COLORADO
Department of Public Health & Environment

CERTIFICATION TO DISCHARGE UNDER CDPS GENERAL PERMIT COR0800000 STORMWATER ASSOCIATED WITH CHERRY CREEK BASIN MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

Certification Number: **COR080016**

This Certification to Discharge specifically authorizes:

Lone Tree City of
to discharge stormwater from portions of their MS4 located in an Urbanized Area

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

Cook Creek, Willow Creek

Issue Date: 6/14/2016

Effective Date: 7/1/2016

Expiration Date: 6/30/2021

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

This certification was approved by:
Lillian Gonzalez, Unit Manager
Permits Section
Water Quality Control Division

Seth Hoffman, City Mgr
Lone Tree City of
9220 Kimmer St Ste 100
Lone Tree, CO 80124

DATE: 6/14/2016

MEMO RE: Renewal Certification, Colorado Discharge Permit System
Permit No., COR080000 , Certification Number: COR080016

DIVISION CONTACTS: Kendra Kelly, Environmental Protection Specialist 303-692-3387
Lisa Knerr, Environmental Protection Specialist 303-692-3004
Debbie Jessop, Tech IV Support 303-692-3590

ATTACHMENTS: Certification COR080016, General Permit

The Water Quality Control Division (the Division) has reviewed the application submitted for the **Lone Tree MS4** facility and determined that it qualifies for coverage under the CDPS General Permit for Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems (MS4s (the permit). Enclosed please find a copy of the permit certification, which was issued under the Colorado Water Quality Control Act.

FEE INFORMATION:

The Annual Fee for this certification is $ 810 [category 7, XIII-B Stormwater municipalities from 10,000 -49,000 population per CRS 25-8-502] is invoiced every July. Do Not Pay This Now. Annual billing will be sent out in July.

CERTIFICATION RECORDS INFORMATION:

The following information is what the Division records show for this certification.
For any changes to Contacts – Legal, Facility, or Billing – a "Notice of Change of Contacts form" must be submitted to the Division. This form is also available on our web site and must be signed by the legal contact.

MS4: Lone Tree MS4 DouglasCounty

Legal Contact (*receives all legal documentation pertaining to the permit ertification):*
Seth Hoffman, City Mgr
Lone Tree City of
9220 Kimmer St Ste 100
Lone Tree, CO 80124
Phone number: 303-708-1818
Email: seth.hoffman@cityoflonetree.com

Facility Contact *(contacted for general inquiries regarding the facility):*
Ward Mahanke,SW Coord
Lone Tree City of
Phone number: 303-662-8112
Email: ward.mahanke@cityoflonetree.com

Billing Contact *(receives the invoice pertaining to the permit certification):*
Seth Hoffman, City Mgr
Lone Tree City of
9220 Kimmer St Ste 100
Lone Tree, CO 80124
Phone number: 303-708-1818
Email: seth.hoffman@cityoflonetree.com

Colorado Department of Public Health and Environment

CDPS GENERAL PERMIT COR080000

STORMWATER DISCHARGES ASSOCIATED WITH

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

THAT DISCHARGE TO THE CHERRY CREEK RESERVOIR DRAINAGE BASIN

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 all discharges from municipal separate storm sewer systems 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 entity listed in the certification to discharge as of the effective dates stated on the certification, in accordance with pollutant restrictions, prohibitions, and reduction requirements and monitoring requirements and other conditions set forth in Parts I, II and III hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

The applicant may demand an adjudicatory hearing within thirty (30) days of the date of issuance of the final permit determination, per the Colorado Discharge Permit System Regulations, 61.7(1). Should the applicant choose to contest any of the pollutant restrictions, prohibitions, and reduction requirements monitoring requirements or other conditions contained herein, the applicant must comply with Section 24-4-104 CRS and the Colorado Discharge Permit System Regulations. Failure to contest any such pollutant restriction, prohibition, and reduction requirement, monitoring requirement, or other condition, constitutes consent to the condition by the Applicant.

This permit and the authorization to discharge shall expire at midnight **June 30, 2021**

Modified, Reissued and Signed this 1st day of December 2016

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet S. Kieler
Permits Section Manager
Water Quality Control Division

PERMIT ACTION SUMMARY:
Modification 3 – Minor Amendment: Issued December 1, 2016 Effective January 1, 2017
Modification 2 – Minor Amendment: Issued July 26, 2016 Effective September 1, 2016
Modification 1 – Minor Modification: Issued May 20, 2016 Effective July 1, 2016
Originally Issued and Signed: April 15, 2016 Effective: July 1, 2016

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)
COR080000

TABLE OF CONTENTS

Part I 4
A. COVERAGE UNDER THIS PERMIT 4
1. Discharges Authorized Under this Permit 4
2. Limitations on Coverage 5
3. Permit Area 5
4. County Growth Area Requirements 6
5. Application for New and Renewal Applicants 7
6. Local Agency Authority 7
7. Permit Compliance 7
B. CONTROL MEASURES 8
1. Good Engineering, Hydrologic and Pollution Control Practices: 8
2. Maintenance: 8
3. Inadequate Control Measures: 8
4. Control Measure Requiring Routine Maintenance: 8
5. Minimize: 8
C. PROGRAM DESCRIPTION DOCUMENT (PDD) 8
1. Records 8
2. Availability: 9
3. Modification: 9
D. PUBLIC INVOLVEMENT/PARTICIPATION 9
1. Public Involvement and Participation Process 9
2. Recordkeeping: 9
3. PDD: 9
E. POLLUTANT RESTRICTIONS, PROHIBITIONS, AND REDUCTION REQUIREMENTS AND RECORDKEEPING 9
1. Public Education and Outreach 10
2. Illicit Discharge Detection and Elimination 12
3. Construction Sites 17
4. Post-Construction Stormwater Management in New Development and Redevelopment 27
5. Pollution Prevention/Good Housekeeping for Municipal Operations 36
F. OTHER TERMS AND CONDITIONS 40
1. General Limitations 40
2. Releases in Excess of Reportable Quantities 40
3. Records Availability 40
4. Discharges to Waters with Total Maximum Daily Loads (TMDLs) 40
5. Implementation by Other Parties 41
6. Monitoring 41
7. General Monitoring and Sampling Requirements 41
G. PROGRAM REVIEW AND MODIFICATION 42
1. Annual Program Review 42
H. COMPLIANCE SCHEDULE 42
1. Renewal Permittees 42
2. New Permittees 47
I. REPORTING REQUIREMENTS 48
1. Annual Report 48
J. DEFINITIONS 50
K. GENERAL REQUIREMENTS 54
1. Signatory Requirements 54
2. Retention of Records 54
Part II 56
A. NOTIFICATION REQUIREMENTS 56
1. Notification to Parties 56
2. Change in Discharge or Wastewater Treatment 56
3. Special Notifications - Definitions 56
4. Noncompliance Notification 56
5. Other Notification Requirements 57
6. Bypass Notification 57
7. Upsets 57

8. Discharge Point 58
9. Proper Operation and Maintenance 58
10. Minimization of Adverse Impact 58
11. Removed Substances 58
12. Submission of Incorrect or Incomplete Information 58
13. Bypass 58
14. Reduction, Loss, or Failure of Treatment Facility 59
B. PERMITTEE RESPONSIBILITIES 59
1. Inspections and Right to Entry 59
2. Duty to Provide Information 60
3. Transfer of Ownership or Control 60
4. Availability of Reports 60
5. Modification, Suspension, Revocation, or Termination of Permits by the Division 60
6. Oil and Hazardous Substance Liability 62
7. State Laws 63
8. Permit Violations 63
9. Property Rights 63
10. Severability 63
11. Renewal Application 63
12. Confidentiality 63
13. Fees 63
14. Duration of Permit 63
15. Section 307 Toxics 63
16. Effect of Permit Issuance 64

Part I

A. COVERAGE UNDER THIS PERMIT

1. Discharges Authorized Under this Permit

This permit authorizes discharges from the permittee's regulated small municipal separate storm sewer system (MS4) that drain wholly or in part into the Cherry Creek Reservoir Drainage basin and that are located within the permit area.

Discharges from the MS4 within the permit area that are designed or used to convey stormwater to surface waters of the state are considered part of an MS4 and are authorized by this permit.

a. For the purposes of this permit:

i. "Discharge" means the discharge of pollutants as defined in section 25-8-103(3) C.R.S. See 5 CCR 1002-61.2(22)

ii. "Pollutants" are 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 as defined in 5 CCR 1002-61.2(76).

iii. "Discharge of a pollutant" means the introduction or addition of a pollutant into state waters. See 25-8-103(3) C.R.S.

iv. A "municipal separate storm sewer system" is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is:

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

(B) Designed or used for collecting or conveying stormwater. For the purposes of this permit, stormwater conveyances also includes conveyances that are owned or operated by the permittee through agreement, contract, direct ownership, easement, or right-of-way and are for the purpose of managing flood plains, stream banks, and channels for conveyance of stormwater flows in order for the discharges to be authorized by this permit.;

(C) Which is not a combined sewer; and

(D) Which is not part of a publicly owned treatment works (POTW). See 5 CCR 1002-61.2(62).

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

vi. "Illicit discharges" means any discharges to an MS4 that is not composed entirely of stormwater except discharges specifically authorized by a CDPS or NPDES permit and discharges resulting from emergency fire fighting activities. Permittees should note that there are many types of illicit discharges that in accordance with the permit need to be effectively prohibited. Only the discharges listed in Part.I.2.a.v. can be excluded from being effectively prohibited.

vii. "Stormwater" is stormwater runoff, snow melt runoff, and surface runoff and drainage.

viii. "Small municipal separate storm sewer system" means any municipal separate storm sewer that is not defined as a "large" or "medium" municipal separate storm sewer system pursuant to Regulation 61. This term includes publicly-owned systems similar to separate storm sewer systems in municipalities (i.e., non-standard MS4s), including, but not limited to, systems at military bases and large education, hospital or prison complexes, if they are designed for a maximum daily user population (residents and individuals who come there to work or use the MS4's facilities) of at least 1000.

2. Limitations on Coverage

a. This permit in no way removes or modifies the responsibility for an operator with control of the facility or activity from which the discharge originates to obtain separate CDPS or NPDES permit coverage or report spills when required in accordance with the Colorado Water Quality Control Act, Regulation 5 CCR1002-61. An "operator" is the person or entity who is responsible for the overall operation of the facility or activity from which the associated discharge originates.

b. Discharges that meet any of the following conditions, at the time of the effective date of the permit authorization, are not eligible for coverage under this permit:

i. The following are excluded from being part of the MS4: discharges from conveyances for which the flow is irrigation return flow, agricultural stormwater runoff, or a combination thereof; or water that is used for supplying irrigation water to irrigated land. "Irrigation return flow" is tailwater, tile drainage, or surfaced groundwater flow from irrigated land. Irrigation return flow (which includes surface and subsurface water that leaves a crop field following irrigation of that field) and agricultural stormwater runoff do not require NPDES permits, as they are exempted from the Clean Water Act.

ii. A permittee has the option to exclude from coverage under this permit portions of the MS4 where the flow is a combination of stormwater and irrigation return flow, and the majority of the flow is irrigation return flow or agricultural stormwater runoff. To exclude these portions of the MS4 from coverage under this permit, the permittee must identify in the permittee's application or a subsequent application supplement the portions of the MS4 for which the flow is a combination of stormwater and irrigation return flow, and the majority of the flow is irrigation return flow or agricultural stormwater runoff. These portions of the MS4 must also be listed in the permit certification issued by the Division.

iii. The discharge is to a receiving water designated as outstanding waters, in accordance with Section 31.8(a) of Regulation 31. Outstanding waters is a type of designation. "Outstanding waters" are designated by the Water Quality Control Commission. These permittees must apply for coverage under another general permit or under an individual permit.

iv. The discharge is from an MS4 operated by the City and County of Denver, City of Aurora, City of Lakewood, City of Colorado Springs, or Colorado Department of Transportation (large and medium MS4s). These permittees must apply for coverage under another general permit or an individual permit.

v. The discharge is from a parcel or area that is not under the jurisdictional authority of the permittee.

vi. The discharge is from areas covered by non-standard MS4s unless those lands are included within the permittee's MS4 permit by agreement.

vii. The discharge is from an area adjacent to a state water that IS NOT owned or operated by the permittee for the purpose of managing flood plains, stream banks, and channels for conveyance of stormwater flows.

3. Permit Area

This permit covers all areas designated by the Water Quality Control Division (Division) of the Colorado Department of Public Health and Environment within the boundaries of the municipality identified in the certification that are served by, or contribute to, municipal separate storm sewers owned or operated by the municipality that discharge to state waters. The certification issued to

each permittee will specify whether the coverage is for the areas listed in Part I.A.3.a or b and if the coverage includes additional areas designated by the Division.

a. For the following locales, "permit area" is further defined below:

viii. Cities: For all cities, including combined cities and counties, required to obtain coverage under this permit, the geographic area of permit coverage will include the entirety of the municipal incorporated boundary.

ix. Counties: For all counties required to obtain coverage under this permit, the geographic area of permit coverage is the following:

(A) US Census Bureau designated urbanized areas in accordance with the 2010 census; and

(B) County Growth Areas: Growth areas will be designated for permit coverage by the Division in accordance with one of the following processes, which will be identified in the permit certification.

1) Growth Areas identified by the permittee: (i.e., map and narrative explanation) in the application or subsequent modification request, and accepted by the Division. The growth areas are the areas that the permittee has identified as projected to meet the US Census Bureau urbanized area criteria prior to 2020.

2) Growth Areas identified by the Division: This process shall apply to permittees that do not submit growth area information to the Division in accordance with Part I.A.3.a.ii(B)(1) or (3), or for which the Division determines that the growth area provided in accordance with Part I.A.3.a.ii(B)(2) is not a reasonable approximation of the area projected to meet the US Census Bureau urbanized area criteria prior to 2020. The Division will designate all area under the jurisdictional control of the permittee that is within 5 linear miles of the 2010 US Census Bureau urbanized area as growth areas.

3) No Growth Area determination: No growth area will be designated where a permittee effectively implements a regulatory mechanism that prohibits growth in excess of 1,000 people/square mile density outside of the US Census Bureau designated urbanized areas in accordance with the 2010 census. The permittee shall provide information identifying the mechanism in its permit application or subsequent modification request and the permittee must maintain the regulatory prohibition identified in the application as a requirement of this permit.

(C) Non-urbanized Non-growth Areas: For all areas of the MS4 that drain wholly or in part into the Cherry Creek Reservoir drainage basin (Regulation 72.7), in addition to the requirements above, the permit area is expanded to also include non-urbanized non-growth areas.

b. In accordance with Part I.H, compliance with permit requirements shall begin immediately for areas that meet the permit area description through expansion of the municipal boundaries or infrastructure. Areas removed from a permittee's jurisdiction, such as through annexation or incorporation by a separate municipality, are removed from permit coverage at the time of the transfer of the jurisdiction.

4. County Growth Area Requirements

This permit includes terms and conditions for those portions of the permit area that are identified in the permit certification as growth areas. The terms and conditions in the following parts of the permit **do not** apply to growth areas:

a. Part I.E.2 (Illicit Discharge Detection and Elimination)

b. Part I.E.5 (Pollution Prevention/Good Housekeeping for Municipal Operations)

c. Part I.F.6 (Monitoring), unless the Division requires water quality sampling and testing on a case-by-case basis or in response to a TMDL based on the terms and conditions of this permit.

This permit includes terms and conditions for those portions of the permit area that are identified in the permit certification as growth areas. The terms and conditions in the following parts of the permit **do not** apply to growth areas that do not drain to the Cherry Creek Reservoir basin:

a. Part I.E.1 (Public Education and Outreach)

5. Application for New and Renewal Applicants

The applicant shall apply for certification under this general permit by submitting an application with the content required by the Division at least 180 days before the anticipated date of required permit coverage.

The application in its entirety shall be submitted to:

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

Following review of the application, the Division may request additional information or deny the authorization to discharge under this general permit. If the Division determines that an applicant does not fall under the scope of the general permit, then the information received may be processed for an individual permit. The applicant also may apply for coverage under an alternative general permit. The applicant shall be notified of the Division's determination. The certification may be revoked if during the renewal process, the Division determines that the applicant no longer qualifies for the general permit. The applicant also may be allowed to discharge under the general permit with additional terms and conditions in the amended certification until an individual permit or alternative general permit is issued.

