (12) months from the date of the modification, reissuance, or revocation of the nationwide permits to complete the activity under the present terms and conditions of the nationwide permits. Continued confirmation that an activity complies with the terms and conditions, and any changes to the nationwide permit, is the responsibility of the permittee.

You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the nationwide permit.

You must sign and submit to us the enclosed certification that the work, including any required mitigation, was completed in compliance with the nationwide permit. You should submit your certification within 30 days of the completion of work.

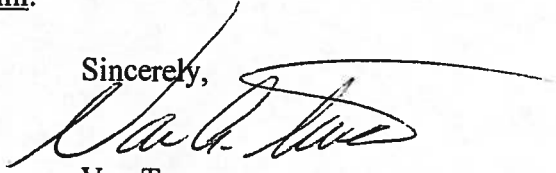
This permit is not an approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of Federal, state or local laws or regulations. You must possess the authority, including property rights, to undertake the proposed work.

If you have any questions concerning our regulatory program, please contact



at 719-543-6915 or by e-mail at [van.a.truan@usace.army.mil](mailto:van.a.truan@usace.army.mil). At your convenience, please complete a Customer Service Survey on-line available at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Van Truan', with a long horizontal flourish extending to the right.

Van Truan  
Chief, Southern Colorado  
Regulatory Branch

**Certification of Compliance  
with Department of the Army Nationwide Permit**

Action Number: SPA-2011-00515-SCO

Name of Permittee: Colorado Springs Utilities

Nationwide Permit: No. 13 Bank Stabilization

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Van Truan  
Albuquerque District, U.S. Army Corps of Engineers  
200 South Santa Fe Avenue, Suite 301  
Pueblo, Colorado 81003

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Please enclose photographs showing the completed project (if available).

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Date Work Started \_\_\_\_\_

Date Work Completed \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Permittee



**NOTICE OF START-UP**

Ver. October 6, 2010

**NOTICE REQUIRED WITHIN 15 DAYS FOLLOWING STARTUP OF ALL NEW SOURCES**

Per Colorado Regulation 3, Part B, Section III.G.1 operators of air pollution emissions sources who obtain a construction permit which authorizes submittal of a "Notice of Startup" within 15 calendar days of commencement of operation shall file this form with the Air Pollution Control Division. It is a violation of your permit if you do not report the start-up date of a new emission source within 15 calendar days of commencement of operation. If multiple pieces of equipment (i.e. "emissions points") covered by a single permit (i.e. "facility-wide permit") will have different start-up dates, you must file a separate Notice of Start-up for each emissions point.

Notification of start-up may be accomplished by completing the form below and returning it to:

Colorado Department of Public Health & Environment  
APCD-SS-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

Please contact the Division immediately at (303) 692-3150 if you have any questions or problems concerning this requirement.

PERMIT NUMBER: 11PO3617  
ADDRESS OR LOCATION: Southern Delivery Segment South III  
5400 Antelope Road  
Pueblo, CO 80018

EQUIPMENT DESCRIPTION<sup>A</sup>:

AIRS ID <sup>B</sup>	Description
777/3601/001	Ranger 750 Pug Mill Unit #875/Hopper & Conveyor Unit #85704/Conveyor Belts Unit #87502
777/3601/001	APPCO Model 17-40 Dust Collector & Dynamic Screen Unit #87505
777/3601/001	Ranger Model 87105 Storage Silo - Unit #87503 / Control House Unit #87501

## Footnotes:

<sup>A</sup> Please provide specific details of equipment reporting startup as required by the permit including: make, model and serial numbers. Include AIRS IDs for each emissions point description supplied.

<sup>B</sup> The AIRS ID for your emissions source(s) may be found at the bottom left corner of each page of your permit or in the equipment description(s). Please include all ten digits for the County/Plant/Point (i.e. 123/4357/002).

Operation of the emission source(s) to which the above permit number is assigned began on March 26, 2012  
Date

MK 1 Construction Services  
COMPANY

Bruce Spott  
PERSON TO CONTACT FOR VERIFICATION OF STARTUP DATE

303.886.3023  
TELEPHONE NUMBER OF CONTACT PERSON

Paul Karam  
APPLICANT'S NAME (PLEASE PRINT)

  
APPLICANT'S SIGNATURE

Superintendent  
POSITION OR TITLE

April 2, 2012  
DATE



# Southern Delivery System

## Segment South III

### Dewatering Plan

#### **A. Introduction**

This dewatering plan has been developed to outline measures that will be implemented in the event of groundwater being encountered during the construction of Southern Delivery System Segment South 3. It serves as a guide for Reynolds, Inc. and the workforce for implementing the proper techniques and methods for removing groundwater from the trenches. The only location on the project where Reynolds, Inc. anticipates the need for removal of groundwater is Steele Hollow.

Prior to the commencement of any dewatering activities or any proposed change in dewatering activities, coordination with the Program field inspector and/or environmental field representative, to outline and review the specific procedures for the dewatering activities, shall take place.

All dewatering activities on the Southern Delivery System Segment South III, including discharge location, shall be conducted within the defined work limits.

