Colorado Springs Utilities
It's how we're all connected

August 2, 2013

Ms. Joan Armstrong
Director of Planning & Development
Pueblo County
229 West 12th Street
Pueblo, CO 81003-2810

Subject: **SDS – Construction Permits for Raw Water Pipeline Segments in Pueblo County**

Dear Ms. Armstrong:

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:

Pueblo Dam Connection 1B (PDC1B):

- US Bureau of Reclamation, Special Use Permit No. 13-LM-60-1111 – Construction of the Southern Delivery System Pueblo Dam Connection Work Package 1B - Pueblo Reservoir - Bureau of Reclamation - Fryingpan-Arkansas Project, Colorado
- Pueblo County Flood Hazard Development Permit No. FP 2013-003
- CDPHE Air Pollutant Emission Notice (APEN) and Application for Land Development General Permit Receipt Confirmation
- CDPHE Certification to Discharge Under CDPS General Permit COR0300000, Stormwater Associated with Construction Activities, Certification No. COR03G746
- CDPHE Certification to Discharge Under CDPS General Permit COG070000, Construction Dewatering Operations, Certification No. COG074445
- SDS PDC1B Dewatering/Water Control Plan prepared by Garney Construction (per Mitigation Condition C-8, No. 2)

Juniper Pump Station:

- US Bureau of Reclamation, Special Use Permit No. 13-LM-60-1627 - Installation of the Southern Delivery System Juniper Raw Water Pump Station - Pueblo Reservoir - Bureau of Reclamation - Fryingpan-Arkansas Project, Colorado
- CDPHE Air Pollution Control Division (APCD) Land Development GP03 General Permit Approval for Package #293595
- CDPHE Certification to Discharge Under CDPS General Permit COR0300000, Stormwater Associated with Construction Activities, Certification No. COR03K714
- Pikes Peak Regional Building Department Building Inspection Permit for Juniper Pump Station
- Pueblo County Board of County Commissioners Resolution No. 12-270 Approving the Final Stage of the Exterior Design and Architecture of the Juniper Pump Station

If you have any questions regarding the attached, please feel free to contact me directly at 719-668-8693.

Sincerely,

Mark Pifher
Permitting and Compliance Manager
Southern Delivery System

Attachments:
Permits and correspondence for indicated construction activities

United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
Eastern Colorado Area Office
11056 West County Road 18E
Loveland, Colorado 80537-9711

IN REPLY REFER TO:

JUL 30 2013

EC-1310
LND-6.00 (SDS)

Keith Riley
Colorado Springs Utilities
P.O. Box 1103 MC: 930
Colorado Springs, CO 80947

Subject: Special Use Permit No. 12-LM-60-1111 – Construction of the Southern Delivery System Pueblo Dam Connection Work Package 1B – Pueblo Reservoir - Bureau of Reclamation – Fryingpan-Arkansas Project, Colorado

Dear Mr. Riley:

Enclosed is a fully executed Special Use Permit authorizing Colorado Springs Utilities to connect to Pueblo Dam River Outlet Works and utilize Bureau of Reclamation lands at Pueblo Reservoir for the construction of the Southern Delivery System Pueblo Dam Connection Work Package 1B and associated facilities.

Thank you for your cooperation and assistance on this matter. Should you have any questions, please contact Tara Piper at (970) 962-4381.

Sincerely,

Michael P. Collins
Area Manager

Enclosures

cc: Eric Spain
Fountain Valley Authority
P.O. Box 1103, Mail code 0045
Colorado Springs, CO 80947 (w/enclosures)

Brad Henley
Park Manager
Lake Pueblo State Park
Colorado Parks and Wildlife
640 Pueblo Reservoir Road
Pueblo, CO 81005 (w/enclosures)

GP-76 (Revised 4-07)
Bureau of Reclamation

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
GREAT PLAINS REGION

Special Use Permit

Contract Number: 12-LM-60-1111

Exhibits Attached: A through G
(Place Contract No. on all Exhibits)

Term: (Not to Exceed 50 Years)

From: July 27, 2012

To: July 27, 2016

Permit Fee: $ Waived, 43 CFR Part 429, Subpart F

Successive Fee: $ 0

Permitee:
Colorado Springs Utilities
P.O. Box 1103 MC: 930
Colorado Springs, CO 80947

Purpose: (Specify use requested: what, quantities, dimension, etc.)
Authorize Colorado Springs Utilities (Springs Utilities) to connect to the existing Pueblo Dam river outlet works and install approximately 1,560 feet of 90-inch raw water pipeline, flow meter vault, hydropower turnout, 90-inch tee connection, 85 feet of 72-inch pipeline and associated facilities for Work Package 1B (PDC1B) of the Southern Delivery System on Reclamation lands (Exhibit D). Install approximately 1,350 linear feet of fiber optic conduit adjacent to PDC1B. The pipelines will be buried between 4 feet and 38 feet depth. In addition, approximately 470 feet of 24-inch pipe and 30 feet of riprap lining the river channel will be installed, as part of the Arkansas River blowoff. Approximately 1,440 feet of telephone line will be relocated and buried 36 inches. The raw water pipeline, fiber optic conduit, telephone line, and river blowoff will cross above the Fountain Valley Conduit (Exhibit D). After construction, Springs Utilities will transfer ownership of the 90-inch pipeline to Reclamation for operation and maintenance. A separate permit will be issued to Springs Utilities for long-term operation and maintenance of PDC1B and Juniper Pump Station.

Description of Premises: (Specify legal descriptions of land and major features such as reservoir, canal, etc.)
A temporary construction permit area is included and is approximately 7.4 acres (Exhibits B, C and E). The permit area is approximately 4.5 acres and both are located in the NE1/4, Section 36, Township 20 South, Range 66 West, 6th Principal Meridian, Pueblo County, Colorado (Exhibits B, C and E).

Special Conditions:
See attached Exhibit A.

The Permittee hereby accepts this permit subject to the terms, covenants, obligations and reservations, expressed or implied herein.

Sign name or names as written in body of permit; for co-partnership, permittees should sign as "members of firm;" for corporation, the officer authorized to execute contracts, etc., should sign, with title the sufficiency of such signatures being attested by the Secretary, with corporate seal, in lieu of witness.

ASSIGN / MANAGING AGENCY

AGENCY Colorado Parks and Wildlife
SIGNATURE Bradley J. Hanley
TITLE Park Manager
ATTEST Monique Mullis
DATE 7.23.2013

PERMITTEE Colorado Springs Utilities
SIGNATURE [signature]
TITLE SPS Program Director
ATTEST [signature]
DATE 7.24.2013

Michael P. Collins, Area Manager, Eastern Colorado Area Office
Approved by Issuing Officer, (Name and Title)

[signature]
Signature

7/30/2013
Date

Finance Copy (White) Permittee Copy (Green) Lands Copy (Yellow) Managing Agency Copy (Pink) Issuing Office Copy (Gold)

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
UTILITIES DIVISION

GP-76 (Revised 4-07)
Bureau of Reclamation

GENERAL CONDITIONS

Authority to issue permits by the United States is contained in the Act of Congress of June 17, 1902 (32 Stat. 388), and acts amendatory thereto or supplementary thereto; particularly section 10 of the Act of August 4, 1939 (53 Stat. 1196), as amended by the Act of August 18, 1950 (64 Stat. 463; 43 U.S.C. 387); and 43 CFR 429.

This permit is issued as authorized by Reclamation Law and subject to all conditions contained herein.

1. Payments. All payments shall be made to the issuing office of the Bureau of Reclamation on or before the date of issue by a postal money order or a check made payable to the Bureau of Reclamation (Reclamation).

2. Use Limitations. The permitted use: (a) is limited to the purposes and Premises herein specified; (b) does not unless specified in the permit grant any rights to water, (c) does not unless provided for in the permit allow restriction of public entry or uses or to the area; (d) is subject to existing easements, rights-of-way, or resevations; (e) is subject to the right of Reclamation to grant other permits for the same premises upon a finding by the issuing Officer that the additional use is compatible with the use permitted herein; and shall not impede Reclamation, its agents or assigns from carrying on whatever activities are necesssary, to: (1) protect and maintain the premises, facilities, and adjacent lands administered by the United States and its agencies and (2) manage all resources located on the premises and other Reclamation lands.

3. Damages. The United States shall not be responsible for any loss or damage to property arising from the issuance of this permit, including but not limited to damages to growing crops, animals, and machinery; or injury to the Permittee or its associates, officers, agents, employees, or any third parties who are on the premises; or for damages or interference caused by natural phenomena. To the extent permitted by law, the Permittee agrees to save the United States and any of its assigns or agents, harmless from any and all claims by the Permittee, or by third parties, for damages or losses that may arise from or be incident to any activity associated with this permit; except damages caused by the negligent or wrongful act of a Government employee.

4. Operating Rules and Laws. The Permittee shall keep the premises in a neat and orderly condition at all times and shall comply with all municipal, county, state, and federal laws, rules, and regulations applicable to their operations under the permit. Also, the Permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of fires.

5. Responsibility of Permittee. The Permittee, by operating on the premises, shall be considered to have accepted these premises with all the facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of period specified or upon earlier termination, the Permittee shall give up the premises in like condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The Permittee will fully repay Reclamation for any and all damage, directly or indirectly, resulting from the Permittee's negligence or failure to use reasonable care.

6. Revocation. (a) Violation: This permit may be revoked on the tenth day following written notice to the Permittee upon a finding by Reclamation that the Permittee has violated any of the terms herein or made use of the premises for purposes not herein prescribed: Provided that if said violation or nonprescribed use of the premises ceases within 10 days of receipt of notice, the Permittee will be allowed to maintain occupancy under this permit.
(b) Non-use and project purposes: This permit may also be revoked with 30 days written notice to the Permitte upon a finding by Reclamation that:
(1) The Permittee has failed to use or discontinued use of the premises or
(2) The premises are needed for project purposes.
(c) Possession: Upon any such revocation, Reclamation, by and through any authorized representative may take possession of said premises for its own and sole use in accordance with Section 10.

7. Cultural Values. Should evidence of historical, archaeological, or paleontological sites be discovered during use of the premises, the Permittee Immediately shall suspend operations and advise the issuing officer.

8. Compliance. Failure of Reclamation to insist upon strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or relinquishment of Reclamation's right to thereafter enforce any of permit's terms, conditions, or requirements.

9. Termination. At the termination of this permit, the Permittee shall immediately give up possession to Reclamation, reserving, however, the rights specified in Paragraph 10. Upon failure to do so, the Permittee shall pay the Government, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is retained. The acceptance of any fee for liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an approval of the Permittee's possession.

10. Removal of Permittee's Property. Upon the expiration, termination, or revocation of this permit, if all rental charges and damage claims due the Government have been paid, the Permittee may remove all structures, machinery, or other property from the premises. Upon failure to remove any of the said property within 60 days of expiration, termination, or revocation, it shall become the property of the United States and the Permittee shall pay the United States for all expenses related to property removal.

11. Transfer of Privileges. This permit is not transferable.

12. Refunds. All money paid under this permit shall be retained by the Government. If Section 6(b)(2) is exercised, the fee paid under this permit shall be refunded by a prorata share as determined by Reclamation.

13. Official Barred from Participating. No Member of Congress or Resident Commissioner shall participate in any part of this contract or to any benefit that may arise from it, but this provision shall not pertain to this contract if made with a corporation for its general benefit.

14. Nondiscrimination in Employment. The Permittee agrees to be bound by the equal opportunity clause of Executive Order 11246.

15. Liability. The permitted activities shall be conducted so as not to interfere with the operation, maintenance, and administration of Reclamation Projects. Any additional repairs, maintenance, or expense to Reclamation Projects as a result of the permitted activities shall be reimbursed to the United States by the Permittee. The Permittee may review such expenses; however, the Secretary of the Interior's determination of such expense shall be final and binding upon the parties hereto.

16. Trespass. Any use of the premises not herein prescribed shall be considered a trespass. Any violation or trespass on any Reclamation lands by the Peremittee shall be cause for revocation of this permit, in accordance with Section 6.(a). The Permittee shall be liable for any damages resulting therefrom, and an approximate charge as determined by the issuing officer shall be made to the Permittee. Any property constructed in trespass shall be considered property of the United States, and the Permittee shall pay the United States for all expenses related to property removal.

17. Disclosure. In accordance with the Privacy Act of 1974 (PL 93-579), please be advised that: (a) Participation is voluntary; however, failure to answer all questions fully may delay processing of this application or result in denial of (b) information will be used as criteria for the issuance of special use permits and forr identification of personnel having special use permits on Reclamation lands; and (c) in the event there is indicated a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, the requested information may be transferred to the appropriate Federal, State, or local agency charged with investigation or processing such violations.

18. In Addition:
(a) The (Contractor) shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored,or disposed of on or in lands, waters, or facilities owned by the United States or administered by Reclamation.

(b) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. 42 U.S.C.-1901. et. seq., o and the regulations promulgated pursuant to the Act.

(c) The (Contractor) may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including but not limited to, the misuse of pesticides, pesticide containers or any other pollutants.

(d) The (Contractor) shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(e) Violation of any provisions of this Article shall constitute grounds for immediate termination of this permit and shall make the (Contractor) liable for and the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

(f) The (Contractor) agrees to include the provision contained in paragraphs (a) through (e) of this Article in any subcontract or third party contract it may enter into pursuant to the permit.

(g) Reclamation agrees to provide information necessary for the (Contractor), using reasonable diligence, to comply with the provision of this Article.

Special Use Permit 12-LM-60-1111
Exhibit A

1. The Permittee shall construct the proposed PDC1B pipeline and associated facilities, as described in the attached drawings and limit all construction activities within the permit area, as shown in Exhibits C, D, and E.

2. The Permittee shall comply with Reclamation's regulations for health and safety and all other applicable federal, state, and local laws and regulations. The Reclamation Safety and Health Standards can be found at: http://www.usbr.gov/ssle/safety/RSHS/rshs.html

3. The Permittee shall follow the requirements and implement the procedures as written in **The Southern Delivery System Project Construction Management Plan Pueblo Dam Connections Work Package 1B, May 22, 2013**, while performing any activities on Reclamation land.

4. The Permittee shall obtain a Special Work Permit from Reclamation's Pueblo Field Office for all work immediately adjacent to Pueblo Dam, and all work inside Reclamation's operational areas.

5. The Permittee shall consult with Colorado Parks and Wildlife (CPW) prior to construction activities, in order to minimize impacts to State Park operations. The Permittee shall comply with the agreements and commitments in the existing Memorandum of Understanding (MOU), between Division of Parks and Outdoor Recreation and Colorado Springs Utilities, dated April 4, 2011, including any modifications or extensions to the MOU, and the following;

   a. The Permittee shall consult with Reclamation and CPW prior to any road closures, rerouting of traffic, or restrictions affecting access to public roads. The Permittee shall be responsible for providing traffic control methods, such as flaggers and appropriate signage.
   b. The Permittee shall restore roads and/or trails within the permit area as described in the MOU to original condition at a minimum.

6. The Permittee shall:

   a. Minimize damage to existing roads and adjoining haul routes,
   b. Not drive off improved roadways during periods of wet soil conditions, as evidenced by rutting of more than two inches in depth,
   c. Limit vehicle access to those areas which have been previously disturbed,
   d. Obliterate and revegetate all vehicle tracks, in areas which would not otherwise be disturbed as part of the construction, so as to not encourage unauthorized or inappropriate use of travel routes by the public.

7. The Permittee shall ensure the clean up and removal of any flagging, survey markers, and trash from construction activities within 30 days of completion of construction.

8. The Permittee shall follow and implement the environmental commitments during construction of PDC1B pipeline and associated facilities as stated in the Record of Decision for the Southern Delivery System Final Environmental Impact Statement Number GP-2009-01, dated March 20, 2009. The Permittee shall follow the terms and conditions as stated in the Contract 11XX6C0005, dated May 4, 2011, between The United States of America and the City of Colorado Springs for Conveyance and for the Operation, Maintenance and Replacement Costs Associated with the North Outlet Works a Facility of the Fryingpan-Arkansas Project.

9. The Permittee shall furnish to Reclamation, a copy of the as-built drawings upon completion of construction. The survey shall show the exact location, size, and placement of the pipeline and appurtenant features.

10. The Permittee shall be responsible to obtain all other required permits, which may be required prior to construction.

11. The Permittee is responsible for locating utilities prior to proposed construction activities.

12. The Permittee must not interfere with Reclamation's ability to fulfill its contractual obligation to deliver water through the Fountain Valley Conduit (FVC). Construction and any excavations shall be performed in such a manner so as to prevent any damage to the FVC and associated facilities. Crossing activities shall be in accordance with Reclamation's Engineering and O&M Guidelines for Crossings, April 2008 (Exhibit F), and as required in Sections a. through h. below;

    a. The Permittee shall provide Reclamation a Crossing Plan for review and approval, at least three weeks prior to crossing the FVC. The plan shall be reviewed and stamped by a registered professional engineer, consisting of drawings and text describing the crossings. The crossing requirements in Reclamation's Engineering and O&M Guidelines for Crossings, dated April 2008, shall be incorporated in the crossing plan.
    b. The crossing plan shall include an elevation and plan view of the crossing showing all pertinent clearances and an engineering analysis showing how any excavations affect the structural support of the FVC, in a filled-with-water-condition.
    c. A minimum clearance of 24-inches shall be maintained between the proposed PDC1B pipeline and the FVC, as described in Reclamation's Standard Crossing and Clearance Requirements (Exhibit G). The Permittee shall implement the following crossing requirements for warning tape, as described in Reclamation's Engineering and O&M Guidelines for Crossings, April 2008: 3.3 Detectable Warning Tape; 3.3.b. nonpotable water lines; and 3.3.e. telecommunication conduits.
    d. No blasting activities are permitted for the proposed construction without prior review and written approval of a Blasting Plan from Reclamation.
    e. Travel across the FVC pipeline shall not exceed HS-15 Loading, including in the staging areas and temporary construction areas.
    f. Planned FVC crossing activities where weight of vehicles and/or equipment exceeds the HS-15 Loading, must be reviewed by Reclamation on a case-by-case basis and may require additional protection measures.
    g. The Permittee shall notify the Fountain Valley Authority (FVA) at least three working days prior to the date of commencing work involving the installation, repair, or replacement of the PDC1B pipeline and associated facilities.
    h. Reclamation and the FVA shall have the right to inspect all facilities constructed within the FVC easement and subsequent repair thereof, and the applicant agrees to reimburse FVA for all administration, repair, and inspection costs incurred hereby.

13. The Permittee shall notify and coordinate construction activities with Pueblo West Metropolitan District prior to construction.

14. The Permittee shall contact the Army Corps of Engineers to obtain the necessary permits to comply with Sections 401 and 404 of the Clean Water Act, and provide a copy of approved permits prior to any construction or ground disturbing activities.

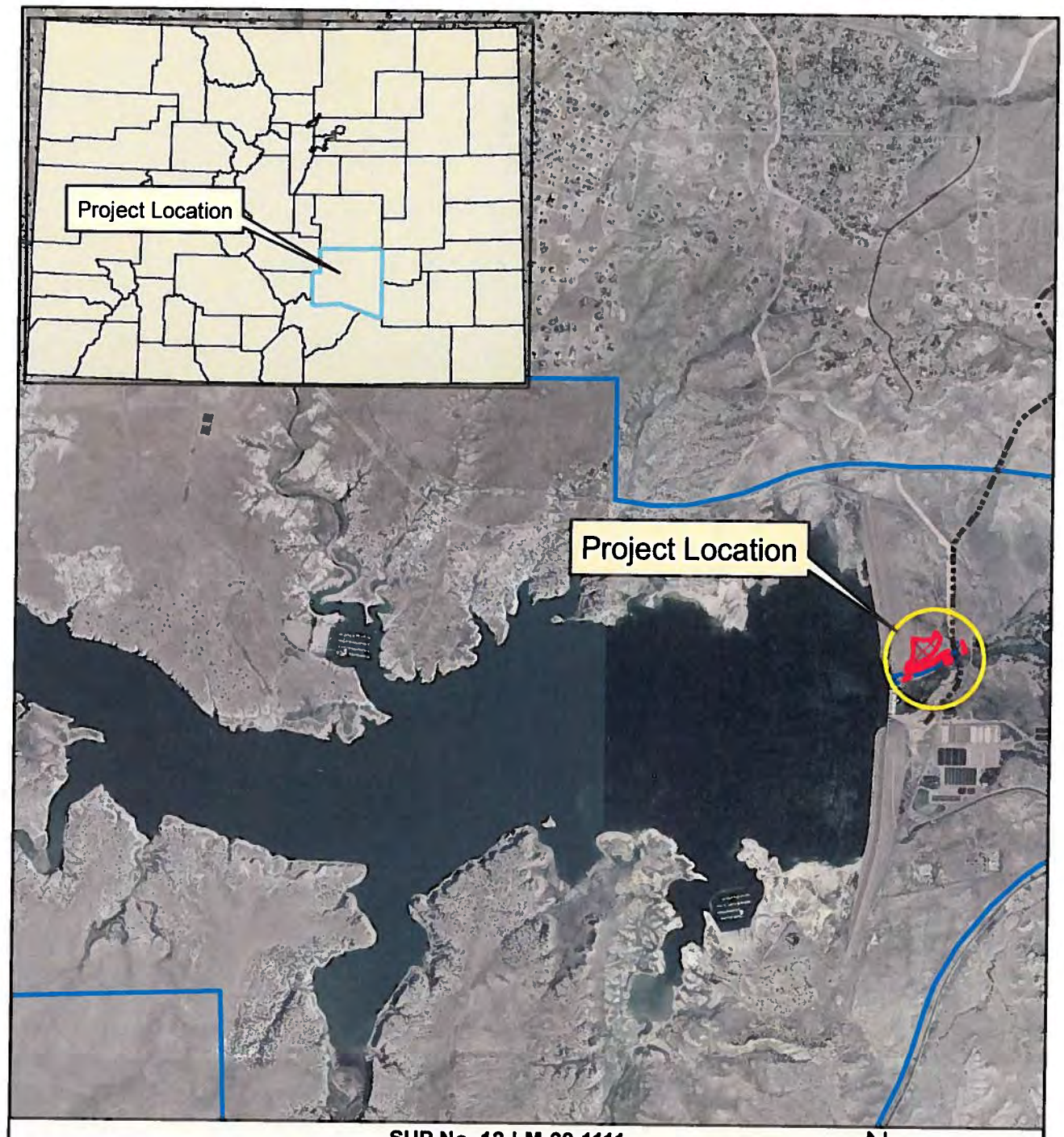
15. The Permittee shall restore the permit area to pre-existing conditions following completion of proposed construction activities, as described in the Documents for the Construction of the Southern Delivery System Raw Water Pipeline Work Package 1B Pueblo West Connection and River Pump Station Suction Improvement Volume 1 of 2, Specifications Conformed

Documents, March 1, 2013. The Permittee shall prevent erosion during and after construction using Best Management Practices and methods. This includes temporary erosion control devices, ditches, fencing, and re-vegetation with a Reclamation-approved seed mixture.

16. If any cultural resources, graves, or human remains are encountered during ground-disturbing activities on Reclamation lands, all activity must be stopped in the immediate area of the discovery site. The Permittee must secure the site and notify Reclamation of the discovery immediately by calling 970-962-4410.

17. The Permittee shall submit a plan that specifies how disturbed areas associated with temporary impacts to waters of the U.S. and upland/terrestrial vegetative communities shall be restored to pre-construction condition. The Permittee is responsible for the restoration until successful. Success is 90% or greater vegetation cover condition of native non-invasive vegetation.

18. The Permittee and its contractors shall follow the above Special Conditions numbers 1 through 17 on Reclamation lands. Reclamation may suspend any activities by the Permittee and its contractors for non-compliance with the above Special Conditions, including activities that in any way interfere with or threaten to interfere with the use of Reclamation's subject lands, FVC easement, operation, maintenance, Construction Management Plan, or administration of the Fryingpan-Arkansas Project.



SUP No. 12-LM-60-1111
Permit Area for PDC1B
NE1/4, Section 36, T.20S., R.66W., 6th P.M.,
Pueblo County, CO

N

1:40,000

Legend

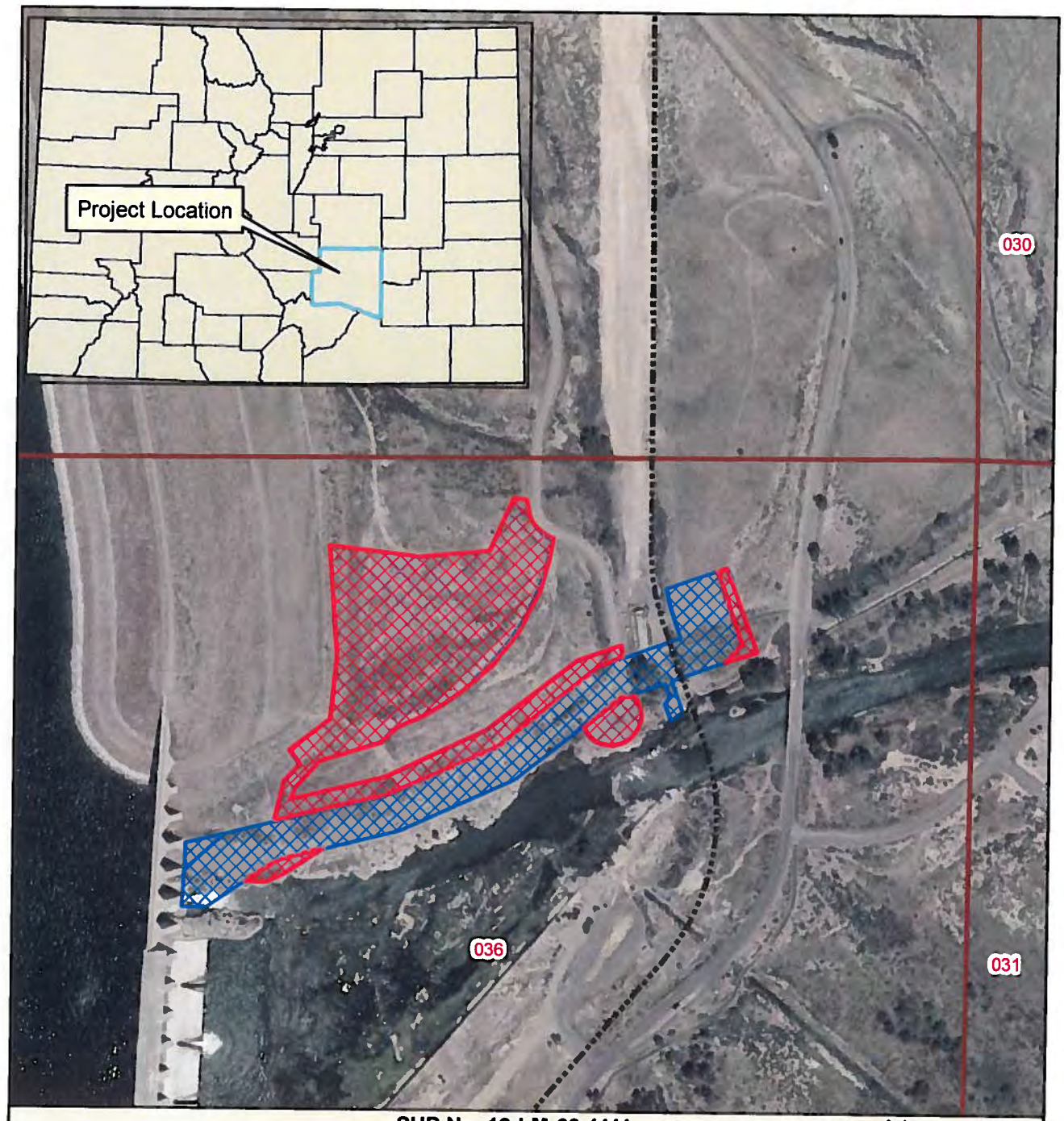
- PDC1B Permit Area
- Pueblo Reservoir Boundary
- FVA Easement
- Temporary Construction Area

0 0.150.3 0.6 0.9 1.2 Miles

RECLAMATION
Managing Water in the West

This map was prepared from the best available information and is subject to certain inaccuracies. Created by Bureau of Reclamation Eastern Colorado Area Office: June 4, 2012

Exhibit B



SUP No. 12-LM-60-1111
Permit Area for PDC1B
NE1/4, Section 36, T.20S., R.66W., 6th P.M.,
Pueblo County, CO

N

1:5,000

Legend

- Section Line
- PDC1B Permit Area
- FVA Easement
- Temporary Construction Area

0 245 490 980 Feet

RECLAMATION
Managing Water in the West

This map was prepared from the best available information and is subject to certain inaccuracies. Created by Bureau of Reclamation Eastern Colorado Area Office. June 4, 2012

Exhibit C

Exhibit D

FINAL DESIGN SUBMITTAL
DOCUMENTS FOR THE CONSTRUCTION OF THE
SOUTHERN DELIVERY SYSTEM
PUEBLO DAM CONNECTION
WORK PACKAGE 1B,
PUEBLO WEST CONNECTION, AND
RIVER PUMP STATION SUCTION IMPROVEMENTS

SDS
Water for generations

Colorado Springs Utilities
It's how we're all connected

City of Fountain
Pure Colorado

Security Water Utility Districts District

Pueblo West
COLORADO

VOLUME 2 OF 2
DRAWINGS

MARCH 2012

CH2MHILL
Colorado Springs, CO 80903

OWNER'S REPRESENTATIVE:
JED CHAMBERS
COLORADO SPRINGS UTILITIES
121 S. TEJON, 3rd FLOOR
COLORADO SPRINGS, CO 80947
PHONE: (719)-668-8058
E-MAIL: jchambers@csu.org

OWNER'S REPRESENTATIVE:
DANIEL F. HIGGINS
PUEBLO WEST METROPOLITAN DISTRICT
20 W. PALMER LAKE DRIVE
PUEBLO, CO 81007
PHONE: (719) 547-5042
E-MAIL: dhiggins@pwmd-co.us

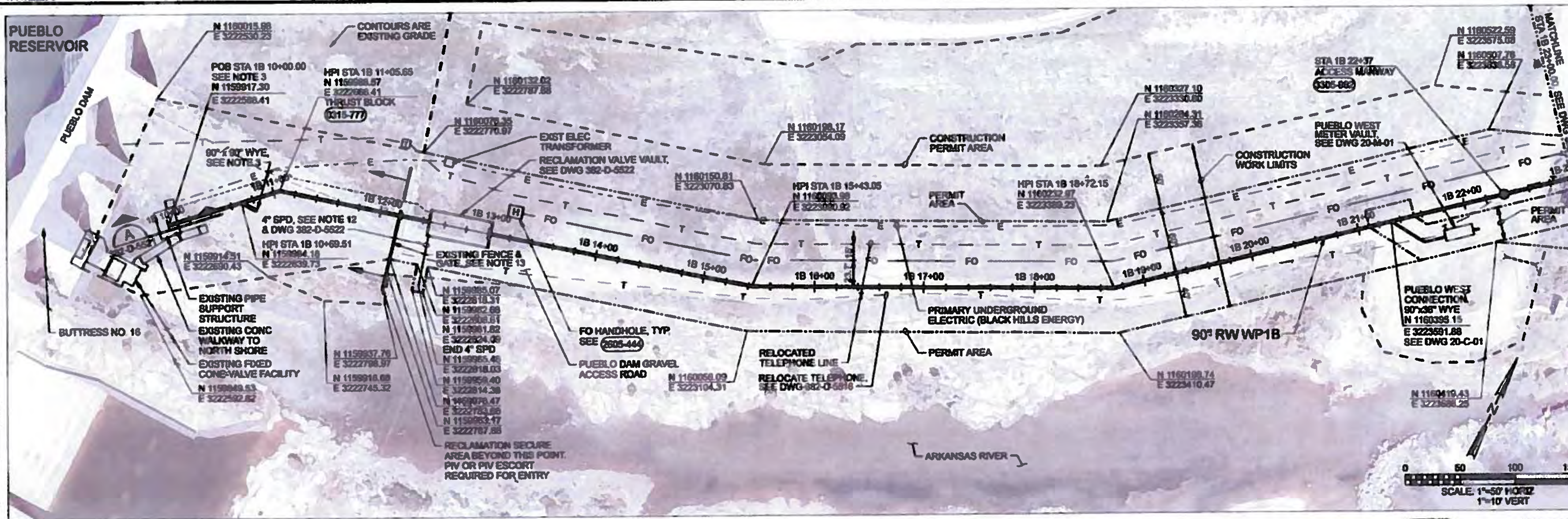
ENGINEER'S REPRESENTATIVE:
STEPHANIE HARRISON, P.E.
90 S. CASCADE AVE, SUITE 700
COLORADO SPRINGS, CO 80903
PHONE: (719)-477-4945
E-MAIL: stephanie.harrison@ch2m.com

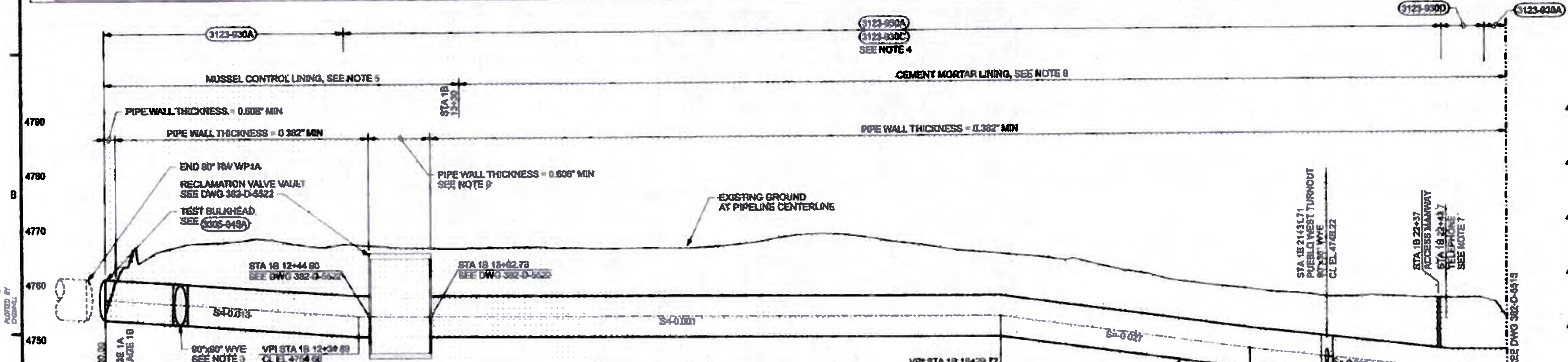
ENGINEER'S REPRESENTATIVE:
MARK ROSSER, P.E.
90 S. CASCADE AVE, SUITE 700
COLORADO SPRINGS, CO 80903
PHONE: (719)-477-4950
E-MAIL: mark.rosser@ch2m.com