A permittee desiring continued coverage under this general permit must reapply at least 180 days in advance of this permit expiration. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. Any discharges authorized under this permit will automatically remain covered by this permit if a permittee was authorized to discharge under this permit prior to the expiration date until the earliest of the following:

a. Authorization for coverage under a reissued permit or a replacement of this permit following the timely and appropriate submittal of a complete application requesting authorization to discharge under the new permit and compliance with the requirements of the application.

b. The issuance and effect of a permit or permit certification termination issued by the Division.

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

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

e. The Division has informed the permittee that they are no longer covered under this permit.

6. Local Agency Authority

Nothing in this permit shall be construed to limit a local government's authority to impose land-use or zoning requirements or other limitations on the activities subject to this permit. This permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.

7. Permit Compliance

A permittee must comply with all the terms and conditions of this permit. Violation of the terms

and conditions specified in this permit may be subject to civil and criminal liability pursuant to sections 25-8-601 through 612, C.R.S. Correcting a permit violation does not eliminate the original violation.

B. **CONTROL MEASURES**

"Control measures" are any best management practice or other method used to prevent or reduce the discharge of pollutants to waters of the state. Control measures include, but are not limited to best management practices. "Waters of the State" of Colorado (state waters) are any and all surface and subsurface waters which are contained in or flow in or through this state, but not including waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. This definition can include water courses that are usually dry. For the purposes of this permit, waters of the state do not include subsurface waters. The following requirements apply to all control measures used to achieve the effluent limits in this permit.

1. **Good Engineering, Hydrologic and Pollution Control Practices:**

   Control measures must be selected, designed, installed, implemented, and maintained in accordance with good engineering, hydrologic, and pollution control practices as defined in Part I.J. "Pollution" is man-made or man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water.

2. **Maintenance:**

   Control measures must be maintained in effective operating condition.

3. **Inadequate Control Measures:**

   Any control measure shall be considered an "inadequate control measure" if it is not designed, implemented, or operating in accordance with the requirements of the permit, including the specific requirements in each program area in Part I.E or requirements for specific permittees in Part III.

4. **Control Measure Requiring Routine Maintenance:**

   Any control measure shall be considered a "control measure requiring routine maintenance" if it is still operating in accordance with its design and the requirements of this permit, but requires maintenance to prevent associated potential for failure during a runoff event.

5. **Minimize:**

   The term "minimize," for purposes of implementing control measures of this permit, means reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.

C. **PROGRAM DESCRIPTION DOCUMENT (PDD)**

1. **Records**

   The permittee must develop and maintain records in the form of a program description document (PDD). PDD information must be maintained to reflect current implementation. The PDD does not need to be submitted or approved by the Division, unless specifically requested by the Division. The PDD must include the following:

   a. **Current Control Measure Implementation and Procedures**: The specific PDD content required by Parts I.D., I.E. and III that describes how the requirements of Parts I.D., I.E. and III are met. Requirements subject to a compliance schedule do not need to be addressed in the PDD until the due date in the compliance schedule in Part I.H.

   b. **Current Documents and Electronic Records:** A list of citations for documents and electronic records used to comply with permit requirements. It is not required that the PDD repeat the information included in the cited documents. The PDD must include the names of the most recent version of the documents, date of the document, and location(s) where the supporting documentation is maintained.

c. **Current Organizational Chart:** An organizational chart indicating responsibility over applicable departments by the legal contact.

2. Availability:

The PDD must be available to the public at reasonable times during regular business hours and maintained in a format that can be submitted to the Division within 10 business days of a request.

3. Modification:

Information in the PDD may be revised by the permittee at any time. The permittee must modify the PDD as changes occur to ensure that the information is up to date.

D. PUBLIC INVOLVEMENT/PARTICIPATION

1. Public Involvement and Participation Process

The permittee must implement and document a Public Involvement and Participation process that complies with state and local public notice requirements for actions conducted, when applicable, to comply with this permit. The following requirements apply:

a. The permittee must follow its own public notice requirements to provide opportunities for public involvement that reach a majority of citizens within the permittee's jurisdiction through the notification process.

b. The permittee must provide a mechanism and processes to allow the public to review and provide input on the control measures. At a minimum, the permittee must provide a statement on the permittee's web site that the PDD is publicly available for review and comment.

c. The permittee must have the ability to accept and respond (in accordance with permit requirements) to information submitted by the public, including information on illicit discharges or failure to implement or meet control measure requirements associated with applicable construction activities, applicable development sites, or municipal operations.

2. Recordkeeping:

The permittee must maintain the following records for activities to meet the requirements of Part I.D. and Part I.K.2.:

a. Copies of the documents used to provide public notice and any public comment received as part of the public notice process.

b. Documentation of the mechanism used to allow the public to provide input.

c. Records of information submitted by the public in accordance with Part I.D.1.c and any actions the permittee took to address the information.

3. PDD:

a. A list of citation(s) and location(s) of the written procedures used for the permittee's public notice process.

b. The web site address containing the statement that the PDD is available for public review.

E. POLLUTANT RESTRICTIONS, PROHIBITIONS, AND REDUCTION REQUIREMENTS AND RECORDKEEPING

Pollutant restrictions, prohibitions, and reduction requirements required by the permit are listed below. All control measures must be implemented before the discharge from the MS4, unless otherwise noted.

This permit includes specific program requirements for those parts of the MS4 the drain into the Cherry Creek Reservoir drainage basin. The Construction and Post-Construction program sections of this permit incorporate specific requirements contained in the Cherry Creek Reservoir Control Regulation (5 CCR 1002-72). In addition, the stormwater section of Regulation 72 (Section 72.7) is hereby incorporated by reference.

For discharges to the Cherry Creek Reservoir drainage basin the permit requirement is the more stringent of the specific terms and conditions contained in this permit and the requirements contained in Regulation 72 that are incorporated by reference.

Throughout this permit requirements promulgated by the Water Quality Control Commission in the Cherry Creek Reservoir Control Regulation (5 CCR 1002-72) have been adopted and incorporated by reference. The reference cited herein includes only the version that was in effect as of October 1, 2015 and not later amendments to the incorporated material. All material incorporated by reference may be examined through the Department's web site or at any state publications depository library. Requests for public inspection of materials incorporated by reference in this regulation should be made to the Permits Section, Water Quality Control Division, at the Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

Included in this section are requirements for the permittee to develop and maintain records (Recordkeeping and PDD requirements) associated with the terms and conditions of this section.

1. Public Education and Outreach

The permittee must implement a public education program to promote behavior change by the public to reduce pollutants in discharges from the MS4. Education and outreach activities, individually or as a whole, must address the impacts of stormwater discharges on water bodies, the steps the target audience can take to reduce pollutants in stormwater runoff, and water quality impacts associated with illicit discharges and improper disposal of waste.

a. The following requirements apply:

i. Illicit Discharges: The permittee must provide information to businesses and the general public regarding the permittee's prohibitions of and the water quality impacts associated with illicit discharges as part of the public education program. The permittee may incorporate the education and outreach to meet this requirement into the education and outreach strategies provided in accordance with Part I.E.1.a.ii. The information must include the following:

(A) The permittee must determine the targeted businesses that are likely to cause an illicit discharge or improperly dispose of waste. At a minimum, the permittee must identify at least one type of business and a list of those businesses that fit the identified type of business.

(B) The permittee must develop and implement at least one education and outreach activity to those businesses identified in Part I.E.1.a.i.(A). Educational materials and activities, individually or as a whole, must describe water quality impacts associated with illicit discharges and the improper disposal of waste, the behaviors of concern, and actions that the business can take to reduce the likelihood of illicit discharges and the improper disposal of waste.

ii. Education and Outreach Activities Table: Each year, the permittee must implement at least four education and outreach activities (bulleted items) and at least two must be from the Active and Interactive Outreach column. The activities can be the same from year to year or be different each year.

TABLE 1 Education and Outreach Activities Table	
Passive Outreach	Active and Interactive Outreach (pick any two bullets each year)
• Bus shelter/bench advertisement • Billboard/dasher board advertisement • Vehicle/bus advertisement • Radio/television/movie theatre advertisement • Newspaper advertisement • Distribute educational materials by brochure • Distribute educational materials by fact sheet • Distribute educational material by utility bill insert • Publish article (hard copy or electronic) • Storm drain marking by permittee staff that maintains 25% of permittee maintained inlets. • Stormwater related signage • Web site	• Ongoing advertisement/promotion of a stormwater hotline number or other method to report an illicit discharge • Ongoing advertisement/promotion on how to get more information about the stormwater program • Ongoing social media program • Web site that is interactive or contains stormwater information that includes actions that can be taken to reduce stormwater pollution • Newsletter (hard copy or electronic) • Promotion of existing local stormwater/environmental events or program that help protect water quality • Distribute promotional items or giveaways • Participate in or sponsor a water festival which involves populations that exist within the permit boundary • Participate in or sponsor a waterway clean-up and trash removal event • Participate in or sponsor a service project • Participate in or sponsor a stormwater or environmental presentation • Participate in or sponsor a stormwater or environmental event • Participate in or sponsor community project based programs that investigate watershed health and meet applicable school Science, Technology, Engineering and Math (STEM) standards • Participate in or sponsor a household hazardous waste event • Participate in or sponsor an Adopt-a-Street program • Participate in or sponsor an Adopt-a-Waterway program • Participate in or sponsor an Adopt-a-Storm Drain program • Provide ongoing access to motor vehicle fluids recycling program • Stormwater booth at a community event • Conduct a stormwater survey • Storm drain marking program performed by the public/community • Pet waste stations • Participate in, plan or present stormwater materials to schools • Stormwater demonstration projects that show control measures or other pollutant reduction methods

iii. Nutrients: As part of their public education program, the permittee must specifically address the reduction of water quality impacts associated with nitrogen and phosphorus in discharges from the MS4. Permittees can meet the requirements of this section through contribution to a collaborative program to evaluate, identify, target, and provide outreach that addresses sources state-wide or within the specific region or watershed that includes the receiving waters impacted by the MS4 permittee's discharge.

(A) The permittee must determine the targeted sources (e.g., residential, industrial, agricultural, or commercial) that are contributing to, or have the potential to

contribute, nutrients to the waters receiving the discharge authorized under the MS4 permit.

(B) The permittee must prioritize which targeted sources are likely to obtain a reduction in nutrient discharges through education. The permittee must distribute educational materials or equivalent outreach to the prioritized targeted sources. Educational materials or equivalent outreach, individually or as a whole, must describe stormwater quality impacts associated with nitrogen and phosphorus in stormwater runoff and illicit discharges, the behaviors of concern, and actions that the target source can take to reduce nutrients. The permittee may incorporate the education and outreach to meet this requirement into the education and outreach strategies provided in accordance with Part I.E.1.a.ii.

iv. Cherry Creek Reservoir Basin Discharges: In accordance with the Cherry Creek Reservoir Control Regulation (5 CCR 1002-72), for those parts of the MS4 that drain wholly or in part into the Cherry Creek Reservoir drainage basin, the permittee shall meet the requirements of Regulation 72.7.2(a) in addition to the requirements listed above.

b. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of Part I.E.1 and Part I.K.2.:

i. Illicit Discharges: A written list of the targeted business(es) that are likely to cause an illicit discharge or improperly dispose of waste and the education and outreach activity for the targeted business(es).

ii. Education and Outreach Activities: A written list of the targeted pollutant sources and/or pollutants, the target audience, and distribution mechanism for each activity and the following:

(A) Dates the activities were implemented, including, as applicable, dates of events and the materials that were made available.

(B) Documentation of the activities that were provided and/or made available and the dates of distribution. Signs, markers, or equivalent intended to be maintained for the permit term must be described with location information.

iii. Nutrients: A written list of the targeted sources that are contributing to, or have the potential to contribute nutrients to stormwater and the education and outreach activity for the targeted sources.

c. Program Description Document: The permittee must provide a list of the following information:

i. Illicit Discharges: A list of citation(s) and location(s) of the written procedures used to determine the targeted business(es), the outreach activity(ies) conducted, and the outreach distribution mechanism(s).

ii. Education and Outreach Activities: A list of the activities from Table 1 selected for implementation for each calendar year.

iii. Nutrients: A list of citation(s) and location(s) of the written procedures used to determine factors considered and the targeted sources, the prioritized targeted sources, the outreach activities conducted, and the outreach distribution mechanisms.

2. Illicit Discharge Detection and Elimination

The permittee must implement a program to effectively prohibit illicit discharges.

a. The following requirements apply:

i. Storm Sewer System Map: The permittee shall maintain a current map of the location of all MS4 outfalls within the permit area, and the names and location of all state waters that receive discharges from those outfalls. A “municipal separate storm sewer system outfall” (outfall) is a point source, as defined herein, at the point where a municipal separate storm

sewer discharges to state waters. A “municipal separate storm sewer system outfall” does not include the point where a municipal separate storm sewer discharges into an open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other state waters and are used to convey state waters. A “point source” is any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include irrigation return flow.

ii. Regulatory Mechanism: A “regulatory mechanism” is the mechanism that allows the permittee to implement and enforce the requirements of this permit. To the extent allowable under state or local law, the permittee must implement a regulatory mechanism to meet the requirements in Part I.E.2.a. “To the extent allowable under state or local law” is a standard of implementation of permit requirements and refers to the extent that the permittee is not constrained by state or local laws. Local laws that can be legally changed by the permittee to allow implementation of permit requirements do not constitute a barrier to implementation of a permit requirement. The permittee’s regulatory mechanism must:

(A) Prohibit illicit discharges into the MS4;

(B) Have a procedure to request access to property(ies), as necessary to implement the illicit discharges procedures, to include judicial action; and

(C) Provide the permittee the legal ability to cease or require to be ceased and remove, or require and ensure the removal of, and impose penalties for all illicit discharges for the period from when the illicit discharge is identified until removed.

iii. Regulatory Mechanism Exemptions: An “exemption” is an exemption, waiver, or variance implemented by the permittee for permittee control measures used to meet the effluent limits in this permit. Procedures must be implemented to ensure that any exemptions, waivers, or variances included in the regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.

iv. Tracing an Illicit Discharge: The permittee must implement procedures to respond to reports/identification of illicit discharges. The permittee is not expected to actively seek out unreported illicit discharges, but is required to identify and respond to illicit discharges observed during day-to-day normal work activities. The permittee must document and implement procedures, including the tools needed, to trace the source of an illicit discharge when identified within the MS4.

v. Discharges that can be Excluded from being Effectively Prohibited: The following discharges do not need to be effectively prohibited and the permittee is not required to address the discharges as illicit discharges in accordance with the requirements of this permit. The permittee must list all discharges excluded from being effectively prohibited in their regulatory mechanism as an allowable non stormwater discharge. Any discharges listed below that are not listed in the permittee’s regulatory mechanism must be effectively prohibited.

(A) Landscape irrigation

(B) Lawn watering

(C) Diverted stream flows

(D) Irrigation return flow

(E) Rising ground waters

(F) Uncontaminated groundwater infiltration

(G) Uncontaminated pumped groundwater

(Note: Discharges containing groundwater that comes into contact with construction activity is not considered "uncontaminated" due to the potential for sediment content.)

(H) Springs

(I) Flows from riparian habitats and wetlands

(J) Water line flushing in accordance with the division's Low Risk Policy Discharge Guidance: Potable Water

(K) Discharges from potable water sources in accordance with the Division's *Low Risk Discharge Guidance: Potable Water*.

1) The potable water shall not be used in any additional process. Processes include, but are not limited to, any type of washing, heat exchange, manufacturing, and hydrostatic testing of pipelines not associated with treated water distribution systems.

(L) Foundation drains

(M) Air conditioning condensation

(N) Water from crawl space pumps

(O) Footing drains

(P) Individual residential car washing

(Q) Dechlorinated swimming pool discharges in accordance with the division's *Low Risk Discharge Guidance: Swimming Pools*.