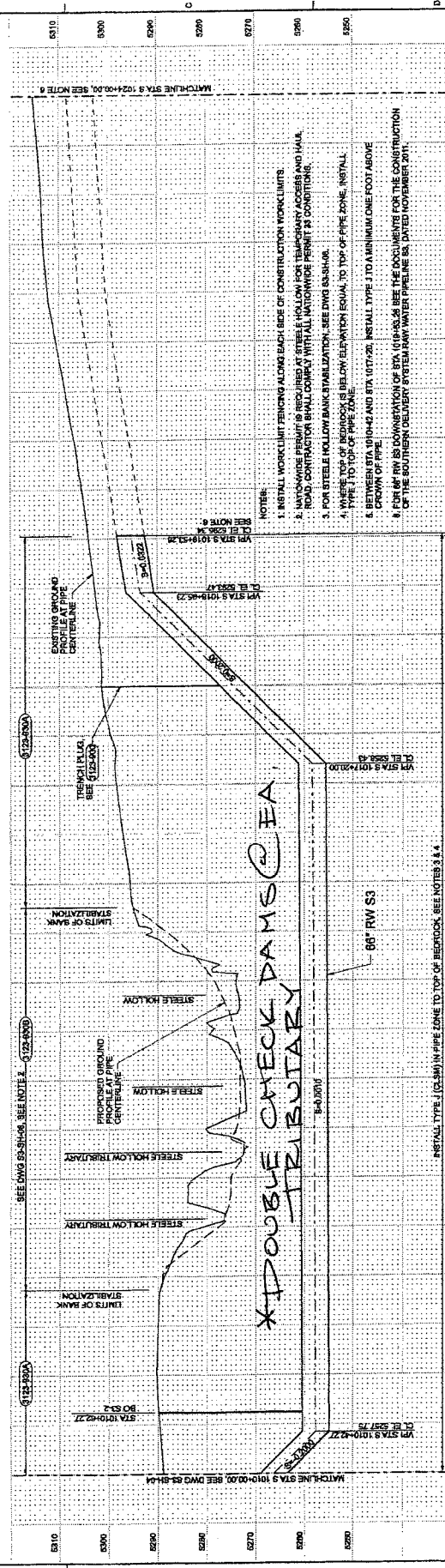
#### **B. Purpose of the Dewatering Plan**

- Define the systems and procedures to be used during the dewatering process.
- Disturbance of ecosystems and loss of biodiversity are avoided, or, where they cannot be altogether avoided, are minimized and remedied.
- Unnecessary disturbance of landscapes is avoided, or, where it cannot be altogether avoided, is minimized and remedied
- Negative impacts on the environment and on people's environmental rights be anticipated; and prevented, and where they cannot altogether be prevented, minimized and remedied



## C. Dewatering Specifics

- Dewatering system is designed and operated to prevent loss of soil as water is removed.
- System includes a 5 HP submersible pump on a generator, 1.5" rock filtration at dewatering sites, various lengths of 4" hose, silt bags with releases not to exceed 450 GPM (see attached manufacturer's data sheet), straw waddles to surround silt bags as a secondary measure, and two rock check dams, one up stream and one down, to prevent movement of soil during ground discharge.
- Surface controls to be removed when no longer needed.
- Dewatering equipment to be of sufficient quantity, size, and locations to maintain control of water, including weekends and holidays and during periods of work stoppages. Adequate backup systems shall be in place to maintain control of water.
- Dewatering procedures will be conducted in accordance with requirements outlined in the CDPHE Construction Dewatering Permit No. COG070000 and Certification No. COG073899, issued to Reynolds, Inc. on November 7, 2011, and shall include any applicable discharge testing and reporting.
- If the dewatering system is modified during installation or operation, the dewatering plan will be revised/amended to note any changes or modifications.
- Please see attached plans, sketches, and data.



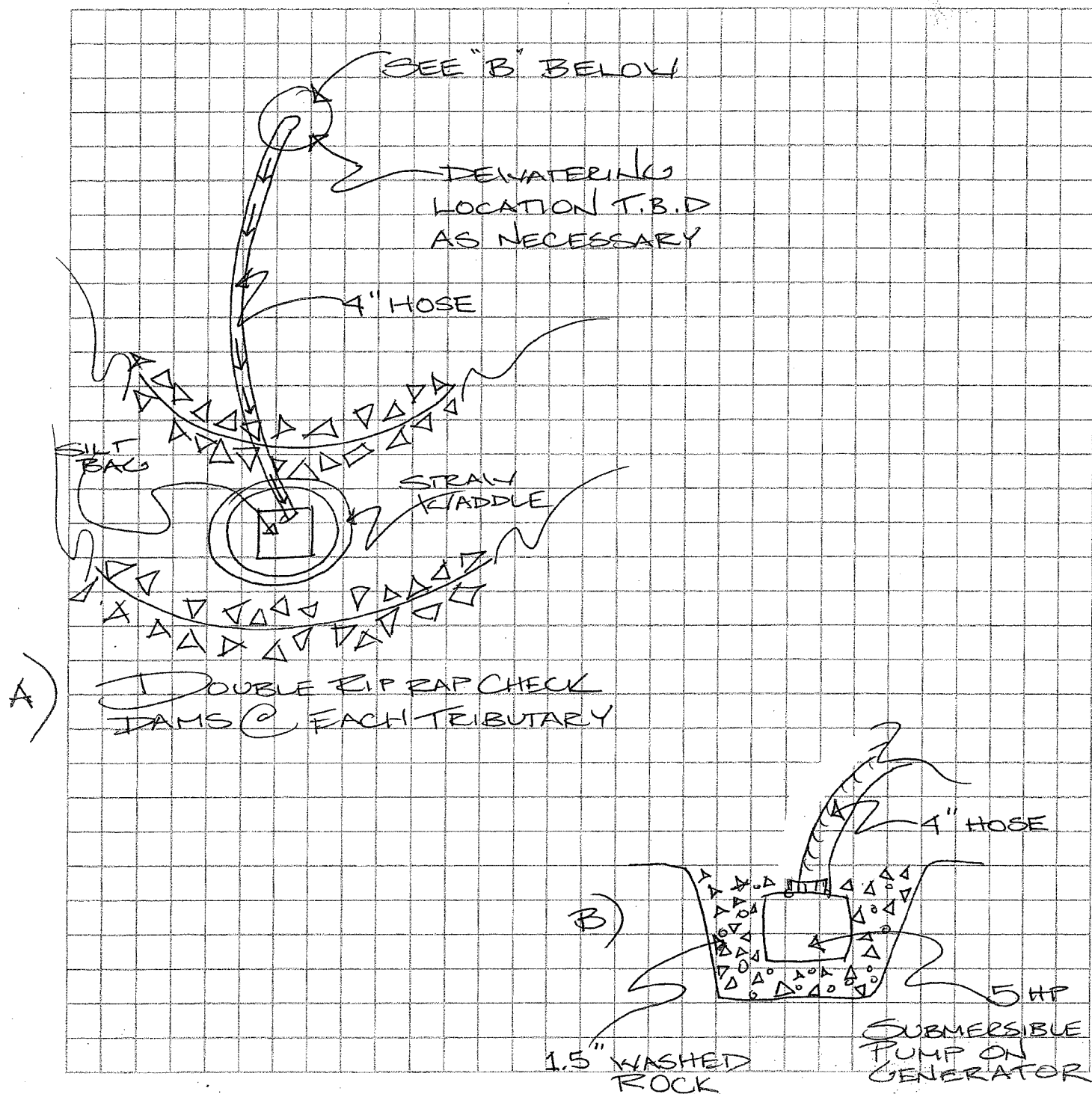
\*DOUBLE CHECK DAMS @ EA  
TRIBUTARY

[illegible]