382-D-5499

SU Project Number: SDS-002 SU Work Order Number: 1146977

FILENAME: PD1BFDs0914_171472.dgn PLOT DATE: 3/19/2012 PLOT TIME: 3:09:34 PM





NOTES:
1. REMOVE WP-1A BULKHEAD AND WP 1B TEST BULKHEAD (3305-845A) AFTER SUCCESSFUL COMPLETION OF HYDROSTATIC TESTING AND AFTER DRAINING. CONNECT TO 90" RW WP1A. SEE DWG 382-D-5521. VERIFY BY FIELD SURVEY THE LOCATION OF EXISTING 90" RW WP1A PRIOR TO START OF PIPE FABRICATION
2. BEGIN MUSSEL CONTROL LINING.
3. TURNOUT FOR FUTURE HYDRO-POWER PLANT. SEE DWG 382-D-5526. INSTALL TEST BULKHEAD AT END OF TURNOUT. SEE (3305-845A)
4. RESTORE PER (3123-930C) WHERE EXISTING GRAVEL ROAD IS DISTURBED. ELSEWHERE, RESTORE PER (3123-930A)
5. LINE 90" RW WP1B WITH MUSSEL CONTROL LINING. SEE SPECIFICATION SECTION 09 97 14, MUSSEL CONTROL LINING.
6. LINE 90" RW WP1B WITH 1/2" CEMENT MORTAR LINING. SEE SPECIFICATION SECTION 33 05 01.02, WELDED STEEL PIPE AND FITTINGS - WELD BEFORE BACKFILL.
7. EXISTING TELEPHONE TO BE RELOCATED, SEE DWG 382-D-5516.
8. INSTALL WORK LIMIT FENCING ALONG EACH SIDE OF CONSTRUCTION WORK LIMITS
9. MINIMUM PIPE WALL THICKNESS FOR EXPOSED PIPE.
10. FIELD WELDED JOINTS SHALL BE DOUBLE LAP WELDED OR BUTT JOINT WELDED IN ACCORDANCE WITH SECTION 33 05 01.02, WELDED STEEL PIPE AND FITTINGS - WELD BEFORE BACKFILL. SEE (3305-804) AND (3305-808)
11. INSTALL TYPE J (CLSM) BACKFILL IN PIPE ZONE AND TO TOP OF BEDROCK, WHERE TOP OF BEDROCK IS BELOW ELEVATION EQUAL TO TOP OF PIPE ZONE. INSTALL TYPE J (CLSM) BACKFILL TO TOP OF PIPE ZONE.
12. SLOPE 4" SPD 1.0% FROM RECLAMATION VALVE VAULT TO ALLOW FOR GRAVITY FLOW.
13. REMOVE EXISTING METAL GATE PRIOR TO CONSTRUCTION AND REPLACE TO PRE-CONSTRUCTION CONDITION FOLLOWING COMPLETION OF CONSTRUCTION

SEE NOTE 11

1B 10+00 | 1B 11+00 | 1B 12+00 | 1B 13+00 | 1B 14+00 | 1B 15+00 | 1B 16+00 | 1B 17+00 | 1B 18+00 | 1B 19+00 | 1B 20+00 | 1B 21+00 | 1B 22+00 | 1B 23+00

RECLAMATION
Managing Water in the West

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

CH2MHILL
Colorado Springs, CO 80903

ALWAYS THINK SAFETY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
FRYINGPAN-ARKANSAS PROJECT - COLORADO
SOUTHERN DELIVERY SYSTEM

PUEBLO DAM CONNECTIONS

PDC1B SITE CIVIL / PIPING

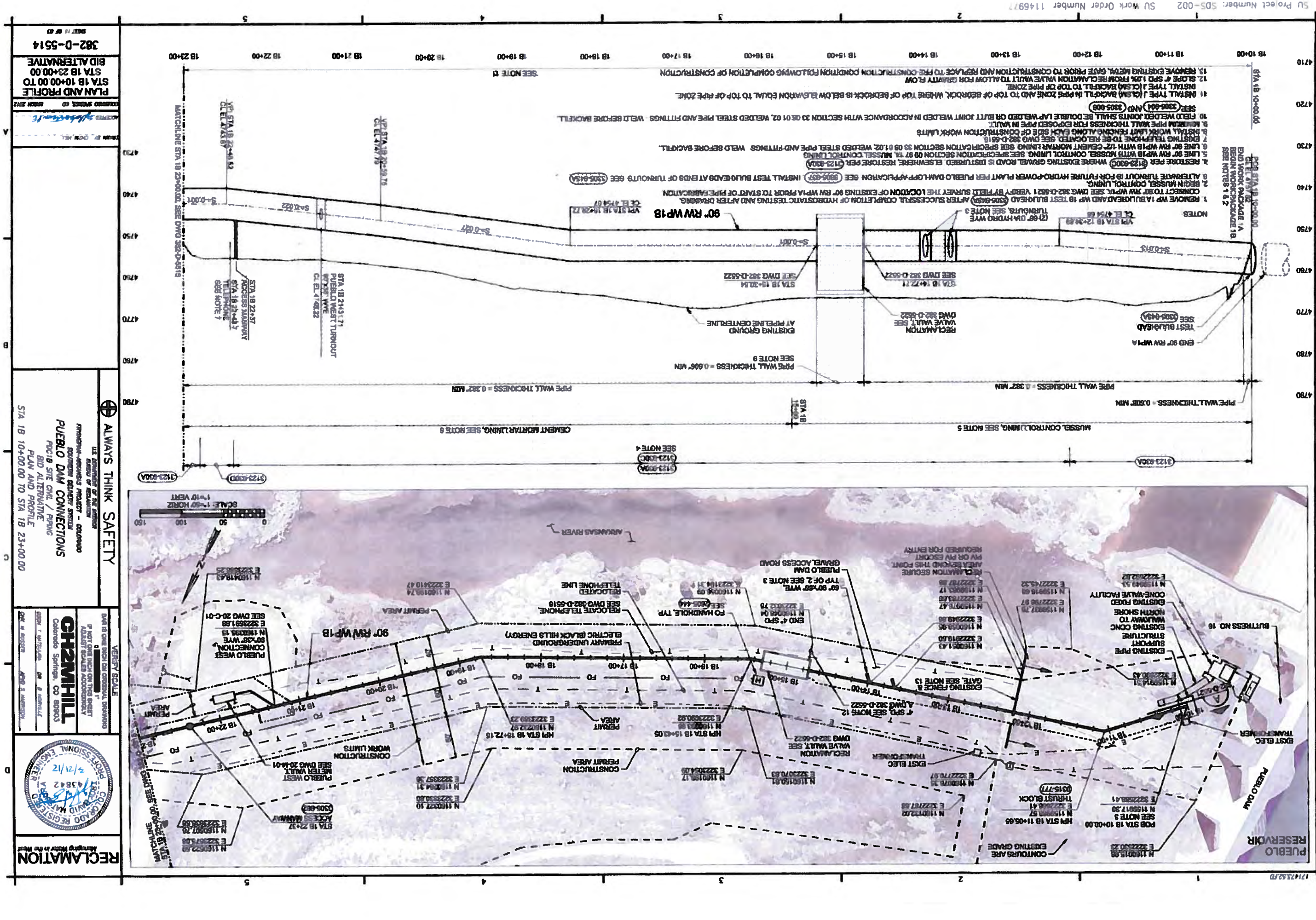
PLAN AND PROFILE
STA 1B 10+00.00 TO STA 1B 23+00.00

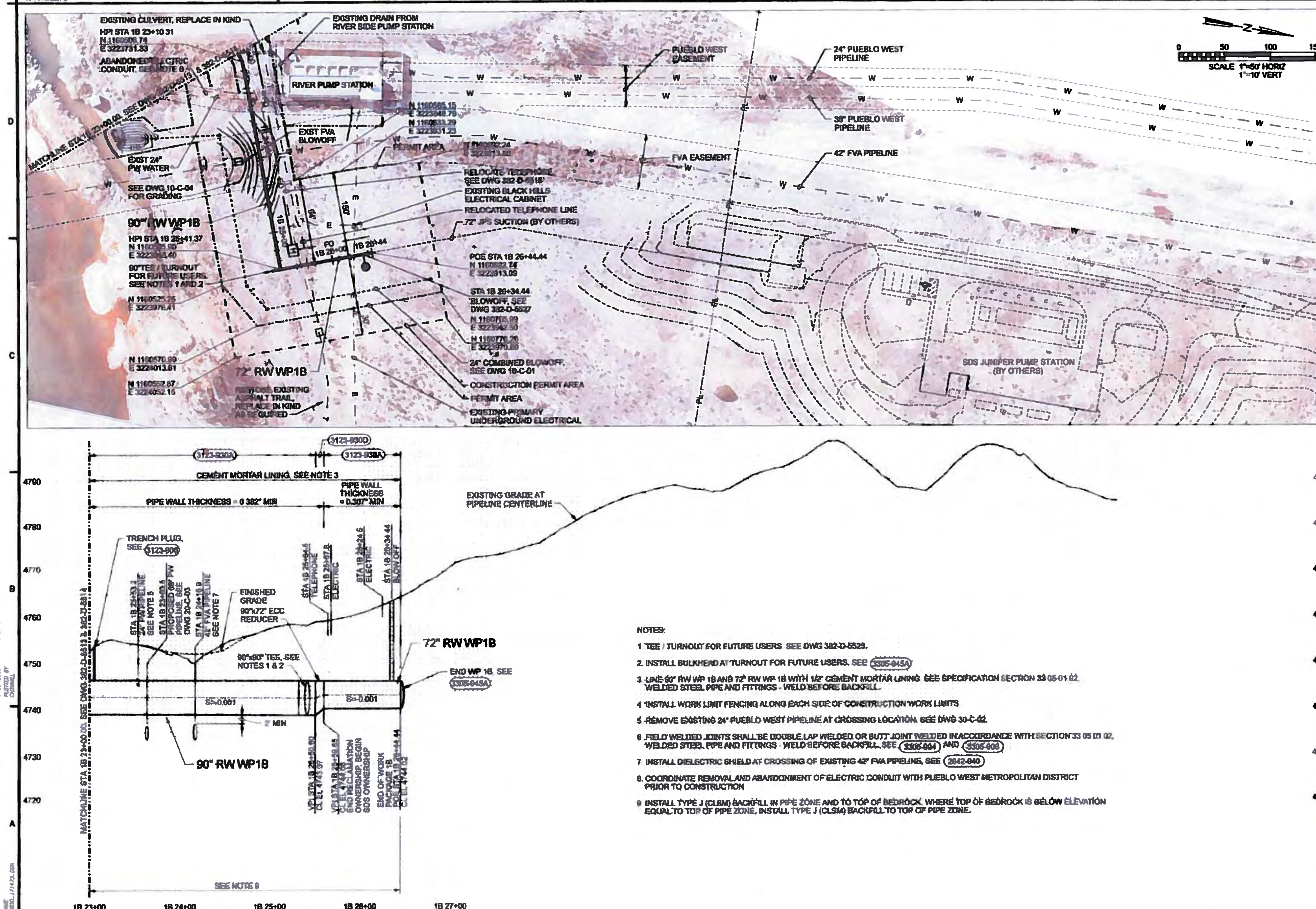
PLAN AND PROFILE
STA 1B 10+00.00 TO
STA 1B 23+00.00

382-D-5513

SU Project Number: SDS-002   SU Work Order Number: 1146977

SU Project Number: 505-002 SU Work Order Number 1146977





NOTES:

1. TEE / TURNOUT FOR FUTURE USERS. SEE DWG 382-D-5525.
2. INSTALL BULKHEAD AT TURNOUT FOR FUTURE USERS. SEE 3305-045A
3. LINE 90" RW WP 1B AND 72" RW WP 1B WITH 1/2" CEMENT MORTAR LINING. SEE SPECIFICATION SECTION 33 05 01.02, WELDED STEEL PIPE AND FITTINGS - WELD BEFORE BACKFILL.
4. INSTALL WORK LIMIT FENCING ALONG EACH SIDE OF CONSTRUCTION WORK LIMITS
5. REMOVE EXISTING 24" PUEBLO WEST PIPELINE AT CROSSING LOCATION. SEE DWG 30-C-02.
6. FIELD WELDED JOINTS SHALL BE DOUBLE LAP WELDED OR BUTT JOINT WELDED IN ACCORDANCE WITH SECTION 33 05 01.02, WELDED STEEL PIPE AND FITTINGS - WELD BEFORE BACKFILL. SEE 3305-004 AND 3305-006
7. INSTALL DIELECTRIC SHIELD AT CROSSING OF EXISTING 42" FVA PIPELINE. SEE 2642-040
8. COORDINATE REMOVAL AND ABANDONMENT OF ELECTRIC CONDUIT WITH PUEBLO WEST METROPOLITAN DISTRICT PRIOR TO CONSTRUCTION
9. INSTALL TYPE J (CLSM) BACKFILL IN PIPE ZONE AND TO TOP OF BEDROCK WHERE TOP OF BEDROCK IS BELOW ELEVATION EQUAL TO TOP OF PIPE ZONE. INSTALL TYPE J (CLSM) BACKFILL TO TOP OF PIPE ZONE.

RECLAMATION
Managing Water in the West

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

CH2MHILL
Colorado Springs, CO 80903

ALWAYS THINK SAFETY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
FRYINGPAN-ARKANSAS PROJECT - COLORADO
SOUTHERN DELIVERY SYSTEM
PUEBLO DAM CONNECTIONS
PDC1B SITE CIVIL / PIPING
PLAN AND PROFILE
STA 1B 23+00.00 TO POE STA 1B 26+44.44

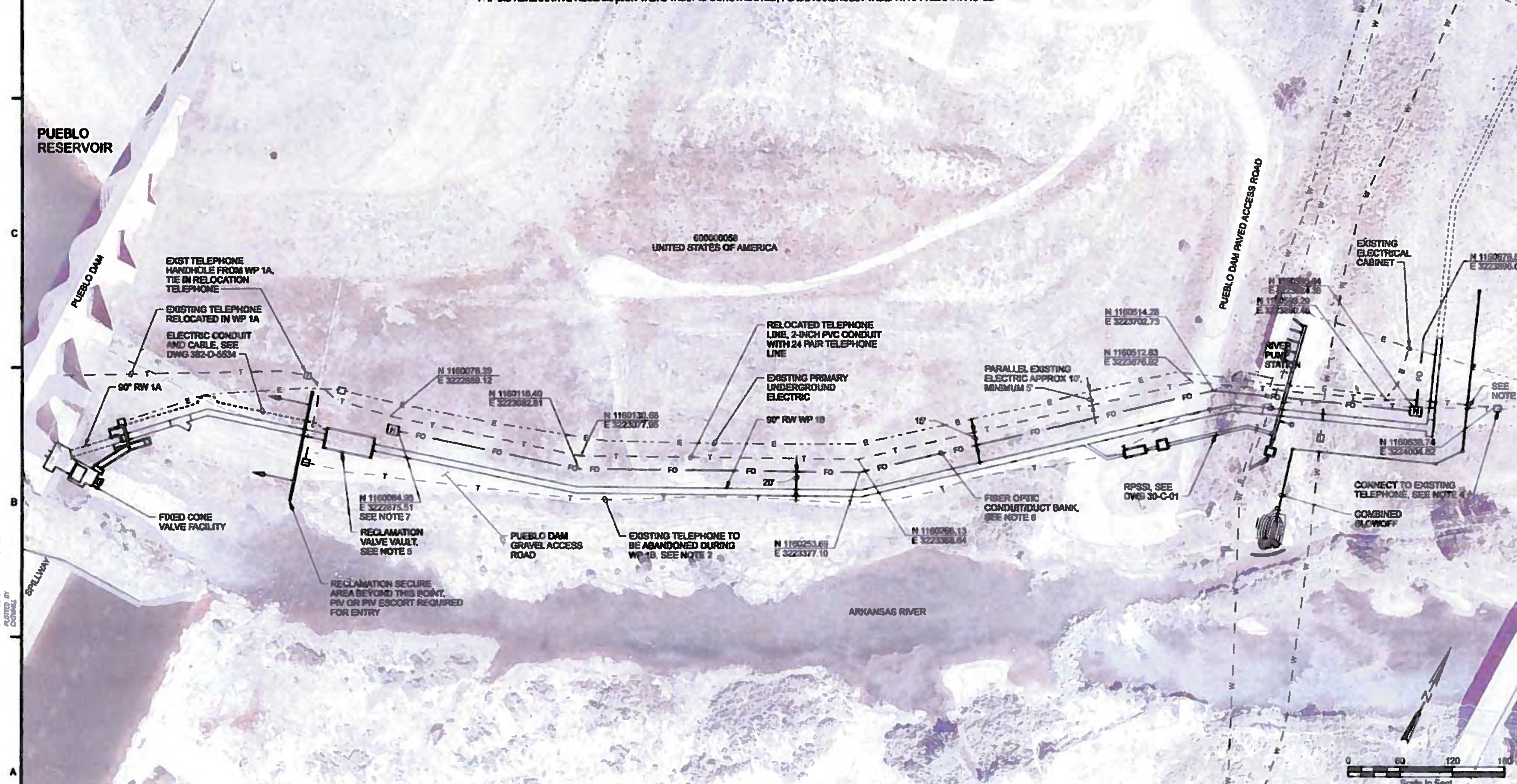
PLAN AND PROFILE
STA 1B 23+00.00 TO
EOP STA 1B 26+44.44

382-D-5515

SU Project Number: SDS-002   SU Work Order Number: 114697

NOTES.

1. RELOCATE EXISTING TELEPHONE WITH 2-INCH PVC CONDUIT WITH 24 PAIR LINE. INSTALL NEW TELEPHONE APPROXIMATELY 36" BELOW GRADE.
2. REMOVE ABANDONED TELEPHONE LINE WHERE NECESSARY IF CONFLICTS OCCUR WITH CONSTRUCTION OF WP 1B, PWC, AND RPSSI.
3. ROUTE TELEPHONE MINIMUM 5 FEET AWAY FROM MANHOLE.
4. INSTALL HANDHOLE AT CONNECTION, SEE (2605-444)
5. FOR BID ALTERNATIVE VAULT LOCATION, SEE DWG 382-D-5514
6. INSTALL FIBER OPTIC CONDUIT AND HANDHOLES IN ACCORDANCE WITH SECTION 40 95 60, FIBER OPTIC COMMUNICATION SUBSYSTEM, (2605-4238), AND (2605-444). IF DUCTBANK BID ALTERNATIVE IS CONSTRUCTED, INSTALL DUCT BANK AND DUCT BANK VAULT IN LIEU OF A CONDUIT AND HANDHOLES IN ACCORDANCE WITH (4091-550), (4091-551), AND (4091-555).
7. IF BID ALTERNATIVE RECLAMATION VALVE VAULT IS CONSTRUCTED, PLACE HANDHOLE / VAULT AT APPROX. STA 15+60.



RECLAMATION
Managing Water in the West

COLORADO REGISTERED PROFESSIONAL ENGINEER 3/21/12

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
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CH2MHILL
Colorado Springs, CO 80903

DSGN T MATSUURA DR B NORVILLE
CHK M ROSSER APVD S HARRISON

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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
FRYINGPAN-ARKANSAS PROJECT - COLORADO
SOUTHERN DELIVERY SYSTEM

PUEBLO DAM CONNECTIONS
PDC1B SITE CIVIL / PIPING

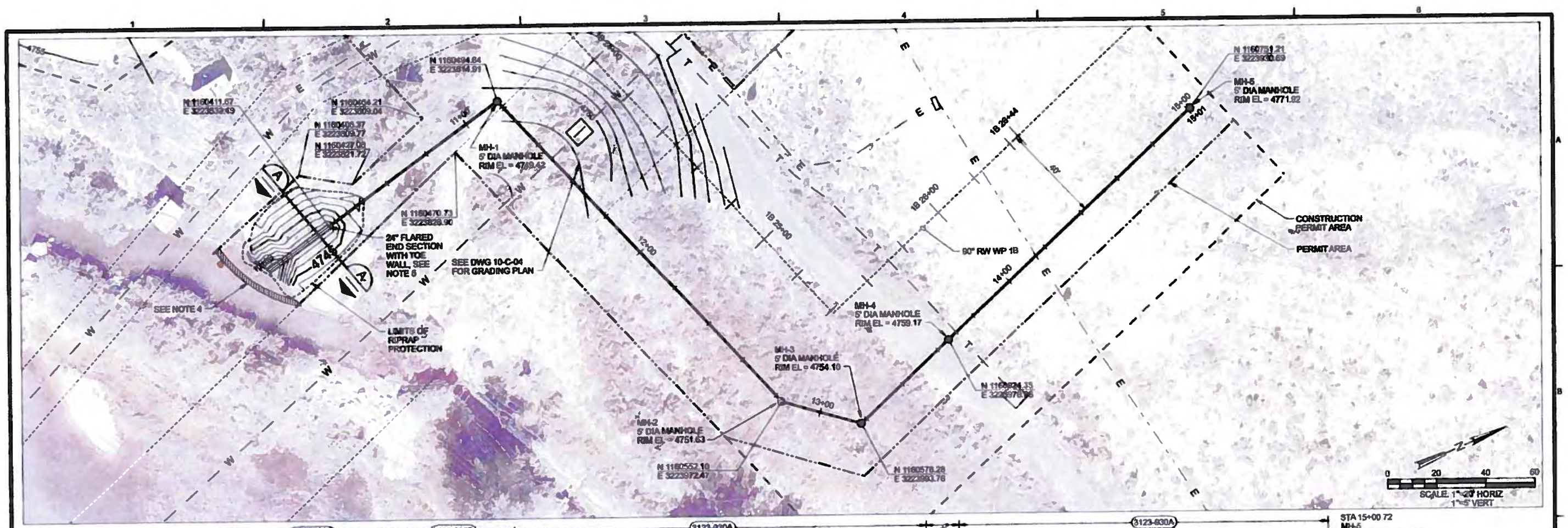
TELEPHONE / FIBER OPTIC PLANS

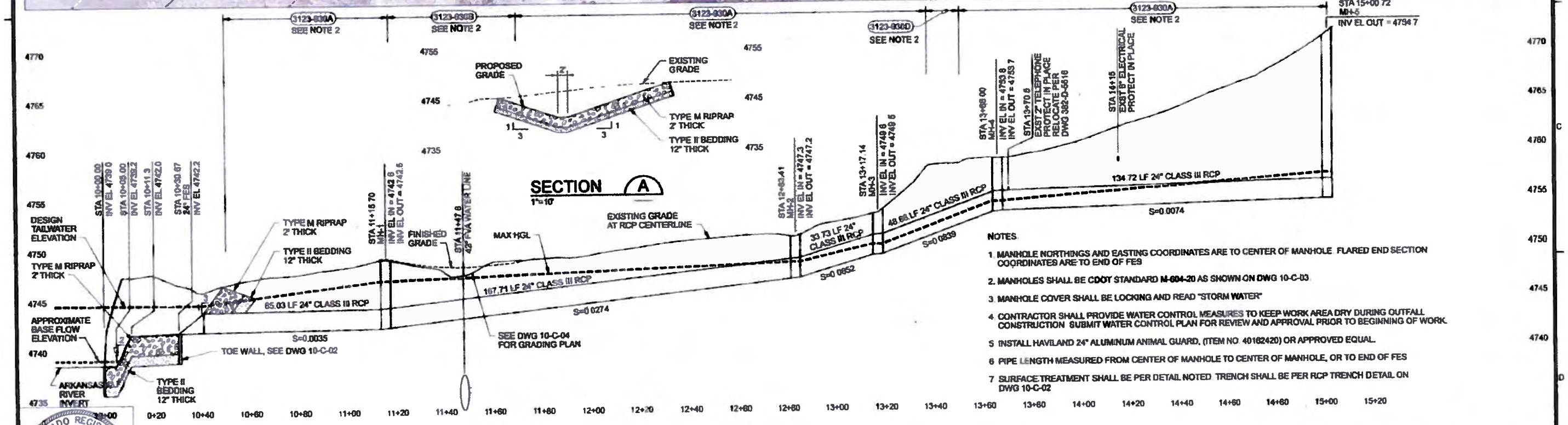
DESIGN BY CH2M HILL
ACCEPTED [signature] CE
COLORADO SPRINGS, CO MARCH 2012

TELEPHONE / FIBER OPTIC PLANS

382-D-5516

DATE AND TIME PLOTTED 3/20/2012 7:35:56 PM
PLOTTED BY CH2MHILL
CAD SYSTEM MicroStation
CAD FILENAME P01BFOHC110_171473.DGN





NOTES

1. MANHOLE NORTHINGS AND EASTING COORDINATES ARE TO CENTER OF MANHOLE. FLARED END SECTION COORDINATES ARE TO END OF FES
2. MANHOLES SHALL BE CDOT STANDARD M-604-20 AS SHOWN ON DWG 10-C-03.
3. MANHOLE COVER SHALL BE LOCKING AND READ "STORM WATER"
4. CONTRACTOR SHALL PROVIDE WATER CONTROL MEASURES TO KEEP WORK AREA DRY DURING OUTFALL CONSTRUCTION. SUBMIT WATER CONTROL PLAN FOR REVIEW AND APPROVAL PRIOR TO BEGINNING OF WORK.
5. INSTALL HAVILAND 24" ALUMINUM ANIMAL GUARD, (ITEM NO. 40162420) OR APPROVED EQUAL.
6. PIPE LENGTH MEASURED FROM CENTER OF MANHOLE TO CENTER OF MANHOLE, OR TO END OF FES
7. SURFACE TREATMENT SHALL BE PER DETAIL NOTED. TRENCH SHALL BE PER RCP TRENCH DETAIL ON DWG 10-C-02

COLORADO REGISTERED JAMES PORTER PROFESSIONAL ENGINEER 3/21/12

DESIGN	B.BETTAG
DR	B.NORVILLE
CHK	C.HOOPER
APVD	S.HARRISON

NO	DATE	REVISION	BY	APVD

VERIFY SCALE
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CH2MHILL
Colorado Springs, CO 80903

SOUTHERN DELIVERY SYSTEM
PUEBLO DAM CONNECTIONS

PDC1B SITE CIVIL / PIPING
COMBINED BLOWOFF OUTFALL PIPING PLAN AND PROFILE

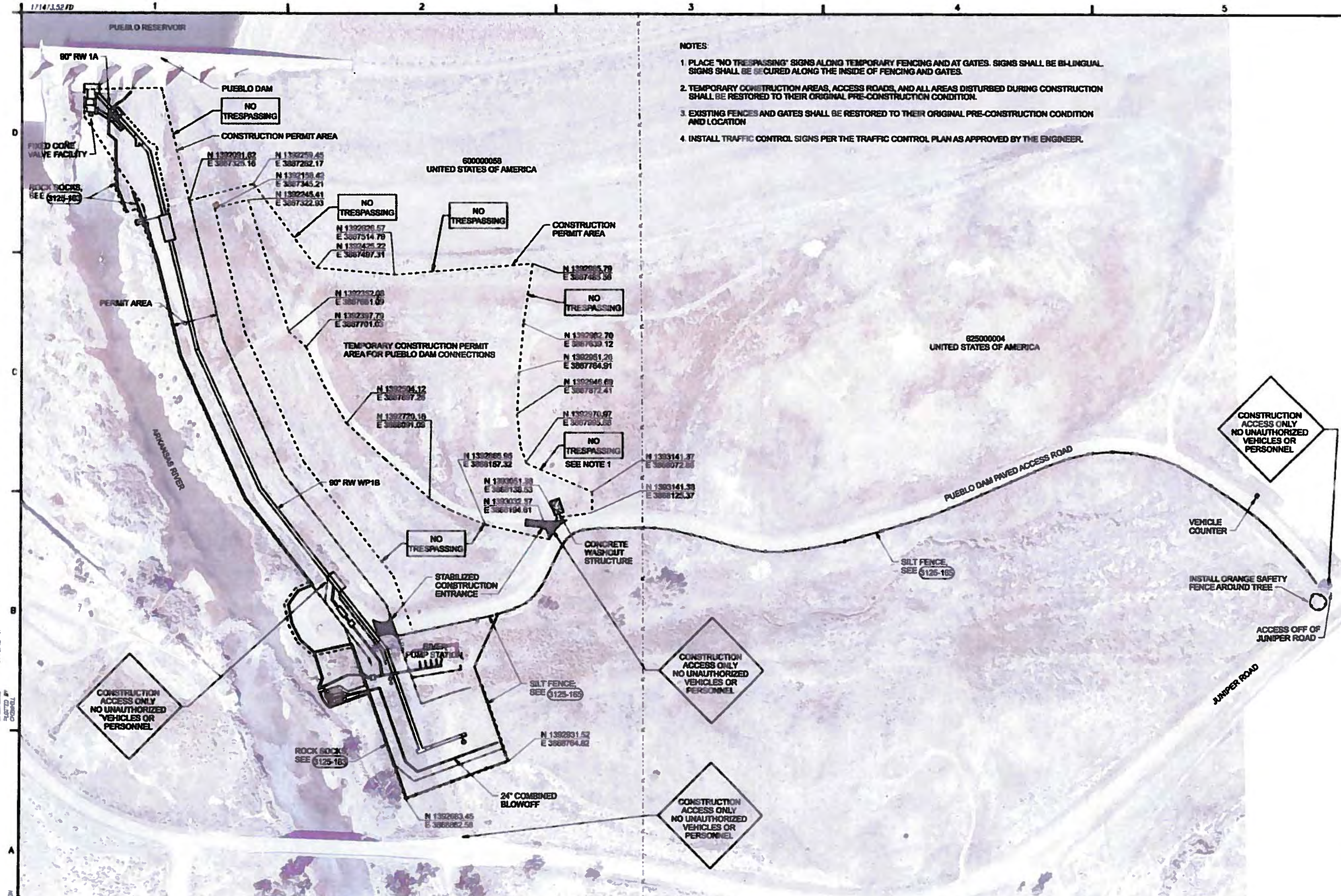
SHEET	19
DWG	10-C-01
DATE	MARCH 2012
PROJ	171473.52.FD

FILENAME: PD1BFDnC04d_171473.dgn PLOT DATE: 3/20/2012 PLOT TIME: 7:08:13 PM

Colorado Springs Utilities Project Number: SDS-002 CSU Work Order Number: 1146977

NOTES:

1. PLACE "NO TRESPASSING" SIGNS ALONG TEMPORARY FENCING AND AT GATES. SIGNS SHALL BE BI-LINGUAL. SIGNS SHALL BE SECURED ALONG THE INSIDE OF FENCING AND GATES.
2. TEMPORARY CONSTRUCTION AREAS, ACCESS ROADS, AND ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO THEIR ORIGINAL PRE-CONSTRUCTION CONDITION.
3. EXISTING FENCES AND GATES SHALL BE RESTORED TO THEIR ORIGINAL PRE-CONSTRUCTION CONDITION AND LOCATION.
4. INSTALL TRAFFIC CONTROL SIGNS PER THE TRAFFIC CONTROL PLAN AS APPROVED BY THE ENGINEER.



RECLAMATION
Managing Water in the West

COLORADO REGISTERED PROFESSIONAL ENGINEER — TROY DAVID MATSUURA — 43842 — 8/21/12

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
0 — 1"
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CH2MHILL
Colorado Springs, CO 80903

ALWAYS THINK SAFETY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
FRYINGPAN–ARKANSAS PROJECT – COLORADO
SOUTHERN DELIVERY SYSTEM
PUEBLO DAM CONNECTIONS
PDC1B EROSION CONTROL
EROSION CONTROL AND SIGNAGE
OVERALL SITE PLAN

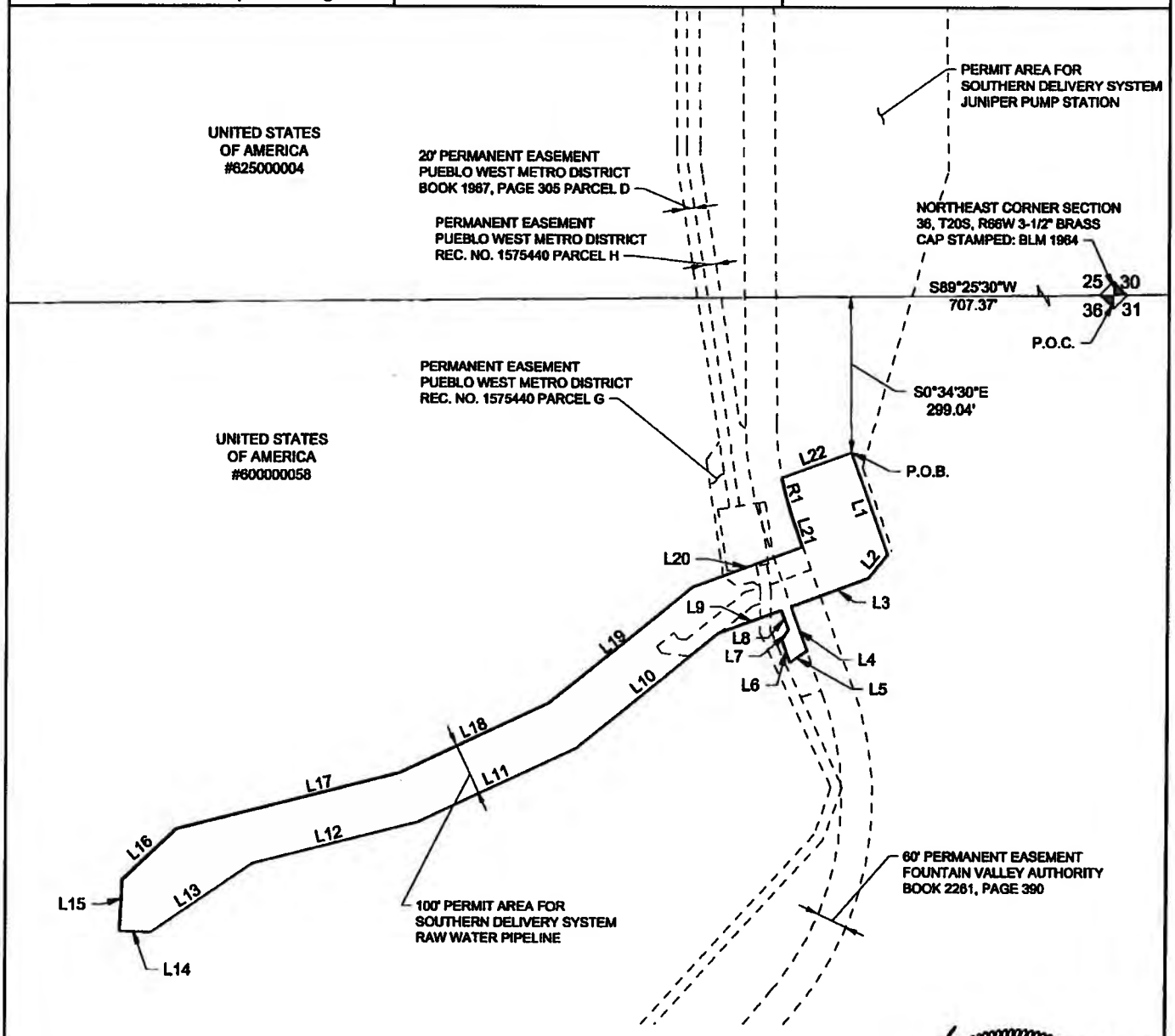
DESIGN BY: CH2M HILL
ACCEPTED: [signature] PE
COLORADO SPRINGS, CO

EROSION CONTROL AND SIGNAGE OVERALL SITE PLAN

382-D-5529

Exhibit E

DATE: 28-MAY-2013 DRAWN BY: L STUDER CHECKED BY: B HANSON APPROVED BY: T SHAUGHNESSY DRAWING: 600000058per-bor.dgn	**EXHIBIT C SKETCH** PERMIT AREA PARCEL 600000058 SECTION 36 T20S, R66W, 6TH P.M. PUEBLO COUNTY, COLORADO	**CITY OF COLORADO SPRINGS**



COLORADO LICENSED
WILLIAM THOMAS SHAUGHNESSY
38166
PROFESSIONAL LAND SURVEYOR

NOTES:

1. This sketch does not constitute a land survey plat by CRITIGEN, LLC., and is only intended to depict Exhibit B - Legal Description. In the event that Exhibit B contains an ambiguity, Exhibit C may be used to solve said ambiguity.

2. Bearings are based on a line from NGS Station "Pueblo CBL 973" (PID JK1355), monumented by a 3" brass disk set in 1.5' diameter concrete pad to NGS Station "Clevenger" (PID JK1353), monumented by a stainless steel rod set in concrete, said line was assumed to bear North 13°33'20" West according to a survey control diagram prepared by Kirkham Michael Consulting Engineers deposited with the El Paso County Surveyor on August 10, 2004 at Survey Deposit Number 204900110.