(R) Water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction

(S) Dye testing in accordance with the manufacturers recommendations

(T) Stormwater runoff with incidental pollutants

(U) Discharges resulting from emergency fire fighting activities

(V) Discharges authorized by a CDPS or NPDES permit

(W) Agricultural Stormwater Runoff

(X) Discharges that are in accordance with the Division's Low Risk Policy guidance documents or other Division policies and guidance documents where the Division has stated that it will not pursue permit coverage or enforcement for specified point source discharges.

(Y) Other discharges that the permittee will not consider as an illicit discharge and approved by the Division: The permittee may propose discharges in accordance with the requirements below to seek Division approval to allow the permittee to not effectively prohibit the discharges. Upon approval by the Division, the permittee is not required to address the discharges as illicit discharges in accordance with the requirements of this permit. The permittee can still effectively prohibit these discharges if the permittee determines that the discharge is a significant source of pollution. The permittee must complete the following actions for discharges to be authorized by the Division:

1) The permittee must submit a list of the discharges and the basis that the discharges meet one of the following criteria:

(a) The discharges, with proper management, are not expected to contain pollutants in concentrations that are toxic or in concentrations that would cause or contribute to a violation of a water quality standard; or

(b) The discharges are not eligible for coverage under a CDPS or NPDES general

permit and prohibiting the discharges would result in changes to existing practices for the owner or operator of the discharges that are determined by the permittee to be impracticable.

2) For all such discharges identified prior to the effective date of this permit and that will continue to be allowed, the information required by Subsection (1) must be submitted to the Division for approval in accordance with the compliance schedule in I.H.

3) The discharge is not approved until the permittee receives an approval letter from the Division.

4) The Division may deny approval of the discharge in writing. The Division's denial will be based on a determination that the provided information does not demonstrate that the criterion of Part I.E.2.v(Y)(1) has been met.

5) The permittee must public notice the discharges authorized by the Division in accordance with its public notification procedures.

6) The permittee must notify the Division within 30 days and revise its regulatory mechanism and procedures within 180 days if the permittee becomes aware of new information that the discharges authorized using the criterion in Part I.E.2.a.v(Y) no longer meets the criteria of that Part.

vi. Removing an Illicit Discharge: When an illicit discharge is identified, the permittee must remove or require the removal of the source of the illicit discharge. The permittee must also cease or require the cessation of the illicit discharge. After the illicit discharge has been ceased, the permittee must also minimize surface contamination by removing or requiring the removal of surface residue or other type of pollutant source. The removal requirement can be met by notifying the Division through a written report when CDPS or NPDES general permit coverage is available for a discharge and the discharge is not subject to prohibitions against issuance of a permit in regulation 61.8(1). The permittee must also have written procedures for requiring cleanup from the operator and procedures for cleanup conducted by the permittee, when necessary, to remove materials associated with the illicit discharge.

vii. Enforcement Response: The permittee must implement appropriate written enforcement procedures and actions to eliminate the source of an illicit discharge when identified/reported, discourage responsible parties from willfully or negligently repeating or continuing illicit discharges, and discourage future illicit discharges from occurring. The written procedures must address mechanisms for enforcement for all illicit discharges from the moment an illicit discharge is identified/reported until it is eliminated. The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the responsible party to ensure that findings of a similar nature are enforced upon consistently. Written enforcement procedures must include informal, formal, and judicial enforcement responses.

viii. Priority Areas: The permittee must locate priority areas with a higher likelihood of having illicit discharges, including areas with higher likelihood of illicit connections. At a minimum, the priority areas must include areas with a history of past illicit discharges.

ix. Training: The permittee must train applicable municipal staff to recognize and appropriately respond to illicit discharges observed during typical duties. The permittee must identify those who will be likely to make such observations and provide training to those individuals. The training must address how suspected illicit discharges will be reported/identified, general information for recognizing and responding to illicit discharges observed during typical duties, information on the sources and types of operations or behaviors that can result in an illicit discharge, and information on the location of priority areas.

b. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of Part I.E.2 and Part I.K.2:

i. Storm Sewer System Map: The current map.

ii. Regulatory Mechanism: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.

iii. Regulatory Mechanism Exemptions: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.

iv. Tracing an Illicit Discharge:

(A) The applicable program documents and procedures used to respond to reports/identification of illicit discharges.

(B) The permittee must maintain centralized recordkeeping systems of illicit discharge responses conducted by the permittee. Records maintained by other departments can be in different centralized recordkeeping systems. The centralized record keeping system must contain the information in Part 1.E.2.b.vi(A) below or provide a reference to where the information is maintained.

v. Discharges that could be excluded from being effectively prohibited:

(A) Copies of all required submittals to the Division.

(B) Copies of the documents used to provide any required public notice and any public comment received as part of the public notice process.

vi. Removing an Illicit Discharge:

(A) The information used by the permittee to identify repeat occurrences from the same responsible party concerning the same type of illicit discharge. The permittee must document and maintain records of each illicit discharge identified by the permittee that includes the following information, or identifies that the information is unknown or not applicable:

1) The date that the illicit discharge was reported to and/or identified by the permittee.

2) The date the permittee responded to the reported/identified illicit discharge.

3) The location of the illicit discharge.

4) Responsible party for the illicit discharge (if identified).

5) A description of the source and nature of the illicit discharge.

6) A description of how the source of the illicit discharge was eliminated/resolved.

7) Documentation of enforcement actions (if applicable).

vii. Enforcement Response: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.

viii. Priority Areas: The map and/or list of priority areas.

ix. Training: Name and department of each individual trained, date of training, the type of training, and a list of topics covered.

c. PDD: The permittee's PDD must include the following information:

i. Storm Sewer System Map: A list of citation(s) and location(s) of the storm sewer system map and procedures for updating the map for new outfalls or expanded permit areas.

ii. Regulatory Mechanism: A list of the citation(s) and location(s) of the required elements of the regulatory mechanism, including a list of the associated program documents used to meet the regulatory mechanism requirements.

iii. Regulatory Mechanism Exemptions: A list of the citation(s) and location(s) of regulatory mechanism elements that allow for exemptions and the documented procedures that confirm that any exemptions, waivers, and variances comply with the permit.

iv. Tracing an Illicit Discharge:

(A) A list of citation(s) and location(s) of the written procedures for tracing an illicit discharge, including the citation(s) and location(s) of supporting documents.

(B) Documenting an illicit discharge:

1) A list of citation(s) and location(s) of the record keeping system(s) used to maintain the required information.

2) A list of citation(s) and location(s) of the written procedures used for documenting information on illicit discharge reports, including if applicable, identification of how information is consolidated between separate functional groups within the permittee's organization.

v. Discharges that could be Excluded from being effectively prohibited: A list of citation(s) and location(s) of the written procedures for excluding discharges from being effectively prohibited and the discharges that have been excluded from being effectively prohibited.

vi. Removing an Illicit Discharge: A list of citation(s) and location(s) of the written procedures for removing an illicit discharge, including the citation(s) and location(s) of supporting documents.

vii. Enforcement Response: A list of citation(s) and location(s) of the specific enforcement mechanisms available and written procedures for enforcement response, including the citation(s) and location(s) of supporting documents. The document(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place.

viii. Priority Areas: A list of citation(s) and location(s) of the priority areas.

ix. Training: A list of citation(s) and location(s) of the training program and supporting documents.

3. Construction Sites

a. Applicability

i. Cherry Creek Reservoir Drainage Basin, Non-Urbanized Non-Growth Areas and Sites That Do Not Include Applicable Construction Activities

The permittee must implement a program to reduce or prevent the discharge of pollutants to the MS4 from construction activities. The Cherry Creek Reservoir Control Regulation (5 CCR 1002- 72) shall apply.

The additional construction sites requirements contained in this section do not apply to sites that drain wholly or in part to the Cherry Creek Reservoir drainage basin, and either

(A) are located entirely within non-urbanized non-growth areas; or

(B) result in land disturbance of less than one acre and are not part of a larger common plan of development.

ii. Cherry Creek Reservoir Drainage Basin, Urbanized and Growth Areas

The permittee must implement a program to reduce or prevent the discharge of pollutants to the MS4 from applicable construction activities. For sites that drain wholly or in part to the Cherry Creek Reservoir drainage basin, and are located wholly or in part within the urbanized area or growth area, the requirements contained in the Cherry Creek Reservoir Control Regulation (5 CCR 1002- 72) shall apply in addition to the requirements contained in this section.

iii. Outside the Cherry Creek Reservoir Drainage Basin

The permittee must implement a program to reduce or prevent the discharge of pollutants to the MS4 from applicable construction activities. For sites that do not drain to the Cherry Creek Reservoir drainage basin, the requirements of this section apply.

b. Definitions

"Applicable construction activities" include construction activities that result in a land disturbance of greater than or equal to one acre or that is less than one acre, but is part of a larger common plan of development or sale that would disturb, or has disturbed since March 2, 2001, one acre or more, unless excluded below or the disturbed areas have been finally stabilized.

"Construction activity" refers to ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Activities that include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility are not considered construction activities. Activities to conduct repairs that are not part of regular maintenance and activities that are for replacement are considered construction activities and are not considered routine maintenance. Repaving activities where underlying or surrounding soil is cleared, graded, or excavated as part of the repaving operation are construction activities unless they are an excluded site under Part I.E.4.c.i. Construction activity occurs from initial ground breaking to final stabilization regardless of ownership of the construction activities.

"Land disturbing activity" is any activity that results in a change in the existing land (both vegetative and non-vegetative). Land disturbing activities 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. Compaction that is associated with stabilization of structures and road construction must also be considered a land disturbing activity.

A "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, but remain related. The Division has determined that "contiguous" means construction activities located in close proximity to each other (within ¼ mile).

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

c. The following requirements apply:

i. Exclusions: The following construction activities are not subject to the requirements of this section (1.E.3.)

(A) Construction Activities with R-Factor Waiver: The permittee may exclude the waived activity from being an applicable construction activity if the Division waives requirements for stormwater discharges associated with a small construction activity in accordance with Regulation 61.3(2)(f)(ii)(B) (the "R-Factor" waiver).

(B) Activities for County Growth Areas: Permittees that are counties may exclude the following activities from being applicable construction activities when they occur within a county growth area:

1) Construction activities on sites that began as part of a plan of development prior to July 1, 2019, which is the deadline in Part I.H to implement a construction sites program in the county growth areas.

2) Large lot single family development: A land disturbance greater than one acre on a single-family residential lot, or agricultural zoned lands, with an area greater than or equal to 2.5 acres in size and having a total site impervious area that is equal to or less than 10 percent.

   A land disturbance greater than one acre on a single-family residential lot, or agricultural zoned lands, with an area greater than or equal to 2.5 acres in size and having a total site impervious area that is equal to or less than 20 percent only when a study specific to the watershed and/or permittee, shows that expected soil and vegetation conditions are suitable for infiltration/filtration of the 100% of the WQCV for a typical site has been conducted and approved by the permittee. “WQCV” is the volume equivalent to the runoff from an 80th percentile storm, meaning that 80 percent of the most frequently occurring storms are fully captured and treated and larger events are partially treated.

   “Impervious area” is a developed area with covering or pavement that prevents the land's natural ability to absorb and infiltrate typical precipitation and irrigation events. Impervious areas include, but are not limited to; roof tops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous non-pervious pavement or covering.

   Agricultural facilities and structures on agricultural zoned lands. These facilities might still be covered under the state general permit for Stormwater Discharges Associated with Construction Activity.

(C) Activities for Non-Urban Areas

1) Facilities associated with oil and gas exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activity. These facilities might still be covered under the state general permit for Stormwater Discharges Associated with Construction Activity.

ii. Regulatory Mechanism: To the extent allowable under state or local law, implement a regulatory mechanism to meet the requirements in Part I.E.3.a. and I.E.3.c., including the following:

(A) The ability to implement sanctions against entities responsible for applicable construction activities.

(B) Require control measures to be implemented for all applicable construction activities from initial disturbance until final stabilization.

iii. Regulatory Mechanism Exemptions: Procedures must be implemented to ensure that any exemptions, waivers or variances included in the regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.

iv. Control Measure Requirements: The permittee’s Construction Sites Program must address selection, installation, implementation, and maintenance of control measures that meet the requirements of Part I.B. Control measures must prevent pollution or degradation of state waters. Control measures must also be appropriate for the specific construction activity, the applicable pollutant sources, and phase of construction. There are a wide variety of structural and non-structural control measures that can be used at applicable construction sites. Control measures must meet the minimum requirements below.

(A) Appropriate control measures must be implemented prior to the start of construction activity, must control potential pollutants during each phase of construction, and must be continued through final stabilization. Appropriate structural control measures must be maintained in operational condition.

(B) Control measures must be selected, designed, installed, implemented, and maintained to provide control of all potential pollutants, such as but not limited to sediment, construction site waste, trash, discarded building materials, concrete truck washout, chemicals, sanitary waste, and contaminated soils in discharges to the MS4. At a minimum pollutant sources associated with the following activities (if part of the applicable construction activity) must be addressed:

1) Land disturbance and storage of soils
2) Vehicle tracking
3) Loading and unloading operations
4) Outdoor storage of construction site materials, building materials, fertilizers, and chemicals
5) Bulk storage of materials
6) Vehicle and equipment maintenance and fueling
7) Significant dust or particulate generating processes
8) Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, and oils
9) Concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment
10) Dedicated asphalt and concrete batch plants.
11) Other areas or operations where spills can occur.
12) Other non-stormwater discharges including construction dewatering not covered under the Construction Dewatering Discharges general permit and wash water that may contribute pollutants to the MS4.

v. Site Plans:

"Site plans" are also known as construction stormwater site plans; sediment and erosion control plans, stormwater pollution prevention plans, drainage reports, drainage plans, and stormwater management plans.

(A) Renewal Permittees: For the time period between the effective date of this permit and the date by which a renewal permittee meets the conditions in Parts I.E.3.c.vi (B) and (C), the renewal permittee must continue to implement requirements for construction site operators to implement appropriate erosion and sediment control as documented in the permittee's CDPS Stormwater Management Plan Description developed in accordance with the terms and conditions of the previous permit.

(B) Site Plan Requirement: The permittee must require operators to develop site plan(s) that locate (if applicable) and identify all structural and non-structural control measures for the applicable construction activities. The site plan(s) must contain installation and implementation specifications or a reference to the document with installation and implementation specifications for all structural control measures. A narrative description of non-structural control measures must be included in the site plan (s).

(C) Initial Site Plan Review: The permittee must implement site plan review for **all** applicable construction activities prior to the start of construction activities. The waiver, however, does not apply to the requirements of Part I.E.3.c.v(A). Initial site plan review shall include the following:

1) Confirmation that the site plan(s) includes appropriate control measures for all stages of construction, including final stabilization.

2) Confirmation that the control measures meet the requirements in Part I.E.3.c.iv.

3) Confirmation that the site plan meets the requirements in Part I.E.3.c.v(A).

vi. Site Inspection: Documentation of inspections outlined below must be maintained in accordance with recordkeeping requirements in I.E.3.d. The following requirements apply:

(A) Renewal Permittees: For the time period between the effective date of this permit and the date by which a renewal permittee meets the conditions in Parts I.E.3.c.vi (B) through (E), the renewal permittee must continue to implement procedures for construction site inspections, as documented in the permittee's CDPS Stormwater Management Plan Description developed in accordance with the terms and conditions of the previous permit.

(B) Site Inspection Frequency Exclusion: For any of the following, the permittee is only required to conduct inspections if there are observations or reports of discharges of sediment from disturbed areas:

1) Exclusions

(a) Individual Homes in a Residential Subdivision-Finished Home: Inspections are not required for a residential lot that has been conveyed to a homeowner when all of the following criteria have been met:

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

(ii) The lot has less than one acre of disturbed area.

(iii) All construction activity associated with grading the lot and building the home is completed.

(iv) A certificate of occupancy (or equivalent) has been issued to the homeowner.

(v) The permittee has documented that the lot is subject to this exclusion.

(vi) The residential development site must have a permittee-approved site plan and still be inspected by the permittee under the inspection frequencies described in Part I.E.3.c.vi.

(b) Individual Homes in a Residential Subdivision-Unfinished Home: Inspections are not required for a residential lot with an unfinished home when all of the following criteria have been met:

(i) The lot has less than one acre of disturbed area.

(ii) The permittee has documented that the lot is subject to this exclusion.

