Colorado Department of Public Health and Environment

CDPS GENERAL PERMIT

STORMWATER DISCHARGES ASSOCIATED WITH

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

AUTHORIZATION TO DISCHARGE UNDER THE
COLORADO DISCHARGE PERMIT SYSTEM
PERMIT Number COR090000

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 effluent limitations, 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 effluent limitations, 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 effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the Applicant.

This permit and the authorization to discharge shall expire at midnight, **XXXX,XX, XXXX.**

Issued and Signed this day of

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

PUBLIC NOTICE VERSION

Janet S. Kieler

Permits Section Manager

Water Quality Control Division

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

COR090000

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Part I

A. COVERAGE UNDER THIS PERMIT

1. Discharges Authorized Under this Permit

a. This permit authorizes discharges from the permittee's MS4 located within the Permit Area.

Excluded from being part of the MS4 are those conveyances used primarily for irrigation return flow and/or for supplying irrigation water to irrigated land that are identified in the permittee's application or subsequent modification as not being part of the MS4; and that are listed in the permit certification.

Included in the identified MS4 are areas owned or operated by the permittee that are contiguous to water ways and conveyances that are not part of the MS4, and that are designed or used to convey stormwater into the water way or conveyance. This includes areas maintained by the permittee through agreement, contract, direct ownership, easement, or right-of-way for the purpose of managing irrigation conveyances excluded in accordance with the above paragraph, flood plains, stream banks, and channels for conveyance of stormwater flows.

b. This permit authorization is limited to discharges from the MS4 and does not address additional point source discharges with a duty to apply for discharge permit coverage. This permit in no way removes or modifies responsibility for an operator with control of the facility or activity from which the discharge originates to obtain separate CDPS permit coverage or report spills when required in accordance with the Colorado Water Quality Control Act, Regulation 5 CCR1002-61.

2. Limitations on Coverage

A discharge that meets any of the following conditions, at the time of the effective date of the permit authorization, is not eligible for coverage under this permit and must apply for coverage under another general permit or under an individual permit:

a. The discharge is to a receiving water designated as "outstanding waters."

b. The discharge is from an MS4 operated by the City and County of Denver, the City of Aurora, the City of Lakewood, the City of Colorado Springs, or the Colorado Department of Transportation (Large and Medium MS4s).

3. Permit Area

This permit covers all areas designated by the Water Quality Control Division (Division) 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 discharges to State waters. The certification will specify whether the coverage is for the areas listed in Subsections a. and b., below, or includes additional areas designated by the Division. Compliance with permit requirements, in accordance with the Compliance Schedule requirements in Part I.H 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.

The Permit Area does not include state land for which the permittee does not have land use authority.

a. 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.

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

i. US Census designated urbanized areas in accordance with the 2010 census; and

ii. County Growth Areas: Growth Areas will be designated for MS4 coverage by the Division in accordance with one of the following processes, which will be identified in the permit certification.

(A) 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

urbanized area criteria prior to 2020.

(B) Growth Areas identified by the Division: This process shall apply for permittees that do not submit Growth Area information to the Division in accordance with subsection (A) or (C), or for which the Division determines that the Growth Area provided in accordance with subsection (A) is not a reasonable approximation of the area projected to meet the US Census 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 urbanized area as Growth Areas.

(C) No Growth Area determination: Where a permittee effectively implements a regulatory mechanism that prohibits growth in excess of 1000 people/square mile density outside of the US Census designated urbanized areas in accordance with the 2010 census, and has provided information identifying the mechanism in its permit application or subsequent modification request, no Growth Area will be designated and the permittee instead must maintain the regulatory prohibition identified in the application as a requirement of this permit.

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.1 (Public Education and Outreach)

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

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

d. 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.

e. Part III unless a term or condition is specifically identified within that Part as being applicable to Growth Areas.

5. Cherry Creek Reservoir Drainage Basin Requirements

This permit includes terms and conditions for those portions of the Permit Area that drain into the Cherry Creek Reservoir drainage basin. As per the Cherry Creek Reservoir Control Regulation (5 CCR 1002-72), additional requirements are included in the Public Education Program, Construction Program and Post-construction Program (also known as the New Development and Redevelopment Program). In addition, the stormwater section of Regulation 72 (Section 72.7) is hereby incorporated by reference.