SHEET 1 OF 2

PARCEL DESIGNATION:	600000058	DATE:	May 29, 2013
OWNER:	United States of America (Owner current as of the date of certification hereon)		

EXHIBIT B

PERMIT AREA

A parcel of land situated in the Northeast Quarter of Section 36, Township 20 South, Range 66 West of the Sixth Principal Meridian, County of Pueblo, State of Colorado, more particularly described as follows:

COMMENCING at a 3-1/2 inch brass cap, stamped BLM 1964, representing the Northeast Corner of said Section 36 from which a NGS point JK1355, a 3 inch brass disk set in concrete, stamped "Pueblo CBL 973", bears North 69°16'48" East a distance of 44,584.71 feet;

Thence South 89°25'30" West a distance of 707.37 feet on the north line of the Northeast Quarter of said Section 36;

Thence South 0°34'30" East a distance of 299.04 feet to the **POINT OF BEGINNING**;

Thence South 20°02'09" East a distance of 207.82 feet;

Thence South 39°07'15" West a distance of 58.97 feet;

Thence South 69°57'51" West a distance of 159.20 feet to the west line of a 60 foot wide permanent easement for Fountain Valley Authority (FVA) as recorded in Book 2261 at Page 390 of the records of said county;

Thence South 20°07'09" East a distance of 90.02 feet on said west line;

Thence South 55°34'20" West a distance of 39.24 feet;

Thence North 20°06'02" West a distance of 46.01 feet;

Thence North 32°34'06" East a distance of 22.64 feet;

Thence North 20°06'02" West a distance of 40.01 feet;

Thence South 69°57'51" West a distance of 129.74 feet;

Thence South 51°19'53" West a distance of 353.29 feet;

Thence South 65°01'02" West a distance of 337.84 feet;

Thence South 76°03'17" West a distance of 330.46 feet;

Thence South 56°00'00" West a distance of 238.52 feet;

Thence North 87°28'41" West a distance of 60.50 feet;

Thence North 2°31'19" East a distance of 99.29 feet;

Thence North 47°24'30" East a distance of 144.86 feet;

Thence North 76°03'17" East a distance of 447.59 feet;

Thence North 65°01'02" East a distance of 316.17 feet;

Thence North 51°19'53" East a distance of 357.70 feet;

Thence North 69°57'51" East a distance of 226.00 feet to the east line of said FVA permanent easement;

Thence North 20°07'09" West a distance of 50.26 feet on said east line to a point of curve;

Thence northerly on the arc of a curve to the right a distance of 88.11 feet, said curve has a radius of 570.00 feet, a central angle of 8°51'25" and a long chord that bears North 15°41'27" West a distance of 88.02 feet on said east line;

Thence North 69°57'51" East a distance of 143.36 feet to the **POINT OF BEGINNING.**

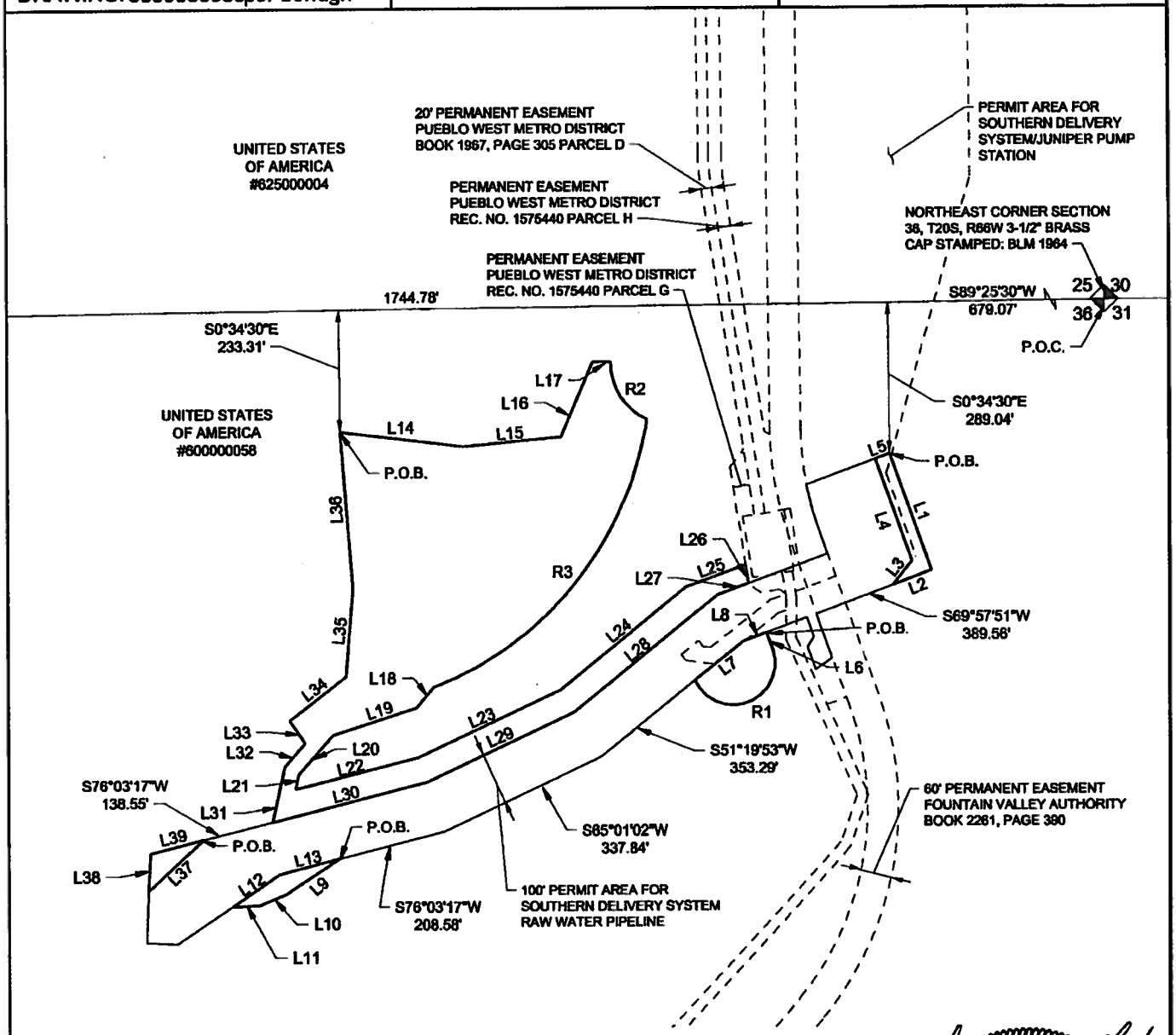
Said easement contains 194,047 square feet or 4.455 acres more or less.

EXHIBIT C SKETCH is attached hereto and is only intended to depict EXHIBIT B – Legal Description. In the event that EXHIBIT B contains an ambiguity, EXHIBIT C may be used to solve said ambiguity.

Prepared for and on behalf of Colorado Springs Utilities by: Thomas W. Shaughnessy, L.S. 38166, of CRITIGEN, LLC, 2 North Cascade Avenue, Suite 460, Colorado Springs, Colorado, 80903

600000058PA_EXB.doc

DATE: 28-MAY-2013 DRAWN BY: L STUDER CHECKED BY: B HANSON APPROVED BY: T SHAUGHNESSY DRAWING: 600000058cper-bor.dgn	**EXHIBIT C SKETCH** CONSTRUCTION PERMIT AREA PARCEL 600000058 SECTION 36 T20S, R66W, 6TH P.M. PUEBLO COUNTY, COLORADO	**CITY OF COLORADO SPRINGS**



NOTES:

1. This sketch does not constitute a land survey plat by CRITIGEN, LLC., and is only intended to depict Exhibit B - Legal Description. In the event that Exhibit B contains an ambiguity, Exhibit C may be used to solve said ambiguity.

2. Bearings are based on a line from NGS Station "Pueblo CBL 973" (PID JK1355), monumented by a 3" brass disk set in 1.5' diameter concrete pad to NGS Station "Clevenger" (PID JK1353), monumented by a stainless steel rod set in concrete, said line was assumed to bear North 13°33'20" West according to a survey control diagram prepared by Kirkham Michael Consulting Engineers deposited with the El Paso County Surveyor on August 10, 2004 at Survey Deposit Number 204900110.

COLORADO LICENSED 38166 PROFESSIONAL LAND SURVEYOR 5/31/13

SHEET 1 OF 2

PARCEL DESIGNATION:	600000058	DATE:	May 29, 2013
OWNER:	United States of America (Owner current as of the date of certification hereon)		

EXHIBIT B

CONSTRUCTION PERMIT AREA

A parcel of land situated in the Northeast Quarter of Section 36, Township 20 South, Range 66 West of the Sixth Principal Meridian, County of Pueblo, State of Colorado, more particularly described as follows:

COMMENCING at a 3-1/2 inch brass cap, stamped BLM 1964, representing the Northeast Corner of said Section 36 from which a NGS point JK1355, a 3 inch brass disk set in concrete, stamped "Pueblo CBL 973", bears North 69°16'48" East a distance of 44,584.71 feet;

Thence South 89°25'30" West a distance of 679.07 feet on the north line of the Northeast Quarter of said Section 36;

Thence South 0°34'30" East a distance of 289.04 feet to the **POINT OF BEGINNING**;

Thence South 20°02'09" East a distance of 238.05 feet;

Thence South 69°57'51" West a distance of 80.64 feet to the easterly line of a permit area for the Southern Delivery System (SDS);

Thence North 39°07'15" East a distance of 58.97 feet on said easterly line;

Thence North 20°02'09" West a distance of 207.82 feet on said easterly line;

Thence North 69°57'51" East a distance of 30.01 feet to the **POINT OF BEGINNING**;

Together with the following:

COMMENCING at a 3-1/2 inch brass cap, stamped BLM 1964, representing the Northeast Corner of said Section 36 from which a NGS point JK1355, a 3 inch brass disk set in concrete, stamped "Pueblo CBL 973", bears North 69°16'48" East a distance of 44,584.71 feet;

Thence South 89°25'30" West a distance of 679.07 feet on the north line of the Northeast Quarter of said Section 36;

Thence South 0°34'30" East a distance of 289.04 feet;

Thence South 20°02'09" East a distance of 238.05 feet;

Thence South 69°57'51" West a distance of 343.32 feet on the southerly line of said SDS permit area and to the **POINT OF BEGINNING**;

Thence South 20°02'09" East a distance of 33.74 feet to a point of curve;

Thence westerly on the arc of a curve to the right a distance of 246.76 feet, said curve has a radius of 80.00 feet, a central angle of 176°43'39" and a long chord that bears South 68°19'40" West a distance of 159.93 feet to the southerly line of said SDS permit area;

Thence North 51°19'53" East a distance of 119.91 feet on said southerly line;

Thence North 69°57'51" East a distance of 46.24 feet on said southerly line to the **POINT OF BEGINNING**;

Together with the following:

COMMENCING at a 3-1/2 inch brass cap, stamped BLM 1964, representing the Northeast Corner of said Section 36 from which a NGS point JK1355, a 3 inch brass disk set in concrete, stamped "Pueblo CBL 973", bears North 69°16'48" East a distance of 44,584.71 feet;

Thence South 89°25'30" West a distance of 679.07 feet on the north line of the Northeast Quarter of said Section 36;

Thence South 0°34'30" East a distance of 289.04 feet;

Thence South 20°02'09" East a distance of 238.05 feet;

The following four (4) courses are on the southerly line of said SDS permit area;

Thence South 69°57'51" West a distance of 389.56 feet;

Thence South 51°19'53" West a distance of 353.29 feet;

Thence South 65°01'02" West a distance of 337.84 feet;

Thence South 76°03'17" West a distance of 208.58 feet to the **POINT OF BEGINNING**;

Thence South 57°02'02" West a distance of 125.12 feet;

Thence South 67°48'01" West a distance of 55.80 feet;

Thence South 87°43'45" West a distance of 53.48 feet to said southerly line;

Thence North 56°00'00" East a distance of 110.72 feet on said southerly line;

Thence North 76°03'17" East a distance of 121.88 feet on said southerly line to the **POINT OF BEGINNING**;

Together with the following:

COMMENCING at a 3-1/2 inch brass cap, stamped BLM 1964, representing the Northeast Corner of said Section 36 from which a NGS point JK1355, a 3 inch brass disk set in concrete, stamped "Pueblo CBL 973", bears North 69°16'48" East a distance of 44,584.71 feet;

Thence South 89°25'30" West a distance of 1,744.78 feet on the north line of the Northeast Quarter of said Section 36;

Thence South 0°34'30" East a distance of 233.31 feet to the **POINT OF BEGINNING**;

Thence South 82°56'47" East a distance of 240.00 feet;

Thence North 84°37'50" East a distance of 191.00 feet;

Thence North 23°22'41" East a distance of 156.00 feet;

Thence North 90°00'00" East a distance of 35.00 feet to a point of non-tangent curve;

Thence southeasterly on the arc of a non-tangent curve to the left a distance of 138.23 feet, said curve has a radius of 120.00 feet, a central angle of 66°00'00" and a long chord that bears South 33°00'00" East a distance of 130.71 feet to a point of non-tangent curve;

Thence southwesterly on the arc of a non-tangent curve to the right a distance of 689.45 feet, said curve has a radius of 660.00 feet, a central angle of 59°51'09" and a long chord that bears South 39°08'28" West a distance of 658.53 feet;

Thence South 41°08'26" West a distance of 52.36 feet;

Thence South 72°29'31" West a distance of 170.08 feet;

Thence South 41°46'34" West a distance of 101.12 feet;

Thence South 12°17'38" West a distance of 28.64 feet;

Thence North 76°03'17" East a distance of 246.10 feet;

Thence North 65°01'02" East a distance of 305.34 feet;

Thence North 51°19'53" East a distance of 312.94 feet;

Thence North 69°57'51" East a distance of 122.16 feet to the west line of a permanent easement for the Pueblo West Metropolitan District as recorded under Reception Number 1575440, Parcel G of the records of said county;

Thence South 9°02'07" East a distance of 35.66 feet on said west line to the northerly line of said SDS permit area;

The following four (4) courses are on the northerly line of said SDS permit area;

Thence South 69°57'51" West a distance of 62.65 feet;

Thence South 51°19'53" West a distance of 357.70 feet;

Thence South 65°01'02" West a distance of 316.17 feet;

Thence South 76°03'17" West a distance of 309.04 feet;

Thence North 12°17'38" East a distance of 107.08 feet;

Thence North 41°46'34" East a distance of 62.11 feet;

Thence North 35°06'03" West a distance of 52.34 feet;

Thence North 52°23'08" East a distance of 138.12 feet;

Thence North 4°57'34" East a distance of 168.46 feet;

Thence North 4°39'03" West a distance of 300.41 feet to the **POINT OF BEGINNING**;

Together with the following:

COMMENCING at a 3-1/2 inch brass cap, stamped BLM 1964, representing the Northeast Corner of said Section 36 from which a NGS point JK1355, a 3 inch brass disk set in concrete, stamped "Pueblo CBL 973", bears North 69°16'48" East a distance of 44,584.71 feet;

Thence South 89°25'30" West a distance of 1,744.78 feet on the north line of the Northeast Quarter of said Section 36;

Thence South 0°34'30" East a distance of 233.31 feet;

Thence South 4°39'03" East a distance of 300.41 feet;

Thence South 4°57'34" West a distance of 168.46 feet;

Thence South 52°23'08" West a distance of 138.12 feet;

Thence South 35°06'03" East a distance of 52.34 feet;

Thence South 41°46'34" West a distance of 62.11 feet;

Thence South 12°17'38" West a distance of 107.08 feet to the northerly line of said SDS permit area;

Thence South 76°03'17" West a distance of 138.55 feet on said northerly line to the **POINT OF BEGINNING**;

Thence South 47°24'30" West a distance of 144.86 feet on said northerly line;

Thence North 2°31'19" East a distance of 72.42 feet;

Thence North 76°03'17" East a distance of 106.60 feet to the **POINT OF BEGINNING**.

Said easement contains 323,221 square feet or 7.420 acres more or less.

EXHIBIT C SKETCH is attached hereto and is only intended to depict EXHIBIT B – Legal Description. In the event that EXHIBIT B contains an ambiguity, EXHIBIT C may be used to solve said ambiguity.

Prepared for and on behalf of Colorado Springs Utilities by: Thomas W. Shaughnessy, L.S. 38166, of CRITIGEN, LLC, 2 North Cascade Avenue, Suite 460, Colorado Springs, Colorado, 80903

EXHIBIT F

COPY

RECLAMATION

Managing Water in the West

Engineering and O&M Guidelines for Crossings

Bureau of Reclamation Water Conveyance Facilities (Canals, Pipelines, and Similar Facilities)

U.S. Department of the Interior
Bureau of Reclamation
Technical Service Center
Denver, Colorado

April 2008

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Engineering and O&M Guidelines for Crossings

Bureau of Reclamation Water Conveyance Facilities (Canals, Pipelines, and Similar Facilities)

Acronyms and Abbreviations

AASHTO	American Association of State Highway and Transportation Official
AOE	authorized operating entity
AWWA	American Water Works Association
CFR	Code of Federal Regulations
CPS	cathodic protection system
DOT	Department of Transportation
HDD	horizontal directional drilling
kV	kilovolt(s)
MERL	Materials Engineering and Research Laboratory
O&M	operations and maintenance
Reclamation	Bureau of Reclamation
ROW	right-of-way
WB-67	67-foot wheelbase

Contents

1.0 PURPOSE

These are general guidelines for Bureau of Reclamation (Reclamation) offices to follow when reviewing the engineering and operations and maintenance (O&M) factors in outside entity requests for authorization to cross (encroach upon) Reclamation lands that contain project features such as levees, canals, pipelines, or other water conveyance facilities owned or administered by Reclamation. These guidelines include a general overview of the permitting process administered by Reclamation Lands Groups for allowing a particular use on lands where Reclamation holds a fee or an easement right-of-way interest. These engineering and construction recommendations are minimum guidelines for engineers to use in reviewing and evaluating these portions of the applications.

2.0 GENERAL PERMIT INFORMATION

Applicants requesting to cross any Reclamation land, facility, or water body must obtain a written land use authorization from Reclamation. Requirements for obtaining a use authorization to cross Reclamation project land and water surfaces are in the Code of Federal Regulations (CFR) at 43 CFR 429 and Reclamation Manual LND 08-01. The applicant must complete the *Standard Form (SF) 299*, **"Application for Transportation and Utility Systems and Facilities on Federal Lands,"** or similar forms in use at the local Reclamation office. The form can be obtained by contacting the involved Reclamation office, or it can be accessed electronically at Reclamation's Web site at: <http://www.usbr.gov/pmts/lands>.

Applicants can contact their local Reclamation office to discuss their proposed use before filing an application for a use authorization.

3.0 ENGINEERING AND O&M REVIEW CONSIDERATIONS

3.1 Introduction

Technical review of the crossing evaluates impacts on any existing Reclamation facility and **does not determine the adequacy of the crossing design for the applicant's intended purpose.**

The use authorization or consent document specifies criteria which, if followed, would not be deemed unreasonable interference. These review guidelines are strictly limited to those criteria which:

- Protect Reclamation's facility and/or appurtenant facility from damage
- Ensure unrestricted flow and quality of water in Reclamation's facility
- Do not diminish the ability to perform O&M of Reclamation's facility, including access
- Prevent any burden of liability

These guidelines are provided as recommendations that apply to most Reclamation facilities. Each Reclamation office and/or authorized operating entity (AOE) should apply these guidelines using **sound engineering judgment** that best applies to their facilities and existing conditions. Additional Reclamation guidelines for specific locations (e.g., Central Arizona Project Reach 11 Basin Guidelines) may also apply and may be provided to applicants when necessary. These guidelines are minimums, and local conditions may be more stringent depending on the direct impacts to facilities and lands. AOEs may have additional requirements.

Uses that may be deemed reasonable within Reclamation pipeline easements include greenbelts, asphalt roadways, flexible pavement parking lots, transverse curbs and gutters, and sidewalks. Canals and pipelines may have overhead power and telephone lines (but not their supporting poles), transverse fences with gated openings (no walls), and similar surface and overhead structures.

3.2 General

The following individual items should be addressed by the applicant and evaluated by Reclamation and/or AOE as they may affect the Reclamation facility's engineering and O&M aspects. If unusual conditions are proposed for the encroaching structure or unusual field conditions within a Reclamation facility right-of-way (ROW) are encountered, Reclamation reserves the right to impose more stringent criteria than prescribed in these guidelines.

1. Structures that should not be constructed on Reclamation pipeline or canal ROW (whether fee owned or easement) include foundations, buildings, garages, carports, trailers, street light standards, supports for large signs, walls, longitudinal fences (except security/safety fences), power or telephone poles, and similar surface structures.

2. Prior to construction, a joint inspection should be conducted and the condition of existing facilities documented. Reclamation's ROW should be restored to pre-existing conditions following completion of work.

3. When applications are requesting public use of trails and maintenance roads adjacent to or crossing Reclamation canals, these facilities should be fenced for safety to separate them from open canal water, except when Reclamation's ROW is used as a greenbelt and the applicant accepts legal hazard responsibility. Trails and maintenance roads should be fenced on an as-needed basis whenever such fencing is warranted for public safety, restricted access, security, etc. If a fence is allowed within Reclamation's ROW, Reclamation should approve the fence materials. Any gates allowed within Reclamation's ROW should be at least 16 feet wide. Reclamation will be provided with full access through any fences or gates.

4. Prior to construction of any structure that encroaches within a Reclamation pipeline or canal ROW, a "pothole excavation" should be made to determine the locations of any existing Reclamation and non-Reclamation facilities and their appurtenant features that may be affected. Potholing is the practice of digging test holes to expose underground utilities to determine the horizontal and vertical location of the utility.

   All work within 18 inches of the facility should be done using hand-held tools only. The excavation should be made by or in the presence of Reclamation and/or AOE personnel. The presence of a Reclamation and/or AOE inspector may be required throughout the excavation process, but this presence in no way relieves the applicant or their contractor of responsibility.

   The resultant elevation information should be delineated on the profile view and labeled as:

   POTHOLED ELEVATION XX.X
   Surface Elevation XX.X

   The pothole excavation should be filled in, or a safety fence installed, prior to departing the site each day.

5. If Reclamation facilities need to be modified to avoid adverse impacts from the applicant's crossing facility, the applicant should be responsible for the cost of such modifications.

6. A temporary permit may be required for visual inspections, ground and aerial surveys,[1] or potholing that requires physical entrance onto a Reclamation facility. **A use authorization or consent document issued by Reclamation and/or AOE should be obtained prior to entering or crossing Reclamation's ROW for any activity.**

7. Applications should include a project description, calculations, specifications, and detailed construction plans showing plan views, profiles and sections, and grading plans of proposed work within or adjacent to Reclamation's ROW. Plans should show an easily recognizable boundary (tied to a known corner) and Reclamation's ROW and Reclamation stationing or mile post designation.

   All Reclamation facilities should be shown and labeled (e.g., "Centerline of xx-inch Reclamation Pipeline," "Reclamation Communication and Control Cable," etc.) The type and weight of the construction equipment crossing Reclamation pipelines, roads, and bridges as well as the crossing locations should be included. Additional information, as identified in following individual specific feature sections of these guidelines, should also be included with the application for review.

   Any engineering or land survey drawing should contain the appropriate registered engineer's or land surveyor's stamp and signature. A construction schedule outlining the anticipated duration of the construction should be submitted. A minimum of two[2] copies of the application (including calculations, specifications, and plans) should be submitted to Reclamation and/or AOE for review and approval.

8. For crossings of all Reclamation facilities, Reclamation and/or AOE personnel familiar with the facilities (including cathodic protection systems) will obtain and provide copies of existing files showing information about existing buried facilities (center of pipeline, depth of cover, size of pipe, class of pipe, etc.) to the applicant.

9. Existing Reclamation facilities (e.g., canal lining, canal check structure, turnout structure, etc.) and appurtenances (e.g., existing blow-offs, air valves, vents, manholes, and/or cathodic protection test stations) and existing non-Reclamation facilities on Reclamation's ROW (e.g., petroleum pipelines, natural gas pipelines, communications lines, powerlines, water lines, sewer lines, storm drain lines, etc.) **should be protected** in place prior to and during construction.

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[1] Aerial surveys require placing on-the-ground survey control markers.
[2] Revise per local Reclamation office and/or AOE practice.

The applicant and/or their contractor may be liable for all damages to Reclamation facilities and appurtenances as a result of construction and for any other damages or losses suffered by Reclamation or its water contractors, including power, irrigation, municipal and industrial water supply, and communication losses.

10. Trench excavation should comply with the most current Occupational Safety and Health Administration standards or Reclamation Health and Safety Standards, whichever are more stringent. Trench backfill should be placed in 4- to 6-inch lifts if hand compacted or no more than 8-inch lifts if power compacted. Trench backfill within Reclamation's ROW should be compacted to 95 percent relative compaction (ASTM D 698, Standard Proctor) (or 90 percent of ASTM D 1557). Mechanical compaction using heavy equipment (greater than 2,000 pounds) should not be used within 18 inches of the Reclamation pipeline. Flowable fill (or controlled low strength material) should be substituted for compacted pipe embedment under canals and may be used when crossing pipelines.

11. Erosion control measures, including re-vegetation, should be implemented after completing construction.

12. If existing drainage features are to be modified during construction, detailed drawings showing the proposed drainage replacement/ restoration should be submitted with the application for review and approval. The applicant is responsible for the care and handling of storm water runoff both during and after construction.

13. The applicant should not divert surface runoff[3] toward Reclamation canal or canal embankments. The 100-year storm[4] surface runoff should use detention basins outside of Reclamation's ROW. Lined drainage channels should be designed to transfer flow from the detention basins to the existing cross drainage facilities that drained the original area. Also refer to "4.4 Storm Water Cross Drainage."

14. Proposed temporary or permanent modifications to the existing cover over Reclamation pipelines should be subject to review and approval by Reclamation and/or AOE. Design parameters for roadway, parking lot, and driveway crossings over the pipe should also be subject to review and approval by Reclamation and/or AOE.

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[3] Subdivision or commercial development on the uphill side of canals that pave large areas and have large roof areas will greatly increase peak storm runoff—most city development requires retention basins. Applicants should provide the same retention basins that are required for similar development projects.

[4] Revise per Reclamation field office for specific canal if a higher storm frequency is required.

15. When a Reclamation pipeline system being crossed has pipe with an "A" cover pipe designation (less than 5 feet of earth), the applicant is to analyze the crossing to show "A" pipe load carrying capability exists to meet their carrying requirements or replace the "A" pipe with pipe of sufficient load carrying capability.

16. Reclamation's ongoing O&M activities should not be disrupted during construction. The primary or secondary operating road should be kept available for Reclamation and/or AOE use at all times.

17. Detectable warning tape may be required over below-ground utilities. Refer to "3.3 Detectable Warning Tape."

18. The points where the proposed utilities enter and exit Reclamation's ROW should be plainly and permanently marked by sign posts extending 5 feet above grade. Applicants should provide sign posts directly above their utilities and at all angle points within Reclamation's ROW. The distance between adjacent sign posts should not exceed 500 feet. Sign posts should contain the name of owner/operator, contents of the pipeline, utility identification, and emergency contact telephone number. Sign posts for angle points that lie within roads or canals should be offset and have a reference noted. The locations of the sign posts should be shown on the plans.

19. Following completion of work, applicants should provide as-built drawings of their facilities on Reclamation's ROW. Reclamation as-built drawings are to be updated by the appropriate Reclamation office and/or AOE to reflect the crossing. As-built drawings may be maintained by the AOE, but should remain accessible to Reclamation upon request.

3.3 Detectable Warning Tape

Detectable warning tape may be required over below-ground utilities situated within Reclamation's ROW and should be a minimum of 18 inches above the utility and between 18 and 30 inches below the ground surface. Warning tapes should conform to the following specifications:

a. For potable water lines, the warning tape should be a 3-inch-wide blue detectable tape imprinted with "**CAUTION BURIED POTABLE WATER LINE.**"

b. For nonpotable water lines, the warning tape should be a 3-inch-wide purple detectable tape imprinted with "**CAUTION BURIED NONPOTABLE WATER LINE.**"

c. For sewer and storm drain lines, the warning tape should be a 3-inch-wide green detectable tape imprinted with "CAUTION BURIED (type) LINE."

d. For gas, oil, and steam chemical lines, the warning tape should be a 3-inch-wide yellow detectable tape imprinted with "CAUTION BURIED (type) LINE."

e. For telecommunications, telephone, and television conduit(s), the warning tape should be a 3-inch-wide orange detectable tape imprinted with "CAUTION BURIED (type) CONDUIT."

f. For electrical, street lighting, and traffic signal conduit(s), the warning tape should be a 3-inch-wide red detectable tape imprinted with "CAUTION BURIED (type) CONDUIT."

4.0 SPECIFIC FEATURE REVIEW GUIDELINES

4.1 Bridges

1. New bridge crossings (vehicular, pedestrian, and utility) should be perpendicular (between 70 and 90 degrees) to the centerline of the water conveyance facility and at locations approved by Reclamation and/or the AOE. Exceptions to the policy may be considered on an individual basis.

2. Public use bridges in urban areas should be spaced no closer together than 1/3 mile (about 4 blocks or 1,700 feet) apart. This is to ensure O&M operations are not overly restricted.

3. Bridge crossings should be of free span design. Consideration of any anticipated (known or ongoing) canal subsidence issues, anticipated raising of the canal lining, or anticipated increases in the canal's high water level should be made. The minimum vertical clearance between the bottom of the superstructure and the top of the canal lining should be 3 feet. For unlined canals, the vertical clearance may be measured to the high water level. If this minimum clearance is reduced by subsidence or by future Reclamation modifications to the canal lining, the minimum clearance should be re-established at the applicant's expense. The minimum horizontal clearance from the face of the abutment to the top of the canal lining should be 5 feet. For unlined canals, the horizontal clearance may be measured to the high water level.

These clearances are suggested to minimize impact on the canal section during construction and future inspections and O&M. Applicants may request to re-construct a canal section if Reclamation's operations are impacted by close construction during periods when the canal is normally unwatered. If so, vertical clearances may be reduced to 1 foot and horizontal clearance to 3 feet.

4. Canal O&M roads should intersect public roads at bridges at right angles for proper visibility. This may require the applicant to acquire additional ROW for use if the existing canal ROW is not sufficient. American Association of State Highway and Transportation Official (AASHTO) criteria for sight distances at the intersection of O&M roads and roadways at new bridges should be met to allow O&M vehicles to cross them safely.

5. Driving piles at concrete-lined canals should not be permitted. Any abutment foundation support piles, at concrete-lined canals, should be drilled and cast-in-place.

   At a minimum, the applicant's drilling and piling plan should include:

   - Drilling methods and equipment
   - Methods for preserving existing foundation material
   - Methods and equipment to determine the presence of quick soil conditions or scouring and caving
   - The proposed method for casing installation and removal if casings are used
   - Methods and equipment for accurately determining the depth of concrete and actual or theoretical volume placed

   At a minimum, the applicant's contingency plan should include:

   - Means to repair in a certain time
   - Minimum flows after event
   - Review of geotechnical conditions surrounding the pile locations
   - Assessment of how the proposed mitigations will address geotechnical conditions
   - Methods for restoring foundation material

- A list of material, equipment, and personnel with qualifications to be used during mitigation work
- A seal from a Professional Engineer on all relevant plans and drawings

6. The submitted plan drawings for the bridge should contain the following information:

   a. Superstructure, abutments, railings, embankments, and drainage, including details and sections

   b. Type of materials (concrete, steel, timber, etc.) used for different members

   c. Details of cast-in-place foundation piles, if any, on both sides of the canal

   d. The elevation of the bottom of the superstructure and the clearance between the top of the canal lining (or high water level if unlined canal) to the superstructure or bottom of deck slab, whichever is lowest

   e. Design loadings

   f. Design standards on which the bridge is based (AASHTO, etc.)

7. The calculations and specifications for the bridge should be submitted to Reclamation and/or AOE for review.

8. The right lane turn radius from the new road onto a Reclamation operating road should comply with the provisions of a 67-foot wheelbase[5] (WB-67) truck turning template in the AASHTO manual on Geometric Design of Highway and Streets.

9. Details of any proposed utilities to be attached to an existing bridge include:

   a. Anchor bolt locations should not intercept the critical reinforcing steel of the bridge.

[5] The field office should adjust these provisions according to anticipated needs.

b. Utilities should be placed and anchored under bridge decks and through utility openings, if they are present. The utility should be placed off center in the utility opening, if possible, to allow for future utility additions.

c. If an expansion joint is used in the pipeline, the joint should be placed near the bridge deck expansion joint.

d. Holes through bridge concrete or abutment and retaining walls for passage of utilities should be allowed by core drilling. The annular space between the utility and core hole surface should be completely filled with an elastomeric sealant to prevent loss of material or water piping from behind the wingwalls and abutments.

e. Submit calculations showing the effects of the weights of the proposed utilities on the load carrying capacity of the bridge for Reclamation review.

f. Intermediate supports for the utility should withstand the same seismic load considerations as the bridge.

g. Load limit signs should be placed adjacent to the bridge, as required under AASHTO criteria.

h. Beam guardrails should be installed at bridges and bridge approaches, as required under AASHTO criteria.

10. The applicant will be responsible for changes to Reclamation existing ROW; bridge O&M approach roads; existing fencing, gates, and signs; and the addition of new fencing, O&M gates, cattle guards, signs, etc.

4.2 Landscaping

1. No landscaping or other changes in ground surfaces within Reclamation pipeline and canal/lateral ROW should be made without advance written permission of Reclamation through the application process. Landscaping changes may (1) limit, prevent, or hamper O&M access; (2) increase the costs of operations and maintenance of the facility; (3) impact facility reliability; or (4) create a public nuisance or liability issue.

2. Open space with natural hiking trails and walkways may be permitted if vehicle access to Reclamation pipeline and appurtenant facilities for patrol and maintenance is provided.

3. The following may apply within Reclamation's ROW:

    a. The easement may be used as a greenbelt upon Reclamation approval.

    b. Ground cover and shrubs are permitted upon Reclamation approval.

    c. Trees and vines should not be allowed. See Appendix B of *Review of Operation and Maintenance Program Field Examination Guidelines* (reproduced as appendix B at the end of these guidelines).

4. All temporary or permanent changes in ground surfaces within Reclamation pipeline and canal ROW are considered encroaching structures and are handled as such. Earthfills and cuts on adjacent property should not encroach onto Reclamation pipeline and canal ROW. Excavations of adjacent property (even property not within Reclamation's purview) within the projection of the Reclamation embankment line may impact embankment stability and should be evaluated.

5. Permanent landscaping structures should not be allowed within the exterior limits of a Reclamation linear facility ROW (fee owned or easement).

6. Pressurized lawn and park sprinkler irrigation lines (3-inch maximum size) and isolation valves within Reclamation easements that run parallel to a Reclamation pipeline should be installed at least 15 feet from the edge of the Reclamation pipeline.

    Irrigating lawns and flower beds along canal embankments should not overwater the area or threaten the embankment stability.

4.3 Roadway Crossing

Note: This type of encroachment also includes parking areas and recreational trails.

1. The applicant should submit a grading plan as part of the application.

2. If the roadway crosses a Reclamation pipeline system that has a cover pipe designation of "A," refer to "3.2 General."

3. If the applicant intends to modify existing drainage features during construction, detailed drawings showing the proposed drainage replacement/restoration should be submitted with the application for review and approval. (Refer to "3.2 General.")

4. If the proposed roadway includes a bridge crossing over a Reclamation canal or pipeline, Reclamation and/or AOE should review and approve the vertical clearance and location of the abutments. (Refer to "4.1 Bridges.")

5. Streets, roads, or parking areas crossing Reclamation pipeline easements are permissible. All streets, roads, and parking surfaces are to be asphalt or other flexible pavement. Depressed curbs or driveways should be provided for Reclamation vehicular access when new roads cross Reclamation pipelines or canals.

6. Roadway ditch drainage should not be allowed to flow into the canal. Drainage should be retained and released in a controlled way to maintain peak discharges that are less than any peak historical runoff rate before these modifications. Applicants should direct drainage to an original sub-basin cross drainage culvert or overchute. (Refer to "3.2 General" and "4.4 Storm Water Cross Drainage.")