(iii) The residential development site must have a permittee-approved site plan and still be inspected by the permittee under the inspection frequencies described in Part I.E.3.a.vi.

(iv)

(c) Winter Conditions: 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 exclusion is applicable only during the period where melting conditions do not exist. The following information must be documented for this exclusion: dates when snow cover occurred, date when construction activities ceased, and date melting conditions began.

(C) Routine Inspection: A routine inspection must be conducted at least once before final stabilization. Routine inspections do not apply to sites eligible for other inspection frequencies in accordance with this section (Part I.E.3.c.vi).

1) Frequency: Conduct at least every 45 days.

2) Scope: The inspection must assess the following:

(a) Control measures: Identify failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance.

(b) Pollutant sources: Evaluate all pollutant sources, including trash, to determine if an illegal discharge has occurred.

(c) Discharge points: Evaluate discharge points to the MS4, or beyond the limits of the construction site as necessary to determine if an illicit discharge has occurred. The permittee must require the removal of the pollutants, when feasible, from the MS4 when the permittee identifies a failure to implement a control measure or an inadequate control measure resulting in pollutants discharging to the MS4 or beyond the limits of the construction site.

(D) Reduced Site Inspection: Reduced site inspections must occur at the frequency and include the scope indicated below for each type of site:

1) Inactive Site Inspection: Sites where surface ground disturbance activities are completed and are pending growth for final stabilization or for sites where no construction activity has occurred since the last inspection.

(a) Frequency: Conduct at least every 90 days.

(b) Scope: The inspection must assess the following:

(v) Control measures: Identify failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance.

(vi) Discharge points: Evaluate discharge points to the MS4, or beyond the limits of the construction site as necessary to determine if an illicit discharge has occurred. The permittee must require the removal of the pollutants, when feasible, from the MS4 when the permittee identifies a failure to implement a control measure or an inadequate control measure resulting in pollutants discharging to the MS4 or beyond the limits of the construction site.

2) Stormwater Management System Administrator's Program Inspection: These inspections are for construction activities operated by a participant in a Division designated Stormwater Management System Administrator's Program in accordance with Article 8 of title 25, Colorado Revised Statutes that has been identified by the Stormwater Management System Administrator to be fully implementing the program and qualified for reduced oversight incentives of the program.

(a) Frequency: Conduct at least every 90 days.

(b) Scope: The inspection must assess the following:

(i) Control measures: Identify failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance.

(ii) Pollutant sources: Evaluate all pollutant sources, including trash, to determine if an illicit discharge has occurred.

(iii) Discharge points: Evaluate discharge points to the MS4, or beyond the limits of the construction site as necessary to determine if an illicit discharge has

occurred. The permittee must require the removal of the pollutants, when feasible, from the MS4 when the permittee identifies a failure to implement a control measure or an inadequate control measure resulting in pollutants discharging to the MS4 or beyond the limits of the construction site.

3) Staff Vacancy: These inspections are allowed to accommodate a staff vacancy or temporary leave due to vacation or illness.

   (a) Frequency: Conduct at least every 90 days.

   (b) Scope: The inspection must assess the following:

      (i) Control measures: Identify failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance.

      (ii) Pollutant sources: Evaluate all pollutant sources, including trash, to determine if an illicit discharge has occurred.

      (iii) Discharge points: Evaluate discharge points to the MS4, or beyond the limits of the construction site as necessary to determine if an illicit discharge has occurred. The permittee must require the removal of the pollutants, when feasible, from the MS4 when the permittee identifies a failure to implement a control measure or an inadequate control measure resulting in pollutants discharging to the MS4 or beyond the limits of the construction site.

4) Indicator Inspection: Indicator inspections, such as a drive-by or screening, are conducted to assess sites for indicators of noncompliance and do not fully assess the adequacy of control measures and overall site management. A routine inspection must be conducted at least once at the site with an applicable construction activity before an indicator inspection can be used. In addition, if the indicator inspection indicates a need for a compliance inspection, then another routine inspection must be conducted before the indicator inspection frequency and scope can be used again.

   Indicator inspections are a reduced scope inspection that can be used to extend the frequency required of routine inspections up to 90 days when all indicators evaluated determine control measures meet Good Engineering, Hydrologic and Pollution Control Practices as defined in I.B.1. and there is no evidence of discharges to the MS4. Types of Indicator inspections are defined below:

   (a) Frequency: Conduct at least every 14 days. A Routine Inspection must be conducted every 90 days.

   (b) Scope: Perimeter of the site must be evaluated for indicators of inadequate control measures. The inspection must assess the following:

      (i) Control measures: Identify failure to implement control measures and inadequate control measures.

      (ii) Discharge points: Evaluate discharge points to the MS4, or beyond the limits of the applicable construction activities as necessary to determine if an illicit discharge has occurred. The permittee must require the removal of the pollutants, when feasible, from the MS4 when the permittee identifies a failure to implement a control measure or an inadequate control measure resulting in pollutants discharging to the MS4 or beyond the limits of the construction site.

(E) Compliance Inspection: A compliance inspection must occur after the permittee documents an illicit discharge or identifies that there is a failure to implement a control

measure or an inadequate control measure, unless corrections were made and observed by the inspector during the initial inspection.

(a) Frequency: Conduct within at least 14 days from the time the permittee documents an illicit discharge or identifies that there is a failure to implement a control measure or an inadequate control measure, unless corrections were made and observed by the inspector during the initial inspection.

(b) Scope: A compliance inspection, or alternative inspection listed below, must identify if corrections have been completed on sites where the permittee has documented an illicit discharge or failure to implement a control measure or an inadequate control measure during the previous inspection. One of the following, that incorporates this required scope, may be performed or required in lieu of a compliance inspection within 14 days of the permittee site inspection identifying that there is a failure to implement a control measure or an inadequate control measure:

(i) Routine inspection in accordance with I.E.3.c.vi(C);

(ii) Indicator Inspection in accordance with I.E.3.c.vi(D); or

(iii) Operator Compliance Inspection: Require the operator to inspect and report that the control measure has been implemented or corrected as necessary to meet the requirements of Part I.E.3. The operator report must include photographs of the new/adequate control measure(s).

vii. Enforcement Response: Implement appropriate enforcement procedures and actions to meet the requirements of Part I.E.3.

(A) The permittee must have processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measure requirements.

(B) The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the violator to ensure that findings of a similar nature are enforced upon consistently. Enforcement procedures must include informal, formal, and judicial enforcement responses.

viii. Training: The permittee must provide information to operators of applicable construction activities as necessary to ensure that each operator is aware of the permittee's applicable requirements, including controlling pollutants such as trash. The training must also include information on trash as pollutant source.

ix. For Applicable Construction Activities that Overlap Multiple Permit Areas, when a written agreement is in place with a co-regulating MS4 permittee:

(A) Control measure requirements may be imposed on the operator in accordance with the requirements of a co-regulating MS4 permittee pursuant to the written agreement.

(B) Site plan review/acceptance and site inspection actions may be conducted by a co-regulating MS4 permittee to meet the requirement of the permit.

d. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of this Part I.E.3 and Part I.K.2:

i. Exclusion: Maintain records for activities covered under Part I.E.3.c.i(A) and Part I.E.3.c.i(B)(1)(2). Records must include the site name, owner name, location, completion date, planned disturbed acreage for the site, and reason for exclusion.

ii. Regulatory Mechanism: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.

iii. Regulatory Mechanism Exemptions: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.

iv. Control Measure Requirements: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.

v. Site Plans: Copy of the final site plan reviewed to meet the initial site plan review requirement, and confirmation of the permittee's review and acceptance.

vi. Site Inspection:

(A) Routine Site Inspection: Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:

1) Inspection date

2) Name of inspector

3) Site identification

4) Inspection results including the location of any illicit discharges, failure to implement control measures, and inadequate control measures. The inspection results should also list (not locate) any control measures requiring routine maintenance.

5) If the inspection is conducted in lieu of a compliance inspection, identification of any inadequate control measures that have not been resolved from the previous inspection.

6) Type of inspection

(B) Reduced Site Inspection: Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:

1) Inspection date

2) Name of inspector

3) Site identification

4) Inspection results including the location of any illicit discharges, failure to implement control measures, and inadequate control measures. The inspection results should also list (not locate) any control measures requiring routine maintenance.

5) If the inspection is conducted in lieu of a compliance inspection, identification of any inadequate control measures that have not been resolved from the previous inspection.

6) Type of inspection

(a) Inactive Site

(b) Stormwater Management System Administrator

(c) Staff Vacancy

(d) Indicator Inspection

(C) Compliance Inspection: Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:

1) Inspection date

2) Name of inspector

3) Site identification

4) Inspection results including any inadequate control measures that have not been resolved from the previous inspection.

5) Type of inspection

(D) Operator Compliance Inspection: The report must contain the following:

1) Inspection date
2) Name of the operator inspector
3) Site identification
4) Inspection results including photos of the new or additional control measure to resolve issued from the previous inspection and any inadequate control measures that have not been resolved from the previous inspection.

vii. Enforcement Response: The applicable codes, resolutions, ordinances and program documents used to meet the permit requirements. Maintain records of the enforcement response.

viii. Training: The applicable mechanism or program documents used to train construction operators.

ix. For Applicable Construction Activities that Overlap Multiple Permit Areas: Copies of any written agreements between co-regulating MS4 permittees when required by Part I.E.3.c.ix.

e. PDD: The permittee must provide a list of the following information:

i. Exclusions: A list of citation(s) and location(s) of regulatory mechanism(s) that allow for exclusions and supporting documents used to implement the process.

ii. Regulatory Mechanism: A list of the citation(s) and location(s) of the required elements of the regulatory mechanism, including a list of the associated program documents used to meet the regulatory mechanism requirements.

iii. Regulatory Mechanism Exemptions: A list of the citation(s) and location(s) of regulatory mechanism elements that allow for exemptions and the documented procedures that confirm that any exemptions, waivers, and variances comply with the permit.

iv. Control Measure Requirements: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee requires operators to meet the requirements in Part I.E.3.c.iv. A list of the citation(s) and location(s) of supporting documents, including any documents that provide control measure design considerations, criteria, or standards.

v. Site Plans:

(A) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee requires operators to develop, site plans, including the citation(s) and location(s) of supporting documents.

(B) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee conducts initial site plan reviews, including the citation(s) and location(s) of supporting documents.

vi. Site Inspection: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for conducting site inspections, including the citation(s) and location(s) of supporting documents that describe the following:

(A) The process for determining, implementing, and documenting the inspection frequencies.

(B) The process for inspection follow-up, including determining, implementing, and documenting the nature of the follow-up action.

(C) The process and tools used for documenting inspections.

vii. Enforcement Response: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for enforcement response. The document(s) must detail the types of escalating enforcement responses the permittee will

take in response to common violations and time periods within which responses will take place, including as a minimum:

(A) Construction commencing without site plan review in accordance with I.E.3.c.v.

(B) Control measures not maintained in operational condition at time of permittee inspection, including sites that have temporarily shut down construction activities.

(C) Uncorrected finding(s) from previous inspections.

(D) Failure to implement a control measure for a pollutant source or inadequate control measure resulting in a discharge of pollutants from the applicable construction site or to the MS4.

viii. Training: A list of citation(s) and location(s) of the training program and supporting documents.

ix. For Applicable Construction Activities that Overlap Multiple Permit Areas: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee meets all permit requirements in Part I.E.3 for construction activities for which the permittee is the owner or operator, if different than procedures for private sites.

4. Post-Construction Stormwater Management in New Development and Redevelopment

The permittee must implement a program to reduce the discharge of pollutants to the MS4 from applicable development sites.

a. Applicability

i. Cherry Creek Reservoir Drainage Basin, Non-Urbanized Non-Growth Areas and Sites That Do Not Include Applicable Construction Activities

The permittee must implement a program to reduce or prevent the discharge of pollutants to the MS4 from construction activities. The Cherry Creek Reservoir Control Regulation (5 CCR 1002- 72) shall apply.

The additional construction sites requirements contained in this section do not apply to sites that drain wholly or in part to the Cherry Creek Reservoir drainage basin, and either

(A) are located entirely within non-urbanized non-growth areas; or

(B) result in land disturbance of less than one acre and are not part of a larger common plan of development.

ii. Cherry Creek Reservoir Drainage Basin, Urbanized and Growth Areas

The permittee must implement a program to reduce or prevent the discharge of pollutants to the MS4 from applicable construction activities. For sites that drain wholly or in part to the Cherry Creek Reservoir drainage basin, and are located wholly or in part within the urbanized area or growth area, the requirements contained in the Cherry Creek Reservoir Control Regulation (5 CCR 1002- 72) shall apply in addition to the requirements contained in this section.

iii. Outside the Cherry Creek Reservoir Drainage Basin

The permittee must implement a program to reduce or prevent the discharge of pollutants to the MS4 from applicable construction activities. For sites that do not drain to the Cherry Creek Reservoir drainage basin, the requirements of this section apply.

b. Definitions

Applicable development sites must meet the requirements of Part I.E.4.

"Applicable development sites" are those that result in land disturbance of greater than or equal to one acre, including sites less than one acre that are part of a larger common plan of development or sale, unless excluded below. Applicable development sites include all new development and redevelopment sites for which permanent water quality control measures were required in accordance with an MS4 permit. "New Development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision for a site that does not meet the definition of redevelopment. "Redevelopment" includes a site that is already substantially developed with 35% or more of existing imperviousness; with the creation or addition of impervious area (including removal and/or replacement), to include the expansion of a building footprint or addition or replacement of a structure; structural development including construction, replacement of impervious area that is not part of a routine maintenance activity; and land disturbing activities. At a minimum, applicable development sites includes all sites meeting the criteria of the previous MS4 permit for renewal permittees and completed after the date in Part I.H for all (renewal and new) permittees.

c. The following requirements apply:

i. Excluded Sites: Permittees may exclude the following from the requirements of an applicable development site.

(A) "Pavement Management Sites": Sites, or portions of sites, for the rehabilitation, maintenance, and reconstruction of roadway pavement, which includes roadway resurfacing, mill and overlay, white topping, black topping, curb and gutter replacement, concrete panel replacement, and pothole repair. The purpose of the site must be to provide additional years of service life and optimize service and safety. The site also must be limited to the repair and replacement of pavement in a manner that does not result in an increased impervious area and the infrastructure must not substantially change. The types of sites covered under this exclusion include day-to-day maintenance activities, rehabilitation, and reconstruction of pavement. "Roadways" include roads and bridges that are improved, designed or ordinarily used for vehicular travel and contiguous areas improved, designed or ordinarily used for pedestrian or bicycle traffic, drainage for the roadway, and/or parking along the roadway. Areas primarily used for parking or access to parking are not roadways.

(B) Excluded Roadway Redevelopment: Redevelopment sites for existing roadways, when one of the following criteria is met:

1) The site adds less than 1 acre of paved area per mile of roadway to an existing roadway, or

2) The site does not add more than 8.25 feet of paved width at any location to the existing roadway.

(C) Excluded Existing Roadway Areas: For redevelopment sites for existing roadways, only the area of the existing roadway is excluded from the requirements of an applicable development site when the site does not increase the width by two times or more, on average, of the original roadway area. The entire site is not excluded from being considered an applicable development site for this exclusion. The area of the site that is part of the added new roadway area is still an applicable development site.

(D) Aboveground and Underground Utilities: Activities for installation or maintenance of underground utilities or infrastructure that does not permanently alter the terrain, ground cover, or drainage patterns from those present prior to the construction activity. This exclusion includes, but is not limited to, activities to install, replace, or maintain utilities under roadways or other paved areas that return the surface to the same condition.

(E) Large Lot Single Family Sites: A single-family residential lot, or agricultural zoned lands, greater than or equal to 2.5 acres in size per dwelling and having a total lot impervious

area of less than 10 percent. A total lot imperviousness greater than 10 percent is allowed when a study specific to the watershed and/or MS4 shows that expected soil and vegetation conditions are suitable for infiltration/filtration of the WQCV for a typical site, and the permittee accepts such study as applicable within its MS4 boundaries. The maximum total lot impervious covered under this exclusion shall be 20 percent.