6. Application for New and Renewal Applicants

In order to apply for certification under this general permit, the applicant shall submit an application, with the content provided 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 a MS4 does not fall under the scope of the general permit, then the information received may be processed for an individual permit or the applicant may apply for coverage under an alternative general permit, and the applicant shall be notified of such a determination. If during the renewal process, the Division determines that a MS4 no longer qualifies for the general permit, then the certification may be revoked or the MS4 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. If a permittee was authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit 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 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.

7. 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.

8. 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**

The following requirements apply to all Control Measures (as defined in Part I.J) 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), and the manufacturer's specifications, when applicable.

2. Maintenance:

Control Measures must be maintained in effective operating condition.

3. Inadequate Control Measures:

Any Control Measure not designed or implemented in accordance with the requirements of the permit, including the specific requirements in each program area in Part I.E or requirements for specific MS4s in Part III, and implemented and maintained to operate in accordance with the design, shall be considered an "inadequate Control Measure."

4. 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 (e.g., removal of accumulated pollutants, minor structural repairs) to prevent associated potential for failure during subsequent uses (e.g., runoff events) shall be considered a "Control Measure requiring routine maintenance."

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 practice.

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

1. Records

The Permittee must develop and maintain records in the form of a Program Description Document (PDD) that contains:

a. **Control Measure Implementation and Procedures**: The specific PDD content required by Part I.D., I.E and III that describes how the requirements of Part 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 (except where part Parts I.E or III specifically requires information on future implementation (e.g., Part I.E.1c.iii requirements to identify future education strategies). PDD information must be maintained to reflect current implementation. Information on future actions may be revised by the permittee at any time prior to the implementation.

b. **Documents and Electronic Records:** Citations of documents and electronic records (e.g., regulatory mechanisms, plans, procedures, intergovernmental agreement, codes, manuals, guidance) used to comply with permit requirements. It is not required that the PDD repeat information included in the cited documents. The PDD must include the names of the most recent versions of documents, the date of the documents, and the location(s) where the supporting documentation is maintained.

c. Organizational Chart: An organizational chart including the permittee's departments involved in the implementation of Control Measures, and a list of the sections of Parts I.E and III by citation (e.g., Part I.E.3) for which the departments are responsible; and identifies how the legal contact has responsibility for the overall operation of the MS4 and permittee actions necessary to meet the permit conditions**.**

d. **Recordkeeping Procedures:** A description of how information to meet the Recordkeeping requirements in Part I.D, I.E, and III are documented and how that documentation is maintained.

2. Availability:

The PDD must be maintained in a format (hard copy and/or electronic) to be submitted to the Division within 10 business days of the request.

3. Modification:

The permittee must modify the PDD prior to changes that results in the documented information no longer being accurate.

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 to comply with this permit. The following requirements apply:

a. The Permittee must follow its 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 webpage 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 the occurrences of Illicit Discharges or failure to implement or meet Control Measure requirements associated with covered construction activities, covered development projects, or municipal operations.

2. Recordkeeping:

The permittee must maintain the following records for activities to meet the requirements of this Part I.D. for the effective period of the permit and three years following.

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

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

3. PDD:

The permittee must provide the following summary information regarding program development and implementation to meet the requirements of this Part I.D:

a. The permittee's public notice requirements and a summary of the processes.

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

E. EFFLUENT LIMITATIONS AND RECORDKEEPING

Practice based effluent limitations required by the permit are listed below. All controls to comply with the effluent limits must be implemented prior to the discharge from the MS4.

Where Part III includes an exclusion for a requirement in Part I.E for a specific MS4, the listed permittee is not responsible for compliance with that requirement.

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

a. Limitations: The permittee must implement a public education program to promote behavior change by the public to reduce water quality impacts associated with pollutants in discharges from the MS4 that have the potential to impact the beneficial uses of receiving waters. The following requirements apply:

i. Website: The Permittee's website must provide the following minimum information:

(A) A copy of this permit or a link to Division's webpage including directions for finding the permit.

(B) A statement explaining that the Permittee must meet the permit requirements.

(C) For counties only, a permit coverage map, including Growth Areas.

(D) A basic message explaining and a diagram illustrating that stormwater discharges to surface water bodies, without treatment by a wastewater treatment plant.