	WATER	DATE:	NO.	PAGE
<b>Colorado Springs Utilities Project Number: SDS-002 CSU Work Order Number: 19112D4</b>				

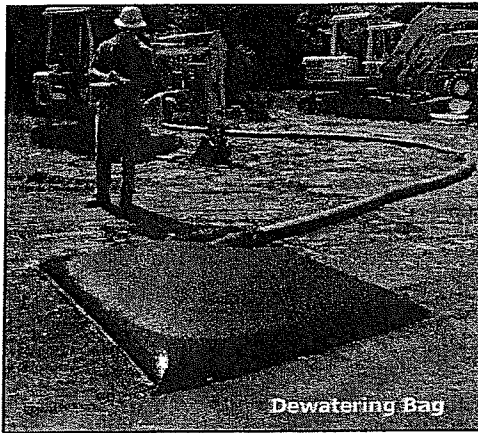


# DEWATERING SYSTEM / SIDS SIII





# Ultra-Dewatering Bag® Oil, Sediment & Flow Capacity



Dewatering Bag



Reusable Dewatering Bag

## Dewatering Bag

Size	Part #	Fabric Qty. (Sq/Ft)	Max Flow Rate (GPM)	Sediment Capacity (Cu/Ft)	Sediment Capacity (Cu/Yds)	Sediment Capacity (LBS)	Oil Capacity (Gal.)
Oil & Sediment 3' x 4'	9729-O/S	24	500	6	0.3	720	1.2
Oil & Sediment 6' x 6'	9724-O/S	74	500	18	1.3	4320	3.7
Oil & Sediment 10' x 15'	9725-O/S	302	1500	150	5.6	18000	15.1
Oil & Sediment 15' x 15'	9727-O/S	452	1500	225	8.3	27000	22.6

## Reusable Dewatering Bag

3' x 5' Bag with Locking Rods	9730	30	500	8	0.3	960	NA
5' x 7' Bag with Locking Rods	9732	70	500	18	0.7	2160	NA

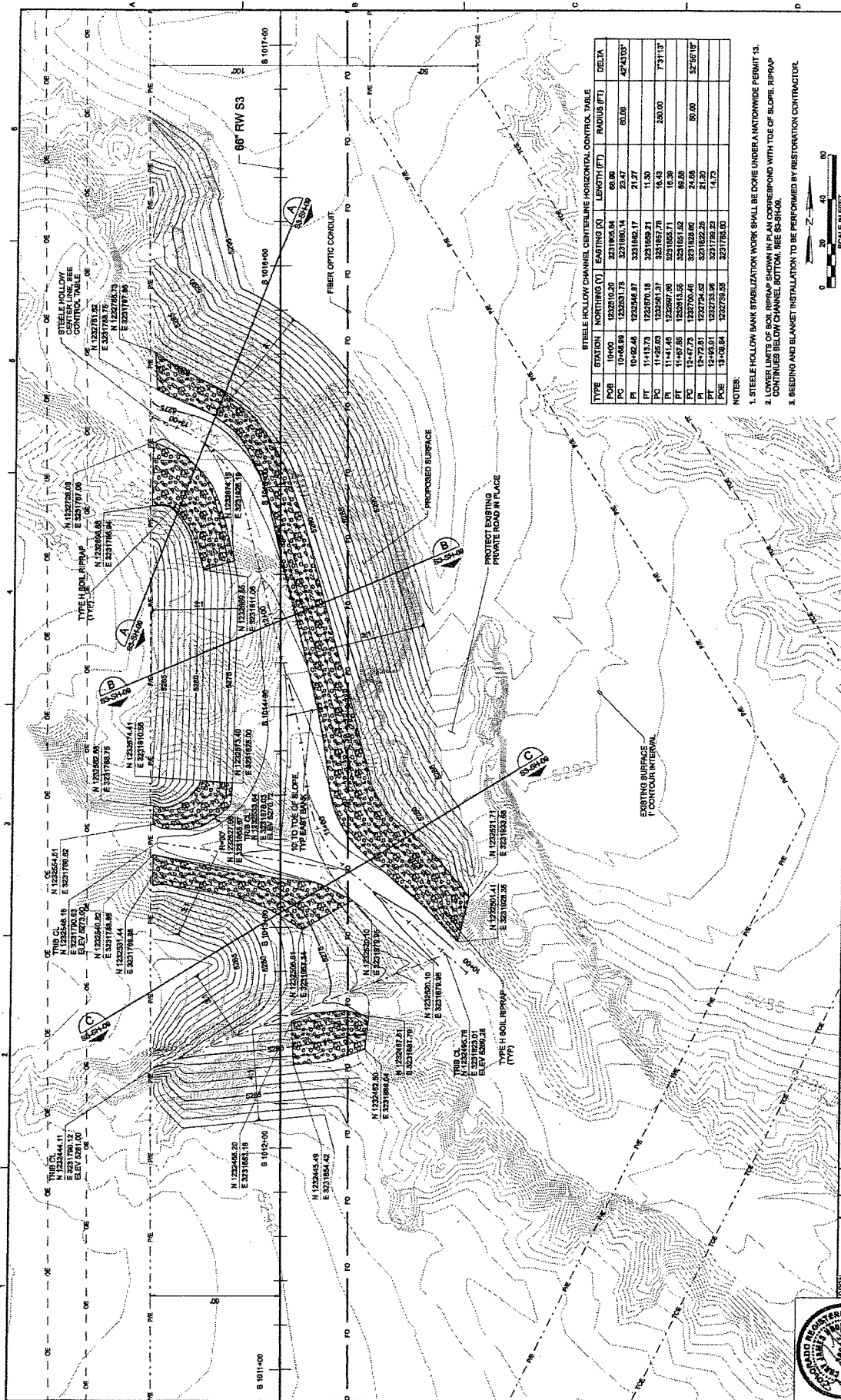
## Notes:

- \* Flow/dewatering rates will vary dramatically according to soil type.
- \* Sand will typically flow/dewater at the fastest rate with clay flowing the slowest.
- \* Clay can also blind over the fabric in some instances blocking flow entirely.
- \* Clean fabric will flow @ 90 gpm per sq ft (50 gpm per sq ft for Reusable model)
- \* Dewatering Bags are normally allowed to dry in place then cut open and spread/removed with heavy equipment.
- \* Reusable Bags can be used repetetively after emptying/cleaning.
- \* Sediment capacity is calculated using wet sand weighing approx 120 lbs per Cu/Ft, bag Ht at 6" and 12"
- \* Oil capacity estimated at low flow conditions with 0.5 gal absorbed per Sq Yd max capacity

UltraTech International, Inc. \* 11542 Davis Creek Court \* Jacksonville, FL 32256  
Phone (800) 353-1611 \* [www.storm-water.com](http://www.storm-water.com)



# Post construction Grading Plan / Restoration



TYPE	STATION	NORTHING (N)	EASTING (E)	LENGTH (FT)	RADIUS (FT)	DELTA
PC	122510.20	523185.94	523185.94	65.00	42.430'	
PT	122510.20	523185.94	523185.94	65.00	42.430'	
PC	122510.20	523185.94	523185.94	65.00	42.430'	
PT	122510.20	523185.94	523185.94	65.00	42.430'	
PC	122510.20	523185.94	523185.94	65.00	42.430'	
PT	122510.20	523185.94	523185.94	65.00	42.430'	
PC	122510.20	523185.94	523185.94	65.00	42.430'	
PT	122510.20	523185.94	523185.94	65.00	42.430'	
PC	122510.20	523185.94	523185.94	65.00	42.430'	
PT	122510.20	523185.94	523185.94	65.00	42.430'	
PC	122510.20	523185.94	523185.94	65.00	42.430'	
PT	122510.20	523185.94	523185.94	65.00	42.430'	
PC	122510.20	523185.94	523185.94	65.00	42.430'	
PT	122510.20	523185.94	523185.94	65.00	42.430'	
PC	122510.20	523185.94	523185.94	65.00	42.430'	
PT	122510.20	523185.94	523185.94	65.00	42.430'	

NOTES:  
 1. STEELE HOLLOW BANK STABILIZATION WORK SHALL BE DONE UNDER A NATIONWIDE PERMIT 11.  
 2. LOWER LIMITS OF SOIL RIPRAP SHOWN IN PLAN CORRESPOND WITH TIE OF SLOPE RIPRAP CONTINUES BELOW CHANNEL BOTTOM. SEE S3-SHAR.  
 3. SEEDING AND BLANKET INSTALLATION TO BE PERFORMED BY RESTORATION CONTRACTOR.



<b>CH2M HILL</b> Colorado Springs, CO 80903		STEELE HOLLOW SOUTH SECTION THREE GRADING PLAN		SHEET DWS DATE PROJ PLOT TIME
SOUTH SECTION THREE POST WATER PPE LINE S3		STEELE HOLLOW SOUTH SECTION THREE GRADING PLAN		SHEET DWS DATE PROJ PLOT TIME
VERIFY SCALE 1" = 40'		SCALE IN FEET 0 20 40 60		STEELE HOLLOW SOUTH SECTION THREE GRADING PLAN
DESIGNER CHKD APPR DATE		DATE DATE DATE		STEELE HOLLOW SOUTH SECTION THREE GRADING PLAN
PROJECT NUMBER 1811234		PROJECT NUMBER 1811234		STEELE HOLLOW SOUTH SECTION THREE GRADING PLAN



Colorado Springs Utilities Project Number: 1811234

## STATE OF COLORADO

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

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

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

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



Colorado Department  
 of Public Health  
 and Environment

October 18, 2011

Kurt Sittner, PM  
 Reynolds Inc  
 1775 E 69 Ave  
 Denver, CO 80229

**RE: Certification, Colorado Discharge Permit System**  
**Permit No., COR030000, Certification Number: COR031299**

Dear Mr./Ms. Sittner;

The Water Quality Control Division (the Division) has reviewed the application submitted for the **Southern Delivery Raw Water Pipeline S3** facility and determined that it qualifies for coverage under the CDPS General Permit for Stormwater Discharges Associated with Construction Activities (the permit). Enclosed please find a copy of the permit certification, which was issued under the Colorado Water Quality Control Act.

**Facility:** Southern Delivery Raw Water Pipeline S3

Pueblo County

**Construction Activities:** Highway/Road Development,

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

Kurt Sittner, PM  
 Reynolds Inc  
 1775 E 69 Ave  
 Denver, CO 80229

Phone number: 303-287-7700  
 Email: [ksittner@reynoldsinc.com](mailto:ksittner@reynoldsinc.com)

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

Bruce Spott, Supt

Phone number: 303-886-3023  
 Email: [bspott@reynoldsinc.com](mailto:bspott@reynoldsinc.com)

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

Kurt Sittner, PM  
 Reynolds Inc  
 1775 E 69 Ave  
 Denver, CO 80229

Phone number: 303-287-7700  
 Email: [ksittner@reynoldsinc.com](mailto:ksittner@reynoldsinc.com)

Any changes to the contacts listed above must be provided to the Division on a Change of Contact form. This form is available on the Division's website at [coloradowaterpermits.com](http://coloradowaterpermits.com).