(F) Non-Residential and Non-Commercial Infiltration Conditions: This exclusion does not apply to residential or commercial sites for buildings. This exclusion applies to applicable development sites for which post-development surface conditions do not result in concentrated stormwater flow during the 80th percentile stormwater runoff event. In addition, post-development surface conditions must not be projected to result in a surface water discharge from the 80th percentile stormwater runoff events. Specifically, the 80th percentile event must be infiltrated and not discharged as concentrated flow. For this exclusion to apply, a study specific to the site, watershed and/or MS4 must be conducted. The study must show rainfall and soil conditions present within the permitted area; must include allowable slopes, surface conditions, and ratios of impervious area to pervious area; and the permittee must accept such study as applicable within its MS4 boundaries.

(G) Sites with Land Disturbance to Undeveloped Land that will Remain Undeveloped: Permittees may exclude sites with land disturbance to undeveloped land (land with no human-made structures such as buildings or pavement) that will remain undeveloped after the site.

(H) Stream Stabilization Sites: Permittees may exclude stream stabilization sites.

(I) Trails: Permittees may exclude bike and pedestrian trails. Bike lanes for roadways are not included in this exclusion, unless attached to a roadway that qualifies under another exclusion in this section.

(J) Oil and Gas Exploration: Permittees may exclude facilities associated with oil and gas exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be an applicable construction activity.

(K) County Growth Areas: Permittees that are counties may exclude the following when they occur within a county growth areas:

1) Construction activities on sites that began as part of a plan of development prior to July 1, 2019, which is the deadline in Part I.H to implement a construction sites program in the county growth areas.

2) Agricultural facilities and structures on agricultural zoned lands (e.g., barn, stables).

3) Residential development site or larger common plans of development for which associated construction activities results in a land disturbance of less than or equal to 10 acres and have a proposed density of less than 1,000 people per square mile.

4) Commercial or industrial development site or larger common plans of development for which associated construction activities results in a land disturbance of less than or equal to10 acres.

ii. Regulatory Mechanism: To the extent allowable under state or local law, implement a regulatory mechanism to meet the requirements in Part I.E.4.a.and Part I.E.4.c., including:

(A) Require control measures to be implemented for all applicable development sites.

(B) Enforce the conditions of the exclusions above, if applicable.

(C) Require the long-term operation and maintenance of control measures.

(D) Ensure that mechanisms are in place as necessary to meet this requirement for control

measures used to meet the requirements of this permit by an applicable development site in the permit area that are located outside of the jurisdictional control of the permittee.

(E) Implement sanctions against entities responsible for applicable development sites and for the long-term operation and maintenance of the control measures.

iii. Regulatory Mechanism Exemptions: Procedures must be implemented to ensure that any exclusions, exemptions, waivers, and variances included in the regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.

iv. Control Measure Requirements: The permittee's requirements and oversight for applicable development sites must be implemented to address the selection, installation, implementation, and maintenance of control measures in accordance with requirements in Part I.B. The "base design standard" is the minimum design standard for new development and redevelopment. The control measures for applicable development sites shall meet one of the following base design standards listed below:

(A) WQCV Standard: The control measure(s) is designed to provide treatment and/or infiltration of the WQCV and:

1) 100% of the applicable development site is captured, except the permittee may exclude up to 20 percent, not to exceed 1 acre, of the applicable development site area when the permittee has determined that it is not practicable to capture runoff from portions of the site that will not drain towards control measures. In addition, the permittee must also determine that the implementation of a separate control measure for that portion of the site is not practicable (e.g., driveway access that drains directly to street).

2) Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the control measure implemented. Consideration of drain time shall include maintaining vegetation necessary for operation of the control measure (e.g., wetland vegetation).

(B) Pollutant Removal Standard: The control measure(s) is designed to treat at a minimum the 80th percentile storm event. The control measure(s) shall be designed to treat stormwater runoff in a manner expected to reduce the event mean concentration of total suspended solids (TSS) to a median value of 30 mg/L or less.

1) 100% of the applicable development site is captured, except the permittee may exclude up to 20 percent not to exceed 1 acre of the applicable development site area when the permittee has determined that it is not practicable to capture runoff from portions of the site that will not drain towards control measures. In addition, the permittee must also determine that the implementation of a separate control measure for that portion of the site is not practicable (e.g., driveway access that drains directly to street).

(C) Runoff Reduction Standard: The control measure(s) is designed to infiltrate into the ground where site geology permits, evaporate, or evapotranspire a quantity of water equal to 60% of what the calculated WQCV would be if all impervious area for the applicable development site discharged without infiltration. This base design standard can be met through practices such as green infrastructure. "Green infrastructure" generally refers to control measures that use vegetation, soils, and natural processes or mimic natural processes to manage stormwater. Green infrastructure can be used in place of or in addition to low impact development principles.

(D) Applicable Development Site Draining to a Regional WQCV Control Measure: The regional WQCV control measure must be designed to accept the drainage from the applicable development site. Stormwater from the site must not discharge to a water of the state before being discharged to the regional WQCV control measure. The regional WQCV control measure must meet the requirements of the WQCV in Part I.E.4.c.iv(A).

(E) Applicable Development Site Draining to a Regional WQCV Facility: The regional WQCV facility is designed to accept drainage from the applicable development site. Stormwater from the site may discharge to a water of the state before being discharged to the regional WQCV facility. Before discharging to a water of the state, 20 percent of the total impervious surface of the applicable development site must first drain to a control measure covering an area equal to 10 percent of the total impervious surface of the applicable development site. The control measure must be designed in accordance with a design manual identified by the permittee. In addition, the stream channel between the discharge point of the applicable development site and the regional WQCV facility must be stabilized.

The regional WQCV facility must meet the following requirements:

1) The regional WQCV facility must be implemented, functional, and maintained following good engineering, hydrologic and pollution control practices.

2) The regional WQCV facility must be designed and maintained for 100% WQCV for its entire drainage area.

3) The regional WQCV facility must have capacity to accommodate the drainage from the applicable development site.

4) The regional WQCV facility be designed and built to comply with all assumptions for the development activities planned by the permittee within its drainage area, including the imperviousness of its drainage area and the applicable development site.

5) Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the facility. Consideration of drain time shall include maintaining vegetation necessary for operation of the facility (e.g., wetland vegetation).

6) The permittee shall meet the requirements in Parts I.E.4.c.v. and vii. and Part I.E.4.d. for the regional WQCV facility consistent with requirements and actions for control measures.

7) The regional WQCV facility must be subject to the permittee's authority consistent with requirements and actions for a Control Measure in accordance with Part I.E.4.c.iv.

8) Regional Facilities must be designed and implemented with flood control or water quality as the primary use. Recreational ponds and reservoirs may not be considered Regional Facilities. Water bodies listed by name in surface water quality classifications and standards regulations (5 CCR 1002-32 through 5 CCR 1002-38) may not be considered regional facilities.

(F) Constrained Redevelopment Sites Standard:

1) Applicability: The constrained redevelopment sites standard applies to redevelopment sites meeting the following criteria:

(a) The applicable redevelopment site is for a site that has greater than 75% impervious area, and

(b) The permittee has determined that it is not practicable to meet any of the design standards in Parts I.E.4.c.iv(A),(B), or (C). The permittee's determination shall include an evaluation of the applicable redevelopment sites ability to install a control measure without reducing surface area covered with the structures.

2) Constrained Redevelopment Sites Design Standard: The control measure(s) is designed to meet **one** of the following:

(a) Provide treatment of the WQCV for the area captured. The captured area shall be 50% or more of the impervious area of the applicable redevelopment site.

Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the control measure implemented,

(b) The control measure(s) is designed to provide for treatment of the 80th percentile storm event. The control measure(s) shall be designed to treat stormwater runoff in a manner expected to reduce the event mean concentration of total suspended solids (TSS) to a median value of 30 mg/L or less.

A minimum of 50% of the applicable development area including 50% or more of the impervious area of the applicable development area shall drain to the control measure(s). This standard does not require that 100% of the applicable redevelopment site area be directed to control measure(s) as long as the overall removal goal is met or exceeded (e.g., providing increased removal for a smaller area), or

(c) Infiltrate, evaporate, or evapotranspirate, through practices such as green infrastructure, a quantity of water equal to 30% of what the calculated WQCV would be if all impervious area for the applicable redevelopment site discharged without infiltration.

(G) Previous Permit Term standard:

1) Applicability: The previous permit term standard is only applicable to applicable development activities where one of the following criteria are met:

(a) The control measure(s) is constructed for the applicable development site prior to July 1, 2019, which is the deadline in Part I.H to implement a post-construction sites program.

(b) The control measure(s) for the applicable development site is designed and in review prior July 1, 2019, which is the deadline in Part I.H to implement a post-construction sites program.

(c) The control measure(s) for the applicable development site is designed and approved prior to July 1, 2019, which is the deadline in Part I.H to implement a post-construction sites program.

2) The previous permit design standard is the design approved by the permittee consistent with the CDPS Stormwater Management Plan Description submitted to the Division in accordance with the requirements of the previous permit.

3) Any modifications to the control measure(s) shall be consistent with the CDPS Stormwater Management Plan Description submitted to the Division in accordance with the requirements of the previous permit, or consistent with one of the control measure requirements in I.E.4.c.i(A) through (F).

v. Site Plans

(A) Site Plan Requirements: Site plans that include control measures for the applicable development sites must include the following:

1) Design details for all structural control measures implemented to meet the requirements of Part I.E.4.

2) A narrative reference for all non-structural control measures for the site, if applicable. “Non-structural control measures” are control measures that not structural control measures, and include, but are not limited to; control measures that prevent or reduce pollutants being introduced to water or that prevent or reduce the generation of runoff or illicit discharges.

3) Documentation of operation and maintenance procedures to ensure the long term observation, maintenance, and operation of the control measures. The documentation shall include frequencies for routine inspections and maintenance activities.

4) Documentation regarding easements or other legal means for access of the control measure sites for operation, maintenance, and inspection of control measures.

(B) Site Plan Review: The permittee shall implement a site plan review process for applicable development sites. The site plan review shall include the following minimum requirements designed to prevent inadequate control measures from being implemented or modified:

1) Confirmation that control measures meet the requirements of Part I.E.4.

2) Confirmation that site plans meet the requirements of Part I.E.4.c.v.

(C) The permittee must meet the requirements of Part I.E.4.c.v(A) and (B) before approving any modifications to the site plan

vi. Construction Inspection and Acceptance: The permittee must implement inspection and acceptance procedures to ensure that control measures are installed and implemented in accordance with the site plan and include the following:

(A) Confirmation that the completed control measure operates in accordance with the approved site plan.

(B) All applicable development sites must have operational permanent water quality control measures at the completion of the site. In the case where permanent water quality control measures are part of future phasing, the permittee must have a mechanism to ensure that all control measures will be implemented, regardless of completion of future phases or site ownership. In such cases, temporary water quality control measures must be implemented as feasible and maintained until removed or modified. All temporary water quality control measure must meet one of the design standards in Part I.E.4.c.iv.

For the purpose of this section, completion of a site or phase shall be determined by the issuance of a certificate of occupancy, use of the completed site area according to the site plan, payment marking the completion of a site control measure, the nature of the selected control measure or equivalent determination of completion as appropriate to the nature of the site.

vii. Long-Term Operation and Maintenance and Post Acceptance Oversight: The permittee must implement written procedures which include the following minimum requirements to ensure adequate long-term operation and maintenance of control measures to ensure that they are functioning as designed:

(A) Procedures to enforce the requirements for the owner or operator to implement and maintain control measures when necessary.

(B) Oversight shall include inspections of field conditions and control measures to confirm conformity with the site plan, identify any inadequate control measures, and identify control measures requiring routine maintenance, such as trash removal. All functional elements of control measures shall be inspected at a frequency determined by the permittee. Inspections of each control measure shall occur at least once during the permit term except when Inspections for oversight of control measures on individual residential lots serving only the individual lot shall occur as determined by the permittee and may rely on alternative oversight process.

viii. Enforcement Response: Implement appropriate written enforcement procedures and actions to meet the requirements of Part I.E.4. The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the violator to ensure

that findings of a similar nature are enforced upon consistently. The permittee must have processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measure requirements. Written enforcement procedures must include informal, formal, and judicial enforcement responses.

ix. Tracking: Implement and document procedures and mechanisms to track the location of and adequacy of operation of control measures implemented in accordance with the program.

x. Training: Train applicable municipal staff to inspect the control measures in accordance with the permittee's procedures in Part I.E.4.c.vi and vii. The permittee must identify those who will be likely to inspect the control measures and provide training to those individuals. The training must also include information on trash and its effects on water quality.

xi. For Applicable Development Sites that Overlap Multiple Permit Areas co-regulating MS4 permittee), when a written agreement is in place with a co-regulating MS4 permittee the following is required:

(A) Control measure requirements may be imposed on the operator in accordance with the requirements of a co-regulating MS4 permittee pursuant to the written agreement. This requirement does not apply to applicable development sites in the permit area of the Colorado Department of Transportation.

(B) Site plan review/acceptance and site inspection actions may be conducted by a co-regulating MS4 permittee to meet the requirement of the permit.

d. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of Part I.E.4 and Part I.K.2:

i. Excluded Sites: Maintain records for activities covered under Part I.E.4.c.i. Records must include the site name, owner name, location, completion date, site acreage, reason for exclusion, and any information required below.

(A) Pavement Management Sites – The acreage of the excluded impervious area for rehabilitation and reconstruction of pavement that are not maintenance sites.

(B) Excluded Roadway Redevelopment – The acreage of the excluded impervious area.

(C) Excluded Existing Roadway Areas for Roadway Redevelopment – The acreage of the excluded impervious area.

(D) Non-Residential and Non-Commercial Infiltration Conditions – The acreage of the excluded impervious area.

(E) Sites with Land Disturbance to Undeveloped Land that will Remain Undeveloped Redevelopment – The acreage of the excluded impervious area.

(F) Stream Stabilization Sites Redevelopment – The acreage of the excluded impervious area.

(G) Trails – The acreage of the excluded impervious area.

ii. Regulatory Mechanism: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.

iii. Regulatory Mechanism Exemptions: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.

iv. Control Measure Requirements: The applicable codes, resolutions, ordinances and program documents used to meet the permit requirements, including the procedures to determine which design standard applies to each applicable development site and the design specifications for each design standard (if applicable).

v. Site Plans: Copies of final site plans for all applicable development sites.

(A) For all sites for which the stormwater runoff going to a regional WQCV control measure or facility is applied: The name and location of the regional WQCV control measure or facility.

(B) For all sites for which the constrained redevelopment sites standard is applied: The site plan and the permittee's written determination that it is not practicable to meet any of the other design standards in Parts I.E.4.c.iv(A)(B) or (C). The permittee's written determination shall include an evaluation of the applicable redevelopment sites ability to install a control measure without reducing surface area covered with the structures.

(C) For all sites for which the previous permit term standard is applied: Date of the start of the permittee's review process, the permittee's approval of the site plan (if applicable), the control measure implementation, and any modifications to the site plan.

(D) The applicable documentation for the operation and maintenance procedures that ensure the long-term observation, maintenance, and operation of control measures, including routine inspection frequencies and maintenance activities.

(E) The applicable documentation regarding easements or other legal means for access to the control measure for operation, maintenance, and inspection of control measures.

vi. Construction Inspection and Acceptance: Maintain records of inspections conducted during construction and the permittee's acceptance of the control measure(s).

vii. Post Acceptance Oversight: Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:

(A) Inspection date

(B) Name of inspector

(C) Control measure identification, including the type of control

(D) Owner of the control measure

(E) Confirmation that the control measure operates in accordance with the approved plan

(F) Inspection findings including, when present: inadequate control measures and control measures requiring routine maintenance

(G) Confirmation that the control measure is operating as designed or a list of follow up actions

Permittees only have to keep the inspection records for the once a permit term inspection. Permittees do not have to keep records for inspections conducted more frequently than required by this permit.

viii. Enforcement Response: Maintain records of the enforcement response.

ix. Tracking: Maintain records of the required control measure and regional WQCV control measure and facilities information.

x. Training: Name and title of each individual trained, date of training, the type of training, and a list of topics covered.

xi. For Applicable Construction Activities that Overlap Multiple Permit Areas: Copies of any written agreements between co-regulating MS4 permittees when required by Part I.E.4.c.xi.

e. PDD: The permittee must provide a list of the following information:

i. Excluded Sites: A list of citation(s) and location(s) of regulatory mechanism(s) that allow for exclusions and supporting documents used to implement the process.

ii. Regulatory Mechanism: A list of the citation(s) and location(s) of the required elements of the regulatory mechanism, including the section of the regulatory mechanism used for enforcement activities. A list of the associated program documents used to meet the regulatory mechanism requirements.

iii. Regulatory Mechanism Exemptions: A list of citation(s) and location(s) of regulatory mechanism elements that allow for exemptions. A list of the documented procedures that confirm that any exemptions, waivers, and variances comply with the permit.

iv. Control Measure Requirements: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee requires operators to meet the requirements in Part I.E.4.c.v, including any documents that provide control measure design considerations, criteria, or standards.

v. Site Plan Requirements:

(A) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee requires operators to develop, maintain, and modify site plans, including the citation(s) and location(s) of supporting documents.