(E) Contact information and directions for comments, questions, and complaints associated with permittee actions to meet requirement of this permit

(F) Identification of sources of Illicit Discharge and procedures on how to report an Illicit Discharge.

(G) A summary of the permittee's requirements for Control Measures for covered construction activities and on how to provide information to the permittee regarding failures to implement or inadequate Control Measure.

ii. Illicit Discharges: The permittee must provide information to businesses and the general public regarding the MS4's prohibitions of, and the water quality impacts associated with, Illicit Discharges. 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.iii. The information must specifically address Illicit Discharges from the commercial activities listed below:

(A) Power washing

(B) Mobile auto detailing

(C) Carpet cleaning

iii. Education and Outreach Strategies Table: The permittee must implement at least two different education and outreach strategies (bulleted items) from each column of Table 1 each calendar year following the compliance schedule implementation date in Part I.H. (no compliance schedule is provided for column A education for renewal permittees). Completing multiple sub-bullet items under the same bullet are considered as completing one item (e.g., advertising on the radio and in a newspaper is considered as one item).

Table 1: Education and Outreach Strategies Table

GROUP A Passive Outreach	GROUP B Active Outreach	GROUP C Interactive Outreach
• Distribution of educational material distribution to all resident addresses available (brochure, fact sheet, utility bill insert, etc.) – 1 occurrence • Article published (in print or online) – 2 occurrences • Advertising (one or more of the following)– 5 occurrences: -Newspaper -TV -Radio -Bus shelters -Bench -Bus/vehicle -Billboard -Movie theater • Storm drain stenciling program or marking conducted by staff (includes manhole cover) – maintained for at least 50% of permittee maintained inlets • Signage (pet waste, car wash, tributary, etc.) – maintained at the greater of 1 or least one sign per 5000 Permit Area population	• Ongoing advertisement/promotion of a stormwater hotline number or other method for individuals to report an Illicit Discharge or get more information about the stormwater program. • Ongoing Social media programs (one of the following): -Face book -Twitter -Blogs • In addition to the website content required in Part I.E.1.a.i, ongoing website information that includes actions that can be taken to reduce stormwater pollution. • Newsletters (hardcopy or electronic) • Promotion of existing local stormwater/environmental events and programs that help protect water quality (motor vehicle fluids recycling program, water festival, creek cleanup, household hazardous waste, etc.) • Stormwater activities (games, online games, poster contest, drawing, etc.) – 2 occurrences • Distribution of promotional items and/or items (giveaways, e.g. DVD's, bumper stickers, tattoos, coloring books, car chamois, dog poop bags, water bottles, etc.) – 2 occurrences	• Participate in or sponsor local stormwater/environmental events (water festival, creek cleanup, service project, etc.) – 1 occurrence • Stormwater booth at a community event – 1 occurrence • School presentations (one or more of the following) – 3 occurrences: -Teacher training -Classroom -Field trips • Storm drain stenciling or marking program with public/community participation – 1 occurrence • Pet waste stations – maintain the greater of 1 or 1 per 10,000 Permit Area population • Speaker presentations – 3 occurrences • Participate in or sponsor a household hazardous waste event – 1 occurrences, or provide ongoing access to HHWA facility • provide ongoing access to Motor vehicle fluids recycling program • Stormwater demonstration projects that shows Control Measures or other pollutant reduction methods - 1 occurrence • Ongoing adopt a storm drain, street, or waterway/ program • Citizen survey - 2 occurrences

iv. Nutrients: The permittee must implement a public education program to reduce 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 provide public education and outreach specifically for the targeted sources describing stormwater quality impacts associated with nitrogen and phosphorus in stormwater runoff and Illicit Discharges, the behaviors of concern; and the permittee's recommendations for nutrient reductions. The Permittee must provide public education and

outreach to all sources identified in accordance with Subsection (A) above, during the permit term. 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.iii.

b. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of Part I.E.1 for the effective period of the permit and three years following:

   i. Illicit Discharges, Education and Outreach Strategies Table, and Nutrients: A written summary of how the selected strategies were implemented, including:

      (A) Dates strategies were implemented, including, as applicable, dates of events (e.g., presentations, classes, citizen participation events, etc.) and the materials that were made available (e.g., signs posted, information mailed, etc.).