The Annual Fee for this certification is \$245.00, and is invoiced every July. Do Not Pay This Now. The initial prorated invoice will be sent to the legal contact shortly.

Please read the enclosed permit and certification. If you have any questions please contact Matt Czahor, Environmental Protection Specialist, at (303) 692-3575.

Sincerely,

Debbie Jessop, Program Assistant  
 WATER QUALITY CONTROL DIVISION

Enclosures: Certification page; General Permit; Highlight Sheet; Termination form

xc: Regional Council of Government  
 Pueblo County, Local County Health Department  
 D.E., Technical Services Unit, WQCD  
 Permit File

/dkj cert



# STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
WATER QUALITY CONTROL DIVISION  
TELEPHONE: (303) 692-3500



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

Certification Number: **COR03I299**

**This Certification to Discharge specifically authorizes:**

**Reynolds Inc**

to discharge stormwater from the facility identified as

**Southern Delivery Raw Water Pipeline S3**

to:

**Fountain Creek - Arkansas River**

**Construction Activities :** Highway/Road Development,

**Facility Located at:** Young Hallow Rd & Antelope Rd, Pueblo, Pueblo County, CO 81008  
Latitude: 38/29/25.52, Longitude: -104/41/17.70

**Certification is effective:** 10/18/2011

**Certification Expires:** 6/30/2012

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

Signed,

Nathan Moore  
Construction/MS4/Pretreatment Unit Manager  
Water Quality Control Division

# HIGHLIGHTS

RECEIVED OCT 26 2011

## CONSTRUCTION ACTIVITY STORMWATER GENERAL PERMIT

### PERMIT REQUIREMENTS:

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

### PERMIT FEE:

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

### PERMIT TERMINATION AND TRANSFER:

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

### QUESTIONS?

- \* [www.coloradowaterpermits.com](http://www.coloradowaterpermits.com)
- \* Email [cdphe.wqstorm@state.co.us](mailto:cdphe.wqstorm@state.co.us)
- \* Or call (303)692-3517, ask for Matt Czahor or Kathy Rosow



# STATE OF COLORADO

Bill Ritter, Jr., Governor  
James B. Martin, Executive Director

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

4300 Cherry Creek Dr. S.  
Denver, Colorado 80246-1530  
Phone (303) 692-2000  
TDD Line (303) 691-7700  
Located in Glendale, Colorado

Laboratory Services Division  
8100 Lowry Blvd.  
Denver, Colorado 80230-6928  
(303) 692-3090

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



Colorado Department  
of Public Health  
and Environment

## **Colorado Water Quality Control Division Notice of Termination** **Construction Stormwater Inactivation Notice**

[www.coloradowaterpermits.com](http://www.coloradowaterpermits.com)

Print or type all information. All items must be filled out completely and correctly. If the form is not complete, it will be returned. All permit terminations dates are effective on the date approved by the Division.

**MAIL ORIGINAL FORM WITH INK SIGNATURES TO THE FOLLOWING ADDRESS:**

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

**FAXED OR EMAILED FORMS WILL NOT BE ACCEPTED.**

- **PART A. IDENTIFICATION OF PERMIT** Please write the permit certification number to be terminated

**Permit Certification Number** (four digits, not "0000"): **COR03** \_ \_ \_ \_

- **PART B. PERMITTEE INFORMATION**

Company Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_

Legal Contact Name \_\_\_\_\_ Phone number \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

- **PART C. FACILITY/PROJECT INFORMATION**

Facility/Project Name \_\_\_\_\_

Location (address) \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ Zip code \_\_\_\_\_

Local Contact Name \_\_\_\_\_ Phone number \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

• **PART D. TERMINATION VALIDATION CRITERIA**

One of the criteria (1 or 2) below must be met, the appropriate box checked, and the required additional information provided. Part E includes a certification that the criteria indicated has been met.

**1: Finally Stabilized or Construction Not Started** - The permitted activities covered under the certification listed in Part A meet the requirements for **FINAL STABILIZATION in accordance with the permit, the Stormwater Management Plan, and as described below**. This criterion should also be selected if construction was never started and no land was disturbed, and an explanation of this condition provided in the description below.

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

**REQUIRED for Criteria 1 - Describe the methods used to meet the final stabilization c described above:**

Include an attachment if additional space is required.

**-OR-**

**2: Separate Permit Coverage or Full Reassignment** - All ongoing construction activities, including all disturbed areas, covered under the permit certification listed in Part A have coverage under a separate CDPS stormwater construction permit, including the permit certification issued when Division's Reassignment Form was used by the permittee to reassign all areas/activities.

**REQUIRED for Criteria 2 – Provide the permit certification number covering the ongoing activities:**

**COR03** \_ \_ \_ \_

**STOP!**

One of the two criteria above **MUST BE CHECKED** and the required information for that criterion provided, or this form will not be processed and the permit will remain active.

• **PART E. CERTIFICATION SIGNATURE (Required for all Termination Requests)**

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

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. (See 18 U.S.C 1001 and 33 U.S.C. 1319.)

I also certify that I am a duly authorized representative of the permittee named in Part B.

Signature of Legally Responsible Party

Date Signed

Name (printed)

Title

**Signatory requirements:** This form shall be signed, dated, and certified for accuracy by the permittee in accordance with the following criteria:

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



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

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), this permit authorizes the discharge of stormwater associated with construction activities (and specific allowable non-stormwater discharges in accordance with Part I.D.3 of the permit) certified under this permit, from those locations specified throughout the State of Colorado to specified waters of the State. Such discharges shall be in accordance with the conditions of this permit.