(B) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee conducts initial site plan reviews, including the citation(s) and location(s) of supporting documents.

(C) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has operation and maintenance procedures that ensure the long-term observation, maintenance, and operation of control measures , including routine inspection frequencies and maintenance activities.

(D) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has procedures to ensure that structural control measures have easements or other legal means for access to the control measure for operation, maintenance, and inspection of control measures.

vi. Construction Inspection and Acceptance and Post Acceptance Oversight Site Inspection: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for inspections, including the citation(s) and location(s) of supporting documents that describe the following:

(A) The process and tools used for documenting inspections.

(B) The process for inspection follow-up, including determining, implementing, and documenting the nature of the follow-up action.

(C) The process for determining, implementing, and documenting Post Acceptance Site Inspection frequencies if different than once a permit term.

(D) Procedures for determining ownership through property records, as needed.

vii. Enforcement Response: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for enforcement response. The document(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place.

viii. Tracking: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for maintaining the required tracking information.

ix. Training: A list of citation(s) and location(s) of the training program and supporting documents.

x. For Applicable Construction Activities that Overlap Multiple Permit Areas: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee meets all permit requirements in Part I.E.4 for applicable development site for which the permittee is the owner or operator, if different than procedures for private sites.

5. Pollution Prevention/Good Housekeeping for Municipal Operations

The permittee must implement a program for Pollution Prevention/Good Housekeeping for facilities and operations that they own, operate, or perform within the permit area. The program

must prevent or reduce water quality impacts from pollutants being discharged to the MS4 from municipal facilities and operations. “Applicable municipal operations and facilities” are municipal operations and facilities that *are not* authorized by a separate CDPS or NPDES discharge permit.

a. The following requirements apply:

i. Control Measure Requirements: The permittee must address the selection, installation, implementation, and maintenance of control measures in accordance with Part I.B. At a minimum, control measures must be adequately designed to prevent or reduce all potential pollutant associated with applicable municipal facilities and operations to prevent or minimize the discharge of pollutants, including trash, to state waters.

ii. Municipal Facility Runoff Control Measures:

(A) The permittee shall implement control measures to prevent or reduce potential discharges of pollutants to the MS4 from the applicable municipal facilities listed below. New written procedures shall be developed and implemented for any new applicable municipal facilities prior to associated pollutant sources being present.

1) Vehicle maintenance facilities

2) Asphalt and concrete batch plants which are not already authorized by a separate CDPS or NPDES discharge permit

3) Solid-waste transfer stations where waste and recyclables are briefly held before further transport

4) Outdoor storage yards with exposed stockpiles of materials, including stockpiles of road deicing salt, salt and sand, sand, and rotomill material

(B) The permittee shall implement the following categories of control measures as necessary to prevent or reduce the pollutant sources present:

1) Preventive maintenance

2) Good housekeeping

3) Spill prevention and response procedures

4) Structural control measures

5) Evaluation of non-stormwater discharges

6) Employee training

(C) The permittee shall implement written municipal facility inspection procedures, which must at a minimum include the following:

1) An annual visual inspection of each applicable municipal facility.

2) A verification that the written facility procedures and documentation reflect current conditions.

3) Observation of locations and areas where stormwater from municipal facilities are discharged off-site; or discharged to waters of the state, or to a storm sewer system that drains to waters of the state.

4) Observation of facility conditions, including pollutant sources and control measures, to identify inadequate control measure and control measure requiring maintenance.

iii. Municipal Operations and Maintenance Procedures: The permittee shall implement control measures that prevent or reduce discharges for applicable municipal operations that are not covered under Part I.E.5.a.ii(A). New written procedures shall be developed and implemented for any new applicable municipal operations prior to associated pollutant sources being present.

(A) At a minimum, implementation of the procedures must prevent or reduce stormwater

pollution from the following operations conducted by the permittee:

1) Operation and maintenance of streets, roads, highways
2) Operation and maintenance of municipal parking lots
3) Operations at maintenance and storage yards
4) Operations at maintenance shops with outdoor storage areas
5) Operation and maintenance of snow dumps/snow disposal areas
6) Operation and maintenance of sites used for temporary storage of sweeper tailings or other waste piles
7) Park and open space maintenance
8) Building maintenance
9) New construction of municipal facilities
10) Application of pesticides, herbicides, and fertilizers
11) Large outdoor festivals and events
12) Construction activities not subject to the requirements of Part I.E.3
13) Maintenance, replacement, and construction of utilities and the storm system, including operations, such as storage, dewatering, or disposal, associated with removal of sediment, debris, trash, and other pollutant sources from the MS4, including removal of materials, such as trash, from control measures implemented in accordance with Part I.E.4, unless covered by a separate CDPS or NPDES permit.

iv. Nutrient Source Reductions: The permittee shall implement a municipal operations program that has the ultimate goal of preventing or reducing nitrogen and phosphorus in stormwater runoff associated with the applicable municipal operations and facilities.

(A) The permittee shall evaluate, identify, and document the municipal operations and facilities that are and/or have the potential to contribute nitrogen and phosphorus to the waters receiving the discharge authorized under this permit (identified municipal operations nutrient sources). The permittee is authorized to meet the requirements of this section through contribution to a collaborative program to evaluate, identify, and target sources state-wide or within the specific region or watershed that includes the receiving waters impacted by the permittee's discharge(s). At a minimum, if the permittee has any operations that use fertilizers, then the permittee shall include the storage and application of fertilizer, including subsequent stormwater or irrigation runoff from areas were fertilizer has been applied, as an identified municipal operations nutrient source if these operations were not covered under Part I.E.5.a.ii and iii.

(B) The permittee shall implement control measures that prevent or reduce the nitrogen and phosphorus in stormwater runoff associated with identified municipal operations nutrient sources. The control measures shall be implemented and documented in accordance with Part I.E.5.a.ii, if associated with an applicable municipal facility, or in accordance with Part I.E.5.a.iii., if associated with an applicable municipal operation.

v. Outdoor bulk storage structures, of more than 55 gallons, for petroleum products and any other liquid chemicals located at applicable municipal facilities must have control measures implemented that provide secondary containment or equivalent protection that contains all spills and prevents any spilled material from entering state waters. For the scenario of a single containment system serving multiple tanks, the containment system must have sufficient capacity to contain 10% of the volume of containers, or the volume of the largest container plus 10%, whichever is greater. Bulk storage on mobile refuelers that are subject to the authority and control of the U.S. Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of EPA, dated November 24, 1971 are not subject to the requirements of Part

I.E.5.a.ii(A)(5). Before the implementation of such controls, the permittee shall implement practices, such as spill prevention and response, to prevent or reduce pollutants in runoff associated with bulk storage structures.

vi. Training: Train applicable municipal staff to implement the Pollution Prevention/Good Housekeeping for Municipal Operations, including training for employees that will conduct inspections in accordance with Part I.E.5.a.ii(C). The permittee must identify those who will be likely to inspect the control measures and provide training to those individuals. The program must inform public employees responsible for operations with the potential to result in an illicit discharge about the permittee's prohibitions against, and potential impacts associated with, illicit discharges from municipal operations. The training must also include information on trash and its effects on water quality.

b. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of this section I.E.5 and Part I.K.2:

i. Municipal Facility Runoff Control Measures: For each applicable municipal facility:

(A) Facility identification

(B) Description of all pollutant sources

(C) Control measures implemented, including installation and implementation specifications and information

(D) Staff (position title) responsible for implementation of control measures and associated documentation

(E) Description of control measures implemented for bulk storage structures.

(F) Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:

1) Inspection date

2) Name of inspector

3) Applicable facility identification

4) Inspection findings including, when present: inadequate control measures, control measures requiring routine maintenance, and if there was any evidence of polluted discharges from the facility

5) Confirmation and documentation that the control measures are adequate or a list of follow up actions

ii. Municipal Operations and Maintenance Procedures: Control measures implemented, including installation and implementation information.

iii. Nutrient Source Reductions: Control measures implemented to prevent or reduce nitrogen and phosphorus from municipal operations, including installation and implementation information.

iv. Outdoor Bulk Storage: Description of control measures implemented for bulk storage structures, if applicable.

v. Training: Name and department of each individual trained, date of training, the type of training, and a list of topics covered.

c. PDD: The permittee must provide a list of the following information:

i. Municipal Facility Runoff Control Measures: A list of citations(s) and locations(s) of the following:

(A) List of applicable municipal facilities.

(B) List of facilities the permittee owns or operates that are subject to separate CDPS or NPDES permit coverage under the state's general stormwater permits for discharges of stormwater associated with industrial activity.

(C) Citation(s) and location(s) of supporting documents of the municipal facility runoff control measures, including documents that provide control measure installation and implementation specifications and information, if applicable.

(D) Citation(s) and location(s) of supporting documents for inspections, including a list of the written procedures for conducting inspections.

ii. Municipal Operations and Maintenance Procedures: A list of citations(s) and locations(s) of the following:

(A) List the municipal operations to which this program applies.

(B) Citation(s) and location(s) of supporting documents, including documents that provide control measure installation and implementation specifications and implementation.

iii. Nutrient Source Reductions: A list of citations(s) and locations(s) of the method used to evaluate operations and facilities to identify sources of nitrogen and phosphorus discharges from the MS4 that can be controlled through the implementation of control measures.

iv. Outdoor Bulk Storage: A list of citations(s) and locations(s) of procedures to ensure that this requirement is met.

v. Training: A list of citation(s) and location(s) of the training program and supporting documents.

F. OTHER TERMS AND CONDITIONS

1. General Limitations

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

a. No chemicals are to be added by the permittee for the purpose of meeting a pollutant restriction, prohibition, or reduction requirement in this permit that have the potential to be present in the permitted discharge, including, but not limited to, chemical additions at any point in the treatment process, unless the permittee provides advance notice to the Division of the planned changes in accordance with Part II.A.2 and the Division confirms that the new or altered discharge is appropriate for coverage under this general permit.

b. 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.

2. Releases in Excess of Reportable Quantities

This permit does not relieve the permittee of the reporting requirements of 40 C.F.R. 110, 40 C.F.R. 117 or 40 C.F.R. 302. Any discharge of hazardous material shall be handled in accordance with the Division's Notification Requirements in Part II.

3. Records Availability

All records required under this permit are considered reports that shall be available to the public under Section 308(b) of the CWA. The operator of a facility with discharges covered by this permit shall make their PDD available to members of the public upon request. However, the permittee may claim any portion of a PDD as confidential in accordance with 40 C.F.R. Part 2.

4. Discharges to Waters with Total Maximum Daily Loads (TMDLs)

A "TMDL" is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A water quality standard is a narrative and/or numeric restriction established by the Commission applied to state surface waters to protect one or more beneficial uses of such waters. Whenever only numeric or only narrative standards are intended, the wording shall specifically designate

which is intended. See 5 CCR 1002- 31.5(37). A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. See section 303(d) of the Clean Water Act and 40 C.F.R. 130.2 and 130.7. The Division will do either of the following if a TMDL has been approved for any waterbody into which the permittee discharges, and discharges subject to effluent limits under this permit certification have been assigned a pollutant-specific WLA under the TMDL:

a. If the Division determines that pollutant restrictions, prohibitions, and reduction requirements in the current permit are adequate to ensure compliance with the WLA, the Division will notify the permittee of the WLA, and amend the permittee's certification if necessary to address additional reporting or documentation requirements to demonstrate compliance with the WLA, or

b. If the Division determines that the conditions of this permit are not adequate to bring about compliance with the WLA, the Division may modify this permit in accordance with Part II.B.5 or require the permittee to apply for and obtain an individual or alternate general CDPS or NPDES permit, in accordance with Part I.A.2.

5. Implementation by Other Parties

Implementation of one or more of the actions required to comply with a term or condition of this permit, including pollutant restrictions, prohibitions, and reduction requirements, may be shared with another entity or the other entity may fully take over implementation of the action(s). The permittee remains liable for ensuring that all requirements of this permit are complied with, regardless of who implements the action(s). The permittee may rely on another entity for implementation only if:

a. The other entity agrees to implement the action(s) on the permittee's behalf. Written acceptance of this obligation is required and must be maintained as part of the PDD.

b. If the other entity conducts oversight of a third party to meet a pollutant restriction, prohibition, or reduction requirement, the entity must be capable of remaining impartial and must be a separate entity than the owner/operator of the activity for which the oversight is targeted.

c. The other entity must be capable of completing the necessary actions to comply with the relevant pollutant restriction, prohibition, or reduction requirement(s), including but not limited to effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate written quality assurance procedures.

d. If the permittee uses another party, including a storm water management system administrator, to conduct site inspections on their behalf, then the permittee must develop written procedures to demonstrate and report that the storm water management system administrator program meets the requirements of Part I.E.3.c.vi. and Part I.E.3.d.vi.

6. Monitoring

Monitoring requirements are included in this section, as well as in Part III of the permit for requirements applicable to specific permittees.

Case-by-Case Monitoring: The Division reserves the right to require water quality sampling and testing, on a case-by-case basis. Monitoring may also be required if a stormwater-based TMDL and WLA have been put into place for any waterbody into which the permittee discharges.

7. General Monitoring and Sampling Requirements

The permittee shall comply with the following requirements for all monitoring required by this permit, except for field analysis which may be conducted as part of Part I.E.2. Where field analysis does not involve analytical methods approved under 40 C.F.R. Part 136, the applicant shall document a description of the method used, including the name of the manufacturer of the test

method along with the range and accuracy of the test.

a. 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. All sampling shall be performed by the permittee according to specified methods in 40 C.F.R. Part 136; methods approved by EPA pursuant to 40 C.F.R. Part 136; or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 C.F.R. Part 136.

b. The permittee shall establish and maintain records for all monitoring required by Part I.F.6. Those records shall include the following:

i. The date, type, exact location, 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) or entity who performed the analyses

v. The analytical techniques or methods used

vi. The results of such analyses

c. The permittee shall maintain all monitoring information, including the chain of custody forms, 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 in accordance with Part I.K.2. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division or EPA.

G. PROGRAM REVIEW AND MODIFICATION

1. Annual Program Review

The permittee shall conduct an annual review of the current program areas as necessary for the preparation of the annual report required under Part I.I. This annual review shall include the following:

a. A review of the compliance status with requirements in Part I.E and III, and compliance schedules in Part I.H.

b. An assessment of the effectiveness of control measures.

c. An assessment of any permit modifications that may be needed if compliance with a current term or condition may not be practicable.

H. COMPLIANCE SCHEDULE

Permittees are required to implement their current program in accordance with the previous permit until a new program is implemented in accordance with this permit, including this compliance schedule. Compliance with the terms and conditions of this permit, including Parts I.D and E, shall be required by the effective date of the permit, except as provided below. The dates in the compliance schedule are deemed to be correct where the dates in the compliance schedule and in the text of the permit conflict. The compliance schedule detailed in Table 2, below, includes submittals of plans and implementation of permit conditions.

The permittee shall submit the plans to the Division by the specified date in the case of the required submittal of plans. When applicable, a schedule of dates to accomplish various tasks related to the plans, including implementation shall also be included. Upon approval of a plan(s) by the Division, implementation of all terms and conditions of the plan(s), including but not limited to the compliance schedule, shall be a requirement of this permit.

1. Renewal Permittees

All requirements of the cited section, and all subsections, must be met by the compliance schedule

deadline in Table 2.