      (B) Evidence in the form of original copies, electronic copies, photo evidence, or equivalent of any materials (e.g., flyers, brochures, signage, stenciling, etc.) that have been provided and/or made available. Signs, markers, or equivalent intended to be maintained for the permit term must be described with location information but do not need to be documented with photos.

c. Program Description Document: The permittee must provide the following summary information regarding program development and implementation to meet the requirements of Part I.E.1. Include the name and location of any documentation developed for implementation or detailing educational strategies and activities.

   i. Website: Provide the webpage address(s) containing the required information.

   ii. Illicit Discharges: Provide a summary of the how the education is implemented and projected future implementation during the permit term, including the targeted Illicit Discharge sources, targeted audiences, and modes of information delivery.

   iii. Education and Outreach Strategies: Provide a summary of the strategies from Table 1 selected for implementation for each calendar year, including projected future implementation during the permit term. Provide the following information as applicable for each strategy: the targeted pollutant sources and/or pollutants, the targeted audiences, and modes of information delivery.

   iv. Nutrients: Provide a summary of the how the education is implemented and projected future implementation, including factors considered and the determination of targeted sources, targeted audiences, and modes of information delivery.

2. Illicit Discharge Detection and Elimination

a. Limitations: The permittee must implement a program to effectively prohibit Illicit Discharges. 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.

   ii. Regulatory Mechanism: To the extent allowable under State or local law, implement a regulatory mechanism adequate for the permittee to implement actions to meet the requirements in Part I.E.2.a, including:

      (A) Prohibit Illicit Discharges into the MS4.

      (B) Allow access to property within the permittee's jurisdiction, as necessary to implement the permittee's Illicit Discharges procedures.

      (C) The regulatory mechanism must provide the permittee the legal ability to 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: 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. Discharges Excluded from being an Illicit Discharge: The following discharges do not need to be

addressed as Illicit Discharges. Each discharge listed below that the permittee does not intend to address as an Illicit Discharge must be listed in the permittee's regulatory mechanism. Any discharges listed below that are not listed in the permittee's regulatory mechanism must be prohibited and addressed as an Illicit Discharge by the permittee.

(A) landscape and lawn watering

(B) irrigation return flow

(C) diverted stream flows

(D) rising ground waters

(E) uncontaminated ground water infiltration into the MS4

(F) springs

(G) flows from riparian habitats and wetlands

(H) air conditioning condensation

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

(J) dye testing with a passive tracer, or an active tracer if no suitable passive tracer can be identified, and conducted in accordance with manufacturers recommendations

(K) uncontaminated ground water not associated with construction activities

(L) individual residential car washing

(M) stormwater runoff

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

(O) Discharges resulting from emergency fire fighting activities

(P) Discharges authorized by a CDPS or NPDES permit

(Q) Discharges that are in accordance with one of the following Division Low Risk Policy guidance documents

1) Potable Water

2) Snow Melting

3) Surface Cosmetic Power Washing Operations to Land

4) Swimming Pools

5) Uncontaminated Groundwater to Land

(R) The permittee may add to its list of discharges for which the Division develops a Division Low Risk Policy guidance document during the permit term. Discharges added to the list shall not be Illicit Discharges.

(S) The permittee may develop a list of proposed discharges in accordance with the requirements of Subsection (1), below that the permittee is seeking Division approval to not address as Illicit Discharges. Discharges authorized in accordance with this Part shall not be Illicit Discharges The permittee must complete the following actions for discharges to be authorized in accordance with this Part:

1) The permittee must submit information identifying the non-stormwater discharges for which authorization to exempt from being an Illicit Discharge is being proposed to the Division. The permittee must include information that documents the basis for the permittee's determination that the non-stormwater discharge(s) meets 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 an effective or administratively extended CDPS general permit; and prohibiting the discharge would result in changes to existing practices for the owner or operator of the discharge that are determined by the permittee to be impracticable.

2) For all such discharges identified prior to the effective date of this permit, the permittee shall submit the information required by Subsection (1), above, by the annual report due March 10, 2015 following permit issuance.

3) For all such discharges identified following the effective date of this permit, the permittee shall submit the information required by Subsection (1), above, by the following deadlines:

(a) For discharges meeting Part I.E.2.a.iv(S)(1)(a), above: within 30 days prior to providing any information to potential dischargers that such a discharge is allowed.