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

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

Issued and Signed this 31<sup>st</sup> day of May, 2007

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Janet S. Kieler  
Permits Section Manager  
Water Quality Control Division

**SIGNED AND ISSUED MAY 31, 2007**

**EFFECTIVE JULY 1, 2007**

## TABLE OF CONTENTS

### PART I

A.	COVERAGE UNDER THIS PERMIT .....	3
1.	Authority to Discharge .....	3
a)	Applicable Sections.....	3
b)	Oil and Gas Construction .....	3
2.	Definitions.....	3
3.	Permit Coverage Without Application – Qualifying Local Programs .....	3
a)	Applicable Sections.....	3
b)	Local Agency Authority.....	4
c)	Permit Coverage Termination .....	4
d)	Compliance with Qualifying Local Program .....	4
e)	Full Permit Applicability.....	4
4.	Application, Due Dates .....	4
a)	Application Due Dates .....	4
b)	Summary of Application .....	4
5.	Permit Certification Procedures .....	4
a)	Request for Additional Information .....	4
b)	Automatic Coverage.....	5
c)	Individual Permit Required .....	5
d)	General vs. Individual Permit Coverage .....	5
e)	Local Agency Authority.....	5
6.	Inactivation Notice .....	5
7.	Transfer of Permit .....	5
8.	Reassignment of Permit.....	5
9.	Sale of Residence to Homeowners .....	6
10.	Permit Expiration Date.....	6
11.	Individual Permit Criteria.....	6
B.	STORMWATER MANAGEMENT PLAN – GENERAL REQUIREMENTS .....	6
C.	STORMWATER MANAGEMENT PLAN – CONTENTS.....	7
1.	Site Description .....	7
2.	Site Map .....	7
3.	Stormwater Management Controls.....	8
a)	SWMP Administrator.....	8
b)	Identification of Potential Pollutant Sources.....	8
c)	Best Management Practices (BMPs) for Stormwater Pollution Prevention. ....	8
4.	Final Stabilization and Long-term Stormwater Management.....	9
5.	Inspection and Maintenance.....	10
D.	TERMS AND CONDITIONS .....	10
1.	General Limitations.....	10
2.	BMP Implementation and Design Standards.....	10
3.	Prohibition of Non-Stormwater Discharges .....	11
4.	Releases in Excess of Reportable Quantities.....	11
5.	SWMP Requirements.....	11
a)	SWMP Preparation and Implementation.....	11
b)	SWMP Retention Requirements .....	11
c)	SWMP Review/Changes .....	11
d)	Responsive SWMP Changes.....	12
6.	Inspections.....	12
a)	Minimum Inspection Schedule.....	12
b)	Inspection Requirements .....	13
c)	Required Actions Following Site Inspections .....	13
7.	BMP Maintenance .....	13
8.	Replacement and Failed BMPs .....	14
9.	Reporting.....	14



TABLE OF CONTENTS (cont.)

10.	SWMP Availability .....	14
11.	Total Maximum Daily Load (TMDL) .....	14
E.	ADDITIONAL DEFINITIONS .....	15
F.	GENERAL REQUIREMENTS .....	16
1.	Signatory Requirements .....	16
2.	Retention of Records .....	16
3.	Monitoring .....	16

PART II

A.	MANAGEMENT REQUIREMENTS .....	17
1.	Amending a Permit Certification .....	17
2.	Special Notifications - Definitions .....	17
3.	Noncompliance Notification .....	17
4.	Submission of Incorrect or Incomplete Information .....	18
5.	Bypass .....	18
6.	Upsets .....	18
7.	Removed Substances .....	18
8.	Minimization of Adverse Impact .....	18
9.	Reduction, Loss, or Failure of Stormwater Controls .....	19
10.	Proper Operation and Maintenance .....	19
B.	RESPONSIBILITIES .....	19
1.	Inspections and Right to Entry .....	19
2.	Duty to Provide Information .....	19
3.	Transfer of Ownership or Control .....	19
4.	Modification, Suspension, or Revocation of Permit By Division .....	20
5.	Permit Violations .....	21
6.	Legal Responsibilities .....	21
7.	Severability .....	21
8.	Renewal Application .....	21
9.	Confidentiality .....	21
10.	Fees .....	21
11.	Requiring an Individual CDPS Permit .....	22

PART I

A. COVERAGE UNDER THIS PERMIT

1. **Authority to Discharge**

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

- a) **Applicable Sections:** In accordance with Part I.A.3 of this permit, some parts of this permit do not apply to sites covered under a Qualifying Local Program, as defined in I.A.2.d. For sites not covered by a Qualifying Local Program, all parts of the permit apply except Part I.A.3. The permittee will be responsible for determining and then complying with the applicable sections.
- b) **Oil and Gas Construction:** Stormwater discharges associated with construction activities directly related to oil and gas exploration, production, processing, and treatment operations or transmission facilities are regulated under the Colorado Discharge Permit System Regulations (5CCR 1002-61), and require coverage under this permit in accordance with that regulation. However, references in this permit to specific authority under the Federal Clean Water Act (CWA) do not apply to stormwater discharges associated with these oil and gas related construction activities, to the extent that the references are limited by the federal Energy Policy Act of 2005.

2. **Definitions**

- a) **Stormwater:** Stormwater is precipitation-induced surface runoff.
- b) **Construction activity:** Construction activity refers to ground surface disturbing activities, which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.
- c) **Small construction activity:** Stormwater discharge associated with small construction activity means the discharge of stormwater from construction activities that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.
- d) **Qualifying Local Program:** This permit includes conditions that incorporate qualifying local erosion and sediment control program (Qualifying Local Program) requirements by reference. A Qualifying Local Program is a municipal stormwater program for stormwater discharges associated with small construction activity that has been formally approved by the Division.