7. If existing roadway embankments are to be widened, the work should be conducted in accordance with the provisions of construction in the applicable State Department of Transportation (DOT) Standard Specifications.

4.4 Storm Water Cross Drainage

1. Upslope development impacts historic natural drainage volumes and peak flow rates. Development re-grades and revises drainage sub-basins. Revised ground cover from constructing roads, parking areas, and buildings may result in the need to change the cross drainage features (culverts and/or overchutes) along Reclamation canals.

2. A hydrologic study should accompany all plans that modify the existing drainage across and/or along Reclamation facilities. The study or report should show the proposed flows of the canal and the associated crossings. The drainage study or report should show that the downstream system can accept the flows without creating any flooding to properties adjacent to or downstream of the canal.

3. All drainage crossings, whether existing or proposed, should carry the peak runoff of a 100-year event while preventing any storm water from entering the canal and/or ponding against the canal embankment.

4. Urban runoff should not be allowed to enter into, or drain onto, Reclamation's land. All flows generated outside Reclamation's ROW should enter the storm drain system prior to entering Reclamation's ROW. Piped connections are preferred, but concrete-lined channels may be acceptable upon Reclamation's review.

5. The new crossing under a canal should be designed with 3 feet vertical clearance from the top of the cross drainage structure to the bottom of the canal (or liner). The structure should extend completely across Reclamation's ROW.

6. New overcrossings of the canal should have 2 feet of vertical clearance from the top of the liner and 2 feet of horizontal clearance from the support abutments to the outside edge of the canal lining. The O&M road crossing of the cross drainage structure should be structurally capable of withstanding highway-legal vehicle loadings and provide at least 1 foot of cover in the roadway.

7. Pipe crossing barriers should be installed on all pipe overcrossings.

8. All drainage flow should be discharged to a downstream storm drainage system owned, operated, and maintained by a public agency (such as a city or county) or into areas such as channels, roadways, parks, wetland basins, or other non-private lands that can accept the concentrated flows from the drainage crossing.

9. All drainage from upland property should be collected by the applicant's installed system of curbs and inlets within their property and discharged into a non-Reclamation public agency's drainage system.

10. New drainage system designs will not use ponding against the existing canal embankment for temporary detention of storm runoff that will not immediately pass through existing or new crossings.

    Proposed permanent detention facilities adjacent to Reclamation's property should include engineered fill beyond the canal ROW to provide, at a minimum, a fill-width maintenance access roadway between the canal property and the basin. The applicant shall submit a geotechnical report verifying that the canal embankments can perform as detention basin embankments. The design should provide for sufficient freeboard to contain the 100-year event within the proposed basin adjacent to Reclamation's property and shall have adequate protection from seepage and erosion.

    The ownership and related O&M of the embankments shall be the responsibility of the applicant requesting the crossing.

11. When grading operations upstream of existing canal drainage crossings are scheduled to take longer than a normal construction season to complete, temporary basins shall be installed. These temporary basins should be designed to detain the 100-year event, capture silt from the disturbed area, and meter the flows across the existing drain crossings without spilling flows into the canal.

12. Unless Reclamation specifies otherwise, the applicant should remove or plug and abandon existing drainage crossings that are not used by the development unless they are shown to provide an additional measure of safety for the canal by reducing the likelihood of spill into the canal caused by extreme runoff flows. Otherwise, these crossings should remain in place for Reclamation's benefit and will not require ownership transfer to a public agency.

    These crossings must discharge into the non-Reclamation public agency's storm drainage systems or into areas such as channels, roadways, parks, wetland basins, or other nonprivate lands that can accept the concentrated flows from the drainage crossing in the case of an extreme runoff event.

    Grading in Reclamation property should be preserved or revised to direct extreme runoff flows into these unused drainage crossings without allowing said flows to enter into the canal until the crossings reach their capacity.

4.5 Subdivision

Urban developments are reaching Reclamation's lands and ROWs. These are general guidelines for accommodating development in subdivisions (refer to "3.2 General" and "4.4 Storm Water Cross Drainage").

1. Permanent structures should not be permitted within Reclamation fee-owned linear ROWs.

2. Open space with natural hiking trails and vegetation may be allowable.

3. Where subdivision development is adjacent to a canal, fencing should include these characteristics:

    a. Temporary chain link fences must be installed prior to removing any portion of existing fences.

b. Upon completion of grading for drainage and other work, fencing should be installed along the subdivision's boundary length of the adjacent ROW plus 150 feet beyond the development's property boundary. The fence should be per project standards and at the applicant's expense.

c. The new fence should be located 1 foot outside of Reclamation's ROW. The fence location should be shown on the improvement plans.

4. Use of Reclamation pipeline easements as part of residential subdivision lots should not be allowed. Pipeline easements may be included within the subdivision greenbelt or similar use areas.

5. Drawings should include all proposed improvements (i.e., streets, utilities, landscaping, etc.) within, and adjacent to, Reclamation's ROW.

6. Trees or vines should not be allowed within a Reclamation pipeline or canal ROW. See Appendix B of *Review and Operation and Maintenance Program Field Examination Guidelines* (reproduced as appendix B at the end of these guidelines).

7. Streets, roads, or parking areas using Reclamation easements may be permissible. All streets, roads, and parking surfaces should be asphalt or other flexible pavement. Depressed curbs or driveways should be provided for Reclamation vehicular access when new roads cross Reclamation pipelines or canals.

8. Where fencing is proposed within Reclamation easements, a minimum 16-foot-wide gate should be provided for Reclamation access.

9. Pipelines containing sewage, oil, gasoline, natural gas, or hazardous materials should only cross perpendicular (between 70 and 90 degrees) to the Reclamation pipeline or canal and be installed with the necessary safety measures and separation clearance as required in "4.6 Utility Crossing."

10. Electroliers, posts, etc., should be installed at the maximum distance possible from the edge of the pipeline or canal.

11. If crossing a Reclamation pipeline system that has "A" cover pipe designation, refer to recommendations in "3.2 General."

4.6 Utility Crossing

Note: All pipelines, electrical, and communication lines and conduits are referred to as "utilities" in these guidelines.

4.6.1 Casings

The Reclamation Materials Engineering and Research Laboratory's (MERL) position is to avoid using casing pipes around metallic carrier pipelines (steel, ductile iron, cast iron, reinforced concrete, pretensioned concrete cylinder, etc.) whenever possible. The experience of the corrosion community in general is that these casings often cause corrosion-control problems. Furthermore, dielectric (plastic, fiberglass, etc.) casings, or even dielectrically coated casings, should not be used. They can shield the carrier pipe from receiving cathodic protection current.

Cathodic protection to a buried metallic pipeline is more trouble free and more certain without a casing pipe. MERL recommends relying on effective corrosion control measures on the carrier pipeline rather than relying on a casing pipe (which may shield cathodic protection current) to direct a leak away from Reclamation property.

4.6.2 Overhead Line Crossing

1. Overhead wires across Reclamation pipeline and canal ROWs should be at least 32 feet above all ground levels in the Reclamation ROW. For electrical powerlines of 69 kilovolts (kV) or higher voltage, the minimum clearance should be 40 feet plus 0.25 inch per kV of line-to-line voltage above 450 kV. In any case, the minimum clearance is to be that determined to be needed with an ambient temperature of 120 degrees Fahrenheit.

2. Reclamation has the following requirements for overhead crossings:

    a. Poles or towers should not be allowed within Reclamation's ROW.

    b. Overhead electrical and communication lines should cross perpendicular (between 70 and 90 degrees) to the centerline of the Reclamation facility.

    c. If necessary, fence grounding is to be provided for existing fence lines, especially under power transmission lines.

3. A marker warning sign should be provided that shows the clearance and electrical line voltage. The warning sign should face oncoming traffic and state, "**DANGER, HIGH VOLTAGE OVERHEAD.**"

4.6.3 Utility Crossing Reclamation's Canal

Utility crossings include open ditch laterals, subsurface and surface drains, levees, and similar facilities.

General Requirements:

1. Utilities crossing Reclamation canals should be designed to cross perpendicular (between 70 and 90 degrees).

2. Pier construction in the canal for new utility crossing(s) should not be allowed. New utility crossings should be free span design.

3. Open cut crossings of Reclamation canals and ditches, when allowed, should require replacing linings to re-establish the original construction style and materials (i.e., disturbed concrete lining panels should be removed in their entirety and replaced, membrane lining and earth or concrete protective cover should be re-constructed, gravel and canal under-drainage systems should be re-established to full working order, etc.) Proposals should be submitted for approval with the crossing permit application.

4. For trench excavation and backfill requirements, refer to "3.2 General."

5. Boring and jacking of a utility through canal embankments or protective levees should not be permitted. Boring and jacking of a utility should be constructed through the embankment foundation materials. Applicants should make special design and construction considerations with bored crossings under canals containing water during construction. Among these should be using proper bentonite slurry to seal the annulus space between the utility conduit and the boring cavity from canal seepage. Refer to appendix A for more details to be considered.

   The applicant's drilling plan should cover:

   a. Drilling methods and equipment

   b. Methods for preserving existing foundation material

   c. Methods and equipment to determine the presence of quick soil conditions or scouring and caving

d. Proposed method for casing installation and removal if casings are used

e. Methods and equipment for accurately determining the depth of concrete and actual or theoretical volume placed

The applicant's contingency plan should cover:

a. Means to repair in a certain time

b. Minimum flows after event

c. Review of geotechnical conditions surrounding the pile locations

d. Assessment of how the proposed mitigations will address geotechnical conditions

e. Methods for restoring foundation material

f. List of material, equipment, and personnel with qualifications to be used during mitigation work

g. A seal from a Professional Engineer on all relevant plans and drawings

6. When horizontal directional drilling (HDD) or other trenchless methods are used, canal seepage conditions may be aggravated by the collapse of the canal foundation material into the annular void between the bore and pipe. Penetration through the top stratum of fine-grained materials may concentrate seepage at those locations. Pipe installed with trenchless methods should proceed only after completion of a comprehensive evaluation of the following:

(a) Comprehensive understanding of the subsurface soil and groundwater conditions to a minimum depth of 20 feet below the lowest pipe elevation

(b) Locations of the HDD pipe penetration entry and exit

(c) Construction procedure

(d) Allowable uplift pressures

(e) Onsite quality control and quality assurance monitoring during construction operation

(f) Grouting of the pipe annulus

(g) Backfilling of any excavated areas

(h) Repair and reinstatement of the construction staging areas

A geotechnical report should be submitted with the application for review prior to approval of the proposed utility crossing.

Directional drilling under a canal may be considered if a minimum clearance of 25 feet to the bottom of the canal lining is maintained for utilities with less than a 24-inch outside diameter. Larger utility crossings should be considered on an individual basis and may require additional clearance from the bottom of the canal lining.

7. Cut and cover constructed utilities under Reclamation canals should have a minimum cover of 36 inches when within Reclamation's ROWs. Bored construction utilities should have a minimum of 3 diameters cover.

8. Reclamation's ongoing O&M activities should not be disrupted during crossing construction. The primary or secondary operating road should be kept available for Reclamation use at all times.

9. Canal embankments should be re-built or repaired with materials and standards equal to or better than the existing embankments.

10. Drawings should be stamped and signed by a Professional Engineer and contain the following information:

a. Canal milepost or station at each proposed crossing, utility size and location, and type of utility or material transported

b. Maximum utility operating pressure, type of pipe, joints, wall thickness, maximum test pressure, and description of test procedures

c. Type of sleeve/casing (when allowed) including diameter, joints, and wall thickness

d. For utilities attached to a bridge or an overchute, details showing the structure name, superstructure, abutments, embankments, protective dikes, method of attachment, spacing of utility supports on the structure, location of other attached utilities, and structural calculations

e. Protective coatings and corrosion control measures

f. Method of handling pipeline expansion and contraction

g. Location of nearest shutoff valve on each side of the crossing

h. Location and details of thrust restraint

i. Design code(s) used for the utility crossing

j. Location, including depth, of the buried pipeline communication and control cables

k. Other existing utility easements in the immediate vicinity

Hazardous Material Carrier Requirements:

1. Pipelines carrying hazardous material or pollutants (e.g., oils, gasoline, sewage, contaminated waters, and nonpotable waters) should be designed for a reduced risk of failure in the portion within Reclamation's ROW. The design should require either:

   a. Designing the crossing pipeline with an additional 50 percent working pressure factor

   or

   b. Using secondary containment (casing pipe) for all hazardous material pipelines

2. To minimize the amount of any hazardous material entering the canal, Reclamation may require the installation of a block (gate) valve and or a check valve on each side of the canal between the ROW boundary and the embankment. When selecting the type of the valves, take into the account the flow direction and the terrain.

3. A final hazardous material spill contingency plan and an emergency response plan should be approved by Reclamation prior to start of construction.

4. A monitoring program and/or Supervisory Control and Data Acquisition System alarm may be required depending on the hazardous material transported. This applies to all "overcrossings" and "undercrossings" when the hydraulic grade line is within 60 inches of the canal liner or when local geology would promote this requirement.

Attaching Utilities to Bridges and Overchutes:

Note: Reclamation does not guarantee the long-term availability of bridges or overchutes as support devices for utility crossings because they may require structural modifications or alterations to accommodate widening, repairs, subsidence offsets, etc., to such an extent that service may be interrupted or stopped. Reclamation may determine the bridge is no longer required and may remove it. In that event, the owner/operator of each utility attached to a bridge or an overchute may be required to re-locate or permanently remove their utility at their own expense.

Specific details for attaching utilities to bridges are:

a. Utilities should not be placed on the bridge deck.

b. Anchor bolt locations should not intercept the critical reinforcing steel of the bridge.

c. Utilities should be placed and anchored under bridge decks between girders and through utility openings, if they are present. The utility should be placed off center in the utility opening, if possible, to allow for future utility additions.

d. If an expansion joint is used in the pipeline, it should be placed near the bridge deck expansion joint.

e. Holes through bridge concrete or abutment and retaining walls for passage of utilities may be allowed and should be core drilled. The annular space between the utility and core hole surface should be completely filled with an elastomeric sealant to prevent loss of material or water piping from behind the wingwalls and abutments.

f. Calculations showing the effects of the weights of the proposed utilities on the load carrying capacity of the bridge should be submitted for Reclamation review.

g. Intermediate supports for the utility should withstand the seismic conditions of the bridge.

4.6.4 Utility Crossing Reclamation's Underground Pipelines

1. The applicant should submit the procedures, excavation plans, schedules, as well as type and weight of the construction equipment to be used for crossing the Reclamation pipeline.

2. High voltage, direct current powerlines should not be permitted to encroach on the Reclamation pipeline ROW, except in unusual circumstances and with proper cathodic protection considerations.

3. For proposed metallic pipelines, refer to "5.0 Cathodic Protection Requirements."

4. For utilities crossing above or under the Reclamation pipeline, the vertical clearance between the utility and Reclamation pipeline should be a minimum of 12 inches.

5. The location of the Reclamation pipeline and the communication and control cables throughout the area of the proposed construction should be shown on the plans. Prior to Reclamation and/or AOE issuing a use authorization or consent document, the pipeline and the cable(s) should be located and exposed by potholing. The pothole locations should be shown on the drawings. The pothole elevations should be referenced to Reclamation stationing or milepost. (Refer to "3.2 General.")

6. Drawings should contain the following information:

    a. Reclamation milepost or station at each proposed crossing, pipeline size and location, and type of utility or material transported.

    b. Maximum utility operating pressure, type of pipe and joints, maximum test pressure and description of test procedures, wall thickness, and utility pipe classification.

    c. Type of sleeve/casing pipe (when allowed) including diameter, joints, and wall thickness.

    d. Protective coatings and corrosion control measures.

    e. Location of nearest shutoff valve on each side of the crossing.

    f. Location and details of thrust restraint.

    g. Design code(s) used for utility crossing.

    h. Location, including depth of the Reclamation pipeline and the communication and control cables.

    i. Other existing utility easements in the immediate vicinity.

7. Detectable warning tape may be required over trenched utilities. (Refer to "3.3 Detectable Warning Tape.")

8. For trench excavation and backfill requirements, refer to "3.2 General."

9. Embankments should not be permitted within Reclamation's ROW where underground pipeline exists.

4.6.5 Utility Crossing Under Reclamation's Roadways

1. The applicant should supply typical cross sections that show existing ground surface elevations, utility trench invert elevations, and utility details.

2. For trench excavation and backfill requirements, refer to "3.2 General."

3. Conduits with diameters up to 24 inches should be bored and jacked underneath pavements. Larger conduits may be considered on an individual basis. Pavement or road surfaces should not be cut unless an acceptable detour, if required, is approved. The cover over the conduit(s) when within Reclamation's ROWs should be a minimum of 36 inches. (Refer to "3.2 General.")

4. Unless otherwise approved, the applicant should replace existing Reclamation roads and parking surfaces that are removed or damaged by the applicant's construction activities in accordance with provisions in the latest edition of the applicable State DOT Standard Specifications.

5. If existing road embankments are to be widened, the work should be conducted in accordance with the provisions of embankment construction in the applicable State DOT Standard Specifications.

6. Detectable warning tape may be required over buried utilities. (Refer to "3.3 Detectable Warning Tape.")

5.0 CATHODIC PROTECTION REQUIREMENTS

5.1 Cathodically Protected Metallic Pipelines

Unless approved in writing by Reclamation, metallic pipelines or those containing metallic reinforcement (e.g., reinforced concrete) installed within Reclamation's ROW should have a suitable bonded dielectric coating (see "5.2 Protective Coatings for Corrosion Control") and be cathodically protected. Impressed current cathodic protection rectifiers and deep-well anode systems should not be

permitted within Reclamation facilities without prior approval from MERL's Corrosion Technology Group. All submittals should include details of the cathodic protection system (CPS) and its appurtenances.

1. All existing Reclamation cathodic protection test stations, cables running to these stations, rectifiers, anode beds, and any other appurtenances should be located prior to any grading or excavation. The test stations should be staked and flagged. The test stations, cables running to these stations, any anode beds, etc., should be suitably enclosed or protected during construction to prevent damage. No re-location or modification of the test stations, cables, anode beds, etc., is allowed without prior approval from MERL's Corrosion Technology Group.

2. Generally, the CPS to the proposed pipeline should be the sacrificial anode type unless the proposed installation continues an existing pipeline that uses impressed current type of cathodic protection.

3. A means of monitoring the effectiveness of the CPS on the proposed pipeline should be provided within Reclamation's ROWs. The number of anodes and test stations will differ with each project. Test stations should be located at every anode bed connection and should not be more than 1,000 feet apart. A test station should also be located where any metallic pipeline crosses over or under a metallic Reclamation pipeline, metallic fence, other metallic structure embedded in the ground, or comes within 20 feet of a Reclamation structure on or embedded in the ground. Both the proposed cathodically protected pipeline and the Reclamation pipeline should be monitored regularly using these test stations. Monitoring results should be reported to MERL's Corrosion Technology Group. In addition, the owner of the proposed crossing pipeline should investigate and mitigate any adverse potential shift caused by the proposed pipeline on the Reclamation pipeline. Owners of proposed crossing pipelines should return Reclamation pipelines to their original electrochemical potentials or to more benign potentials. Mitigation measures should be approved by MERL's Corrosion Technology Group. The effectiveness of mitigation measures should be confirmed in the presence of a Reclamation representative following installation.

   For those pipelines under DOT regulation, the application and monitoring of the CPS should conform to Title 49 CFR, Part 195, any special provisions of this guideline, and the provisions of NACE International RP 0169, in that order. For other pipelines, any special provisions of this guideline should take precedence, followed by the provisions of NACE RP 0169.

5.2 Protective Coatings for Corrosion Control

1. *Atmospheric Exposed Pipe*

   The coating should be a high build modified aluminum epoxy mastic primer and top coated with a high build aliphatic urethane. The type of coating should be listed in the submitted plans and specifications. Information should include the surface preparation and the thickness of the coating to be applied.

2. *Buried Pipe*

   The type of coating may vary from project to project due to geology and soil corrosivity and should be considered on an individual basis. The type of coating should be listed in the submitted plans and specifications. Information should include the surface preparation and the thickness of the coating to be applied.

REFERENCES

Application for Transportation and Utility Systems and Facilities on Federal Lands, <http://www.ntia.doc.gov/FROWsite/SF-299_2006.pdf>.

Application for Use of Reclamation Project Land and Water Surfaces, <http://www.usbr.gov/pmts/lands/>.

Bureau of Reclamation Right-of-Use Application, <http://www.usbr.gov/pmts/lands/FINAL7-2540-5-06ExpDate03312009.pdf>.

California Department of Water Resources - Encroachment Permit Guidelines.

Central Arizona Project, Reach 11 Guidelines.

GP Region Billings MT – Standard Crossing & Clearance Requirements, Utility Lines and Cables, drawing 40-600-51. The office also uses a Preliminary Project Description Form and a Special Use Permit.

NACE, International RP 0169, "Standard Recommended Practice – Control of External Corrosion on Underground or Submerged Metallic Piping Systems."

PN Region Burley ID – Overhead and underground crossing clearances.

Policy on Geometric Design of Highway and Streets, American Association of State Highway and Transportation Officials (AASHTO), Fifth Edition, 2004.

Reclamation, 2005. Preliminary drawing 103-D-1700 that provides general requirements for installation of crossings, June 2005.

Reclamation Manual, Directive and Standards LND 08-01, Land Use Authorizations, <http://www.usbr.gov/recman/lnd/lnd08-01.pdf>.

Title 29 CFR, Part 195.

U.S. Army Corps of Engineers – Engineering and Design, Design and Construction of Levees EM 1110-2-1913, 30 Apr 2000, CECW-EG Washington, DC 20314-1000.

GLOSSARY

Bored and jacked – This terminology is a general way of referring to a family of trenchless methods.

Bridge, class A – Vehicular bridge used by the public. May or may not be owned by the Bureau of Reclamation.

Consent Document Permit – Permit required across fee-owned lands.

Detention basin – An artificial flow control structure used to contain flood water for a limited period of a time, thereby providing protection for areas downstream. Detention basins provide a way to reduce storm peak flows, while retention basins hold water for an extended period of time. These basins are generally a part of a larger engineered flood water management system.

Electroliers – A branching frame, often of ornamental design, used to support electric illuminating lamps.

Pothole excavation – See potholing.

Potholing – The practice of digging test holes to expose underground utilities (e.g., cables) to determine the horizontal and vertical location of these utilities.

Trenchless methods – Procedures for installing pipe without using traditional trench cut and cover methods. These trenchless methods may be referred to as bore and jack, tunneling, horizontal directional drilling, and microtunneling, among others.

Water conveyance facility – Canal, ditch, pipeline, drain, levee, open or closed laterals, and similar facilities and their associated appurtenant features.

Appendix A

General Requirements for Installing Bored and Jacked Pipe Undercrossings

Bored and Jacked Under the Canal – This terminology is a general way of referring to a family of trenchless technologies. Similar guidance to the requirements listed below should be followed no matter what method is used for installation.

1. Installing a lone carrier pipe (without casing) is encouraged. Refer to "4.6 Utility Crossing," and "4.6.1 Casings" for information on cautions of using casings around metallic carrier pipe.

2. Plans must show carrier/casing pipe type, diameter, and thickness. Casing pipes should be steel pipe (American Water Works Association [AWWA] C-200) and have 1/4-inch minimum wall thickness. Applicants should provide the type of carrier pipe and appropriate bell dimensions for said carrier pipe to verify annular clearances.

3. When installing pipe while the canal is unwatered, a minimum of 3 pipe diameters or 60 inches of clearance (whichever is greater) between the top of the pipe and the bottom of the canal must be maintained. However, 72 inches or more clearance is recommended.

4. Provide a minimum of 3 inches of clearance between the carrier and casing pipes at all points (including bells).

5. A bulkhead or effective sealing device should be provided at both ends of each casing pipe to seal the annular space between the two pipes. Vent pipe should be included to allow ventilation and reduce the risk of condensation buildup and flooding.

6. As a result of the installation process, an annular void is usually created around the outside of the casing pipe. Provisions should be made to pressure grout or effectively seal (e.g., bentonite slurry) this void space.

7. Requirements below are provided to establish minimums for determination of the length of pipe to be installed. It is strongly recommended that pipes be installed perpendicular (between 70 and 90 degrees) to the canal alignment. Regardless, the pipe must extend completely through the Bureau of Reclamation's (Reclamation) right-of-way (ROW). Theses minimums do not relieve the applicant's engineer from performing an onsite investigation or other work to determine local conditions that may require additional pipe length.

   Jacking pit configuration, location, and length of pipe to be installed should be based on the following parameters:

   a. One operating road shall remain open to vehicular traffic at all times.

b. The minimum operating road embankment top width to be maintained during construction should be either 14 feet wide, the width of the existing embankment, or as required by Reclamation.

c. As a minimum, jacking pit excavations should not be within:

(1) A line drawn from the outside edge of the operating road embankment extended downward and away from the canal at a slope of 3/4 horizontal to 1 vertical.

(2) A line drawn from the outside edge of the top of the concrete lining extended downward and away from the canal at a slope of 1 horizontal to 1 vertical.

d. To contain the slurry during installation, jacking pits should be constructed so that natural ground or a compacted dike is entirely around the pit to an elevation at least 1 foot above the top of the canal lining.

e. All excavations should be in compliance with Occupation Safety and Health Administration regulations and Reclamation's Health and Safety Standards.

f. If the contractor elects to install shoring in the jacking pits, all shoring designs should be prepared by a Professional Engineer knowledgeable in said type of work. A copy of the shoring designs should be submitted to Reclamation.

8. Jacking pits should be backfilled with native material and mechanically compacted to 95 percent of the maximum dry density per ASTM D-698.

9. The contractors should be responsible for any damage to the canal section during the construction of a crossing, and the contractor shall repair the damage at their own expense.

10. If an emergency situation develops during construction, the contractor should immediately notify appropriate contacts with Reclamation. Reclamation must approve further work at that point.

11. The minimum distance between two jacked pipes should be 10 feet.

12. Any pressure lines installed within Reclamation's ROW must have adequate thrust restraint at bends and valves. Specified design pressures and thrust restraint calculations shall be provided to Reclamation to confirm the design configuration.

Appendix B

Guidelines – Removal of Trees and Other Vegetative Growth from Earth Dams, Dikes, and Conveyance Features

Excerpted from: Review of Operation and Maintenance Program Field Examination Guidelines

APPENDIX B

GUIDELINES
REMOVAL OF TREES AND OTHER VEGETATIVE GROWTH FROM EARTH DAMS, DIKES, AND CONVEYANCE FEATURES*

Growth of trees and other significant vegetation on or adjacent to earth dams, dikes, and conveyance features, should be prevented from becoming established for the following reasons:

1. To allow proper surveillance and inspection of the structures and adjacent areas for seepage, cracking, sinkholes, settlement, deflection, and other signs of distress.
2. To allow adequate access for normal and emergency Operation and Maintenance (O&M) activities.
3. To prevent damage to the structures due to root growth, such as shortened seepage paths through embankments; voids in embankments from decayed roots or toppled trees; expansion of cracks or joints of concrete walls, canal lining, or pipes; and plugging of perforated or open-jointed drainage pipes.
4. To discourage animal/rodent activity (by eliminating their food source and habitat), thereby preventing voids within embankments and possible shortened seepage paths.
5. To allow adequate flow-carrying capability of water conveyance channels (e.g., spillway inlet and outlet channels; open canals, laterals, and drains).

The growth of trees and potentially detrimental vegetation should be prevented during its early stages as part of the operating office or entity's normal O&M program. Early control is generally the most cost effective means of avoiding potential adverse effects on these structures from their continued growth. Control efforts may consist of applying herbicides, spraying, cutting, and/or removing the trees or undesirable vegetation.

Suggested clearance zones (areas of control) adjacent to these structures are provided within these guidelines. Concerted efforts should be made to maintain these clearance zones. However, site-specific conditions, such as landscaping, accessibility, erosion susceptibility of material in the area, type of abutment material, original construction clearance zone, right-of-way easement, etc., may influence the necessity or success of these control efforts.

Should trees and/or other significant vegetation become established, proper O&M of earth embankment dams, dikes, and conveyance features, may require their discriminate removal. During the Review of Operation and Maintenance examination for the facility or system, the examiners should use these guidelines, along with their experience and professional judgment, to evaluate the need for removal of such established growth.

If trees and other significant growth are identified by the examination team in locations delineated by these guidelines, a determination should be made regarding their need for removal. If the identified vegetation is deemed to be in location such that its existence is not considered to be detrimental and therefore does not require removal, sufficient justification should be provided during the examination and included within the associated report to support that determination.

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* Enclosure to memorandum dated April 26, 1989, from Manager, Project Operation Services Staff, to all Regional Directors, Subject: Revised Guidelines — *Removal of Trees and Other Vegetative Growth From Earth Dams, Dikes, and Conveyance Features.*

When, in the opinion of an Review of Operation and Maintenance examination team, such established growth requires removal, specific followup procedures should be addressed as part of the examination. Such procedures may include the need for right-of-way easement determination; the need for an assessment for potential environmental impacts (any impact assessments should be coordinated with designated regional or project office environmental staff); whether removal of the root system is necessary and to what extent; the method of removal and recompaction of material within the void created; and the need for any erosion stabilization measures.

National Environmental Policy Act compliance is required relative to such tree and vegetation removal. Additionally, the application of herbicides should comply with applicable provisions of the Endangered Species Act. The determination of appropriate procedures to be followed in assessing potential environmental impacts and mitigation (including those to wildlife and its habitat) will be the responsibility of each regional and/or project office. This will include the preparation of an appropriate National Environmental Policy Act document and an assessment of the need for mitigation prior to the onset of removal activities. Appropriate National Environmental Policy Act compliance may include a Categorical Exclusion Checklist, an environmental assessment followed by a Finding of No Significant Impact, or an Environmental Impact Statement.

The following guidelines and associated clearance zones should be used for all Reclamation earth dams, dikes, and conveyance features. They are not considered "policy;" rather, they are guides which should be used with reasonable judgment and practicality.

1. Trees and detrimental vegetative growth should be prevented from becoming established on the surface of all earth dam, dike, and conveyance feature embankments. A small amount of shallow-rooted vegetation may be acceptable to aid in erosion protection and slope stabilization. Mowing of grass and other small vegetation is desirable and may be necessary to allow proper surveillance of the surfaces and observation of animal/rodent activity.

2. A clearance zone of 25 feet beyond each contact (groins and toe) of earth dam embankments and dikes should be maintained of all trees and detrimental vegetation. Similarly, a clearance zone of 15 feet should be maintained beyond the outside toe of all fill sections/embankments for open canals and laterals. These clearance zones may need to be extended for seepage areas or other conditions where proper surveillance or access may be warranted.

3. Earth dam, dike, and conveyance feature (open canal and lateral) embankments have large tree growth or stumps from previously cut trees on or near them should be evaluated, usually in conjunction with an Review of Operation and Maintenance examination, for any necessary future action, (i.e., monitor, excavation and backfill, rebuild, etc.). Generally, sizable old root systems of large trees should be grubbed out and the embankment replaced and compacted to prevent the development of piping action or erosion. Likewise, any sizable voids resulting from animal/rodent burrowing activity should be filled and compacted. Seeding may be necessary for protection from surface erosion.

4. Spillway inlet and outlet channels, outlet works discharge channels, and other open conveyance channels (open canals, laterals, and drains) should be free of vegetative growth that could significantly impede water flow or reduce design capacity.

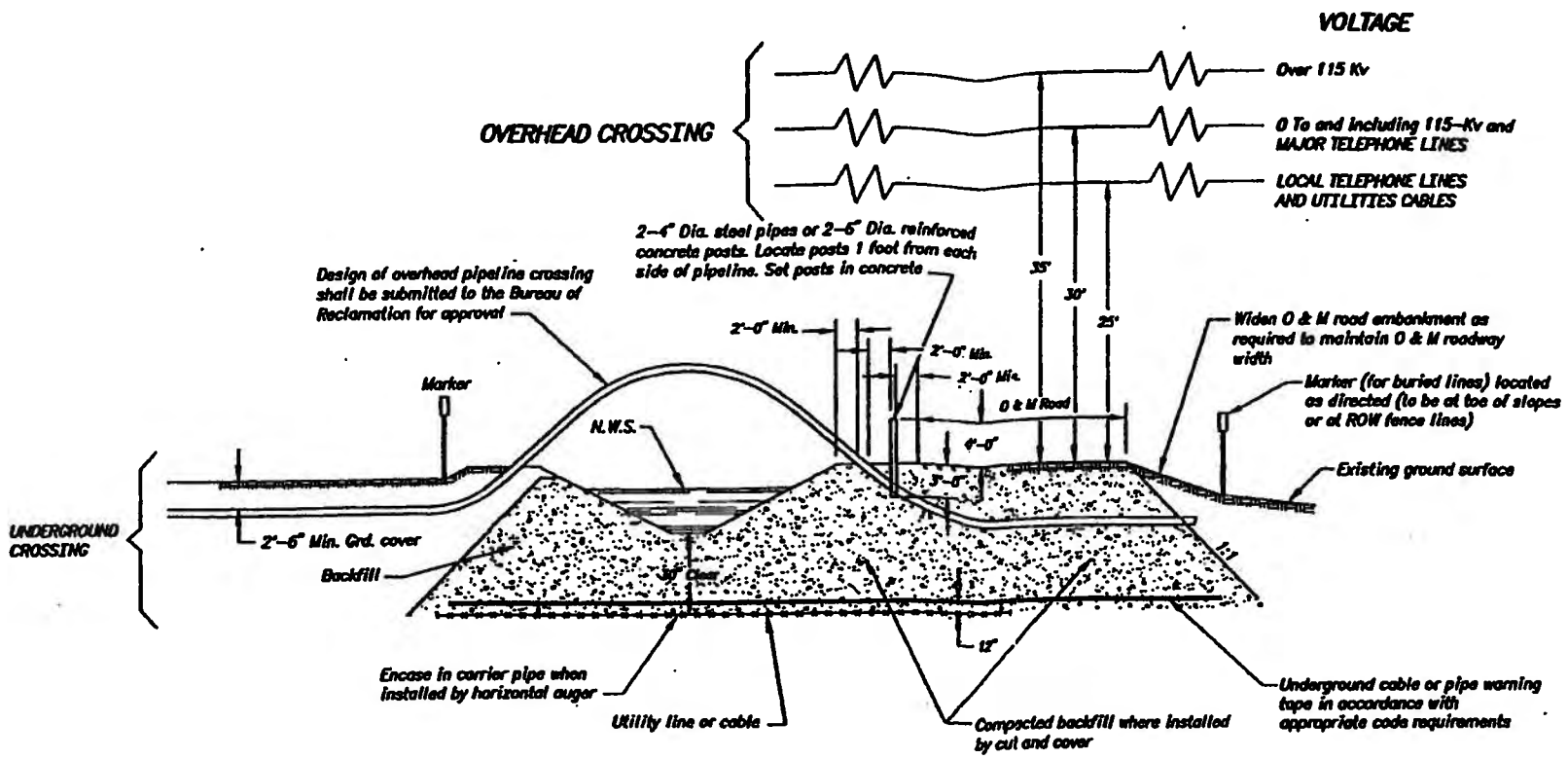
5. A clearance zone of 25 feet adjacent to all concrete structures associated with such facilities should be maintained of all trees and detrimental vegetative growth to prevent damage from root growth, to allow proper surveillance, and to allow adequate O&M access.

6. Associated cut slopes adjacent to open canals and laterals should be kept clear of vegetation which, if toppled and/or uprooted, could affect operations or O&M access.