TABLE 2 Compliance Schedule - Renewal Permittees				
ICIS Code	**Permit Condition**	**Action**	**Deliverable**	**Deadline**
PR010	Part I.A.3.a.ii(B)	County growth area maps (Part I.A.3.a.ii(B)	Submit a map of the county growth areas as defined in Part I.A.3.a.ii(B)(1) and (2) or confirmation that Part I.A.3.a.ii(B)(3) applies.	Completed by January 1, 2017
PR010	Part I.C.1, and PDD content requirements in Parts I.D and E	Complete PDD (contents must reflect terms and conditions that are in effect, i.e., following the associated compliance schedule deadline)	Notification in annual report Due March 10, 2019	Completed by January 1, 2019
PR010	Part I.E.2.a.ii Part I.E.2.a.iii Part I.E.2.a.v (if applicable) Part I.E.3.c.ii Part I.E.3.c.iii Part I.E.4.c.ii Part I.E.4.c.iii	Complete all applicable changes to the regulatory mechanism(s): Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.1.a.i	Illicit Discharges: Begin providing information targeting business(es) and the general public	Notification in annual report Due March 10, 2019	Begin implementation July 1, 2018
PR010	Part I.E.1.a.ii	Education and Outreach Activities: Begin providing annual public education and outreach from Table 1.	Notification in annual report Due March 10, 2019	Begin implementation January 1, 2018
PR010	Part I.E.1.a.iii(A)	Nutrients: Determine targeted sources of nutrients.	Notification and list of targeted sources in annual report Due March 10, 2018	Completed by January 1, 2018
PR010	Part I.E.1.a.iii(B)	Nutrients: Begin providing education and outreach to the targeted sources	Notification in annual report Due March 10, 2019	Begin implementation July 1, 2018
PR010	Part I.E.2.a.iv (A) and (B)	Tracing an Illicit Discharge: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2018	Completed by January 1, 2018
PR010	Part I.E.2.a.vi	Removing an illicit Discharge, Enforcement Response: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2018	Completed by January 1, 2018

PR010	Part I.E.2.a.viii	Priority Areas: Identify any new priority areas	Notification in annual report Due March 10, 2018	Completed by January 1, 2018
PR010	Part I.E.2.b.vi	Removing and Illicit Discharge: Ensure documentation is recorded.	Notification in annual report Due March 10, 2018	Completed by January 1, 2018
PR010	Part I.E.3.	Begin implementing the permittee's new construction sites program in the county growth areas.	Notification in annual report Due March 10, 2020	Completed January 1, 2019
PR010	Part I.E.3.c.i	Excluded Activities for County Growth Areas: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.3.c.iv	Control Measure Requirements: Ensure control measure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.3.c.v (B) through (C)	Site Plans: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.3.c.vi (B) through (E)	Site Inspection: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.3.c.vii(B)	Enforcement Response: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.3.d.vi	Site Inspection: Ensure requirements are met; revise implementation and documentation if necessary, ensure documentation is recorded.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.4.	Begin implementing the permittee's new post-construction sites program in the county growth areas.	Notification in annual report Due March 10, 2020	Completed January 1, 2019
PR010	Part I.E.4.c.i	Excluded Sites: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.4.c.iv	Control Measure Requirements: Ensure new control measures meet one of the design standards	Notification in annual report Due March 10, 2020	Completed by July 1, 2019

PR010	Part I.E.4.c.v	Site Plans: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Parts I.E.4.c.vi and vii	Construction Inspection and Acceptance and Post Acceptance Oversight: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.4.c.viii	Enforcement Response: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.5.a.ii	Municipal Facility Runoff Control Measures: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in Annual report Due March 10, 2018	Completed by July 1, 2017
PR010	Part I.E.5.a.ii(C)	Municipal Facility Runoff Control Measures: Ensure inspection requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019
PR010	Part I.E.5.a.iv	Nutrient Source Reductions: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2021	Completed by July 1, 2020
PR010	Part I.E.5.a.v.	Outdoor Bulk Storage	Notification in annual report Due March 10, 2022	Completed by July 1, 2021
PR010	Part I.E.5.b.i	Municipal Facility Runoff Control Measures: Ensure documentation is recorded.	Notification in annual report Due March 10, 2020	Completed by July 1, 2019

2. New Permittees

New permittees must obtain permit coverage following the effective date of the permit. "New permittees" are permittees not covered under a previous MS4 general permit. The Division may include in the permit certification an alternative compliance schedule deadline from those included in Table 3 for specific compliance schedule deadlines prior to, or within 1 year of, the effective date of the permittee's certification. Alternative compliance schedules may extend beyond the permit expiration date.

All requirements of the cited section, and all subsections unless specifically excluded, must be met by the compliance schedule deadline in Table 3.

The permit terms for Part I.E.3, Part I.E.4, and Part I.E.5 are subject to the compliance schedule dates in Table 3 and require the implementation of structural control measures that require planning and installation. In addition, Parts I.E.3 and I.E.4 require the permittee to implement regulatory mechanisms to ensure implementation by operators. The permittee must, therefore, complete some necessary actions in advance of the required deadlines to ensure that the required structural control mechanisms for applicable construction activities, applicable municipal facilities, and applicable municipal operations are in place by the corresponding deadlines in the compliance schedule. For applicable development sites, the permittee must ensure that the control measures are in place for all sites completed after the compliance schedule deadline.

TABLE 3

Compliance Schedule - New Permittees

ICIS Code	Permit Condition	Action	Deliverable	Deadline
PR010	Part I.C.1 and PDD content requirements in Parts I.D and E	Complete PDD (contents must reflect terms and conditions that are in effect, i.e., following the associated compliance schedule deadline)	Notification in annual report Due March 10, 2018	Completed December 15, 2017
PR010	Part I.D.1	Public Involvement/Participation: Ensure requirements are met	Notification in annual report Due March 10, 2018	Completed December 15, 2017
PR010	Part I.E.1	Public Education and Outreach: Ensure requirements are met	Notification in annual report Due March 10, 2019	Completed May 15, 2018
PR010	Part I.E.2	Illicit Discharge Detection and Elimination: Ensure requirements are met	Notification in annual report Due March 10, 2020	Completed May 15, 2019
PR010	Part I.E.3	Construction Sites: Ensure requirements are met.	Notification in annual report Due March 10, 2020	Completed May 15, 2019
PR010	Part I.E.4	Post Construction: Ensure requirements are met.	Notification in annual report Due March 10, 2021	Completed May 15, 2020

PR010	Part I.E.5	Municipal Operations: Ensure requirements are met, except for the requirement of Part I.E.5a.iii(C) (Bulk Storage)	Notification in annual report Due March 10, 2021	Completed May 15, 2020
PR010	Part I.E.5.a.v	Outdoor Bulk Storage: Ensure requirements are met	Notification in annual report Due March 10, 2022	Completed May 15, 2021

I. REPORTING REQUIREMENTS

1. Annual Report

The permittee shall prepare an annual system-wide report to be submitted by **March 10** of each year, covering January 1 through December 31 of the previous year. For Renewal permittees, the first report shall include the annual report items from the previous permit for **January 1, 2016 to July 1, 2016**. In addition, for Renewal Permittees, the first report shall include information below on all activities conducted from **July 1, 2016, to December 31, 2016**. For new permittees, the first report may include less than 12 months of information, unless otherwise indicated in the certification. For all permittees, the report must include the following information:

a. The required certification statement in Part I.K.1.c. and signed by the individual meeting the criteria in Part I.K.1.a.

b. Identify that the permittee is relying on another entity to satisfy any of the permit obligations (if applicable) if not included in previous reports or permit application.

c. An update on areas added to or removed from the permit area as a result of annexation or other legal means.

d. A list of compliance schedule items completed, including the date of completion and any associated information required in Part I.H.

e. The results of the assessment of the effectiveness of the control measures.

f. The results of the permit modification assessment and if any parts of this permit need to be modified or a condition of the permit many not be practicable.

g. Provide the following information for the program elements listed below:

i. Public Education and Outreach (Part I.E.1)

(A) A list of the education and outreach activities completed in accordance with Part I.E.1.a.i.

(B) A list of the education and outreach activities completed in accordance with Part I.E.1.a.ii referencing the activities in Table 1.

(C) A list of the education and outreach activities completed in accordance with Part I.E.1.a.iii and the targeted sources.

ii. Illicit Discharge Detection and Elimination (Part I.E.2):

(A) Provide the total number of unresolved reports/identification of illicit discharges.

iii. Construction Sites (Part I.E.3):

(A) Provide the total number of applicable construction sites during the year.

(B) County permittees only: Provide a list of any construction activities excluded from being applicable construction activities in accordance with Part I.E.3.c.i(B) (1) and (2), and include the recordkeeping information required by Part I.E.3.d.i.

(C) Provide the number of sites that used the Winter Conditions Exclusion and the dates that the Winter Conditions Exclusion was used.

(D) Provide the total number of inspections performed for the types of inspections listed below:

1) Routine Inspections: Inspections of applicable construction activities that meet the inspection scope requirements in Part I.E.3.c.vi(C) and for which documentation is recorded in accordance with in Part I.E.3.d.vi.

2) Reduced Site Inspection: Inspections of applicable construction activities that meet the inspection scope requirements in Part I.E.3.c.vi(D)(1), (2), (3) and (4) for which documentation is recorded in accordance with in Part I.E.3.d.vi.

3) Compliance Inspections: Inspections or operator reporting or other action(s) to assess the control measure has been implemented or corrected) of applicable construction activities that meet the inspection scope requirements in Part I.E.3.c.vi(E) and for which documentation is recorded in accordance with in Part I.E.3.d.vi.

iv. Post-Construction Stormwater Management in New Development and Redevelopment Program (Part I.E.4):

(A) Provide the total number of applicable development sites for which control measures were implemented during the reporting period.

(B) Excluded Sites: Provide a list of the following sites excluded from being applicable development sites and include the recordkeeping information required by Part I.E.4.d.ii:

1) Sites excluded in accordance with Part I.E.4.c.i(A), except maintenance sites

2) Sites excluded in accordance with Parts I.E.4.c.i(B) and (C)

3) County permittees only: Sites excluded in accordance with Parts I.E.4.c.i(G)(1)

(C) Long-Term Operation and Maintenance and Post Acceptance Oversight: Provide the total number of applicable development sites and control measures inspected to ensure compliance with the requirement in Part I.E.4.c.vii.

J. DEFINITIONS

The definitions below are intended strictly for clarification purposes, and may not contain the full legal definition as per regulation. For the purposes of this permit:

1. Applicable Construction Activity: Construction activities with land disturbance (surface disturbing and associated activities) of one or more acres, or disturbing less than one acre if that construction activity is part of a larger common plan of development or sale that would disturb, or has disturbed one or more acres, unless excluded in Part I.E.3.c.i. Applicable construction activities include the land disturbing activity and all activities and materials associated with the construction site and located at, or contiguous to, the land disturbing activities.
2. Base Design Standard: The minimum design standard for new and redevelopment before applying exclusions or alternative standards.
3. Best Management Practices: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "state surface waters". BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For the purpose of this permit, the term BMP is used interchangeably with the term control measure, and can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices.
4. Classified State Water: A classified state water is a state water with a classification in the Classification and Numeric Standards Regulation for each of the seven river basins in Colorado. Classifications for each segment within the river basin can be found in the numeric and standards table for each basin regulation.
5. Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. The Division has determined that “contiguous” means construction activities located in close proximity to each other (within ¼ mile).
6. Construction activity: Refers to ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of regular maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is cleared, graded, or excavated as part of the repaving operation are considered construction activities unless they are an excluded site under Part I.E.4.c.i. Construction activity is from initial ground breaking to final stabilization regardless of ownership of the construction activities.
7. Construction Dewatering: Discharge of groundwater, surface water, and stormwater that has mixed with the groundwater and/or surface water (i.e. commingled stormwater runoff) that has come into contact with applicable construction activities.
8. Contiguous: Within 0.25 miles.
9. Control Measure: Any best management practice or other method used to prevent or reduce the discharge of pollutants to waters of the state. Control measures include, but are not limited to best management practices. Control measures can include other methods such as the installation, operation, and maintenance of structure controls and treatment devices.
10. Control Measure Requiring Routine Maintenance: Any control measure that is still operating in accordance with its design and the requirements of this permit, but requires maintenance to prevent associated potential for failure during a runoff event. See also inadequate control measure.
11. Discharge: Discharge: The discharge of pollutants as defined in section 25-8-103(3) C.R.S. For the purposes of this permit, discharges do not include land application or discharges to the ground.

12. Discharge of a Pollutant: The introduction or addition of a pollutant into state waters. See 25-8-103(3) C.R.S.
13. Division: The Water Quality Control Division of the Colorado Department of Public Health and Environment.
14. Dry Weather Discharge: A discharge not resulting from surface runoff from stormwater.
15. Effluent Limitation: Any restriction or prohibition established under the Colorado Water Quality Control Act, state regulations, or federal law on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into state waters, including, but not limited to, standards of performance for new sources, toxic effluent standards and schedules of compliance.
16. Exclusion: A removal of the applicability of the terms or conditions in this permit from applying to the given conditions.
17. Exemption: An exemption, waiver, or variance implemented by the permittee for permittee control measures used to meet the effluent limits in this permit.
18. Final Stabilization: The condition reached when all ground surface disturbing activities at the site have been completed, and for all areas of ground surface disturbing activities a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.
19. Good Engineering, Hydrologic and Pollution Control Practices: Methods, procedures, and practices that:
    a. Are based on basic scientific fact(s).
    b. Reflect best industry practices and standards.
    c. Are appropriate for the conditions and pollutant sources.
    d. Provide appropriate solutions to meet the associated permit requirements, including practice based and numeric effluent limits.
20. Green infrastructure: Generally refers to control measures that use vegetation, soils, and natural processes or mimic natural processes to manage stormwater. Green infrastructure can be used in place of or in addition to low impact development principles.
21. Illicit Discharge: Any discharges to an MS4 that is not composed entirely of stormwater except discharges specifically authorized by a CDPS or NPDES permit and discharges resulting from emergency fire fighting activities. Permittees should note that there are many types of illicit discharges that in accordance with the permit need to be effectively prohibited. Only the discharges listed in Part.I.2.a.v. can be excluded from being effectively prohibited.
22. Impervious Area: Developed areas with covering or pavement that prevents the land's natural ability to absorb and infiltrate typical precipitation and irrigation events. Impervious areas include, but are not limited to; roof tops, walkways, patios, driveways, parking lots, impervious storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering.
23. Inadequate Control Measure: Any control measure that is not designed, implemented, or operating in accordance with the requirements of the permit, including the specific requirements in each program area in Part I.E or requirements for specific permittees in Part III, and implemented and maintained to operate in accordance with the design. See also Control measure Requiring Routine Maintenance.
24. Irrigation Return Flow: Tailwater, tile drainage, or surfaced groundwater flow from irrigated land.
25. Land Disturbing Activity: Any activity that results in a change in the existing land surface (both vegetative and non-vegetative). Land disturbing activities 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. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity.

26. Minimize: For purposes of implementing control measures of this permit, means reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.
27. MS4: A municipal separate storm sewer system. See municipal separate storm sewer system.
28. Municipality/Municipal: A city, town, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of CWA(1987).
29. Municipal Separate Storm Sewer System (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
    a. Owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to state waters;
    b. Designed or used for collecting or conveying stormwater;
    c. Which is not a combined sewer; and
    d. Which is not part of a Publicly Owned Treatment Works (POTW). See 5 CCR 1002-61.2(62).
30. Municipal Separate Storm Sewer System Outfall (Outfall): A point source, as defined herein, at the point where a municipal separate storm sewer discharges to state waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other state waters and are used to convey state waters.
31. New Development: Land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision for a site that does not meet the definition of redevelopment.
32. New Permittee: Permittee not covered under a previous MS4 general permit.
33. Non-Structural Control Measures: Includes control measures that are not structural control measures, and include, but are not limited to, control measures that prevent or reduce pollutants being introduced to water or that prevent or reduce the generation of runoff or illicit discharges.
34. Operator: The person or entity who is responsible for the overall operation of the facility or activity from which the associated discharge originates.
35. Outstanding Waters: A type of designation. Outstanding waters are designated by the Water Quality Control Commission.
36. Pavement Management Sites: Sites, or portions of sites, for the rehabilitation, maintenance, and reconstruction of pavement, which includes roadway resurfacing, mill and overlay, white topping, black topping, curb and gutter replacement, concrete panel replacement, and pothole repair. The purpose of the site must intend to provide additional years of service life and optimize service and safety. The site also must be limited to the repair and replacement of pavement in a manner that does not result in an increased impervious area and the infrastructure must not substantially change. The types of sites covered under this exclusion include day-to-day maintenance activities, rehabilitation, and reconstruction of pavement.
37. Point Source: Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include irrigation return flow. See 5 CCR 102-61.2(75).