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

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

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

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



A. COVERAGE UNDER THIS PERMIT (cont.)

- b) **Local Agency Authority:** This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of stormwater to storm drain systems or other water courses within their jurisdiction.
- c) **Permit Coverage Termination:** When a site under a Qualifying Local Program has been finally stabilized, coverage under this permit is automatically terminated.
- d) **Compliance with Qualifying Local Program:** A construction site operator that has authorization to discharge under this permit under Part I.A.3 shall comply with the requirements of the Qualifying Local Program with jurisdiction over the site.
- e) **Full Permit Applicability:** The Division may require any operator within the jurisdiction of a Qualifying Local Program covered under this permit to apply for and obtain coverage under the full requirements of this permit. The operator must be notified in writing that an application for full coverage is required. When a permit certification under this permit is issued to an operator that would otherwise be covered under Part I.A.3 of this permit, the full requirements of this permit replace the requirements as per Part I.A.3 of this permit, upon the effective date of the permit certification. A site brought under the full requirements of this permit must still comply with local stormwater management requirements, policies or guidelines as required by Part I.D.1.g of this permit.

4. **Application, Due Dates**

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

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

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

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

5. **Permit Certification Procedures**

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

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

A. COVERAGE UNDER THIS PERMIT (cont.)

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

6. **Inactivation Notice**

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

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

7. **Transfer of Permit**

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

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

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

8. **Reassignment of Permit**

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

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

A. COVERAGE UNDER THIS PERMIT (cont.)

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

9. **Sale of Residence to Homeowners**

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

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

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

10. **Permit Expiration Date**

Authorization to discharge under this general permit shall expire on June 30, 2012. The Division must evaluate and reissue this general permit at least once every five years and must recertify the permittee's authority to discharge under the general permit at such time. Therefore, a permittee desiring continued coverage under the general permit must reapply by March 31, 2012. The Division will initiate the renewal process; however, it is ultimately the permittee's responsibility to ensure that the renewal is submitted. The Division will determine if the permittee may continue to operate under the terms of the general permit. An individual permit may be required for any facility not reauthorized to discharge under the reissued general permit.

11. **Individual Permit Criteria**

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

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

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

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

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



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

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

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

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

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

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

3. **Stormwater Management Controls.**

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

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

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

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

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

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

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

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

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

4. Final Stabilization and Long-term Stormwater Management

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



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

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

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

5. **Inspection and Maintenance**

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

D. TERMS AND CONDITIONS

1. **General Limitations**

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

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

2. **BMP Implementation and Design Standards**

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

D. TERMS AND CONDITIONS (cont.)

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

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

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

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

This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 or 40 CFR 302. Any discharge of hazardous material must be handled in accordance with the Division's Noncompliance Notification Requirements (see Part II.A.3 of the permit).

5. **SWMP Requirements**

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

D. TERMS AND CONDITIONS (cont.)

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

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

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

6. **Inspections**

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

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



D. TERMS AND CONDITIONS (cont.)

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

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

b) **Inspection Requirements**

- 1) **Inspection Scope** - The construction site perimeter, all disturbed areas, material and/or waste storage areas that are exposed to precipitation, discharge locations, and locations where vehicles access the site shall be inspected for evidence of, or the potential for, pollutants leaving the construction site boundaries, entering the stormwater drainage system, or discharging to state waters. All erosion and sediment control practices identified in the SWMP shall be evaluated to ensure that they are maintained and operating correctly.
- 2) **Inspection Report/Records** - The permittee shall keep a record of inspections. Inspection reports must identify any incidents of non-compliance with the terms and conditions of this permit. Inspection records must be retained for three years from expiration or inactivation of permit coverage. At a minimum, the inspection report must include:
- i) The inspection date;
  - ii) Name(s) and title(s) of personnel making the inspection;
  - iii) Location(s) of discharges of sediment or other pollutants from the site;
  - iv) Location(s) of BMPs that need to be maintained;
  - v) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
  - vi) Location(s) where additional BMPs are needed that were not in place at the time of inspection;
  - vii) Deviations from the minimum inspection schedule as provided in Part I.D.6.a above;
  - viii) Description of corrective action for items iii, iv, v, and vi, above, dates corrective action(s) taken, and measures taken to prevent future violations, including requisite changes to the SWMP, as necessary; and
  - viii) After adequate corrective action(s) has been taken, or where a report does not identify any incidents requiring corrective action, the report shall contain a signed statement indicating the site is in compliance with the permit to the best of the signer's knowledge and belief.
- c) **Required Actions Following Site Inspections** – Where site inspections note the need for BMP maintenance activities, BMPs must be maintained in accordance with the SWMP and Part I.D.7 of the permit. Repair, replacement, or installation of new BMPs determined necessary during site inspections to address ineffective or inadequate BMPs must be conducted in accordance with Part I.D.8 of the permit. SWMP updates required as a result of deficiencies in the SWMP noted during site inspections shall be made in accordance with Part I.D.5.c of the permit.

7. **BMP Maintenance**

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

D. TERMS AND CONDITIONS (cont.)

8. **Replacement and Failed BMPs**

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

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

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

9. **Reporting**

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

10. **SWMP Availability**

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

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

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

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

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

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

E. ADDITIONAL DEFINITIONS

For the purposes of this permit:

1. **Best Management Practices (BMPs):** schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, pollution prevention, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage.
2. **Dedicated asphalt plants and concrete plants:** portable asphalt plants and concrete plants that are located on or adjacent to a construction site and that provide materials only to that specific construction site.
3. **Final stabilization:** when all ground surface disturbing activities at the site have been completed, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. For purposes of this permit, establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site will be considered final stabilization.
4. **Municipal separate storm sewer system:** a conveyance or system of conveyances (including: roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), owned or operated by a State, city, town, county, district, or other public body (created by state law), having jurisdiction over disposal of sewage, industrial waste, stormwater, or other wastes; designed or used for collecting or conveying stormwater.
5. **Operator:** the entity that has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, the developer, the general contractor or the agent of one of these parties, in some circumstances. It is anticipated that at different phases of a construction project, different types of parties may satisfy the definition of 'operator' and that the permit may be transferred as the roles change.
6. **Outfall:** a point source at the point where stormwater leaves the construction site and discharges to a receiving water or a stormwater collection system.
7. **Part of a larger common plan of development or sale:** a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules.
8. **Point source:** any discernible, confined and discrete conveyance from which pollutants are or may be discharged. Point source discharges of stormwater result from structures which increase the imperviousness of the ground which acts to collect runoff, with runoff being conveyed along the resulting drainage or grading pattern.
9. **Pollutant:** dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste.
10. **Process water:** any water which, during manufacturing or processing, comes into contact with or results from the production of any raw material, intermediate product, finished product, by product or waste product. This definition includes mine drainage.
11. **Receiving Water:** any classified stream segment (including tributaries) in the State of Colorado into which stormwater related to construction activities discharges. This definition includes all water courses, even if they are usually dry, such as borrow ditches, arroyos, and other unnamed waterways.
12. **Significant Materials** include, but are not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharge.
13. **Stormwater:** precipitation-induced surface runoff.