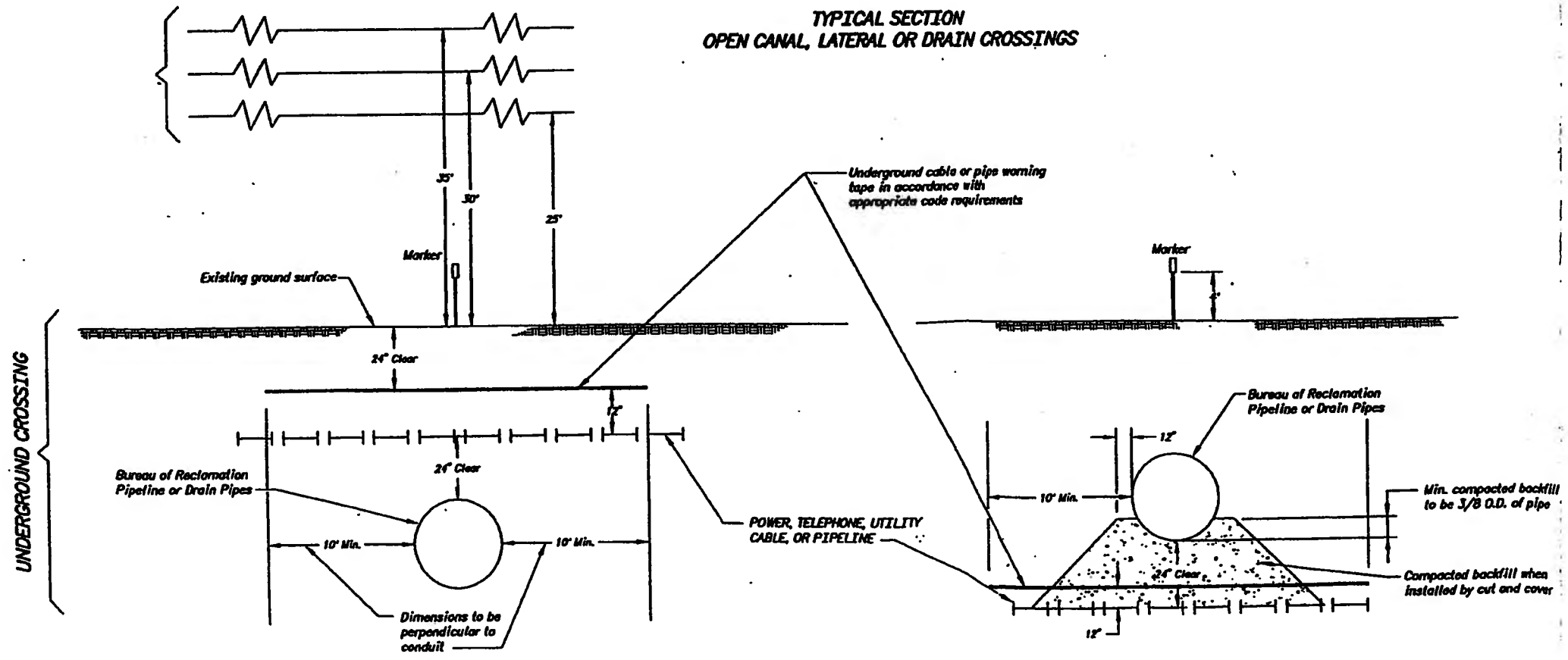
7. For pipe conveyance systems (such as siphons, aqueducts, discharge lines, perforated or open-jointed drains, etc.), to provide O&M access and to prevent root encroachment, a clearance zone should be maintained 15 feet from each side of the pipeline. However, in some cases, farming of annual crops over pipelines may be permissible.

• • • • • •

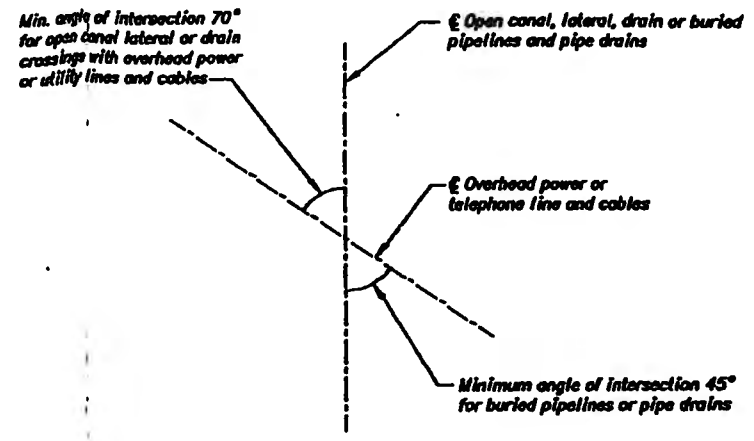
Exhibit G



TYPICAL SECTION
OPEN CANAL, LATERAL OR DRAIN CROSSINGS



TYPICAL SECTION
PIPELINE OR DRAIN CROSSING



CROSSING PLAN

NOTES

1. Drawing is not to scale.
2. Overhead crossing clearances are minimum for all conditions.
3. Any additional clearances or permits required for construction shall be provided by the Contractor.
4. Conductor clearance shown is for 60° F and final unloaded sag.

1	03/14/2002	REDRAWN AND REVISED

ALWAYS THINK SAFETY

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
PICK-SLOAN MISSOURI BASIN PROGRAM

STANDARD CROSSING & CLEARANCE REQ.

UTILITY LINES AND CABLES

DESIGNED - B. ABRAHAMS — TECH. APPROVAL - S.RITCHARDS
DRAWN - A. COOPER — SUBMITTED - BABRAHAMS
CHECKED - B. ABRAHAMS — APPROVED - J.ULVERSON

CADD SYSTEM AutoCAD	CADD FILENAME 0000001	DATE AND TIME PLOTTED 03/15/02
BILLINGS, MONTANA	SHEET 1 OF 1 — 01/11/2002	40-600-51

RECEIVED
DEPARTMENT OF PLANNING AND DEVELOPMENT
229 West 12th Street, Pueblo, CO 81003-2810-719-583-6100
July 25, 2013

FLOOD HAZARD AREA DEVELOPMENT PERMIT APPLICATION INFORMATION
(INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED)

PERMIT NUMBER: FP 2013-003 DATE: 07/17/2013

ASSESSOR'S PARCEL NUMBER: 600000058

OWNER: Colorado Springs Utilities PHONE: 719-668-8667

ADDRESS: STREET 121 South Tejon Street, Third Floor, P.O. Box 1103, Mail Code 930

CITY/ZIP Colorado Springs, Colorado 80947-0930

CONTRACTOR: Garney Construction PHONE: 303-791-3600

ADDRESS: STREET 7911 Shaffer Parkway

CITY/ZIP Littleton, Colorado 80127

PROJECT LOCATION/DESCRIPTION/DIRECTIONS: Southern Delivery System (SDS)

PDC1B and PWC Raw Water Pipeline Crossing of Arkansas River Floodplain East of Pueblo Reservoir Dam

PROJECT DESCRIPTION (Please Include Plot Plan or Survey)
(CHECK THE APPLICABLE PROJECT BOXES)

- ☐ SINGLE-FAMILY RESIDENTIAL
- ☐ MULTI-FAMILY RESIDENTIAL
- ☐ MANUFACTURED (MOBILE) HOME
- ☐ NON-RESIDENTIAL
- ☒ OTHER/EXPLANATION: SDS Raw Water Pipeline Construction

- ☒ NEW CONSTRUCTION
- ☐ SUBSTANTIAL IMPROVEMENT (>50%)
- ☐ IMPROVEMENT (<50%)

- ☐ REHABILITATION
- ☐ CHANNELIZATION
- ☐ FILL
- ☐ BRIDGE/CULVERT
- ☐ LEVEE

BASEMENT: ☐ YES ☒ NO ☐ FINISHED ☐ UNFINISHED
USE(S)_____
CRAWL SPACE: ☐ YES ☒ NO
USE(S)_____

FLOOD HAZARD DATA

FEMA Map Panel Number: 080147-0225-B

Watercourse Name: Arkansas River

The project is proposed in: Floodway N/A Floodway Fringe N/A

Base (100-year) Flood Elevation(s) at Project Site: Zone A - No BFEs

Elevation of Lowest Floor (including basement) N/A NGVD / Floodproofing N/A NGVD

Source Documents: Reports/Maps See Attached Maps

NOTICE: All information, including emails, submitted to Pueblo County Department of Planning and Development is considered public record and is therefore available for public review.

FP 2013-003

Flood Hazard Area Development Permit
Application Information and Proposal Review Checklist

- [x] Site Development plans are complete and depict flood hazard data.
- [ ] Engineering data is provided for proposed map and floodway revisions.
- [ ] Floodway Certificate and data does document no increase in flood heights.
- [ ] Subdivision proposal minimizes flood damage and protects utilities.
- [ ] Lowest Floor Elevations are above the base (100-year) flood level.
- [ ] Manufactured Home addresses elevation and anchoring requirements.
- [ ] A Floodproofing Certificate certifies Floodproofing designs.
- [x] Other information/documentation as needed: certification by CH2M Hill

PERMIT ACTION

- [x] **Permit Approved**: The information submitted for the proposed project was reviewed and is in compliance with approved flood plain management standards (site development plans were submitted and are on file).

- [ ] **Permit Denied**: The proposed project does not meet approved flood plain management standards (explanation is on file)

- [ ] **Variance Granted**: A variance was granted from the base (100-year) flood elevations established by FEMA consistent with variance requirements of NFIP Regulations Part 60.6 (variance action documentation is on file).

Joan Armstrong, Director
Flood Plain Administrator's Signature

July 29, 2013
Date

Comments: _____

COMPLIANCE DOCUMENTATION

MAP REVISION DATA. Certified documentation by a registered professional engineer of the as-built conditions for flood plain alterations were received and submitted to FEMA for a flood insurance map revision.

FILL CERTIFICATE. A community official certified the elevation, compaction, slope and slope protection for all fill placed in the flood plain consistent with NFIP Regulations Part 65.5 for Map Revisions.

ELEVATION AND FLOODPROOFING CERTIFICATES. The as-built elevation of the building's lowest floor was certified as _____ NGVD; or the building's floodproofing level was certified as _____ NGVD by a registered professional engineer or licensed surveyor and is on file.

CERTIFICATE OF OCCUPANCY OR COMPLIANCE ISSUED ON: _____
DATE

Kevin Binkley

Subject: FW: SDS PDC1B Air Permit Application

From: Lee - CDPHE, Renee [mailto:renee.lee@state.co.us]
Sent: Wednesday, July 17, 2013 4:54 PM
To: John Miller (jmiller@garney.com)
Subject: Air Permit Application

Hi John,

In regard to our phone conversation today, the Colorado Air Pollution Control Division (Division) has received Garney Construction's Air Pollutant Emission Notice (APEN) and application for the Land Development General Permit for the Southern Delivery Raw Water System. Therefore, construction may begin for the land development project reported in the APEN received on June 18th, assuming there will be no issues with the application the Division has received.

Thank you,

Renee Lee
Permit Engineer
Air Pollution Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530
303-691-4953| renee.lee@state.co.us

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.
Denver, Colorado 80246-1530
Phone (303) 692-2000
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

May 24, 2013

Bill Williams, PM
Garney Construction Inc
1333 NW Vivion Rd
Kansas City, MO 64118

RE: Certification, Colorado Discharge Permit System
Permit No., COR030000, Certification Number: COR03G746

Dear Mr./Ms. Williams,

The Water Quality Control Division (the Division) has reviewed the application submitted for the transfer of **Southern Delivery System Pueblo Dam Connections** from **ASI Constructors Inc** to **Garney Construction Inc** and determined that it qualifies for coverage under the CDPS General Permit for Stormwater Discharges Associated with Construction (the permit). Enclosed please find a copy of the permit certification, which was issued under the Colorado Water Quality Control Act.

Facility: Southern Delivery System Pueblo Dam Connections — Pueblo County
Industrial Activities: Marine construction in river channel - office trailer staging,
Legal Contact *(receives all legal documentation pertaining to the permit certification):*
Bill Williams, PM
Garney Construction Inc
1333 NW Vivion Rd
Kansas City, MO 64118
Phone number: 816-741-4488
Email: bwilliams@garney.com

Facility Contact *(contacted for general inquiries regarding the facility):*
John Miller, Proj Engr
Phone number: 970-443-8969
Email: jmiller@garney.com

Billing Contact *(receives the invoice pertaining to the permit certification):*
Bill Williams, PM
Garney Construction Inc
1333 NW Vivion Rd
Kansas City, MO 64118
Phone number: 816-741-4488
Email: bwilliams@garney.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.
The Annual Fee for this certification is $245.00, and is invoiced every July. Do Not Pay This Now.

The Division is currently developing the renewal general permit and associated certification for the above permitted facility. The development and review procedures required by law have not yet been completed. The Construction Stormwater General Permit, which expired June 30, 2012, is administratively continued and will remain in effect under Section 104(7) of the Administrative Procedures Act, C.R.S. 1973, 24-4-101, et seq (1982 repl. vol. 10) until a new permit/certification is issued and effective.

Please read the enclosed permit and certification. If you have any questions, please contact Kathleen Rosow, Environmental Protection Specialist, at (303) 692-3521.
Sincerely,

Karen Harford

Karen Harford, Administrative Assistant II
WATER QUALITY CONTROL DIVISION
Enclosures: Certification page; General Permit; Highlight Sheet; Termination form
xc: **ASI Constructors Inc**
Permit File
/dkj cert

Colorado Department of Public Health and Environment

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

Certification Number: **COR03G746**

This Certification to Discharge specifically authorizes:

Garney Construction Inc

to discharge stormwater from the facility identified as

Southern Delivery System Pueblo Dam Connections

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

- Arkansas River

Facility Industrial Activity :	Marine construction in river channel - office trailer staging,
Facility Located at:	Juniper Rd & Pueblo Dam Access Rd, Pueblo, Pueblo County, CO 81007
	Latitude: 38/16/14, Longitude: -104/43/19

Certification is effective: 5/24/2013 **Certification Expires:** 6/30/2012

Administratively Continued

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

Signed,

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

Date of Transfer: 5/24/2013

HIGHLIGHTS

CONSTRUCTION ACTIVITY STORMWATER GENERAL PERMIT

PERMIT REQUIREMENTS:

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

PERMIT FEE:

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

PERMIT TERMINATION AND TRANSFER:

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

QUESTIONS?

* **www.coloradowaterpermits.com**
* Email 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

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

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

Colorado Department
of Public Health
and Environment

Colorado Water Quality Control Division Notice of Termination

Construction Stormwater Inactivation Notice

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 _____

form last revised July 2009

- **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 31st day of May, 2007

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler

Janet S. Kieler
Permits Section Manager
Water Quality Control Division

SIGNED AND ISSUED MAY 31, 2007

EFFECTIVE JULY 1, 2007

ADMINISTRATIVELY CONTINUED EFFECTIVE JULY 1, 2012

TABLE OF CONTENTS

PART I

TABLE OF CONTENTS (cont.)

PART I

A. COVERAGE UNDER THIS PERMIT

1. **Authority to Discharge**

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

a) **Applicable Sections:** In accordance with Part I.A.3 of this permit, some parts of this permit do not apply to sites covered under a Qualifying Local Program, as defined in I.A.2.d. For sites not covered by a Qualifying Local Program, all parts of the permit apply except Part I.A.3. The permittee will be responsible for determining and then complying with the applicable sections.

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

2. **Definitions**

a) **Stormwater:** Stormwater is precipitation-induced surface runoff.

b) **Construction activity:** Construction activity refers to ground surface disturbing activities, which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

c) **Small construction activity:** Stormwater discharge associated with small construction activity means the discharge of stormwater from construction activities that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.

d) **Qualifying Local Program:** This permit includes conditions that incorporate qualifying local erosion and sediment control program (Qualifying Local Program) requirements by reference. A Qualifying Local Program is a municipal stormwater program for stormwater discharges associated with small construction activity that has been formally approved by the Division.

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

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

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

a) **Applicable Sections**: For sites covered by a Qualifying Local Program, only Parts I.A.1, I.A.2, I.A.3, I.D.1, I.D.2, I.D.3, I.D.4, I.D.7, I.D.8, I.D.11, I.E and Part II of this permit, with the exception of Parts II.A.1, II.B.3, II.B.8, and II.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 homeowne**r 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 SMWP must meet the new SWMP requirements as summarized in Section II.I of the rationale. Any needed changes must be made by **October 1, 2007**.

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

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

1. **Site Description.** The SWMP shall clearly describe the construction activity, to include:

   a) The nature of the construction activity at the site.
   b) The proposed sequence for major activities.
   c) Estimates of the total area of the site, and the area and location expected to be disturbed by clearing, excavation, grading, or other construction activities.
   d) A summary of any existing data used in the development of the site construction plans or SWMP that describe the soil or existing potential for soil erosion.
   e) A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
   f) The location and description of all potential pollution sources, including ground surface disturbing activities (see Part I.A.2.b), vehicle fueling, storage of fertilizers or chemicals, etc.
   g) The location and description of any anticipated allowable sources of non-stormwater discharge at the site, e.g., uncontaminated springs, landscape irrigation return flow, construction dewatering, and concrete washout.
   h) The name of the receiving water(s) and the size, type and location of any outfall(s). If the stormwater discharge is to a municipal separate storm sewer system, the name of that system, the location of the storm sewer discharge, and the ultimate receiving water(s).

2. **Site Map.** The SWMP shall include a legible site map(s), showing the entire site, identifying:

   a) construction site boundaries;
   b) all areas of ground surface disturbance;
   c) areas of cut and fill;
   d) areas used for storage of building materials, equipment, soil, or waste;
   e) locations of dedicated asphalt or concrete batch plants;
   f) locations of all structural BMPs;
   g) locations of non-structural BMPs as applicable; and
   h) locations of springs, streams, wetlands and other surface waters.

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

3. **Stormwater Management Controls.**

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

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

a) **SWMP Administrator** - The SWMP shall identify a specific individual(s), position or title who is responsible for developing, implementing, maintaining, and revising the SWMP. The activities and responsibilities of the administrator shall address all aspects of the facility's SWMP.

b) **Identification of Potential Pollutant Sources** - All potential pollutant sources, including materials and activities, at a site must be evaluated for the potential to contribute pollutants to stormwater discharges. The SWMP shall identify and describe those sources determined to have the potential to contribute pollutants to stormwater discharges, and the sources must be controlled through BMP selection and implementation, as required in paragraph (c), below.

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

1) all disturbed and stored soils;
2) vehicle tracking of sediments;
3) management of contaminated soils;
4) loading and unloading operations;
5) outdoor storage activities (building materials, fertilizers, chemicals, etc.);
6) vehicle and equipment maintenance and fueling;
7) significant dust or particulate generating processes;
8) routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc.;
9) on-site waste management practices (waste piles, liquid wastes, dumpsters, etc.);
10) concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment;
11) dedicated asphalt and concrete batch plants;
12) non-industrial waste sources such as worker trash and portable toilets; and
13) other areas or procedures where potential spills can occur.

c) **Best Management Practices (BMPs) for Stormwater Pollution Prevention** - The SWMP shall identify and describe appropriate BMPs, including, but not limited to, those required by paragraphs 1 through 8 below, that will be implemented at the facility to reduce the potential of the sources identified in Part I.C.3.b to contribute pollutants to stormwater discharges. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP to ensure proper implementation, operation and maintenance of the BMP.

1) Structural Practices for Erosion and Sediment Control. The SWMP shall clearly describe and locate all structural practices implemented at the site to minimize erosion and sediment transport. Practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins.

2) Non-Structural Practices for Erosion and Sediment Control. The SWMP shall clearly describe and locate, as applicable, all non-structural practices implemented at the site to minimize erosion and sediment transport. Description must include interim and permanent stabilization practices, and site-specific scheduling for implementation of the practices. The SWMP should include practices to ensure that existing vegetation is preserved where possible. Non-structural practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees, and preservation of mature vegetation.

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

3) Phased BMP Implementation. The SWMP shall clearly describe the relationship between the phases of construction, and the implementation and maintenance of both structural and non-structural stormwater management controls. The SWMP must identify the stormwater management controls to be implemented during the project phases, which can include, but are not limited to, clearing and grubbing; road construction; utility and infrastructure installation; vertical construction; final grading; and final stabilization.

4) Materials Handling and Spill Prevention. The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials (see definitions at Part I.E.) that could contribute pollutants to runoff. Such procedures or significant materials could include: exposed storage of building materials; paints and solvents; fertilizers or chemicals; waste material; and equipment maintenance or fueling procedures.

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

5) Dedicated Concrete or Asphalt Batch Plants. The SWMP shall clearly describe and locate all practices implemented at the site to control stormwater pollution from dedicated concrete batch plants or dedicated asphalt batch plants covered by this certification.

6) Vehicle Tracking Control. The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking. Practices must be implemented for all areas of potential vehicle tracking, and can include: minimizing site access; street sweeping or scraping; tracking pads; graveled parking areas; requiring that vehicles stay on paved areas on-site; wash racks; contractor education; and/or sediment control BMPs, etc.

7) Waste Management and Disposal, Including Concrete Washout.

   i) The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes (liquid and solid), including concrete washout activities.
   ii) The practices used for concrete washout must ensure that these activities do not result in the contribution of pollutants associated with the washing activity to stormwater runoff.
   iii) Part I.D.3.c of the permit authorizes the conditional discharge of concrete washout water to the ground. The SWMP shall clearly describe and locate the practices to be used that will ensure that no washout water from concrete washout activities is discharged from the site as surface runoff or to surface waters.

8) Groundwater and Stormwater Dewatering.

   i) The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater from excavations, wells, etc.
   ii) Part I.D.3.d of the permit authorizes the conditional discharge of construction dewatering to the ground. For any construction dewatering of groundwater not authorized under a separate CDPS discharge permit, the SWMP shall clearly describe and locate the practices to be used that will ensure that no groundwater from construction dewatering is discharged from the site as surface runoff or to surface waters.

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

a) The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site, and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.

b) Final stabilization practices for obtaining a vegetative cover should include, as appropriate: seed mix selection and application methods; soil preparation and amendments; soil stabilization practices (e.g., crimped straw, hydro mulch or rolled erosion control products); and appropriate sediment control BMPs as needed until final stabilization is achieved; etc.

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

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

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

5. **Inspection and Maintenance**

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

D. TERMS AND CONDITIONS

1. **General Limitations**

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

a) Stormwater discharges from construction activities shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any water quality standard, including narrative standards for water quality.

b) Concrete washout water shall not be discharged to state surface waters or to storm sewer systems. On-site permanent disposal of concrete washout waste is not authorized by this permit. Discharge to the ground of concrete washout waste that will subsequently be disposed of off-site is authorized by this permit. See Part I.D.3.c of the permit.

c) Bulk storage structures for petroleum products and any other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering State waters.

d) No chemicals are to be added to the discharge unless permission for the use of a specific chemical is granted by the Division. In granting the use of such chemicals, special conditions and monitoring may be addressed by separate correspondence.

e) The Division reserves the right to require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that compliance with the SWMP is a problem, or to measure the effectiveness of the BMPs in removing pollutants in the effluent. Such monitoring may include Whole Effluent Toxicity testing.

f) All site wastes must be properly managed to prevent potential pollution of State waters. This permit does not authorize on-site waste disposal.

g) All dischargers must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts and other local agencies regarding any discharges of stormwater to storm drain systems or other water courses under their jurisdiction, including applicable requirements in municipal stormwater management programs developed to comply with CDPS permits. Dischargers must comply with local stormwater management requirements, policies or guidelines including erosion and sediment control.

2. **BMP Implementation and Design Standards**

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

D. TERMS AND CONDITIONS (cont.)

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

a) Except as provided in paragraphs b, c, and d below, **all discharges covered by this permit shall be composed entirely of stormwater associated with construction activity**. Discharges of material other than stormwater must be addressed in a separate CDPS permit issued for that discharge.

b) Discharges from the following sources that are combined with stormwater discharges associated with construction activity may be authorized by this permit, provided that the non-stormwater component of the discharge is identified in the SWMP (see Part I.C.1.g of this permit):

- emergency fire fighting activities
- landscape irrigation return flow
- uncontaminated springs

c) Discharges to the ground of concrete washout water from washing of tools and concrete mixer chutes may be authorized by this permit, provided that:

1) the source is identified in the SWMP;
2) BMPs are included in the SWMP in accordance with Part I.C.3(c)(7) and to prevent pollution of groundwater in violation of Part I.D.1.a; and
3) these discharges do not leave the site as surface runoff or to surface waters

d) Discharges to the ground of water from construction dewatering activities may be authorized by this permit, provided that:

1) the source is groundwater and/or groundwater combined with stormwater that does not contain pollutants in concentrations exceeding the State groundwater standards in Regulations 5 CCR 1002-41 and 42;
2) the source is identified in the SWMP;
3) BMPs are included in the SWMP, as required by Part I.C.3(c)(8); and
4) these discharges do not leave the site as surface runoff or to surface waters.

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

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

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

5. **SWMP Requirements**

a) **SWMP Preparation and Implementation**: The SWMP shall be prepared prior to applying for coverage under the general permit, and certification of its completion submitted with the application. The SWMP shall be implemented prior to commencement of construction activities. The plan shall be updated as appropriate (see paragraph c, below), below). SWMP provisions shall be implemented until expiration or inactivation of permit coverage.

b) **SWMP Retention Requirements**: A copy of the SWMP must be retained on site unless another location, specified by the permittee, is approved by the Division.

c) **SWMP Review/Changes**: The permittee shall amend the SWMP:

1) when there is a change in design, construction, operation, or maintenance of the site, which would require the implementation of new or revised BMPs; or

2) if the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity; or

D. TERMS AND CONDITIONS (cont.)

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

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

d) **Responsive SWMP Changes**: SWMP changes addressing BMP installation and/or implementation are often required to be made in response to changing conditions, or when current BMPs are determined ineffective. The majority of SWMP revisions to address these changes can be made immediately with quick in-the-field revisions to the SWMP. In the less common scenario where more complex development of materials to modify the SWMP is necessary, SWMP revisions shall be made in accordance with the following requirements:

1) the SWMP shall be revised as soon as practicable, but in no case more than 72 hours after the change(s) in BMP installation and/or implementation occur at the site, and

2) a notation must be included in the SWMP prior to the site change(s) that includes the time and date of the change(s) in the field, an identification of the BMP(s) removed or added, and the location(s) of those BMP(s).

6. **Inspections**

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

a) **Minimum Inspection Schedule:** The permittee shall, at a minimum, make a thorough inspection, in accordance with the requirements in I.D.6.b below, at least once every 14 calendar days. Also, post-storm event inspections must be conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. Provided the timing is appropriate, the post-storm inspections may be used to fulfill the 14-day routine inspection requirement. A more frequent inspection schedule than the minimum inspections described may be necessary, to ensure that BMPs continue to operate as needed to comply with the permit. The following conditional modifications to this Minimum Inspection Schedule are allowed:

1) **Post-Storm Event Inspections at Temporarily Idle Sites** – If no construction activities will occur following a storm event, post-storm event inspections shall be conducted prior to re-commencing construction activities, but no later than 72 hours following the storm event. The occurrence of any such delayed inspection must be documented in the inspection record. Routine inspections still must be conducted at least every 14 calendar days.

2) **Inspections at Completed Sites/Areas** – For sites or portions of sites that meet the following criteria, but final stabilization has not been achieved due to a vegetative cover that has not become established, the permittee shall make a thorough inspection of their stormwater management system at least once every month, and post-storm event inspections are not required. This reduced inspection schedule is *only* allowed if:

i) all construction activities that will result in surface ground disturbance are completed;
ii) all activities required for final stabilization, in accordance with the SWMP, have been completed, with the exception of the application of seed that has not occurred due to seasonal conditions or the necessity for additional seed application to augment previous efforts; and
iii) the SWMP has been amended to indicate those areas that will be inspected in accordance with the reduced schedule allowed for in this paragraph.

D. TERMS AND CONDITIONS (cont.)

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

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

b) **Inspection Requirements**

1) **Inspection Scope** - The construction site perimeter, all disturbed areas, material and/or waste storage areas that are exposed to precipitation, discharge locations, and locations where vehicles access the site shall be inspected for evidence of, or the potential for, pollutants leaving the construction site boundaries, entering the stormwater drainage system, or discharging to state waters. All erosion and sediment control practices identified in the SWMP shall be evaluated to ensure that they are maintained and operating correctly.

2) **Inspection Report/Records** - The permittee shall keep a record of inspections. Inspection reports must identify any incidents of non-compliance with the terms and conditions of this permit. Inspection records must be retained for three years from expiration or inactivation of permit coverage. At a minimum, the inspection report must include:

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

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

7. **BMP Maintenance**

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

D. TERMS AND CONDITIONS (cont.)

8. **Replacement and Failed BMPs**

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

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

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

9. **Reporting**

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

10. **SWMP Availability**

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

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

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

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

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

b) Notify the permittee of the WLA, and amend the permittee's certification to add specific BMPs and/or other requirements, as appropriate. The permittee may be required to do the following:

   1) Under the permittee's SWMP, implement specific management practices based on requirements of the WLA, and evaluate whether the requirements are being met through implementation of existing stormwater BMPs or if additional BMPs are necessary. Document the calculations or other evidence that show that the requirements are expected to be met; and

   2) If the evaluation shows that additional or modified BMPs are necessary, describe the type and schedule for the BMP additions/revisions.

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

E. ADDITIONAL DEFINITIONS

For the purposes of this permit:

1. **Best Management Practices (BMPs)**: schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, pollution prevention, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage.

2. **Dedicated asphalt plants and concrete plants**: portable asphalt plants and concrete plants that are located on or adjacent to a construction site and that provide materials only to that specific construction site.

3. **Final stabilization**: when all ground surface disturbing activities at the site have been completed, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. For purposes of this permit, establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site will be considered final stabilization.

4. **Municipal separate storm sewer system**: a conveyance or system of conveyances (including: roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), owned or operated by a State, city, town, county, district, or other public body (created by state law), having jurisdiction over disposal of sewage, industrial waste, stormwater, or other wastes; designed or used for collecting or conveying stormwater.

5. **Operator**: the entity that has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, the developer, the general contractor or the agent of one of these parties, in some circumstances. It is anticipated that at different phases of a construction project, different types of parties may satisfy the definition of 'operator' and that the permit may be transferred as the roles change.

6. **Outfall**: a point source at the point where stormwater leaves the construction site and discharges to a receiving water or a stormwater collection system.

7. **Part of a larger common plan of development or sale**: a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules.

8. **Point source**: any discernible, confined and discrete conveyance from which pollutants are or may be discharged. Point source discharges of stormwater result from structures which increase the imperviousness of the ground which acts to collect runoff, with runoff being conveyed along the resulting drainage or grading pattern.

9. **Pollutant**: dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste.

10. **Process water**: any water which, during manufacturing or processing, comes into contact with or results from the production of any raw material, intermediate product, finished product, by product or waste product. This definition includes mine drainage.

11. **Receiving Water**: any classified stream segment (including tributaries) in the State of Colorado into which stormwater related to construction activities discharges. This definition includes all water courses, even if they are usually dry, such as borrow ditches, arroyos, and other unnamed waterways.

12. **Significant Materials** include, but are not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharge.

13. **Stormwater**: precipitation-induced surface runoff.

F. GENERAL REQUIREMENTS

1. **Signatory Requirements**

a) All reports required for submittal shall be signed and certified for accuracy by the permittee in accordance with the following criteria:

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

b) **Changes to authorization**. If an authorization under paragraph a) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph a) of this section must be submitted to the Division, prior to or together with any reports, information, or applications to be signed by an authorized representative.

c) **Certification**. Any person signing a document under paragraph a) of this section shall make the following certification:

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

2. **Retention of Records**

a) The permittee shall retain copies of the SWMP and all reports required by this permit and records of all data used to complete the application to be covered by this permit, for three years after expiration or inactivation of permit coverage.

b) The permittee shall retain a copy of the SWMP required by this permit at the construction site from the date of project initiation to the date of expiration or inactivation of permit coverage, unless another location, specified by the permittee, is approved by the Division.

3. **Monitoring**

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

If monitoring is required, the following definitions apply:

a) The **thirty (30) day average** shall be determined by the arithmetic mean of all samples collected during a thirty (30) consecutive-day period.

b) A **grab** sample, for monitoring requirements, is a single "dip and take" sample.

PART II

A. MANAGEMENT REQUIREMENTS

1. **Amending a Permit Certification**

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

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

2. **Special Notifications - Definitions**

a) **Spill:** An unintentional release of solid or liquid material which may cause pollution of state waters.

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

3. **Noncompliance Notification**

a) The permittee shall report the following instances of noncompliance:

1) Any noncompliance which may endanger health or the environment;

2) Any spill or discharge of hazardous substances or oil which may cause pollution of the waters of the state.

3) Any discharge of stormwater which may cause an exceedance of a water quality standard.

b) For all instances of noncompliance based on environmental hazards and chemical spills and releases, all needed information must be provided orally to the Colorado Department of Public Health and Environment spill reporting line (24-hour number for environmental hazards and chemical spills and releases: 1-877-518-5608) within 24 hours from the time the permittee becomes aware of the circumstances.

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

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

1) The noncompliance and its cause;

2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue;

3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

A. MANAGEMENT REQUIREMENTS (cont.)

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

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

5. **Bypass**

a) A bypass, which causes effluent limitations (i.e., requirements to implement BMPs in accordance with Parts I.B.3 and I.D.2 of the permit) to be exceeded is prohibited, and the Division may take enforcement action against a permittee for such a bypass, unless:

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities (e.g., alternative BMPs), retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment (e.g., implemented additional BMPs) to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3) The permittee submitted notices as required in "Non-Compliance Notification," Part II.A.3.

6. **Upsets**

a) **Effect of an Upset:** An upset constitutes an affirmative defense to an action brought for noncompliance with permit limitations and requirements if the requirements of paragraph b of this section are met. (No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.)

b) **Conditions Necessary for a Demonstration of Upset:** A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:

1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

2) The permitted facility was at the time being properly operated;

3) The permittee submitted notice of the upset as required in Part II.A.3. of this permit (24-hour notice); and

4) The permittee complied with any remedial measures required under 40 CFR Section 122.41(d) of the federal regulations or Section 61.8(3)(h) of the Colorado Discharge Permit System Regulations.

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

7. **Removed Substances**

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

8. **Minimization of Adverse Impact**

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

A. MANAGEMENT REQUIREMENTS (cont.)

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

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the permit requirements. Upon reduction, loss, or failure of any stormwater controls, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, or remove all pollutant sources from exposure to stormwater, or both, until the stormwater controls are restored or an alternative method of treatment/control is provided.
It shall not be a defense for a permittee in an enforcement action that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

10. **Proper Operation and Maintenance**

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

B. RESPONSIBILITIES

1. **Inspections and Right to Entry**

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

a) To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;

b) At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in the permit; and

c) To enter upon the permittee's premises to investigate, within reason, any actual, suspected, or potential source of water pollution, or any violation of the Colorado Water Quality Control Act. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing permittee staff on alleged violations and other matters related to the permit, and access to any and all facilities or areas within the permittee's premises that may have any effect on the discharge, permit, or any alleged violation.

2. **Duty to Provide Information**

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

3. **Transfer of Ownership or Control**

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

a) The current permittee notifies the Division in writing when the transfer is desired as outlined in Part I.A.7; and

b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and

c) The current permittee has met all fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15.

B. RESPONSIBILITIES (cont.)

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

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

a) This permit, and/or certification under this permit, may be modified, suspended, or revoked in whole or in part during its term for reasons determined by the Division including, but not limited to, the following:

1) Violation of any terms or conditions of the permit;

2) Obtaining a permit by misrepresentation or failing to disclose any fact which is material to the granting or denial of a permit or to the establishment of terms or conditions of the permit;

3) Materially false or inaccurate statements or information in the application for the permit;

4) Promulgation of toxic effluent standards or prohibitions (including any schedule of compliance specified in such effluent standard or prohibition) which are established under Section 307 of the Clean Water Act, where such a toxic pollutant is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.

b) This permit, and/or certification under this permit, may be modified in whole or in part due to a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge, such as:

1) Promulgation of Water Quality Standards applicable to waters affected by the permitted discharge; or

2) Effluent limitations or other requirements applicable pursuant to the State Act or federal requirements; or

3) Control regulations promulgated; or

4) Other available information indicates a potential for violation of adopted Water Quality Standards or stream classifications.

c) This permit, or certification under this permit, may be modified in whole or in part to include new effluent limitations and other appropriate permit conditions where data submitted pursuant to Part I indicate that such effluent limitations and permit conditions are necessary to ensure compliance with applicable water quality standards and protection of classified uses.

d) At the request of the permittee, the Division may modify or inactivate certification under this permit if the following conditions are met:

1) In the case of inactivation, the permittee notifies the Division of its intent to inactivate the certification, and certifies that the site has been finally stabilized;

2) In the case of inactivation, the permittee has ceased any and all discharges to state waters and demonstrates to the Division there is no probability of further uncontrolled discharge(s) which may affect waters of the State.

3) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modification, amendment or inactivation;

4) Fee requirements of Section 61.15 of the Colorado Discharge Permit System Regulations have been met; and

5) Applicable requirements of public notice have been met.

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

B. RESPONSIBILITIES (cont.)

5. **Permit Violations**

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

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

6. **Legal Responsibilities**

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

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

7. **Severability**

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

8. **Renewal Application**

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

9. **Confidentiality**

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

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

10. **Fees**

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

B. RESPONSIBILITIES (cont.)

11. **Requiring an Individual CDPS Permit**

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

a) The discharger is not in compliance with the conditions of this general permit;

b) Conditions or standards have changed so that the discharge no longer qualifies for a general permit; or

c) Data/information become available which indicate water quality standards may be violated.

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

4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

RATIONALE

STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

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

CONTENTS *PAGE*

I. INTRODUCTION

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

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

II. CHANGES IN THIS GENERAL PERMIT

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

A. Authority to Discharge

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

II. CHANGES IN THIS GENERAL PERMIT (cont.)

B. Authority to Discharge – Oil and Gas Construction

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

C. Application Requirements

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

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

D. Temporary Coverage

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

E. Reassignment of Permit Coverage

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

F. Individual Permit Criteria

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

G. Stormwater Management Plan (SWMP)

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

H. Stormwater Management Plan (SWMP) – General Requirements

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

II. CHANGES IN THIS GENERAL PERMIT (cont.)

1. Stormwater Management Plan (SWMP) – Contents

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

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

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

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

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

1. ***Site Description:*** *The requirement to provide an estimate of the run-off coefficient has been removed. The run-off coefficient as currently utilized in the SWMP may not contribute sufficiently to permit compliance to justify the effort in determining accurate values. See Part I.C.1 of the permit. However, the Division still encourages use of the coefficient as needed to adequately evaluate site-specific BMP selection and design criteria (e.g., pond capacities, BMP location, etc.) See Section C.2 of the SWMP guidance (Appendix A of the permit application).*

2. ***Site Map:*** *The requirement to identify boundaries of the 100-year flood plain has been removed. The boundaries as currently utilized in the SWMP may not contribute sufficiently to permit compliance to justify the effort in determining their location. See Part I.C.2 of the permit.*

3. ***Stormwater Management Controls:*** *This section has been modified to require identification of a SWMP Administrator and all potential pollutants sources in the SWMP. See Part I.C.3 of the permit.*

   a) *The SWMP Administrator is a specific individual(s), position or title who is responsible for the process of developing, implementing, maintaining, and revising the SWMP. This individual serves as the comprehensive point of contact for all aspects of the facility's SWMP.* ***This requirement may necessitate changes to existing permittees' SWMPs.***

II. CHANGES IN THIS GENERAL PERMIT (cont.)

b) The requirement to identify Potential Pollutant Sources has been expanded to include more details for the evaluation of such sources. This evaluation allows for the appropriate selection of BMPs for implementation at a facility or site. Additionally, this section was added to be consistent with the SWMP guide. ***This requirement may necessitate changes to existing permittees' SWMPs.***

c) Best Management Practices (BMPs) for Stormwater Pollution Prevention: This section was modified to require the following items to be addressed in the SWMP. ***These requirements may necessitate changes to existing permittees' SWMPs.*** *This section also requires that the SWMP provide installation and implementation specifications for each BMP identified in the SWMP. For structural BMPs, in most cases, this must include a technical drawing to provide adequate installation specifications. See Part I.C.3(c).*

i) Dedicated concrete or asphalt batch plants. This section requires that the practices used to reduce the pollutants in stormwater discharges associated with dedicated concrete or asphalt batch plants be identified in the SWMP. (Coverage under the construction site SWMP and permit is <u>not</u> required for batch plants if they have alternate CDPS permit coverage.)

ii) Vehicle tracking control. This section requires that practices be implemented to control sediment from vehicle tracking, and that all such practices implemented at the site be clearly described in the SWMP.

iii) Waste management and disposal. This section requires that the practices implemented at the site to control stormwater pollution from construction site waste, including concrete washout activities, be clearly described in the SWMP. It also requires that concrete washout activities be conducted in a manner that does not contribute pollutants to surface waters or stormwater runoff.

iv) Concrete Washout Water. Part I.D.3(c) of the permit has been revised to conditionally authorize discharges to the ground of concrete wash water from washing of tools and concrete mixer chutes when appropriate BMPs are implemented. The permit prohibits the discharge of concrete washout water to surface waters and to storm sewer systems. Part I.C.3(c)(7) of the permit requires that BMPs be in place to prevent surface discharges of concrete washout water from the site.

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

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

II. CHANGES IN THIS GENERAL PERMIT (cont.)

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

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

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

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

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

J. Terms and Conditions, General Limitations and Design Standards

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

1. Management of Site Waste

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

II. CHANGES IN THIS GENERAL PERMIT (cont.)

K. Terms and Conditions, SWMP Requirements

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

2. ***SWMP Certification:*** *The previous permit was unclear on a requirement that the copy of SWMP that remains at the facility had to be signed in accordance with permit signatory requirements. This requirement has been deleted. The signatory requirement of Part I.F.1 only applies to the SWMP if it is to be submitted to the Division or to EPA. See Part I.F.1 of the permit.*

L. Terms and Conditions, Post-Storm Inspections

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

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

M. Terms and Conditions, Inspections

1. *The Winter Conditions Inspection Exclusion section has been modified to include documentation requirements for this exclusion. See Part I.D.6(a) of the permit. The Inspection Scope has been modified to include the requirement to inspect waste storage areas during inspections conducted in accordance with the permit. See Part I.D.6(b) of the permit.*

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

II. CHANGES IN THIS GENERAL PERMIT (cont.)

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

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

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

O. *Total Maximum Daily Load (TMDL)*

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

P. *Additional Definitions*

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

Q. *Changes in Discharge*

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

R. *Non-Compliance Notification*

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

S. *Short Term Certifications*

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

T. *Bypass*

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

III. BACKGROUND

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

A. General Permits

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

B. Permit Requirements

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

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

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

III. BACKGROUND (cont.)

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

C. Violations/Penalties

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

IV. STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

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

A. Construction Activity

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

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

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

B. Types of Discharges/Activities Covered

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

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

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

C. Types of Activities NOT Covered

1. ***Stormwater:*** *Aside from the sources listed in subparagraph B.1, above, this permit does not cover stormwater discharged from construction sites that is mixed with stormwater from other types of industrial activities, or process water of any kind. Other types of industrial activities that require stormwater discharge permits pursuant to different sections of the regulations (Regulation 5 CCR 1002-61, Section 61.2(e)(iii)(A-I, K)], are not covered by this permit.*

2. ***Process water:*** *This permit also does not cover any discharge of process water to surface waters. If the construction activity encounters groundwater, in order to discharge this groundwater to surface waters, a Construction Dewatering Discharge Permit (permit number COG-070000) must also be obtained. An application for this permit can be obtained from the Division at the address listed in Part I.A.4(a) of the permit, or at the website in Section I of the rationale.*

V. COVERAGE UNDER THIS GENERAL PERMIT

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

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

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

VI. APPLICATION AND CERTIFICATION

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

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

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

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

VII. QUALIFYING LOCAL PROGRAMS

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

A. Approval Termination

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

B. Approval Expiration

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

VIII. TERMS AND CONDITIONS OF PERMIT

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

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

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

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

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

2. ***Permit Terms and Conditions**: The permittee covered by a Qualifying Local Program must comply with the requirements of that Qualifying Local Program. In addition, the following permit sections are applicable:*

   a) Parts 1.A.1, 1.A.2, and 1.A.3: Authorization to discharge and discussion of coverage under the permit.

   b) Part I.D.1: General limitations that must be met in addition to local requirements.

   c) Parts I.D.2, I.D.3, I.D.4: BMP implementation, prohibition of non-stormwater discharges unless addressed in a separate CDPS permit, and requirements related to releases of reportable quantities.

   d) Part I.D.11: Potential coverage under a Total Maximum Daily Load (TMDL).

   e) Part I.E: Additional definitions.

   f) Part II (except for Parts II.A.1, II.B.3, II.B.8, and II.B.10): Specifically includes, but is not limited to, provisions applicable in the case of noncompliance with permit requirements, and requirements to provide information and access.

B. Stormwater Management Plans (SWMPs)

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

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

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

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

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

Master SWMP

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

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

C. *Total Maximum Daily Load (TMDL)*

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

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

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

D. *Monitoring*

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

E. *Facility Inspections*

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

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

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

F. SWMP Revisions

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

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

G. Reporting

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

H. Annual Fee

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

I. Responsibility for Permit

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

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

For sites where all areas have been removed from permit coverage, the permittee may submit an inactivation notice and terminate permit coverage. In such cases the permittee would no longer have any land covered under their permit certification, and therefore there would be no areas remaining to finally stabilize. Areas may be removed from permit coverage by:
-reassignment of permit coverage (Part I.A.8 of the permit);
-sale to homeowner(s) (Part I.A.9 of the permit); or
-amendment by the permittee, in accordance with Division guidance for areas where permit coverage has been obtained by a new operator or returned to agricultural use.

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

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

3. ***Reassignment of Permit**: When a permittee no longer has control of a specific portion of a permitted site, and wishes to transfer coverage of that portion of the site to a second party, the permittee shall submit a completed **Notice of Reassignment of Permit Coverage form**, which is available from the Division, and at www.cdphe.state.co.us/wq/PermitsUnit. The form requires that both the existing permittee and new permittee complete their respective sections. See Part I.A.8 of the permit.*

J. Duration of Permit

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

Kathleen Rosow
December 18, 2006

IX. PUBLIC NOTICE – 12/22/06

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

Kathleen Rosow
March 22, 2007

X. PUBLIC NOTICE – 3/23/07

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

Kathleen Rosow
May 31, 2007

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.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado

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

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

Colorado Department
of Public Health
and Environment

June 14, 2013

Bill Williams, PM
Garney Construction
7911 Shaffer Pkwy
Littleton, CO 80127

RE: Certification, Colorado Discharge Permit System - Construction Dewatering Operations
Permit Number COG070000 Certification Number: COG074445

Dear Mr. Williams;

Enclosed please find a copy of the permit certification, which was issued under the Colorado Water Quality Control Act. **Please read the enclosed permit and certification.**

The Water Quality Control Division (the Division) has reviewed the application submitted for the SDS Pueblo Dam Connections facility and determined that it qualifies for coverage under the CDPS General Permit for **Construction Dewatering Operations** (the permit).

Discharge Specific Information

The discharge is to Arkansas River within Segment 1 of the Middle Arkansas River Sub-basin, Arkansas River Basin, found in the Classifications and Numeric Standards for the Arkansas River Basin (Regulation No. 32) (COARMA01). Segment 1 is Reviewable, and is classified for the following beneficial uses: Aquatic Life, Class 1 Cold; Recreation Class E; Water Supply; and Agriculture.

General Information

- **Permit Action Fees**: The Annual Fee for this certification is $500 [category 7, subcat 2 – Construction Dewatering per CRS 25-8-502] is invoiced every July. Do Not Pay This Now. The initial invoice will be ***prorated*** and sent to the legal contact shortly.

- **Changes to the Certification:** Any changes that need to be made to the certification page – changes in outfalls, monitoring requirements, etc., must be submitted using the "Permit and Certification Modification form" available on our website: coloradowaterpermits.com, and signed by the legal contact.

- **Sampling Requirements:** Sampling shall occur at the frequency established in the permit certification at a point after treatment, or after the implementation of any Best Management Practices (BMPs) for each discharge location (outfall). If BMPs or treatment are not implemented, sampling shall occur where the discharge leaves control of the permittee, and prior to entering the receiving stream or prior to discharge to land. Samples must be representative of what is entering the receiving stream. A minimum of one sample must be collected for discharges lasting less than one week.

- **Discharge Monitoring Reports (DMRs):** DMRs will be mailed out within the next month. DMRs for all outfalls must be submitted **monthly** as long as the certification is in effect. DMRs must be submitted for each outfall even if there was not a discharge from the outfall in given month. For each outfall where no discharge occurs in a given month, the permittee shall mark 'No Discharge' on the DMR form(s). The permittee shall provide the Division with any additional monitoring data on the permitted discharge collected for entities other than the Division. If forms have not been received, please contact the Division at 303-692-3517.

The Division now has the ability to allow facility's to submit their DMRs electronically. For more information, please call the NetDMR team at 303-691-4046 or CDPH.WQNetDMRHelp@state.co.us

- **Termination requirements:** This certification to discharge is effective long term, even though construction and dewatering discharge are only expected to be temporary. For termination of permit coverage, the permittee must initiate this by sending the "CDPS Permits and Authorization Termination Form." This form is also available on our web site and must be signed by the legal contact.

- **Groundwater Contamination:** If groundwater contamination is encountered, then the permittee is to contact the Division, the permit writer, cease all discharges, and if appropriate, contact the owner of the collection system receiving the discharge. **If the dewatering effluent can be treated to meet surface water or groundwater numeric limitations, the permittee shall immediately apply for coverage under the Remediation Activities Discharging to Surface Water General Permit. The discharge of contaminated groundwater, above surface water or groundwater standards, is not authorized under this permit.**

- **Certification Records Information:** The following information is what the Division records show for this certification. For any changes to Contacts – Legal, Local, Billing, or DMR – a "Notice of Change of Contacts form" must be submitted to the Division. This form is also available on our web site and must be signed by the legal contact.

Facility: SDS Pueblo Dam Connections

County: Pueblo

Industrial Activities: Installation of vaults and pipe

SIC Code: 1799

Other CDPS Permits for this Facility: Stormwater Discharges Associated with Construction Activity:

Legal Contact *Receives all legal documentation, pertaining to the permit certification. [including invoice; is contacted for any questions relating to the facility; and receives DMRs.]*

Bill Williams, PM
Garney Construction
7911 Shaffer Pkwy
Littleton, CO 80127

Phone number: 719-423-0200
Email: bwilliams@garney.com

Facility and DMR Contact *Contacted for general inquiries regarding the facility*

John Miller, Proj Engr
Garney Construction
7911 Shaffer Pkwy
Littleton, CO 80127

Phone number: 970-443-8969
Email: jmiller@garney.com

Billing Contact

Beth Melchior Proj Coord
Garney Construction
1333 NW Vivion Rd
Kansas City, MO 64118

Phone number: 303-791-3600
Email: ap@parney.com

For answers to common questions surrounding construction dewatering, please review the Construction Dewatering FAQ available on our website at:
http://www.cdphe.state.co.us/wq/PermitsUnit/POLICYGUIDANCEFACTSHEETS/factsheets/CDWFAQ.pdf

If you have any other questions please contact me at 303-692-3607.

Sincerely,

Margo Griffin

Margo Griffin, Permit Writer
WATER QUALITY CONTROL DIVISION
Enclosures: Certification page; General Permit
xc: Permit File

/dkj
cdw cert 2010

Colorado Department of Public Health and Environment

CERTIFICATION TO DISCHARGE UNDER CDPS GENERAL PERMIT COG070000 CONSTRUCTION DEWATERING OPERATIONS

Certification Number: **COG074445**

This Certification to Discharge specifically authorizes:

Garney Construction
to discharge from the facility identified as

SDS Pueblo Dam Connections
to:
Arkansas River

Facility Located at: Juniper Rd and Pueblo Dam Access Rd, Pueblo County, Pueblo, CO 81005
Facility Location Latitude 38.270, Longitude -104.721

Defined Discharge Outfall(s) to Surface Water	Discharge Outfall(s) Description
Outfall Number 001-A	Discharge is to the Arkansas River at approximately Lat: 38.270835, Long: -104.720832. BMPs include rip rap with straw bales as needed. Estimated maximum flow is 200 GPM.
Outfall Number 002-A	Discharge is to the Arkansas River at approximately Lat: 38.270233, Long: -104.722109. BMPs include rip rap with straw bales as needed. Estimated maximum flow is 200 GPM.
Outfall Number 002-A	Discharge is to the Arkansas River at approximately Lat: 38.269852, Long: -104.723037. BMPs include rip rap with straw bales as needed. Estimated maximum flow is 200 GPM.

*All discharges must comply with the lawful requirements of federal agencies municipalities, counties, drainage districts and other local agencies regarding any discharges to storm drain systems, conveyances, or other water courses under their jurisdiction.

Permit Limitations and Monitoring Requirements apply to 001A, 002A, 003A as outlined in the Permit Part I.B and Part I.C

Parameter	Units	Discharge Limitations Maximum Concentrations			Monitoring Frequency	Sample Type
		30-Day Average	7-Day Average	Daily Max.		
APPLICABLE TO ALL DISCHARGES AS LISTED IN GENERAL PERMIT						
pH, (Minimum-Maximum) 00400	s.u.	NA	NA	6.5-9.0	Weekly	In-situ
Total Suspended Solids, 00530	mg/l	30	45	NA	Weekly	Grab
Oil and Grease, 03582	mg/l	NA	NA	10*	Weekly	Grab*
Flow, 50050	GPM	Report	NA	Report	Weekly	Instantaneous or Continuous
Oil and Grease Visual 84066		NA	NA	NA	Weekly	Visual

** If a visible sheen is observed, a grab sample shall be collected and analyzed for oil and grease.*

Certification is issued 6/14/2013 Effective 6/14/2013 Certification Expires: 11/30/2011 Administratively Continued

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

Signed,

Nathan Moore
Construction, MS4, & Pretreatment Unit Manager
Water Quality Control Division

CDPS GENERAL PERMIT

FOR CONSTRUCTION DEWATERING ACTIVITIES

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 Clean Water Act (33 U.S.C. 1251 et. seq. as amended; the "Act"), entities engaged in construction dewatering of groundwater and/or stormwater (excluding mine dewatering activities), are authorized to discharge from approved locations throughout the State of Colorado to waters of the State. Such discharges shall be in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

This permit specifically authorizes the identified entity to discharge from their wastewater treatment facilities, at the described location, to identified waters of the state, as stated in the certification which is on page one of this permit.

The authorization to discharge under this permit is in effect from the date of certification (page one of this permit) until the expiration date identified below.

This permit becomes effective on December 1, 2006, and shall expire at midnight, **November 30, 2011**

Reissued and signed this 5th day of **June, 2008**

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler, Permits Section Manager
WATER QUALITY CONTROL DIVISION

Permit Action Summary:

Amendment #1 – Issued June 5, 2008, Effective August 1, 2008
Originally Issued November 01, 2006, Effective December 1, 2006

ADMINISTRATIVELY CONTINUED Effective 12-1-2011

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PART I

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PART I

A. COVERAGE UNDER THIS PERMIT

1. Eligibility

In order to be eligible for authorization to discharge under the terms and conditions of this permit, the owner and/or operator of any construction dewatering operation, the water being groundwater or groundwater mixed with stormwater, that discharges to waters of the State, which can meet the conditions identified at Part I.A.3., below, must submit a complete permit application form obtained from the Water Quality Control Division ("Division"). If application applies such application shall be submitted at least thirty (30) days prior to the anticipated date of first discharge to:

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

The application form can be obtained from the Division or from the website at www.cdphe.state.co/wq/PermitsUnit/landD070000DewateringApplication.pdf or by calling 303-692-3500. A summary of the information required in the application is provided below in Part I.A.2.

The Division shall have up to thirty (30) days after receipt of the application to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information the Division shall have an additional 30 days to issue or deny authorization for any particular discharge.

If the Division determines that the operation does not fall under the authority of the general permit, then the information received will be treated as an individual permit application.

Authorization to discharge under this general permit shall commence immediately and shall expire on **November 30, 2011**. The Division must evaluate this general permit at least once every five (5) years and must also recertify the applicant's authority to discharge under the general permit at such time. Therefore, a permittee desiring continued coverage under this general permit must re-apply by **May 1, 2011.** The Division will determine if the applicant is eligible to continue to operate under the terms of the general permit. An application for an individual permit will be required for any point source discharge not reauthorized to discharge under the reissued general permit.

2. Application Requirements

The application referenced in Part I.A.1., above, will require the following information:

a. The name, address, and descriptive location of the operation along with an accompanying USGS map, or a map of similar quality, which shows the location of all pertinent activities and the site boundary;

b. The name of the principal in charge of operation, address, and phone number of the owner and of the field superintendent in responsible charge;

c. A detailed site map that identifies all discharge points, and a schematic diagram showing the general area and/or routing of the activity;

d. The name of water(s) receiving the discharge(s) and a listing of any downstream waters into which the receiving stream flows within five miles of the point of discharge;

e. Description of the type of activity resulting in the discharge including the anticipated duration of activity and/or the discharge, anticipated volume, and rate of discharge, and the source of water which is to be discharged;

f. Description of any wastewater treatment system and recycle/reuse utilized;

g. A description of the methods and equipment to be used to measure flows and to analyze for pollutants of concern in the discharge; and,

h. Storage of petroleum or chemicals on site.

i. Discharge cannot be shown to be capable of causing new or increased loadings of parameters cited in Colorado's 303(d) list (http://www.cdphe.state.co.us/regulations/wqccregs/100293wqlimitedsegtmdls.pdf) for impairment for next receiving downstream State waters;

3. Certification Requirements

The applicant must certify that the following conditions exist at the operation or the operation will not be allowed to discharge under the authority of the general permit:

a. This permit does not constitute authorization under 33 U.S.C. 1344 (Section 404 of the Clean Water Act) of any stream dredging or filling operations;

b. The operation does not accept for treatment and discharge, by truck, rail, or dedicated pipeline, any hazardous waste as defined at Part 261, 6 CCR 1007-3, under the Hazardous Waste Commission Regulations;

c. The certification does not allow for a mixing zone and all limits are end of pipe.

B. TERMS AND CONDITIONS

1. Effluent Parameters

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4,) and the Colorado Discharge Permit System Regulations, Section 61.8(2), the following limitations will be applicable to all discharges.

Parameter	Discharge Limitations Maximum Concentrations		
	30-Day Avg	7-Day Average	Daily Max.
Flow, MGD	Report	NA	Report
Total Suspended Solids, mg/l	30	45	NA
Oil and Grease, mg/l	NA	NA	10*
pH, s.u. (Minimum-Maximum)	NA	NA	6.5-9.0
Total Dissolved Solids, mg/l**	NA	NA	Report
Total Phosphorus, mg/l, as P***	NA	NA	Report
Site Specific			
Metals, ug/l****	Varies	Varies	Varies

*There shall be no visible sheen.
**Applicable only to waters of the Colorado River Basin.
*** Applicable only to waters with a control regulation for P.
****Applicable on a site by site basis.

2. Site-specific Limitations

Site-specific limitations for a parameter may be added on a case-by-case basis that are equivalent to the Basic Standards and Methodologies for Surface Water, or Regulation for Effluent Limitations, or any other applicable regulation, and would be specified in the certification along with the appropriate monitoring frequencies.

3. Onetime Sampling Analysis for Metals

The Division may request a onetime sampling and analysis for specific or all inclusive metals parameters on a site specific/ discharge specific basis. The permittee will be required to submit these results to the permit writer identified on the certification. The Division will then review the data to determine if any certification amendments are necessary based on the effluent monitoring results.

4. Onetime Sampling Analysis for Organics

The Division may request a onetime sampling and analysis for specific or all inclusive organics parameters on a site specific/ discharge specific basis. The permittee will be required to submit these results to the permit writer identified on the certification. The Division will then review the data to determine if any certification amendments are necessary based on the effluent monitoring results.

5. Other Site-specific Permit Conditions

Specific permit conditions may be added due to Division compliance order on consent, cease and desist order, or an EPA administrative order, or similar decree promulgated by the Division or EPA.

C. MONITORING REQUIREMENTS

1. Effluent Parameters

In order to obtain an indication of compliance or non-compliance with the effluent limitations specified in Part I, Section B.1, the permittee shall normally monitor the effluent parameters at the following required frequencies, however changes to these frequencies may be made on a site specific and/or discharge specific basis, as identified in the certification on page one of this permit, the results to be reported on the Discharge Monitoring Report ("DMR") (See Part I, Section F.2.):

Effluent Parameter	Measurement Frequency	Sample Type
Flow, MGD	Weekly	Instantaneous or Continuous
Total Suspended Solids, mg/l	Weekly	Grab
Oil and Grease, mg/l	Weekly	Visual*
pH, s.u. (Minimum-Maximum)	Weekly	In-situ
Total Dissolved Solids, mg/l **	Monthly	Grab
Total Phosphorus, mg/l, as P ***	Monthly	Grab
Site Specific		
Metals, ug/l****	Varies	Varies

*There shall be no visible sheen.
**Applicable only to waters of the Colorado River Basin.
*** Applicable only to waters with a control regulation for P.
****Applicable on a site by site basis.

D. DEFINITIONS OF TERMS

1. "Continuous" measurement is a measurement obtained from an automatic recording device, which continually provides measurements.

2. "Daily Maximum limitation" means the limitation for this parameter shall be applied as an instantaneous maximum (or, for pH or DO, instantaneous minimum) value. The instantaneous value is defined as the analytical result of any individual sample. DMRs shall include the maximum (and/or minimum) of all instantaneous values within the calendar month. Any instantaneous value beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit.

3. "Grab" sample, is a single "dip and take" sample so as to be representative of the parameter being monitored.

4. "In-situ" measurement is defined as a single reading, observation or measurement taken in the field at the point of discharge.

5. "Instantaneous" measurement is a single reading, observation, or measurement performed on site using existing monitoring facilities.

6. "Material handling activities" include: storage, loading and unloading of any raw material, intermediate product, finished product, by-product, or waste product where such products could come in contact with precipitation.

7. "Seven (7) day average" means the arithmetic mean of all samples collected in a seven (7) consecutive day period. Such seven (7) day averages shall be calculated for all calendar weeks, which are defined as beginning on Sunday and ending on Saturday. If the calendar week overlaps two months (i.e. the Sunday is in one month and the Saturday in the following month), the seven (7) day average calculated for that calendar week shall be associated with the month that contains the Saturday. Samples may not be used for more than one (1) reporting period.

8. "Significant materials" include but are not limited to: raw materials; fuels; materials such as metallic products; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of SARA III; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharge.

9. "Stormwater discharge associated with industrial activity" means any point source which is used for collecting and conveying stormwater, and which is located at an industrial site or directly related to manufacturing, processing or raw materials storage areas at an industrial site. The term includes, but is not limited to, stormwater discharges from drainage areas in which are located: industrial site yards; immediate access roads and rail lines; drainage ponds; material handling sites; refuse sites; sites used for the application or disposal of process waters; sites used for storage and maintenance of material handling equipment; sites that are or have been used for residual treatment, storage or disposal; dust or particulate generating processes; shipping and receiving areas; manufacturing buildings; and storage areas (including tank farms) for raw materials, and intermediate and finished products.

10. "Thirty (30) day average" means the arithmetic mean of all samples collected during a thirty (30) consecutive-day period. The permittee shall report the appropriate mean of all self-monitoring sample data collected during the calendar month on the Discharge Monitoring Reports. Samples shall not be used for more than one (1) reporting period.

11. "Visual" observation is observing the discharge to check for the presence of a visible sheen or floating oil.

12. "Water Quality Control Division" or "Division" means the state Water Quality Control Division as established in 25-8-101 et al.)

Additional relevant definitions are found in the Colorado Water Quality Control Act, CRS §§ 25-8-101 et seq., the Regulations for the State Discharge Permit System, 5 CCR 1002-2, § 6.1.0 et seq and other applicable regulations.

E. ADDITIONAL MONITORING REQUIREMENTS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by the Division.

2. Discharge Sampling Point

Discharge points shall be so designed or modified so that a sample of the effluent can be obtained at a point after the final treatment process and prior to discharge to state waters. The permittee shall provide access to the Division to sample the discharge at these points.

3. Analytical and Sampling Methods for Monitoring

The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant-monitoring methods. Analytical and sampling methods utilized by the discharger shall be approved methods as defined by Colorado Regulations for Effluent Limitations (5 CCR 1002-3, 62.5), Federal regulations (40 CFR 136) and any other applicable State or Federal regulations.

When requested in writing, the Water Quality Control Division may approve an alternative analytical procedure or any significant modification to an approved procedure.

4. Records

a) The permittee shall establish and maintain records. Those records shall include, but not be limited to, the following:

(i) The date, type, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) the analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

b) The permittee shall retain for a minimum of three (3) years records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, copies of all reports required by this permit and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division.

5. Additional Monitoring by Permittee

If the permittee, using the approved analytical methods, monitors any parameter more frequently than required by this permit, then the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form or other forms as required by the Division. Such increased frequency shall also be indicated.

6. Flow Measuring Devices

Flow measuring and metering shall be provided to give representative values of throughput and treatment of the wastewater system. Unless specifically waived in the certification, the metering device shall be equipped with a local flow indication instrument and a flow indication-recording-totalization device suitable for providing permanent flow records, which should be in the plant control building.

At the request of the Director of the State Water Quality Control Division, the permittee must be able to show proof of the accuracy of any flow-measuring device used in obtaining data submitted in the monitoring report. The flow-measuring device must indicate values within ten (10) percent of the actual flow discharging from the point source.

7. Contamination:

If groundwater contamination is encountered, then the permittee is to contact the Division and, if appropriate, the owner of the collection system receiving the discharge. Since the discharge of contaminated groundwater is not covered under this permit, the permittee shall immediately apply for a groundwater remediation certification, http://www.cdphe.state.co.us/wq/PermitsUnit/landD/31000gasolinecleanup application.pdf) which will include appropriate requirements for additional discharge monitoring and on-site environmental response capabilities?

F. REPORTING

1. Signatory Requirements

All reports, applications, or information required for submittal shall be signed and certified for accuracy by the permittee in accord with the following criteria:

a) 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 operation from which the discharge described in the form originates;

b) In the case of a partnership, by a general partner;

c) In the case of a sole proprietorship, by the proprietor;

d) In the case of a municipal, state, or other public operation, by either a principal executive officer, ranking elected official, or other duly authorized employee.

2. Monthly Reports

Monitoring results shall be for each calendar month and reported on the DMR forms (EPA forms 3320-1). DMR forms shall normally be submitted on a monthly basis; however the Division may determine a different frequency. The forms shall be mailed to the Division at the address listed below so that they are received by the Division no later than the 28th day of the following month. If no discharge occurs during the reporting period, "No Discharge" shall be reported.

The DMR forms shall be filled out accurately and completely in accordance with the requirements of this permit and the instructions on the forms, and shall be signed by an authorized person as identified in the preceding section, Part I.F.1.

The DMR forms consist of four pages - the top "original" copy, and three attached no-carbon-required copies. After the DMR form has been filled out and signed, the four copies must be separated and distributed as follows.

The top, original copy of each form shall be submitted to the following address:

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

The additional copies are for the permittee's records.

3. Special Notifications

a) Definitions

(i) Bypass: The intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe Property Damage: 1) Substantial physical damage to property at the treatment facilities to cause them to become inoperable, or 2) substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

(iii) Spill: An incident in which flows or solid materials are accidentally or unintentionally allowed to flow or escape so as to be lost from the domestic wastewater treatment works as defined in the Colorado Water Quality Control Act, which may cause pollution of state waters.

(iv) Upset: An exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b) Noncompliance Notification

(i) If, for any reason, the permittee does not comply with or will be unable to comply with any maximum discharge limitations, standards or conditions specified in this permit, the permittee shall, at a minimum, provide the Division and EPA with the following information:

(1) A description of the discharge and cause of non- compliance.

(2) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and

(3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

(ii) The following instances of noncompliance shall be reported orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances, and a written report mailed within five (5) days of the time the permittee becomes aware of the circumstances. Oral notifications should be made by calling the Environmental Release and Incident Reporting Line at 877-518-5608. Written reports should be sent to Colorado Department of Public Health and Environment, Water Quality Control Division, WQCD-District Engineer, 4300 Cherry Creek Drive South, Denver, CO 80246-1530,

(1) Any instance of noncompliance, which may endanger human health or the environment, regardless of the cause for the incident.

(2) Any unanticipated bypass, or any upset or spill, which causes any permit limitation to be violated.

(3) Any suspected significant discharges of toxic pollutants or hazardous substances, which are listed in Part III. of this permit, regardless of the cause for the incident.

(iii) The permittee shall report all other instances of noncompliance, which are not required to be reported within twenty-four (24) hours, at the time DMRs are submitted, except as required in (iv) below. The reports shall contain the information listed in "Noncompliance Notification" (paragraph (i) above).

(iv) If the permittee knows in advance of the need for a bypass, it shall submit written notification to the Division of the need for such bypass at least ten days before the date of the contemplated bypass.

c) Submission of Incorrect or Incomplete Information

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

d) Change in Discharge or Wastewater Treatment Facility

The permittee shall inform the Division (Technical Services Unit) in writing of any intent to construct, install, or alter any process, facility, or activity that is likely to result in a new or altered discharge either in terms of location or effluent quality prior to the occurrence of the new or altered discharge, and shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving stream.

If the Division finds that such new or altered discharge might be inconsistent with the conditions of the permit, the Division shall require a new or revised permit application and shall follow the procedures specified in Colorado State Discharge Permit System Regulations, 5CCR 1002.2, Sections 61.5 through 61.9(2), and 61.15 prior to the effective date of the new or altered discharge.

e) Deactivation

The permittee shall notify the Division (Permits Section) within thirty (30) days before deactivation of the permitted operation. Deactivation includes ceasing operation of the facility, ceasing all discharges to State Waters for the remaining term of the existing permit and/or the connection to another wastewater treatment facility.

PART II

A. MANAGEMENT REQUIREMENTS AND RESPONSIBILITIES

1. Bypass

a) The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. Division notification is not required.

b) A bypass, which causes effluent limitations to be exceeded, is prohibited, and the Division may take enforcement action against a permittee for such a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The permittee submitted notices as required in "Non-Compliance Notification," Part I.F. 3(b) (iv)

2. Upsets

a) Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based (process-related) permit effluent limitations 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:

(i) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(ii) The permitted operation was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in Part I, Section C of this permit (24-hour notice).

(iv) The permittee complied with any remedial measures required under 40 CFR 122.7(d).

c) Burden of proof

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

3. Reduction, Loss, or Failure of Treatment

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the effluent limitations of the permit. Upon reduction, loss, or failure of the treatment, the permittee shall, to the extent necessary to maintain compliance with this permit, control sources of wastewater, or all discharges, or both until the treatment is restored or an alternative method of treatment is provided. This provision also applies to power failures, unless an alternative power source sufficient to operate the wastewater control facilities is provided.

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

4. Removed Substances

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

5. Minimization of Adverse Impacts

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any effluent limitations specified in this permit. As necessary, accelerated or additional monitoring of the influent or effluent will be required to determine the nature and impact of noncompliance.

6. Discharge Point

Any discharge to the waters of the State from a point source other than specifically authorized herein is prohibited.

7. Inspections and Right to Entry

The permittee shall allow the Division's Director, the EPA Regional Administrator, and/or their authorized representatives, 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 inspect 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 in a reasonable manner and at a reasonable time to inspect and/or investigate any actual, suspected, or potential source of water pollution, or to ascertain compliance or noncompliance with any applicable state or federal statute or regulation or any order promulgated by the Division. The investigation may include, but is not limited to the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing of any persons having any knowledge related to the discharge permit or alleged violation, access to any and all facilities or areas within the permittee's premises that may have any affect on the discharge, permit, or alleged violation.

d) The Division shall split samples taken by the Division during any investigation with the permittee if requested to do so by the permittee.