38. Pollutant: Dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste. See 5 CCR 1002-61.2(76).
39. Pollution: Man-made or man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water. See 5 CCR 1002-61.2(77)
40. Redevelopment: Includes a site that is already substantially developed and has 35% or more of existing hard surface coverage, the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities.
41. Regulatory Mechanism: The mechanism that allows the permittee to implement and enforce the requirements of this permit.
42. Renewal Permittee: Permittee that was covered under a previous MS4 general permit.
43. Roadway: Roads and bridges that are improved, designed or ordinarily used for vehicular travel and contiguous areas improved, designed or ordinarily used for pedestrian or bicycle traffic, drainage for the roadway, and/or parking along the roadway. Areas primarily used for parking or access to parking are not included.
44. Site Plan: Also known as construction stormwater site plans, sediment and erosion control plans, stormwater pollution prevention plans, drainage reports, drainage plans, stormwater management plans, drainage and erosion control plans, etc.
45. Small Municipal Separate Storm Sewer System: Any municipal separate storm sewer that is not defined as a "large" or "medium" municipal separate storm sewer system pursuant to Regulation 61. This term includes publicly-owned systems similar to separate storm sewer systems in municipalities (i.e., non-standard MS4s), including, but not limited to, systems at military bases and large education, hospital or prison complexes, if they are designed for a maximum daily user population (residents and individuals who come there to work or use the MS4's facilities) of at least 1,000.
46. Stormwater: Stormwater runoff, snow melt runoff, and surface runoff and drainage. See 5 CCR 1002-61.2(103).
47. Structural Control Measures: Includes control measures that are comprised of facilities and structures that remove pollutants from water or retain, reuse, or provide for infiltration or evaporation of water.
48. To the Extent Allowable under state or Local Law: A standard of implementation of permit requirements and means that to the extent that the permittee is not constrained by state or local laws. Local laws that can be legally changed by the permittee to allow implementation of permit requirements do not constitute a barrier to implementation of a permit requirement.
49. Total Maximum Daily Loads (TMDLs): The sum of the individual wasteload allocations (WLA) for point sources and load allocations (LA) for nonpoint sources and natural background. For the purposes of this permit, a TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes WLAs, LAs, and must include a margin of safety (MOS), and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 C.F.R. 130.2 and 130.7).
50. Water Quality Capture Volume (WQCV): The volume equivalent to the runoff from an 80th percentile storm, meaning that 80 percent of the most frequently occurring storms are fully captured and treated and larger events are partially treated.
51. Water Quality Standards: Any standard promulgated pursuant to section 25-8-204 C.R.S. For purposes of this permit, water quality standards are a narrative and/or numeric restriction established by the Water Quality Commission applied to state surface waters to protect one or

more beneficial uses of such waters. Whenever only numeric or only narrative standards are intended, the wording shall specifically designate which is intended. See 5 CCR 1002- 31.5(37).

52. Waters of the State of Colorado: Any and all surface waters and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. This definition can include water courses that are usually dry. Note: this permit is only applicable to applicable discharges to surface waters of the state.

K. **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:

i. 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.

ii. In the case of a partnership, by a general partner.

iii. In the case of a sole proprietorship, by the proprietor.

iv. In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official. For purposes of this section, a principal executive officer has responsibility for the overall operation of the facility from which the discharge originates.

v. A duly authorized representative of a person described in subsection (i) thorough (iv), only if all of the following are met:

(A) The authorization is made in writing by a person described in subsection (i) thorough (iv).

(B) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

(C) The written authorization is submitted to the Division.

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, before 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**

The permittee shall retain copies of the required recordkeeping and program description

documentation and all reports required by this permit and records of all data used to complete the application to be covered by this permit, for a period of at least three years from the date that the specific item is no longer being actively utilized for stormwater management. The period may be extended by request of the Division at any time.

Part II

A. NOTIFICATION REQUIREMENTS

1. Notification to Parties

All notification requirements under this section shall be directed as follows:

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

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

b. Written notification shall be to:

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

2. Change in Discharge or Wastewater Treatment

The permittee shall notify the Division, in writing, of any planned physical alterations or additions to the permitted facility that could significantly change the nature or increase the quantity of pollutants discharged. Conditions resulting in new or changed discharges of stormwater and other discharges that are not illicit discharges shall not be considered to meet this condition.

3. Special Notifications - Definitions

a. Bypass: The intentional diversion of waste streams from any portion of a treatment facility.

b. Severe Property Damage: Substantial physical damage to property at the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. It does not mean economic loss caused by delays in production.

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

4. Noncompliance Notification

a. If, for any reason, the permittee does not comply with or will be unable to comply with any permit limitations, standards or permit requirements specified in this permit, the permittee shall, at a minimum, provide the Water Quality Control Division with the following information:

i. A description and cause of noncompliance;

ii. The period of noncompliance, including exact dates and times and/or the anticipated time when the permittee will return to compliance; and

iii. Steps being taken to reduce, eliminate, and prevent recurrence of the non-complying activity.

b. The permittee shall report the following instances of noncompliance <u>orally within twenty-four (24) hours</u> from the time the permittee becomes aware of the noncompliance, and shall mail to the Division a written report <u>within five (5) working days</u> after becoming aware of the noncompliance (unless otherwise specified by the Division):

i. Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;

ii. Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;

iii. Circumstances leading to any upset which causes an exceedance of any effluent limitation in the permit;

c. Unless otherwise indicated in this permit, the permittee shall report instances of non-compliance which are not required to be reported within 24-hours at the time Discharge Monitoring Reports are submitted. The reports shall contain the information listed in sub-paragraph (a) of this section.

5. Other Notification Requirements

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule in the permit shall be submitted no later than fourteen (14) days following each scheduled date, unless otherwise provided by the Division.

The permittee shall notify the Division, in writing, thirty (30) days in advance of a proposed transfer of permit as provided in Part II.B.3.

The permittee's notification of all anticipated noncompliance does not stay any permit condition.

All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Division as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. One hundred micrograms per liter (100 µg/l);

ii. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2.4-dinitrophenol and 2-methyl-4.6-dinitrophenol; and one milligram per liter (1.0 mg/l) for antimony;

iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 61.4(2)(g).

iv. The level established by the Division in accordance with 40 C.F.R. § 122.44(f).

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. Five hundred micrograms per liter (500 µg/l);

ii. One milligram per liter (1 mg/l) for antimony; and

iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application

iv. The level established by the Division in accordance with 40 C.F.R. § 122.44(f).

6. Bypass Notification

If the permittee knows in advance of the need for a bypass, a notice shall be submitted, at least ten days before the date of the bypass, to the Division. The bypass shall be subject to Division approval and limitations imposed by the Division. Violations of requirements imposed by the Division will constitute a violation of this permit.

7. Upsets

a. Effect of an Upset: An upset constitutes an affirmative defense to an action brought for noncompliance with 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 facility was being properly maintained at the time;

iii. The permittee submitted notice of the upset, if required by and in accordance with Part II.A.4 of this permit; and

iv. The permittee complied with any remedial measures required under 40 C.F.R. 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 preceding the permittee seeking to establish the occurrence of an upset has the burden of proof.

8. Discharge Point

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

9. 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 as necessary to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance and adequate laboratory and process controls, including appropriate written quality assurance procedures (40 C.F.R. 122.41(e)). This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when necessary to achieve compliance with the conditions of the permit.

10. Minimization of Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any discharge of sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. As necessary, accelerated or additional monitoring to determine the nature and impact of the non-complying discharge is required.

11. Removed Substances

Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with applicable state and federal regulations and in a manner that will prevent the removed pollutant(s) from entering waters of the state.

For all domestic wastewater treatment works, at industrial facilities, the permittee shall dispose of sludge in accordance with all state and federal regulations.

12. 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, the permittee shall promptly submit the relevant information which was not submitted or any additional information needed to correct any erroneous information previously submitted.

13. Bypass

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

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

ii. There were no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime.

This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii. Proper notices were submitted in compliance with Part II.A.4.

b. "Severe property damage" as used in this Subsection means substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

c. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or to assure optimal operation. These bypasses are not subject to the provisions of paragraph (a) above.

d. The Division may approve an anticipated bypass, after considering adverse effects, if the Division determines that the bypass will meet the conditions specified in paragraph (a) above.

14. Reduction, Loss, or Failure of Treatment Facility

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the effluent limitations of the permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, control sources of wastewater, or all discharges, until the facility 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.

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.

B. **PERMITTEE RESPONSIBILITIES**

1. Inspections and Right to Entry

The permittee shall allow the Division and/or the authorized representative, 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 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 non-compliance with the Colorado Water Quality Control Act or any other 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 person having 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 effect on the discharge, permit, or alleged violation. Such entry is also authorized for the purpose of inspecting and copying records required to be kept concerning any effluent source.

d. The permittee shall provide access to the Division to sample the discharge at a point after the final treatment process but before the discharge mixes with state waters upon presentation of proper credentials.

In the making of such inspections, investigations, and determinations, the Division, insofar as practicable, may designate as its authorized representatives any qualified personnel of the Department of Agriculture. The Division may also request assistance from any other state or local agency or institution.

2. Duty to Provide Information

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

3. Transfer of Ownership or Control

a. Except as provided in paragraph b. of this section, a permit may be transferred by a permittee only if the permit has been modified or revoked and reissued as provided in Section 61.8(8) of the Colorado Discharge Permit System Regulations, to identify the new permittee and to incorporate such other requirements as may be necessary under the federal act.

b. A permit may be automatically transferred to a new permittee if:

i. The current permittee notifies the Division in writing 30 days in advance of the proposed transfer date; and

ii. The notice includes a written agreement between the existing and new permittee(s) containing a specific date for transfer of permit responsibility, coverage and liability between them; and

iii. The Division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.

iv. Fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15, have been met.

4. Availability of Reports

Except for data determined to be confidential under Section 308 of the federal Clean Water Act and the Colorado Discharge Permit System Regulations 5 CCR 1002-61, 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 Environmental Protection Agency.

The name and address of the permit applicant(s) and permittee(s), permit applications, permits and effluent data shall not be considered confidential. Knowingly making false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the federal Clean Water Act, and Section 25-8-610 C.R.S.

5. Modification, Suspension, Revocation, or Termination of Permits by the Division

The filing of a request by the permittee for a permit modification, revocation and reissuance, termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

a. A permit may be modified, suspended, or terminated 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 or the permit.

iv. A determination that the permitted activity endangers human health or the classified or existing uses of state waters and can only be regulated to acceptable levels by permit modifications or termination.

b. A permit may be modified in whole or in part for the following causes, provided that such modification complies with the provisions of Section 61.10 of the Colorado Discharge Permit System Regulations:

i. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

ii. The Division has received new information which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance. For permits issued to new sources or new dischargers, this cause includes information derived from effluent testing required under Section 61.4(7)(e) of the Colorado Discharge Permit System Regulations. This provision allows a modification of the permit to include conditions that are less stringent than the existing permit only to the extent allowed under Section 61.10 of the Colorado Discharge Permit System Regulations.

iii. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:

(A) The permit condition requested to be modified was based on a promulgated effluent limitation guideline, EPA approved water quality standard, or an effluent limitation set forth in 5 CCR 1002-62, § 62 et seq.; and

(B) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a Commission action with respect to the water quality standard or effluent limitation on which the permit condition was based; and

(C) The permittee requests modification after the notice of final action by which the EPA effluent limitation guideline, water quality standard, or effluent limitation is revised, withdrawn, or modified; or

(D) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with this Regulation, within ninety (90) days of judicial remand.

iv. The Division determines that good cause exists to modify a permit condition because of events over which the permittee has no control and for which there is no reasonable available remedy.

v. The permittee has received a variance.

vi. When required to incorporate applicable toxic effluent limitation or standards adopted pursuant to §307(a) of the federal act.

vii. When required by the reopener conditions in the permit.

viii. As necessary under 40 C.F.R. 403.8(e), to include a compliance schedule for the development of a pretreatment program.

ix. When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under Section 61.8(2) of the Colorado Discharge Permit System Regulations.

x. To establish a pollutant notification level required in Section 61.8(5) of the Colorado Discharge Permit System Regulations.

xi. To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions, to the extent allowed in Section 61.10 of the Colorado State Discharge Permit System Regulations.

xii. When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.

xiii. For any other cause provided in Section 61.10 of the Colorado Discharge Permit System Regulations.

c. At the request of a permittee, the Division may modify or terminate a permit and issue a new permit if the following conditions are met:

i. The Regional Administrator has been notified of the proposed modification or 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. Requirements of Section 61.15 of the Colorado Discharge Permit System Regulations have been met, and

iv. Requirements of public notice have been met.

d. Permit modification (except for minor modifications), termination or revocation and reissuance actions shall be subject to the requirements of Sections 61.5(2), 61.5(3), 61.6, 61.7 and 61.15 of the Colorado Discharge Permit System Regulations. The Division shall act on a permit modification request, other than minor modification requests, within 180 days of receipt thereof. Except for minor modifications, the terms of the existing permit govern and are enforceable until the newly issued permit is formally modified or revoked and reissued following public notice.

e. Upon consent by the permittee, the Division may make minor permit modifications without following the requirements of Sections 61.5(2), 61.5(3), 61.7, and 61.15 of the Colorado Discharge Permit System Regulations. Minor modifications to permits are limited to:

i. Correcting typographical errors; or

ii. Increasing the frequency of monitoring or reporting by the permittee; or

iii. Changing an interim date in a schedule of compliance, provided the new date of compliance is not more than 120 days after the date specific in the existing permit and does not interfere with attainment of the final compliance date requirement; or

iv. Allowing for a transfer in ownership or operational control of a facility where the Division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Division; or

v. Changing the construction schedule for a discharger which is a new source, but no such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge; or

vi. Deleting a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.

f. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term.

g. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination does not stay any permit condition.

h. All permit modifications and reissuances are subject to the antibacksliding provisions set forth in 61.10(e) through (g).

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 to under Section 311 (Oil and Hazardous Substance Liability) of the Clean Water Act.

7. State Laws

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

8. 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.

9. Property Rights

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.

10. Severability

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

11. 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 should be promptly notified so that it can terminate the permit in accordance with Part II.B.5.

12. Confidentiality

Any information relating to any secret process, method of manufacture or production, or sales or marketing data which has been declared confidential by the permittee, and which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the Commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this Subsection (12) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

13. Fees

The permittee is required to submit payment of an annual fee as set forth in the 2005 amendments to the Water Quality Control Act. Section 25-8-502 (l) (b), and the Colorado Discharge Permit System Regulations 5 CCR l002-61, Section 61.l5 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 25-8-60l et. seq., C.R.S. l973 as amended.

14. Duration of Permit

The duration of a permit shall be for a fixed term and shall not exceed five (5) years. Filing of a timely and complete application shall cause the expired permit to continue in force to the effective date of the new permit. The permit's duration may be extended only through administrative extensions and not through interim modifications.

15. Section 307 Toxics

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

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

16. Effect of Permit Issuance

a. The issuance of a permit does not convey any property rights or any exclusive privilege.

b. The issuance of a permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.

c. Except for any toxic effluent standard or prohibition imposed under Section 307 of the federal act or any standard for sewage sludge use or disposal under Section 405(d) of the federal act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 318, 403, and 405(a) and (b) of the federal act. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in Section 61.8(8) of the Colorado Discharge Permit System Regulations.

d. Compliance with a permit condition which implements a particular standard for sewage sludge use or disposal shall be an affirmative defense in any enforcement action brought for a violation of that standard for sewage sludge use or disposal.