F. GENERAL REQUIREMENTS

1. **Signatory Requirements**

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

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

2. **Retention of Records**

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

3. **Monitoring**

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

If monitoring is required, the following definitions apply:

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

## PART II

### A. MANAGEMENT REQUIREMENTS

#### 1. Amending a Permit Certification

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

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

#### 2. Special Notifications - Definitions

- a) **Spill:** An unintentional release of solid or liquid material which may cause pollution of state waters.
- b) **Upset:** An exceptional incident in which there is unintentional and temporary noncompliance with permit discharge limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

#### 3. Noncompliance Notification

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

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

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

- 1) The noncompliance and its cause;
- 2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue;
- 3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

A. MANAGEMENT REQUIREMENTS (cont.)

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

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

5. **Bypass**

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

6. **Upsets**

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

7. **Removed Substances**

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

8. **Minimization of Adverse Impact**

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



A. **MANAGEMENT REQUIREMENTS (cont.)**

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

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

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

10. **Proper Operation and Maintenance**

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

B. **RESPONSIBILITIES**

1. **Inspections and Right to Entry**

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

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

2. **Duty to Provide Information**

The permittee shall furnish to the Division, within the time frame specified by the Division, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or inactivating coverage under this permit, or to determine compliance with this permit. The permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit.

3. **Transfer of Ownership or Control**

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

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

B. RESPONSIBILITIES (cont.)

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

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

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

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

B. RESPONSIBILITIES (cont.)

5. **Permit Violations**

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

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

6. **Legal Responsibilities**

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

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

7. **Severability**

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

8. **Renewal Application**

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

9. **Confidentiality**

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

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

10. **Fees**

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

B. RESPONSIBILITIES (cont.)

11. **Requiring an Individual CDPS Permit**

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

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

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



## **RATIONALE**

### **STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY**

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

	<b>CONTENTS</b>	<b>PAGE</b>
I.	<i>Introduction</i>	<i>1</i>
II.	<i>Changes in this General Permit</i>	<i>1</i>
III.	<i>Background</i>	<i>8</i>
IV.	<i>Stormwater Discharges Associated with Construction Activity</i>	<i>9</i>
V.	<i>Coverage Under this Permit</i>	<i>10</i>
VI.	<i>Application and Certification</i>	<i>10</i>
VII.	<i>Qualifying Local Programs</i>	<i>11</i>
VIII.	<i>Terms and Conditions of Permit</i>	<i>11</i>
IX.	<i>Public Notice – 12/22/06</i>	<i>15</i>
X.	<i>Public Notice – 3/23/07</i>	<i>15</i>

#### **I. INTRODUCTION**

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

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

#### **II. CHANGES IN THIS GENERAL PERMIT**

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

##### **A. Authority to Discharge**

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

II. CHANGES IN THIS GENERAL PERMIT (cont.)

B. Authority to Discharge – Oil and Gas Construction

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

C. Application Requirements

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

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

D. Temporary Coverage

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

E. Reassignment of Permit Coverage

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

F. Individual Permit Criteria

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

G. Stormwater Management Plan (SWMP)

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

H. Stormwater Management Plan (SWMP) – General Requirements

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

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

### I. Stormwater Management Plan (SWMP) – Contents

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

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

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

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

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

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

II. CHANGES IN THIS GENERAL PERMIT (cont.)

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

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

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



II. CHANGES IN THIS GENERAL PERMIT (cont.)

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

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

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

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

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

J. Terms and Conditions, General Limitations and Design Standards

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

1. Management of Site Waste

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

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

### K. Terms and Conditions, SWMP Requirements

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

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

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

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

### M. Terms and Conditions, Inspections

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

II. CHANGES IN THIS GENERAL PERMIT (cont.)

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

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

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

O. Total Maximum Daily Load (TMDL)

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

P. Additional Definitions

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

Q. Changes in Discharge

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

R. Non-Compliance Notification

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

S. Short Term Certifications

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

T. Bypass

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

### III. BACKGROUND

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

#### A. General Permits

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

#### B. Permit Requirements

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

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

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

### III. BACKGROUND (cont.)

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

#### C. Violations/Penalties

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

### IV. STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

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

#### A. Construction Activity

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

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

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

#### B. Types of Discharges/Activities Covered

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



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

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

##### C. Types of Activities NOT Covered

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

#### V. COVERAGE UNDER THIS GENERAL PERMIT

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

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

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

#### VI. APPLICATION AND CERTIFICATION

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

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

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

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

## VII. QUALIFYING LOCAL PROGRAMS

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

### A. Approval Termination

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

### B. Approval Expiration

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

## VIII. TERMS AND CONDITIONS OF PERMIT

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

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

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

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

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

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

B. Stormwater Management Plans (SWMPs)

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

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

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

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

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

**Master SWMP**

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

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

C. Total Maximum Daily Load (TMDL)

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

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

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

D. Monitoring

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

E. Facility Inspections

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

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

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

F. SWMP Revisions

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

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

G. Reporting

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

H. Annual Fee

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

I. Responsibility for Permit

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

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

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

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

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



VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

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

J. Duration of Permit

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

Kathleen Rosow  
December 18, 2006

IX. PUBLIC NOTICE – 12/22/06

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

Kathleen Rosow  
March 22, 2007

X. PUBLIC NOTICE – 3/23/07

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

Kathleen Rosow  
May 31, 2007