8. Duty to Provide Information

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.

9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Act and the Colorado Discharge Permit System Regulations 5 CCR 1002-2, 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 and the EPA's Regional Administrator.

As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act, and Section 25-8-610 C.R.S.

10. Transfer of Ownership or Control

A permit may be transferred to a new permittee only upon the completion of the following:

a) The current permittee notifies the Division in writing 30 days in advance of the proposed transfer date;

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) Fee requirements of the Colorado Discharge Permit System Regulations (Section 61.15) have been met.

B. ADDITIONAL CONDITIONS

1. Permit Violations

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

2. Civil and Criminal Liability

Except as provided in Part I, Section C and Part II, Section A, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance (See 40 CFR 122.60)

3. State Laws

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

4. Division Emergency Power

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

5. Severability

The provisions of this permit are severable. If any provisions of this permit, or the application of any provision of this permit in 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.

6. Oil and Hazardous Substance Liability

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

7. Property Rights

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

8. Modification, Suspension, or Revocation of Permit

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

All permit modification, termination 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), 61.8, and 61.15 except for minor modifications.

Minor modifications may only correct typographical errors, require a change in the frequency of monitoring or reporting by the permittee, change an interim date in a schedule of compliance or allow for a change in ownership or operational control of an activity including addition, deactivation or relocation of discharge points where the Division determines that no other change in the permit is necessary.

a) 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:

   (i) Violation of any terms or conditions of the permit;

   (ii) 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; or

   (iii) Materially false or inaccurate statements or information in the permit application of the permit; or

   (iv) Toxic effluent standards or prohibitions (including any schedule of compliance specified in such effluent standard or prohibition) which are established under Section 307(a) of the Federal Act for a toxic pollutant which 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 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:

(i) The water quality standards applicable to such waters; or

(ii) Effluent limitations or other applicable requirements pursuant to the state act or federal requirements; or

c) This permit may be modified in whole or in part to include any condition set forth in the approval of the site location for the facility per Regulations for the Site Application Process, 5 CCR 1002-22, and Sections 22.1 through 22.14.

d) At the request of a permittee, the Division may modify or terminate this permit and issue a new permit if the following conditions are met:

(i) EPA's Regional Administrator has been notified of the proposed modification of termination and does not object in writing within thirty (30) days of receipt of notification;

(ii) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modifications or termination;

(iii) Fee requirements of Section 61.15 of Colorado Discharge Permit System Regulations have been met; and

(iv) Requirements of public notice have been met.

e) This permit may be modified to reflect any new requirements for handling and disposal of biosolids as required by State or Federal regulations.

f) This permit shall be modified or alternatively, revoked and reissued, to incorporate an approved Domestic Wastewater Treatment Works Pretreatment Program into the terms and conditions of this permit.

g) If, during the term of this permit, industrial contributions to the DWTW are interfering, inhibiting or incompatible with the operation of the treatment works, then the permit may be modified to require the permittee to specify, by ordinance, contract, or other enforce- able means, the type of pollutant(s) and the maximum amount which may be discharged to the permittee's facility for treatment.

9. Permit Renewal Application

If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least one hundred eighty (180) days before this permit expires. If the permittee anticipates there will be no discharge after the expiration date of this permit, the Division must be promptly notified so that it can terminate the permit in accordance with Part II Section B.8.

10. Confidentiality

Any information relating to any secret process, method of manufacture or production, or sales or marketing data, 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 Subsection (10) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

11. Fees

The permittee is required to submit an annual fee as set forth in the 1983 amendments to the Water Quality Control Act, Section 25-8-502 (1) (b), and Colorado Discharge Permit System Regulations 5CCR 1002-2, Section 61.15 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. 1973 as amended.

PART III

PRIORITY POLLUTANTS AND HAZARDOUS SUBSTANCES
ORGANIC TOXIC POLLUTANTS IN EACH OF FOUR FRACTIONS
IN ANALYSIS BY GAS CHROMATOGRAPHY/MASS SPECTROSCOPY (GC/MS)
(SEE TABLE II, OF 40 CFR 122 APPENDIX D)

Volatiles	Base/Neutral	Acid Compounds	Pesticides
acrolein	acenaphthene	2-chlorophenol	aldrin
acrylonitrile	acenaphthylene	2,4-dichlorophenol	alpha-BHC
benzene	anthracene	2,4,-dimethylphenol	beta-BHC
bromoform	benzidine	4,6-dinitro-o-cresol	gamma-BHC
carbon tetrachloride	benzo(a)anthracene	2,4-dinitrophenol	delta-BHC
chlorobenzene	benzo(a)pyrene	2-nitrophenol	chlordane
chlorodibromomethane	3,4-benzofluoranthene	4-nitrophenol	4,4'-DDT
chloroethane	benzo(ghi)perylene	p-chloro-m-cresol	4,4'-DDE
2-chloroethylvinyl ether	benzo(k)fluoranthene	pentachlorophenol	4,4'-DDD
chloroform	bis(2-chloroethoxy)methane	phenol	dieldrin
dichlorobromomethane	bis(2-chloroethyl)ether	2,4,6-trichlorophenol	alpha-endosulfan
1,1-dichlorethane	bis(2-chloroisopropyl)ether		beta-endosulfan
1,2-dichlorethane	bis(2-ethylhexyl)phthalate		endosulfan sulfate
1,1-dichlorethylene	4-bromophenyl phenyl ether		endrin
1,2-dichlorpropane	butylbenzyl phthalate		endrin aldehyde
1,3-dichlorpropylene	2-chloronaphthalene		heptachlor
ethylbenzene	4-chlorophenyl phenyl ether		heptachlor epoxide
methyl bromide	chrysene		PCB-1242
methyl chloride	dibenzo(a,h)anthracene		PCB-1254
methylene chloride	1,2-dichlorobenzene		PCB-1221
1,1,2,2-tetrachloroethane	1,3-dichlorobenzene		PCB-1232
tetrachloroethylene	1,4-dichlorobenzene		PCB-1248
toluene	3,3-dichlorobenzidine		PCB-1260
1,2-trans-dichloroethylene	diethyl phthalate		PCB-1016
1,1,1-trichloroethane	dimethyl phthalate		toxaphene
1,1,2-trichloroethane	di-n-butyl phthalate		
trichloroethylene	2,4-dinitrotoluene		
vinyl chloride	2,6-dinitrotoluene		
	di-n-octyl phthalate		
	1,2-diphenylhydrazine (as azobenzene)		
	fluorene		
	fluoranthene		
	hexachlorobenzene		
	hexachlorobutadiene		
	hexachlorcyclopentadiene		
	hexachloroethane		
	indeno(1,2,3-cd)pyrene		
	isophorone		
	naphthalene		
	nitrobenzene		
	N-nitrosodimethylamine		
	N-nitrosodi-n-propylamine		
	N-nitrosodiphenylamine		
	phenanthrene		
	pyrene		
	1,2,4-trichlorobenzene		

OTHER TOXIC POLLUTANTS
(METALS AND CYANIDE) AND TOTAL PHENOLS
(SEE TABLE III, OF 40 CFR 122 APPENDIX D)

Antimony, Total
Arsenic, Total
Beryllium, Total
Cadmium, Total
Chromium, Total
Copper, Total
Lead, Total
Mercury, Total
Nickel, Total
Selenium, Total
Total Recoverable Thallium, mg/l
Silver, Total
Thallium, Total
Zinc, Total
Cyanide, Total
Phenols, Total

TOXIC POLLUTANTS AND HAZARDOUS SUBSTANCES REQUIRED TO BE IDENTIFIED BY EXISTING DISCHARGERS IF EXPECTED TO BE PRESENT (SEE TABLE II, OF 40 CFR 122 APPENDIX D)

Toxic Pollutants
Asbestos

Hazardous Substances

Acetaldehyde
Allyl alcohol
Allyl chloride
Amyl acetate
Aniline
Benzonitrile
Benzyl chloride
Butyl acetate
Butylamine
Captan
Carbaryl
Carbofuran
Carbon disulfide
Chlorpyrifos
Coumaphos
Cresol
Crotonaldehyde
Cyclohexane
2,4-D(2,4-Dichlorophenoxy acetic acid)
Diazinon
Dicamba
Dichlobenil
Dichlone
2,2-Dichloropropionic acid
Dichlorvos
Diethyl amine
Dimethyl amine
Dinitrobenzene
Diquat
Disulfoton
Diuron
Epichlorohydrin
Ethanolamine
Ethion
Ethylene diamine
Ethylene dibromide
Formaldehyde
Furfural
Guthion
Isoprene
Isopropanolamine
Keithane
Kepone
Malathion
Mercaptodimethur
Methoxychlor
Methyl mercaptan
Methyl methacrylate
Methyl parathion
Mexacarbate
Monoethyl amine
Monomethyl amine
Naled
Napthenic acid
Nitrotoluene
Parathion
Phenolsulfanate
Phosgene
Propargite
Propylene oxide
Pyrethrins
Quinoline
Resorcinol
Strontium
Strychnine
Styrene
TDE (Tetrachlorodiphenylethane)
2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)
2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanoic acid]
Trichlorofan
Triethylamine
Trimethylamine
Uranium
Vandium
Vinyl Acetate
Xylene
Xylenol
Zirconium

RATIONALE for AMENDMENT 1

CDPS GENERAL PERMIT FOR CONSTRUCTION DEWATERING ACTIVITIES

CDPS NO. COG-070000, STATEWIDE COVERAGE

Update (April 2008)

This is the first amendment of the general permit for wastewater associated with construction dewatering which discharge to waters of the State.

The most significant changes in this renewal are summarized below.

A. *The ability of the Division to request a onetime sampling analysis for metals, as well as organics, has been added. The permit writer may request the additional monitoring if information about the facility indicates the potential for groundwater contamination. The Division will review the results of the requested sampling to determine if additional parameters need to be added for permit limitations and monitoring in the certification. Should contamination be detected based on the sampling results, the permittee will be required to instigate remedial activities to become compliant with all relevant stream standards for all parameters and may be required to apply for a Groundwater Remediation Permit, COG-315000. Discharge of contaminated groundwater is not covered under this permit.*

B. *The monitoring frequency of total suspended solids has been changed from monthly to weekly and the monitoring frequency of total dissolved solids from weekly to monthly.*

C. *The ability of the Division to change the monitoring frequencies of the specified effluent limitations has been added. The monitoring frequency may be changed based on site specific and/or discharge specific basis.*

Maura McGovern
April 9, 2008

PUBLIC NOTICE COMMENTS

No Comments were received during the Public Notice Period.

Maura McGovern
June 5, 2008

Amended: June 5, 2008 Effective: August 1, 2008 Expiration: November 30, 2011

SDS PDC1B

Water Control Plan

Garney Construction will implement the following dewatering and water control plan throughout the project as need when encountering ground water.

The plan will include a 2” submersible pump located inside the trench box or excavation. The pump will be powered by a generator located on the south side of the trench right of way for piping operation. For excavation the generator location will be determined during construction and may need to move during the construction phases of the vaults. Hoses will be used to discharge the water to the closet check dam located at one of the three point located also the bank of the Arkansas River. Also a sediment bag will be located at the discharge point of the hose. The sediment bag will be placed on a flat stabilized surface per permit requirements. It will also be attached to the hose in a manner to prevent backflow out of the bag inlet per permit requirements. Sampling methods, locations, frequency will be taken per the permit requirements.

See attached documents for the plan.

171473.52.FD

Note: The plan shown below will move along the the pipeline as pipe is being installed. The same setup will be used for dewatering vaults as work is being completed. There are 3 discharge locations shown below (001A, 002A, 003A).

PUEBLO RESERVOIR

625000004
UNITED STATES OF AMERICA

CONCRETE WASHOUT STRUCTURE, SEE 3125-190

MATCHLINE, SEE DWG 382-D-5531

STABILIZED CONSTRUCTION ENTRANCE, SEE 3125-130

TEMPORARY CONSTRUCTION PERMIT AREA FOR PUEBLO DAM CONNECTIONS

PROVIDE OPENING IN SILT FENCE FOR PWMD TEMPORARY ACCESS ROAD, SEE 30-C-01

SILT FENCE, SEE 3125-165

600000058
UNITED STATES OF AMERICA

CONSTRUCTION PERMIT AREA

PUEBLO DAM PAVED ACCESS ROAD

STABILIZED CONSTRUCTION ENTRANCE, SEE 3125-130

RIVER PUMP STATION

24" COMBINED BLOWOFF

PUEBLO DAM

CONSTRUCTION PERMIT AREA

90" RW 1A

1B 11+00
1B 12+00
1B 13+00
1B 14+00
1B 15+00
1B 16+00
1B 17+00
1B 18+00
1B 19+00
1B 20+00
1B 21+00
1B 22+00
1B 23+00
1B 24+00
1B 25+00
1B 26+00

PERMIT AREA

Discharge Location 001A

ROCK SOCKS, SEE 3125-183

Generator

Sediment Bag

Discharge Location 002A

PUEBLO DAM GRAVEL ACCESS ROAD

Rock Check Dam

Discharge Location 003A

2" Pump

ROCK SOCKS, SEE 3125-183

FIXED CONE VALVE FACILITY

SEE NOTE 2

SPILLWAY

ARKANSAS RIVER

N

0 60 120 180
Scale in Feet

NOTES:

1. FOR EROSION CONTROL NOTES AND LEGEND, SEE DWG 382-D-5528.
2. REMOVE ROCK SOCKS DURING CONSTRUCTION OF RIPRAP CHANNEL AND ARKANSAS RIVER BLOWOFF OUTLET. SEE DWG 10-C-01.

RECLAMATION
Managing Water in the West

COLORADO REGISTERED TROY DAVID MATSUURA 43842 PROFESSIONAL ENGINEER
3/18/13

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

CH2MHILL
Colorado Springs, CO 80903

DSGN T. MATSUURA DR B. NORVILLE
CHK M. GLODEN APVD S. HARRISON

ALWAYS THINK SAFETY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

FRYINGPAN–ARKANSAS PROJECT – COLORADO
SOUTHERN DELIVERY SYSTEM

PUEBLO DAM CONNECTIONS
PDC1B EROSION CONTROL

EROSION CONTROL PLAN
SHEET 1 OF 2

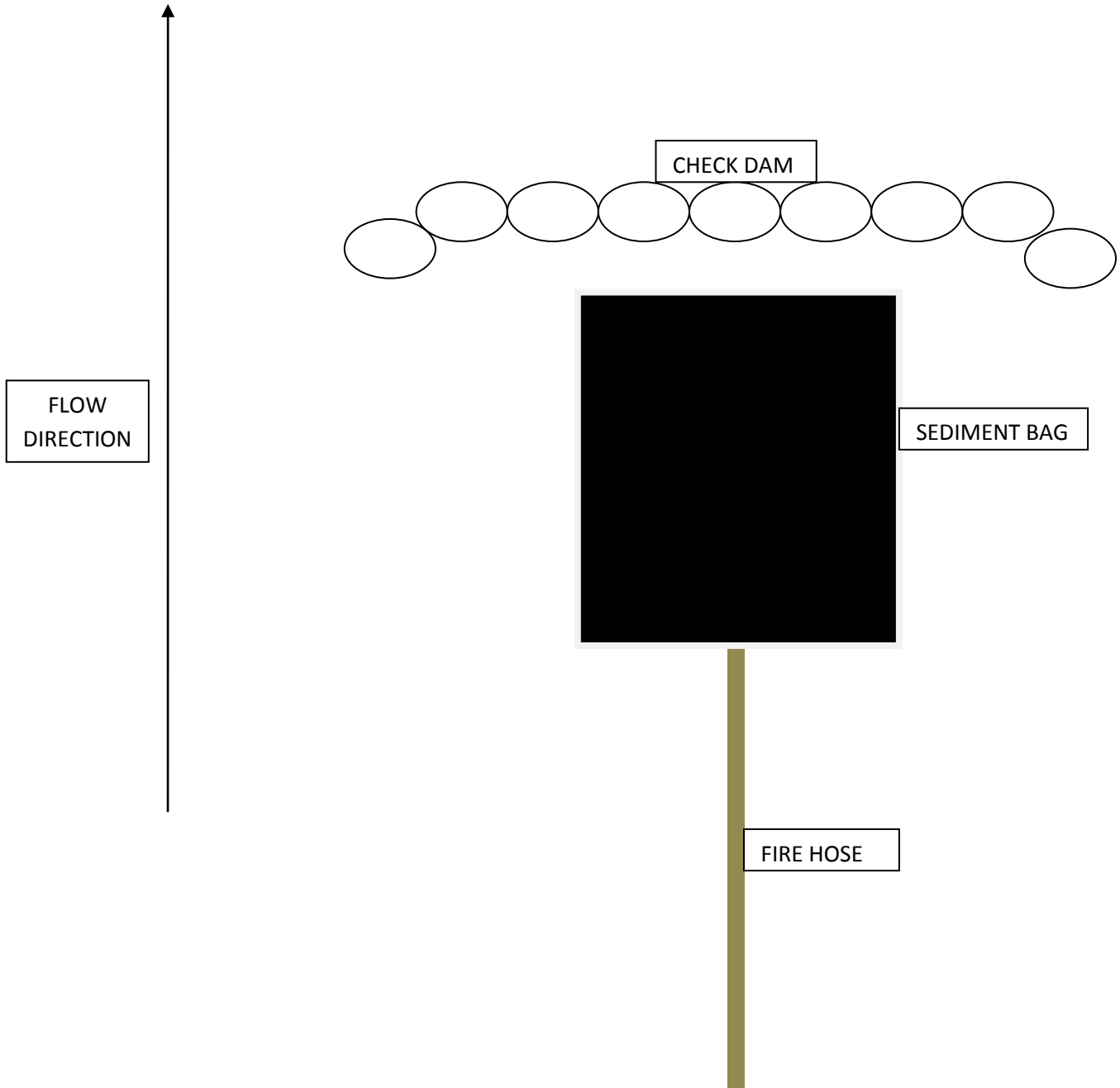
DRAWN BY CH2M_HILL
ACCEPTED
COLORADO SPRINGS, CO MAY 2012

EROSION CONTROL PLAN
SHEET 1 OF 2

382-D-5530
SHEET 36 OF 83

DATE AND TIME PLOTTED 3/4/2013 11:48:57 AM
PLOTTED BY CH2MHILL
CAD SYSTEM MicroStation
CAD FILENAME P:\DWGNEC\30_171473\...DGN

SU Project Number: SDS-002 SU Work Order Number: 1146977


CHECK DAM
FLOW DIRECTION
SEDIMENT BAG
FIRE HOSE

United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
Eastern Colorado Area Office
11056 West County Road 18E
Loveland, Colorado 80537-9711

IN REPLY REFER TO:

EC-1310
LND-6.00 (SDS)

JUN - 5 2013

Keith Riley
Colorado Springs Utilities
P.O. Box 1103 MC: 930
Colorado Springs, CO 80947

Subject: Special Use Permit No. 13-LM-60-1627 – Installation of the Southern Delivery System Juniper Raw Water Pump Station – Pueblo Reservoir - Bureau of Reclamation – Fryingpan-Arkansas Project, Colorado

Dear Mr. Riley:

Enclosed is a fully executed Special Use Permit authorizing Colorado Springs Utilities to construct Juniper Raw Water Pump Station a component of the Southern Delivery System on Bureau of Reclamation lands.

Thank you for your cooperation and assistance on this matter. Should you have any questions, please contact Tara Piper at (970) 962-4381.

Sincerely,

Michael P. Collins
Area Manager

Enclosure -1 copy

cc: Eric Spain
Fountain Valley Authority
P.O. Box 1103, Mail code 0045
Colorado Springs, CO 80947-0045

(W/enclosures to each)

Brad Henley
Park Manager
Lake Pueblo State Park
640 Pueblo Reservoir Road
Pueblo, CO 81005

GP-76 (Revised 4-07)
Bureau of Reclamation

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
GREAT PLAINS REGION

Special Use Permit

Contract Number: 13-LM-60-1627

Exhibits Attached: A, B, and C
(Place Contract No. on all Exhibits)

Term: (Not to Exceed 50 Years)

From: May 10, 2013

To: May, 10, 2019

Permit Fee: $ Waived per 43 CFR 429

Successive Fee: $ 0

Permittee:
Colorado Springs Utilities
P.O. Box 1103 MC. 930
Colorado Springs, CO 80947

Purpose: (Specify use requested: what, quantities, dimension, etc.)
To authorize Colorado Springs Utilities (Springs Utilities) to construct a 12,400 square foot Raw Water Pump Station (Juniper Pump Station) and associated facilities for the Southern Delivery System (SDS) on Reclamation lands at Pueblo Reservoir (Exhibits A and B). The Juniper Pump Station will consist of a 50 million gallon per day pump station (MGD) with internal expansion capabilities to 78 MGD. Installation of a 24-foot wide access road from Juniper Road, 800 feet of 54 to 72-inch raw water pipe extending from the west side of Juniper Pump Station connecting to SDS 1B, 855 feet of 66-inch raw water discharge pipe extending from the east side of Juniper Pump Station connecting to existing SDS South 1 pipeline, 980 feet of 16-inch discharge pipe, 320 feet of 24-inch discharge pipe to connect to a future river blowoff structure, 1,300 feet of 12-inch fire suppression pipe, stormwater impound catch basin, 8-foot security fence and electrical components (Exhibit C). Pipelines will be buried to depths between 6 and 32 feet below ground. A separate permit will be issued to Springs Utilities for long-term operation and maintenance of Juniper Pump Station and SDS 1B.

Description of Premises: (Specify legal descriptions of land and major features such as reservoir, canal, etc.)
The project is located in portions of Sections 25, 36, Township 20 South, Range 66 West, Section 31, Township 20 South, Range 65 West, Section 1, Township 21 South, Range 66 West, Section 6, Township 21 South, Range 65 West, 6th P.M., Pueblo County (Exhibit B). Construction Permit areas for construction are approximately 18.6 acres. The Permit area is approximately 10.9 acres (Exhibit B).

Special Conditions:
See attached Exhibit A.

The Permittee hereby accepts this permit subject to the terms, covenants, obligations and reservations, expressed or implied herein.

Sign name or names as written in body of permit; for co-partnership, permittees should sign as "members of firm;" for corporation, the officer authorized to execute contracts, etc., should sign, with title the sufficiency of such signatures being attested by the Secretary, with corporate seal, in lieu of witness.

ASSIGN / MANAGING AGENCY

AGENCY Colorado Parks and Wildlife

SIGNATURE Bradley J. Healey – Bradley J. Healey

TITLE Lake Pueblo State Park Manager

ATTEST _____

DATE May 29, 2013

PERMITTEE Colorado Springs Utilities

SIGNATURE _____

TITLE Deputy Program Director, SDS

ATTEST _____

DATE 5-30-13

Michael P. Collins, Area Manager, Eastern Colorado Area Office
Approved by Issuing Officer, (Name and Title)

Signature

6/5/2013
Date

Finance Copy (White) Permittee Copy (Green) Lands Copy (Yellow) Managing Agency Copy (Pink) Issuing Office Copy (Gold)

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE
UTILITIES DIVISION

GP-76 (Revised 4-07)
Bureau of Reclamation

GENERAL CONDITIONS

Authority to issue permits by the United States is contained in the Act of Congress of June 17, 1902 (32 Stat. 388), and acts amendatory thereto or supplementary thereto; particularly section 10 of the Act of August 4, 1939 (53 Stat. 1196), as amended by the Act of August 18, 1950 (64 Stat. 463; 43 U.S.C. 387); and 43 CFR 429.

This permit is issued as authorized by Reclamation Law and subject to all conditions contained herein.

1. Payments. All payments shall be made to the issuing office of the Bureau of Reclamation on or before the date of issue by a postal money order or a check made payable to the Bureau of Reclamation (Reclamation).

2. Use Limitations. The permitted use: (a) is limited to the purposes and Premises herein specified; (b) does not unless specified in the permit grant any rights to water, (c) does not unless provided for in the permit allow restriction of public entry or uses or to the area; (d) is subject to existing easements, rights-of-way, or reservations; (e) is subject to the right of Reclamation to grant other permits for the same premises upon a finding by the issuing Officer that the additional use is compatible with the use permitted herein; and shall not impede Reclamation, its agents or assigns from carrying on whatever activities are necessary, to: (1) protect and maintain the premises, facilities, and adjacent lands administered by the United States and its agencies and (2) manage all resources located on the premises and other Reclamation lands.

3. Damages. The United States shall not be responsible for any loss or damage to property arising from the issuance of this permit, including but not limited to damages to growing crops, animals, and machinery; or injury to the Permittee or its associates, officers, agents, employees, or any third parties who are on the premises; or for damages or interference caused by natural phenomena. To the extent permitted by law, the Permittee agrees to save the United States and any of its assigns or agents, harmless from any and all claims by the Permittee, or by third parties, for damages or losses that may arise from or be incident to any activity associated with this permit; except damages caused by the negligent or wrongful act of a Government employee.

4. Operating Rules and Laws. The Permittee shall keep the premises in a neat and orderly condition at all times and shall comply with all municipal, county, state, and federal laws, rules, and regulations applicable to their operations under the permit. Also, the Permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of fires.

5. Responsibility of Permittee. The Permittee, by operating on the premises, shall be considered to have accepted these premises with all the facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of period specified or upon earlier termination, the Permittee shall give up the premises in like condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The Permittee will fully repay Reclamation for any and all damage, directly or indirectly, resulting from the Permittee's negligence or failure to use reasonable care.

6. Revocation. (a) Violation: This permit may be revoked on the tenth day following written notice to the Permittee upon a finding by Reclamation that the Permittee has violated any of the terms herein or made use of the premises for purposes not herein prescribed: Provided that if said violation or nonprescribed use of the premises ceases within 10 days of receipt of notice, the Permittee will be allowed to maintain occupancy under this permit.
(b) Non-use and project purposes: This permit may also be revoked with 30 days written notice to the Permitte upon a finding by Reclamation that:
(1) The Permittee has failed to use or discontinued use of the premises or
(2) The premises are needed for project purposes.
(c) Possession: Upon any such revocation, Reclamation, by and through any authorized representative may take possession of said premises for its own and sole use in accordance with Section 10.

7. Cultural Values. Should evidence of historical, archaeological, or paleontological sites be discovered during use of the premises, the Permittee immediately shall suspend operations and advise the issuing officer.

8. Compliance. Failure of Reclamation to insist upon strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or relinquishment of Reclamation's right to thereafter enforce any of permit's terms, conditions, or requirements.

9. Termination. At the termination of this permit, the Permittee shall immediately give up possession to Reclamation, reserving, however, the rights specified in Paragraph 10. Upon failure to do so, the Permittee shall pay the Government, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is retained. The acceptance of any fee for liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an approval of the Permittee's possession

10. Removal of Permittee's Property. Upon the expiration, termination, or revocation of this permit, if all rental charges and damage claims due the Government have been paid, the Permittee may remove all structures, machinery, or other property from the premises. Upon failure to remove any of the said property within 60 days of expiration, termination, or revocation, it shall become the property of the United States and the Permittee shall pay the United States for all expenses related to property removal.

11. Transfer of Privileges. This permit is not transferable.

12. Refunds. All money paid under this permit shall be retained by the Government. If Section 6(b)(2) is exercised, the fee paid under this permit shall be refunded by a prorata share as determined by Reclamation.

13. Official Barred from Participating. No Member of Congress or Resident Commissioner shall participate in any part of this contract or to any benefit that may arise from it, but this provision shall not pertain to this contract if made with a corporation for its general benefit.

14. Nondiscrimination in Employment. The Permittee agrees to be bound by the equal opportunity clause of Executive Order 11246.

15. Liability. The permitted activities shall be conducted so as not to interfere with the operation, maintenance, and administration of Reclamation Projects. Any additional repairs, maintenance, or expense to Reclamation Projects as a result of the permitted activities shall be reimbursed to the United States by the Permittee. The Permittee may review such expenses; however, the Secretary of the Interior's determination of such expense shall be final and binding upon the parties hereto.

16. Trespass. Any use of the premises not herein prescribed shall be considered a trespass. Any violation or trespass on any Reclamation lands by the Peremittee shall be cause for revocation of this permit, in accordance with Section 6.(a). The Permittee shall be liable for any damages resulting therefrom, and an approximate charge as determined by the issuing officer shall be made to the Permittee. Any property constructed in trespass shall be considered property of the United States, and the Permittee shall pay the United States for all expenses related to property removal.

17. Disclosure. In accordance with the Privacy Act of 1974 (PL 93-579), please be advised that: (a) Participation is voluntary; however, failure to answer all questions fully may delay processing of this application or result in denial of (b) Information will be used as criteria for the issuance of special use permits and forr identification of personnel having special use permits on Reclamation lands; and (c) In the event there is indicated a violation of a statute, regulation rule, order, or license, whether civil, criminal, or regulatory in nature, the requested information may be transferred to the appropriate Federal, State, or local agency charged with investigation or processing such violations.

18. In Addition:
(a) The (Contractor) shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored,or disposed of on or in lands, waters, or facilities owned by the United States or administered by Reclamation.

(b) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. 42 U.S.C.-1901. et. seq. and the regulations promulgated pursuant to the Act.

(c) The (Contractor) may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including but not limited to, the misuse of pesticides, pesticide containers or any other pollutants.

(d) The (Contractor) shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(e) Violation of any provisions of this Article shall constitute grounds for immediate termination of this permit and shall make the (Contractor) liable for and the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

(f) The (Contractor) agrees to include the provision contained in paragraphs (a) through (e) of this Article in any subcontract or third party contract it may enter into pursuant to the permit.

(g) Reclamation agrees to provide information necessary for the (Contractor), using reasonable diligence, to comply with the provision of this Article.

Special Use Permit 13-LM-60-1627
Exhibit A
Special Conditions:

1. The Permittee will limit all construction activities to the designated permit and construction areas and use Pueblo Reservoir, Juniper, and Spillway Roads for access, as shown in Exhibit B and C. The Permittee will construct the proposed Juniper Pump Station and associated facilities as described in the attached drawings, as shown in Exhibit C.

2. The Permittee will comply with Reclamation's regulations for health and safety and all other applicable federal, state, and local laws and regulations. The Reclamation Safety and Health Standards can be found at: http://www.usbr.gov/ssle/safety/RSHS/rshs.html

3. The Permittee will obtain a Special Work Permit from Reclamation's Pueblo Field Office for all work immediately adjacent to Pueblo Dam, and all work inside Reclamation's operational areas.

4. If any additional construction, structure modifications, or ground disturbing activities not included in the designs (Exhibit C) or are proposed outside the permit and construction area, the Permittee shall contact Reclamation for review and written approval prior to initiating any activity.

5. The Permittee will consult with Colorado Parks and Wildlife (CPW) prior to construction activities, in order to minimize impacts to State Park operations. The Permittee will comply with the agreements and commitments in the existing Memorandum of Understanding (MOU), between Division of Parks and Outdoor Recreation and Colorado Springs Utilities, dated April 4, 2011, including any modifications or extensions to the MOU, and the following;
    a. The Permittee will maintain all roads in a passable condition for recreational traffic during construction.
    b. The Permittee will conduct a pre- and post- construction assessment of all permitted access roads with CPW to determine what corrective measures are necessary and appropriate.

6. The Permittee will:
    a. Minimize damage to existing roads and adjoining haul routes,
    b. Not drive off improved roadways during periods of wet soil conditions, as evidenced by rutting of more than two inches in depth, except as permitted in the construction area,
    c. Limit vehicle access to those areas which have been previously disturbed, except as permitted in the construction area,
    d. Obliterate and revegetate all vehicle tracks in areas which would not otherwise be disturbed as part of the construction, so as to not encourage unauthorized or inappropriate use of travel routes by the public.

7. The Permittee will be responsible for the control of all noxious weeds within the permit and construction area. Construction equipment shall be pressure washed to remove all dirt and vegetative matter prior to arriving on-site to limit the spread of noxious weeds. This includes but is not limited to, cars, pickups, trailers, off road vehicles, and all construction equipment brought into Reclamation lands.

8. The Permittee will ensure the clean up and removal of any flagging, survey markers, and trash from construction activities within 30 days of completion of construction.

9. The Permittee will follow and implement the environmental commitments during construction of Juniper Pump Station and associated facilities as stated in the Record of Decision for the Southern Delivery System Final Environmental Impact Statement Number GP-2009-01, dated March 20, 2009.

10. The Permittee will furnish to Reclamation, a copy of the as-built drawings upon completion of construction. The survey shall show the exact location, size, and placement of the pipelines and appurtenant features.

11. The Permittee will be responsible to obtain all other required permits, which may be required prior to construction.

12. The Permittee is responsible for locating utilities prior to proposed construction activities.

13. The Permittee must not interfere with Reclamation's ability to fulfill its contractual obligation to deliver water through the Fountain Valley Conduit (FVC). Construction and any excavations will be performed in such a manner so as to prevent any damage to the FVC and includes the following;
    a. Travel across the FVC will not exceed HS-15 Loading.
    b. The Permittee shall install an 8 foot security fence on the edge of the FVC easement for a distance of approximately 1,032 feet, as shown in Exhibit C.
    c. The Permittee will perform grading and sloping so as not to impede or constrain access by the Fountain Valley Authority to access the FVC easement for operation and maintenance. Slopes will not exceed 3:1 within the FVC easement. The Permittee will limit grading within the FVC easement as shown in Exhibit C.
    d. Reclamation and the FVA will have the right to inspect all facilities constructed within the FVC easement and subsequent repair thereof, and the applicant agrees to reimburse FVA for all administration, repair, and inspection costs incurred hereby.

14. The Permittee will notify and coordinate construction activities with Pueblo West Metropolitan District prior to construction.

15. The Permittee will restore the permit and construction areas to pre-existing conditions following completion of proposed construction activities. The Permittee will prevent erosion during and after construction using Best Management Practices and methods. This includes temporary erosion control devices, ditches, fencing, and re-vegetation with a Reclamation-approved seed mixture as described in the construction specifications.

16. If any cultural resources, graves, or human remains are encountered during ground-disturbing activities on Reclamation lands, all activity must be stopped immediately in the

area of the discovery site. The Permittee must secure the site and notify Reclamation of the discovery within 24 hours by calling 970-962-4410.

17. If any fences or gates within the permit and construction area are removed or disturbed during construction, operation, and maintenance activities, the Permittee will restore said facilities back to the original condition.

18. The Permittee will relocate the Theodolite Pier (Survey Monument) to a site to be determined by Reclamation. The new location shall be surveyed and approved by Reclamation prior to removal of existing Survey Monument.

19. The Permittee and its contractors will follow the above Special Conditions numbers 1 through 18 on Reclamation lands. Reclamation may suspend any activities by the Permittee and its contractors for non-compliance with the above Special Conditions, including activities that in any way interfere with or threaten to interfere with the use of Reclamation's subject lands, FVC easement, operation, maintenance, or administration of the Fryingpan-Arkansas Project.

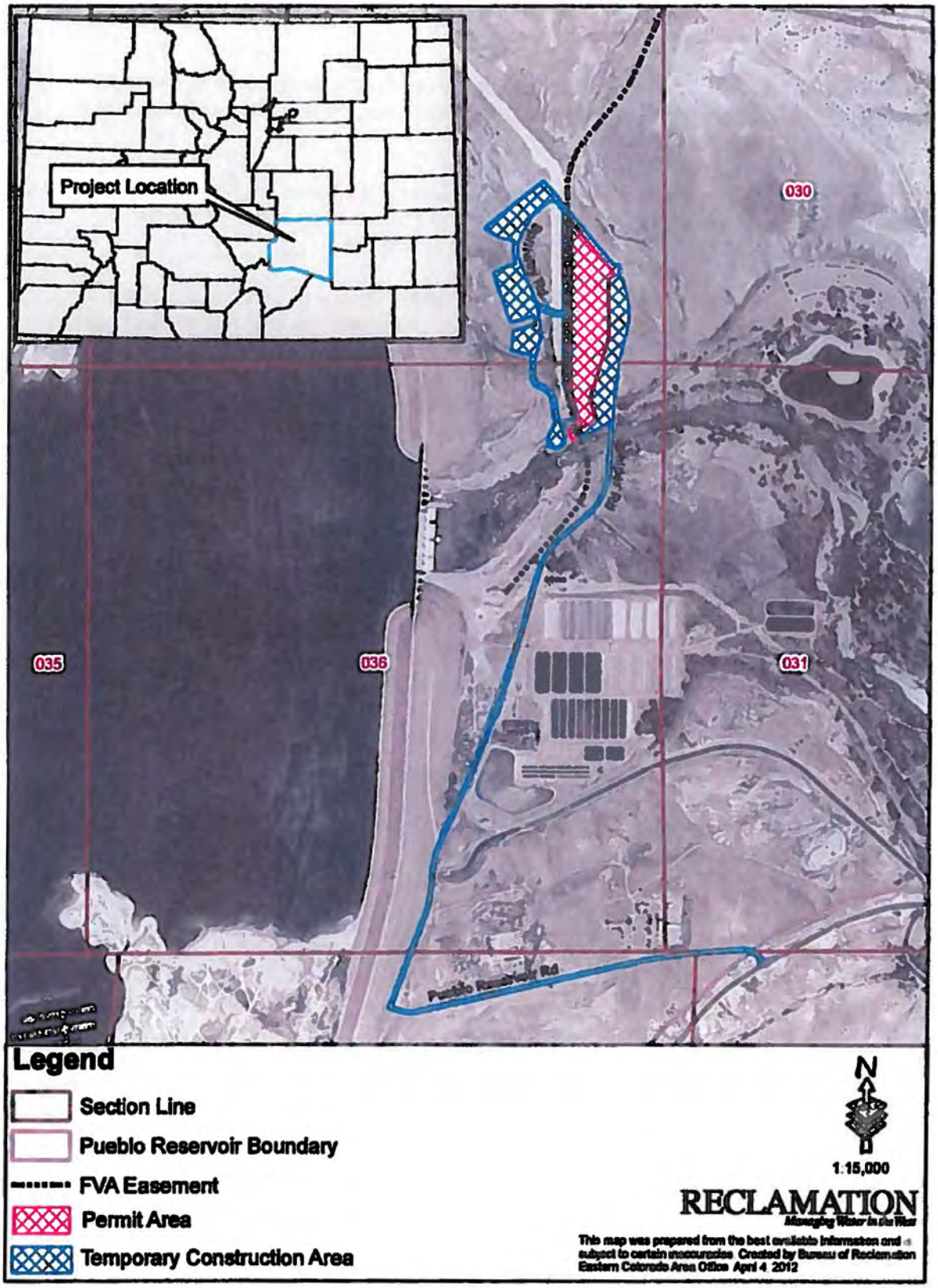
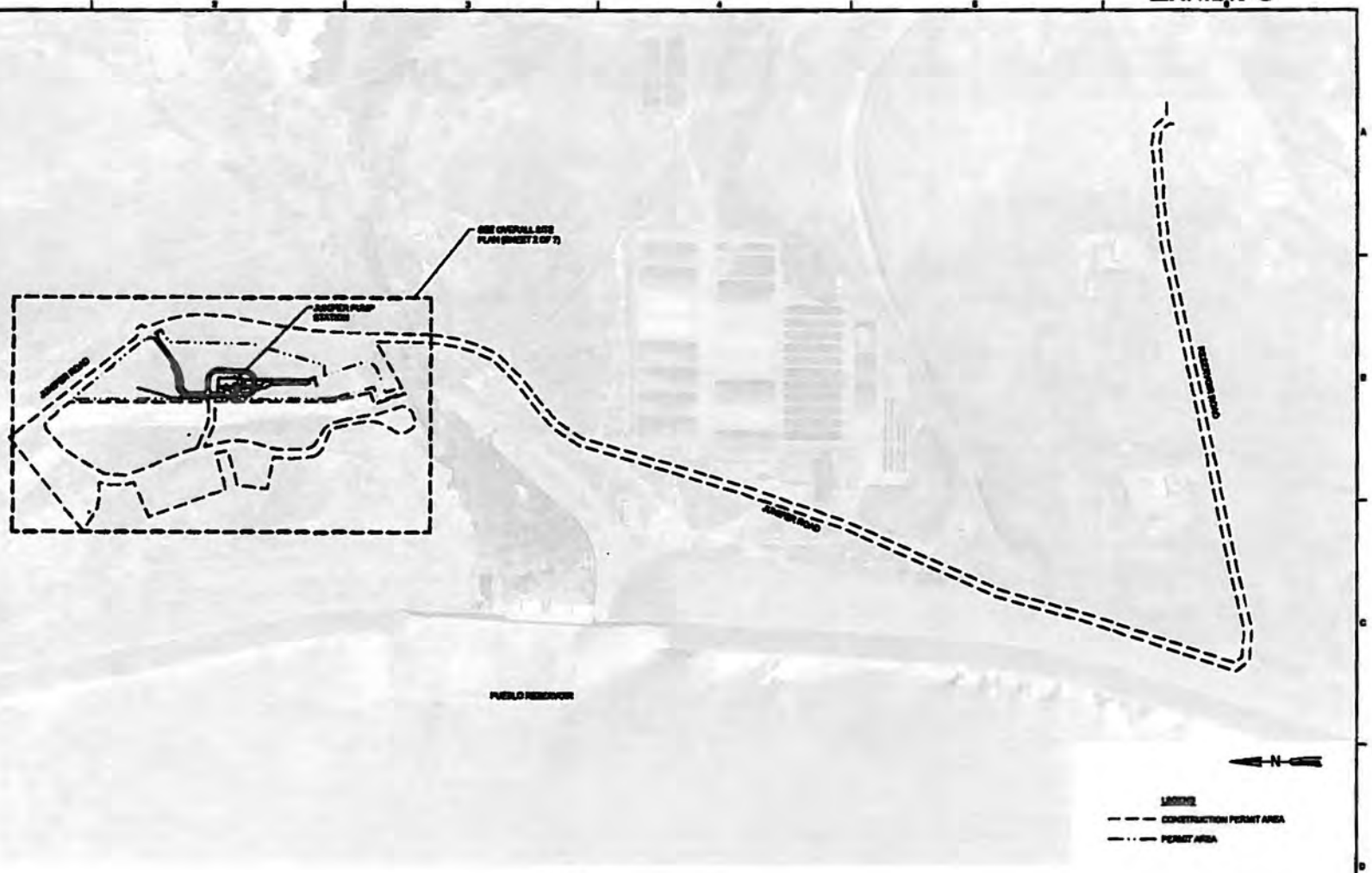

Project Location
030
035
036
031
Pueblo Reservoir Rd
Legend
Section Line
Pueblo Reservoir Boundary
FVA Easement
Permit Area
Temporary Construction Area
N
1:15,000
RECLAMATION
Managing Water in the West
This map was prepared from the best available information and is subject to certain inaccuracies. Created by Bureau of Reclamation Eastern Colorado Area Office April 4 2012

Exhibit B

Exhibit C



PLAN
1" = 400'

CDM Smith

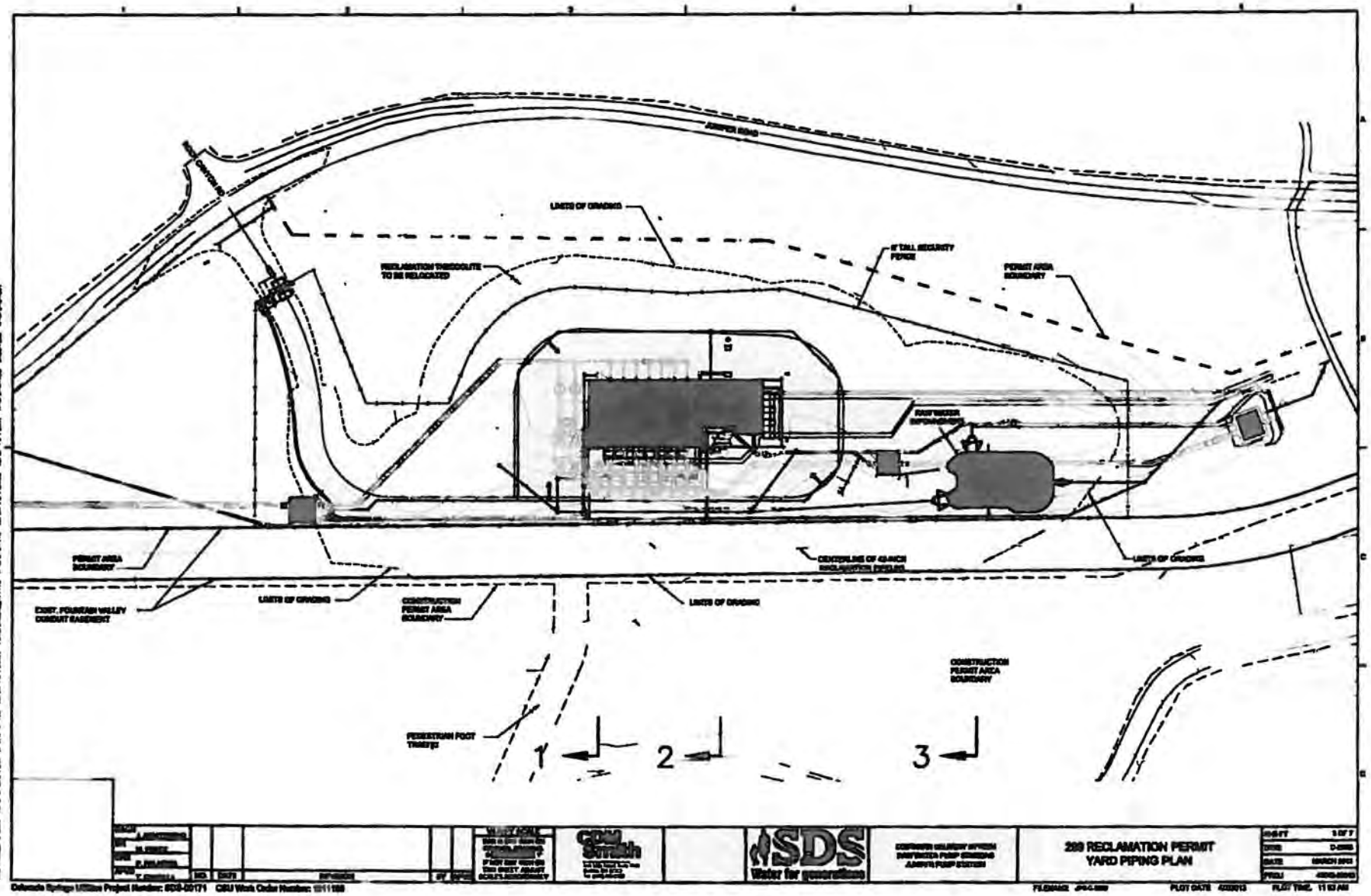
SDS Water for generations

SOUTHERN DELIVERY SYSTEM
RAW WATER PUMP STATIONS
JASPER PUMP STATION

299 RECLAMATION PERMIT
AREA / VICINITY MAP

SHEET 1 OF 7
DWG D-299
DATE MARCH 2013

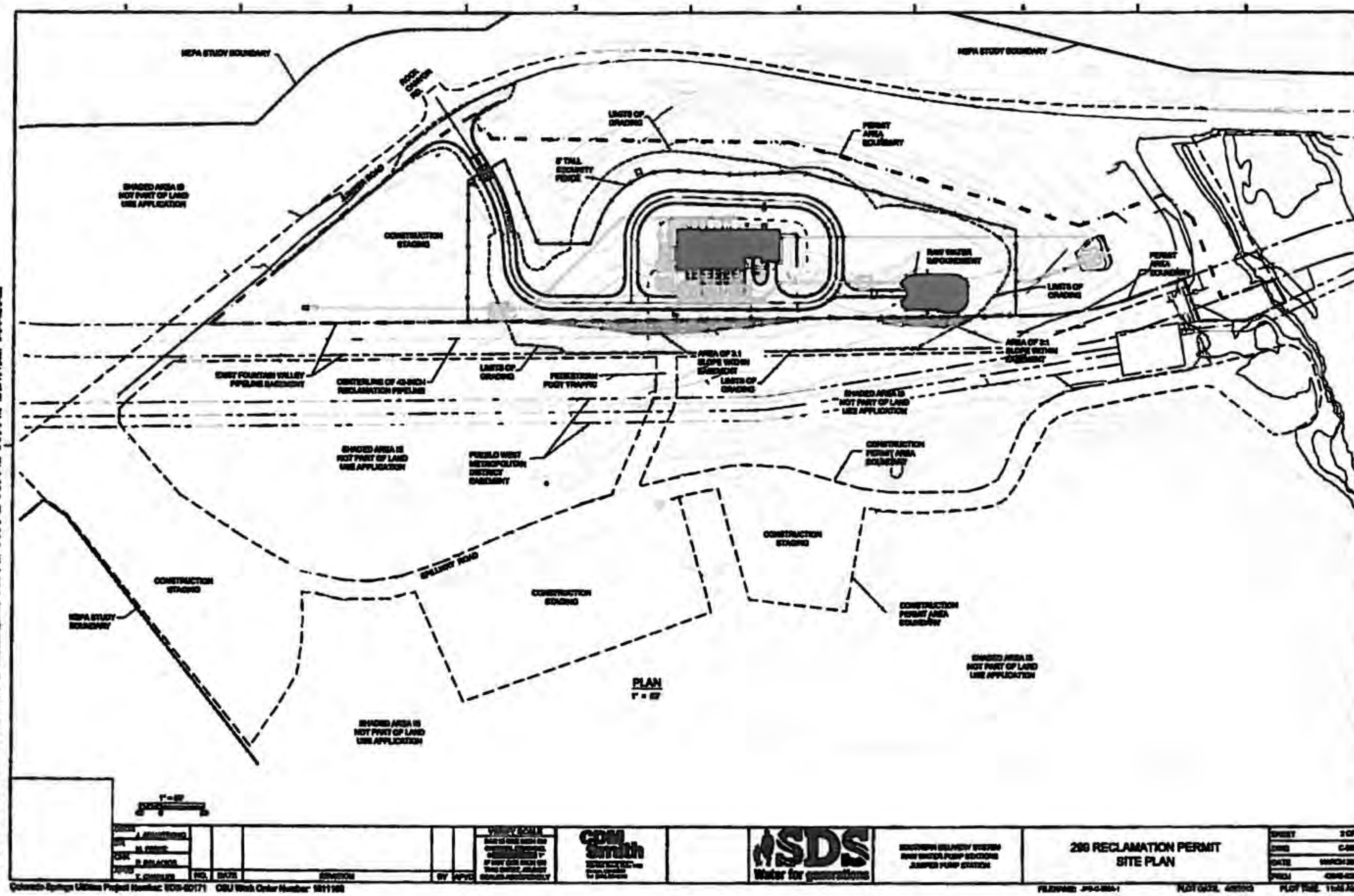
Colorado Springs Utilities Project Number: SDS-00171 CSU Work Order Number: 1611188



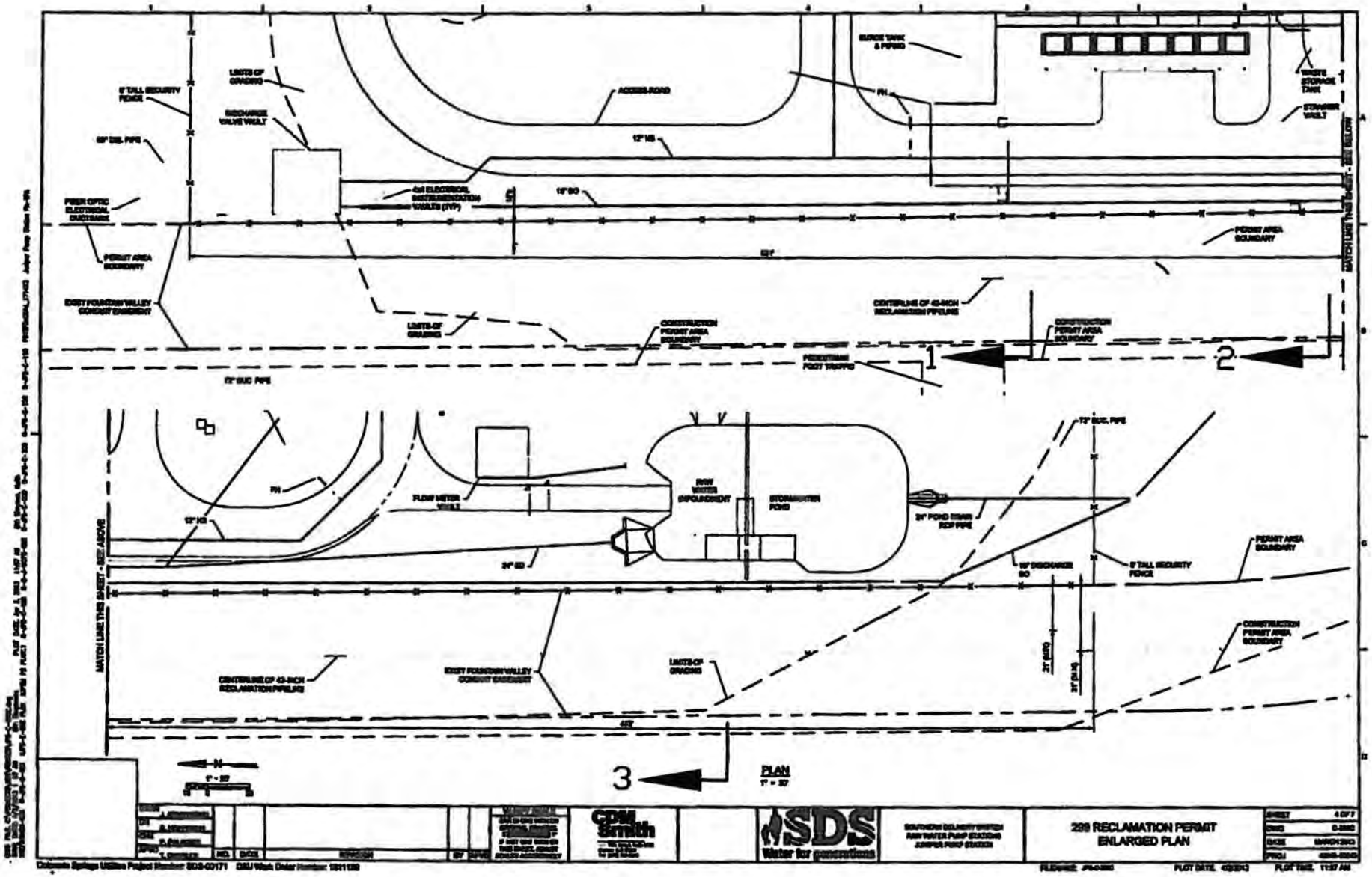
SDS Water for generations

269 RECLAMATION PERMIT
YARD PIPING PLAN

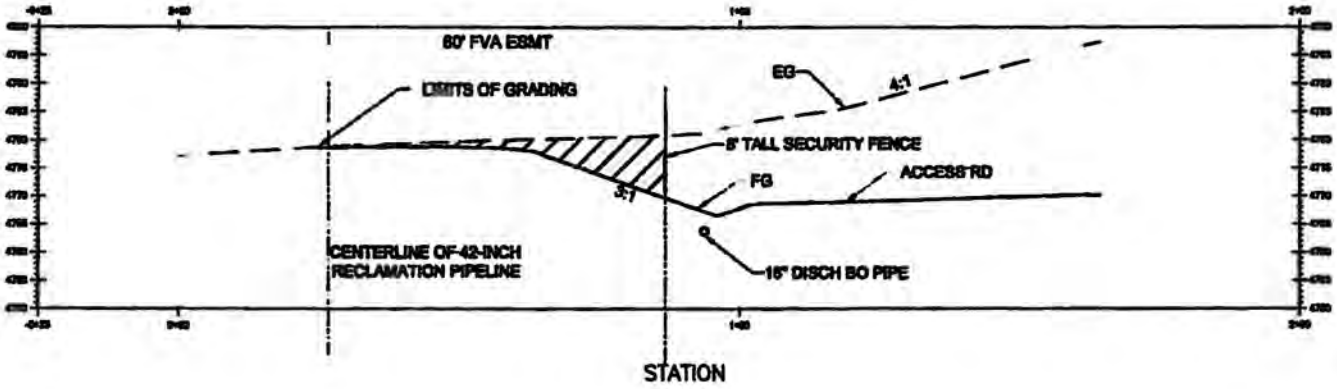
Colorado Springs Utilities Project Number: SDS-00171 CSU Work Order Number: 1311169



NEPA STUDY BOUNDARY
NEPA STUDY BOUNDARY
LIMITS OF GRADING
PERMIT AREA BOUNDARY
8' TALL SECURITY FENCE
SHADED AREA IS NOT PART OF LAND USE APPLICATION
CONSTRUCTION STAGING
RAW WATER IMPOUNDMENT
PERMIT AREA BOUNDARY
LIMITS OF GRADING
AREA OF 2:1 SLOPE WITHIN EASEMENT
EAST FOUNTAIN VALLEY PIPELINE EASEMENT
CENTERLINE OF 42-INCH RECLAMATION PIPELINE
LIMITS OF GRADING
PEDESTRIAN FOOT TRAFFIC
LIMITS OF GRADING
SHADED AREA IS NOT PART OF LAND USE APPLICATION
CONSTRUCTION PERMIT AREA BOUNDARY
SHADED AREA IS NOT PART OF LAND USE APPLICATION
PUEBLO WEST METROPOLITAN DISTRICT EASEMENT
CONSTRUCTION STAGING
CONSTRUCTION STAGING
CONSTRUCTION STAGING
CONSTRUCTION PERMIT AREA BOUNDARY
NEPA STUDY BOUNDARY
SHADED AREA IS NOT PART OF LAND USE APPLICATION
PLAN
SHADED AREA IS NOT PART OF LAND USE APPLICATION
CDM Smith
SDS
Water for generations
260 RECLAMATION PERMIT
SITE PLAN

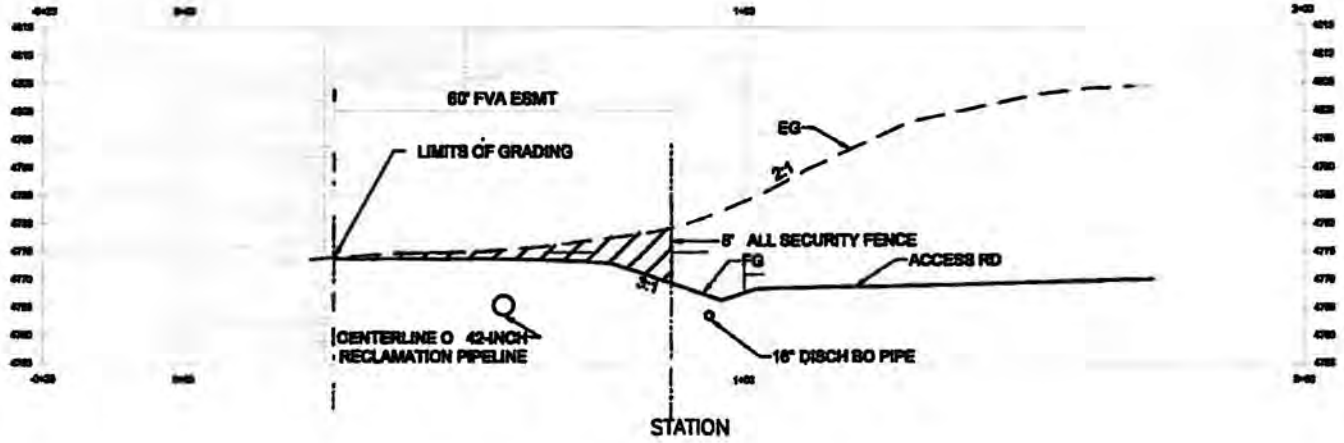

ACCESS ROAD
LIMITS OF GRADING
8' TALL SECURITY FENCE
PERMIT AREA BOUNDARY
CONSTRUCTION PERMIT AREA BOUNDARY
CENTERLINE OF 42-INCH RECLAMATION PIPELINE
EXIST FOUNTAIN VALLEY CONDUIT EASEMENT
FLOW METER VAULT
STORMWATER POND
MATCH LINE THIS SHEET - SEE ABOVE
PLAN
1" = 50'
SDS
Water for generations
CDM Smith
22S RECLAMATION PERMIT
ENLARGED PLAN

Section 1



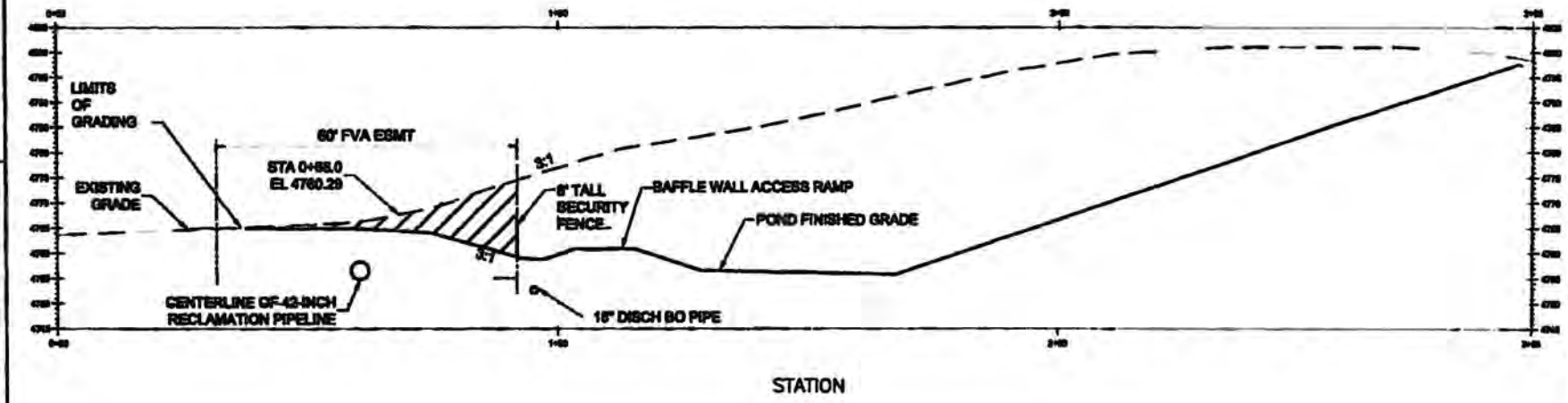
299 RECLAMATION PERMIT
FVC EASEMENT SECTION 1

Section 2



289 RECLAMATION PERMIT
FVC EASEMENT SECTION 2

Section 3



299 RECLAMATION PERMIT
PVC EASEMENT SECTION 3

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.
Denver, Colorado 80246-1530
Phone (303) 692-2000
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

July 18, 2013

Sean Timmins
Archer Western Construction, LLC
2121 Avenue J, Suite 103
Arlington, TX 76006

RE: Land Development GP03 General Permit Approval for Package #293595

Dear Mr. Timmins,

The Colorado Air Pollution Control Division approves land development general permit registration for the sites listed in the table below. Please refer to general permit GP03 for all applicable requirements, limitations, terms and conditions. A copy of the general permit may be obtained via the internet at the following web address:

http://www.cdphe.state.co.us/ap/conperm.html

AIRS ID	Site Name	Actual Location	City	County	Approval Expiration
102/0030/001	Souther Delivery System Raw Water Pump Stations: Juniper Pump Station	Sec 36 T20S R66S	-	Pueblo	6/18/2018 12:00:00 AM

If you have any questions regarding this letter, please contact me directly at (303)691-4093.

Sincerely,

Jonathan Brickey
Permit Engineer
Stationary Sources Program
Air Pollution Control Division

STATE OF COLORADO

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

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Colorado Department of Public Health and Environment

6/11/2013

Sean Timmins, Asst PM
Archer Western Construction LLC
2121 Avenue J Ste 103
Arlington, TX 76006

RE: Certification, Colorado Discharge Permit System
Permit No., COR030000, Certification Number: COR03K714

Dear Mr./Ms. Timmins;

The Water Quality Control Division (the Division) has reviewed the application submitted for the **Southern Delivery System Raw Water Pump Stations Juniper Pump Station** 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 System Raw Water Pump Stations Juniper Pump Station — Pueblo County
Construction Activities: Potable Water Utility Pump Stations and Distribution Piping,
Legal Contact *(receives all legal documentation pertaining to the permit certification):*
Sean Timmins, Asst PM
Archer Western Construction LLC
2121 Avenue J Ste 103
Arlington, TX 76006
Phone number: 720-612-2493
Email: stimmins@walshgroup.com

Facility Contact *(contacted for general inquiries regarding the facility):*
Sean Timmins, Asst PM
Phone number: 720-612-2493
Email: stimmins@walshgroup.com

Billing Contact *(receives the invoice pertaining to the permit certification):*
Shannon Etier, Proj Accnt
Archer Western Construction LLC
2121 Avenue J Ste 103
Arlington, TX 76006
Phone number: 817-640-3898 x 4223
Email: setier@walshgroup.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.

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.

The Division is currently developing a new permit and associated certification for the above permitted facility. The development and review procedures required by law have not yet been completed. The Construction Stormwater General Permit, which will expire June 30, 2012, will be administratively continued and will remain in effect under Section 104(7) of the Administrative Procedures Act, C.R.S. 1973, 24-4-101, et seq (1982 repl. vol. 10) until a new permit/certification is issued and effective. The renewal for this facility will be based on the application that was received 6/7/2013.

Please read the enclosed permit and certification. If you have any questions please contact Kathleen Rosow, Environmental Protection Specialist, at (303) 692-3521.

Sincerely,

Karen Harford

Karen Harford, Administrative Assistant II
WATER QUALITY CONTROL DIVISION
Enclosures: Certification page; General Permit; Highlight Sheet; Termination form
xc: Permit File

/keh cert

Colorado Department
of Public Health
and Environment

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

Certification Number: **COR03K714**

This Certification to Discharge specifically authorizes:

Archer Western Construction LLC

to discharge stormwater from the facility identified as

Southern Delivery System Raw Water Pump Stations Juniper Pump Station

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

- Arkansas River

Facility Industrial Activity : Potable Water Utility Pump Stations and Distribution Piping,

Facility Located at: Juniper Rd and Rock Canyon Rd, Pueblo
Pueblo County, CO 81005
Latitude 38.273914, Longitude -104.720289

Certification is effective: 6/11/2013 **Certification Expires:** 6/30/2012
ADMINISTRATIVELY CONTINUED

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

Signed,

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

PIKES PEAK REGIONAL BUILDING DEPARTMENT

2880 International Circle
Colorado Springs, Colorado 80910
Website: http://www.pprbd.org

BUILDING PERMIT

CALL 327-2881 for Inspections!!

Permit-Number: I81761

SOUTHERN DELIVERY SYSTEM
5820 JUNIPER RD
PUEBLO, CO 81008

Issue Date: 7/16/2013
at 11:26 AM by MINDY

Computed Valuation: $28,006,569.00
Valuation: $28,006,569.00

Contractor: (19347) ARCHER WESTERN CONSTRUCTION, LLC

Plan: C67719

Permit Fee: $86,288.00

Project: NEW PUMP STATION
(325) NEW PUBLIC SERVICES & UTILITIES BUILDINGS

Block: Lot: School: Zone:

Subdiv: Parcel: 0625000004 Units: 1

Utility #: Gas #: CO: 0 CO-Date:

Setbacks: Front: Side: Side: Rear:

Type of Construction: II-B Sprinklers: None

Occupancy:	Level	Occupancy	Sq. Feet
	P00	F-2	12399
	U01	S-1	1682
			14081 Total Square Feet

Description:

Subcontractors:

By completing and obtaining this permit, I understand that I must comply with all of the requirements of the Pikes Peak Regional Building Code, all zoning, and all other ordinances, relating to building lines, uses, and construction within this jurisdiction. I also certify that I am the duly authorized representative of the above listed contractor.

IMPORTANT NOTICE!

This permit will be Administratively Closed if you do not receive an inspection or report your work progress within 180 days of issuance or if more than 180 days pass between inspections. If the work is in progress and you do not receive an inspection within the above time period, you must notify the REGIONAL BUILDING DEPARTMENT of such progress in order to keep the permit from expiring. Call 327-2880 to report your progress.

This building permit does not guarantee the installation and/ or connection of public utilities.

Permit issued to: NELSON, WILLIAM

RESOLUTION NO. 12- 270

THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY, COLORADO

APPROVING THE APPOINTMENT OF JOAN ARMSTRONG AS PUEBLO COUNTY'S REPRESENTATIVE IN THE FINAL SELECTION PROCESS OF THE ARCHITECTURE AND LANDSCAPING FOR THE JUNIPER PUMP STATION AND APPROVING THE FINAL STAGE OF THE EXTERIOR DESIGN AND ARCHITECTURE OF THE JUNIPER PUMP STATION

WHEREAS, the Board of County Commissioners passed Resolution No. P&D 09-22 approving a 1041 Permit, No. 2008-002, with terms and conditions for construction and use of a municipal water project known as the Southern Delivery System within Pueblo County, Colorado; and

WHEREAS, pursuant to Condition No. 21 of said 1041 Permit, Colorado Springs Utilities, as the Applicant, was required to allow Pueblo County to appoint a representative to participate in the final selection of the architecture and landscaping for the Juniper Pump Station, along with representatives of Colorado State Parks and the Bureau of Reclamation; and

WHEREAS, representatives of Colorado Springs Utilities have consulted with Pueblo County Staff on the design of the pump station, and have appeared before the Board of County Commissioners to present the final stages of the exterior design and architecture of the Juniper Pump Station and, in conjunction with these matters, it is important that Pueblo County formally appoint a representative pursuant to Condition No. 21 of the 1041 Permit; and

WHEREAS, the Pueblo County Commissioners noted that during certain stages of the design of the Juniper Pump Station that Pueblo County's Director of Planning and Development and its 1041 Permit Administrator has been involved in reviewing the design of the Juniper Pump Station; and

WHEREAS, after consideration, the Board has determined, pursuant to the request of Colorado Springs Utilities, that it would be best served by continuing to name Pueblo County's Director of Planning and Development as its representative to participate in the final selection of the architecture and landscaping for the Juniper Pump Station along with representatives of Colorado State Parks and the Bureau of Reclamation. The Board has directed the Pueblo County Attorney's Office to prepare a resolution making formal the appointment of Joan Armstrong, as its representative to the group which reviews the architecture and landscaping of the Juniper Pump Station; and

WHEREAS, in conjunction with the presentation made at the meeting on November 8, 2012, Colorado Springs Utilities has requested that the Board approve the final design of the Juniper Pump Station which consists, principally, of the exterior architectural treatment of the pump station including colors and building materials, and, further, has requested that the Board determine compliance with Condition No. 21 of the Permit; and

RESOLUTION NO. 12-270 (CONTINUED)

WHEREAS, after consideration and after hearing from Ms. Armstrong and the representatives from Colorado Springs Utilities, the Board has determined that the final stage of the design should be approved and compliance with Condition No. 21 of the Permit determined.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado that:

1. Joan Armstrong, Pueblo County's Director of Planning and Development, and its Administrator for the SDS 1041 Permit referenced herein, is hereby appointed as Pueblo County's representative to participate in the final selection of the architecture and landscaping for the Juniper Pump Station along with representatives of Colorado State Parks and the Bureau of Reclamation.

2. The final stage of the design presented by Colorado Springs Utilities and presented as a design review consisting principally of the exterior treatments and architecture of the proposed pump station, including the colors and building materials to be used, and the landscaping immediately around the proposed structure, is hereby approved as presented.

3. Colorado Springs Utilities has complied with and satisfied Condition No. 21 of 1041 Permit, No. 2008-002.

PASSED AND ADOPTED this 13th day of November 2012, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

BY: _____
Anthony Nuñez, Chairman

ATTEST:

BY: _____
Gilbert Ortiz, County Clerk