(b) For discharges meeting Part I.E.2.a.iv(S)(1)(b), above: prior to providing any information to potential dischargers that such a discharge is allowed.

4) The Division may deny approval of the discharge in writing. Upon receipt of the Division's denial, the permittee must revise procedures within 90-days as necessary to address the category of discharges as an Illicit Discharge. Any such denial will be based on a Division determination that the provided information does not demonstrate that the criteria of Part I.E.2.a.iv(S) have been met.

5) If the permittee becomes aware that the non-stormwater discharges authorized using the criteria in Part I.E.2.a.iv(S) does not meet the criteria of that Part, the permittee must revoke approval and address the discharge as an Illicit Discharge.

6) The permittee must public notice the category of non-stormwater discharge in accordance with its public notification procedures.

v. Tracing an Illicit Discharge: The permittee must implement procedures to trace the source of an Illicit Discharge when identified at an outfall or within the MS4. The permittee must have tools available to allow the tracing from the outfall to inlets either by backtracking or identifying the potential inlets and screening those (e.g., visual inspections, opening manholes, using mobile cameras, using field tests of selected chemical parameters as indicators of discharge sources, collecting and analyzing water samples). At a minimum, the permittee must have the following:

(A) Procedures regarding how the point of entry of an Illicit Discharge within the system or at an outfall is identified.

(B) Procedures regarding the specific tools available to the permittee for use that will allow tracing, including as applicable: storm sewer maps, dye tracers, cameras, aerial maps, etc.

vi. Removing an Illicit Discharge: The permittee must remove, or require and ensure the removal of, the source of an Illicit Discharge when identified, and any spilled material with the potential to be discharged to the MS4 during a subsequent precipitation event. Removal may include confirming that the discharge is no longer an Illicit Discharge (e.g., obtaining CDPS or NPDES permit coverage). The Permittee must also have 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 that may result in future discharges of pollutants to the MS4.

vii. Enforcement Response: Implement appropriate enforcement procedures and actions to: allow for removal of the source of an Illicit Discharge when identified, stop operators from willfully or negligently repeating or continuing Illicit Discharges, and discourage Illicit Discharges from occurring. The procedures must address mechanisms for enforcement for all Illicit Discharges from the moment an Illicit Discharge is identified until it is corrected. The Permittee must escalate enforcement implementation 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; and that

includes the following categories of responses:

(A) Informal Responses which may include: Telephone Notification, Verbal Notice, Notice of Violation, Meetings

(B) Formal Responses which may include: Administrative Order, Compliance Schedule, Order to Show Cause, Monetary Penalty (Administrative), Suspend Service

(C) Judicial Response which may include: Injunctive Relief, Consent Decree, Civil Penalties, Criminal Penalties

viii. Training: Train municipal staff and contractors 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.

(A) 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. Staff training shall include information on the identified priority areas.

ix. Industrial Activities: When discharges from industrial activities that are not Illicit Discharges (including stormwater) are identified by the permittee as having a negative water quality impact on the discharge from the MS4, the permittee shall provide written notification to the Division identifying the location of the discharge and summarizing information obtained by the permittee pertaining to the operator and water quality concerns. The report shall be provided to the Division within 15 days of the discovery.

b. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of Part I.E.2 for the effective period of the permit and three years following:

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. Non-stormwater discharge:

(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.

iv. Training:

(A) Name or title of each individual who was provided training (e.g., written materials, certifications, class room training, experience, etc.)

(B) Dates training was implemented, including, as applicable, dates of events (e.g., presentations, classes, etc.) and the materials that were made available.

(C) Evidence in the form of original copies, electronic copies, photo evidence, or equivalent of any training materials that have been provided and/or made available.

v. Industrial Facilities: Copies of all required submittals to the Division.

vi. Documenting Illicit Discharges and Responses:

(A) The permittee must maintain a centralized recordkeeping system to compile identified Illicit Discharges across all permittee intake points (e.g., complaints to the stormwater hotline and identification by permit staff and contractors, including, as applicable, fire department, police department, code enforcement, and field staff identified in accordance with Part I.E.2.a.viii (Training). The information must be usable by the permittee to identify repeat occurrences from the same responsible operator, owner or of the same type of discharge. The centralized record keeping system must contain the information in Subsection (B) below, or provide a reference to where the information is maintained.

(B) 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 the Permittee became aware of the discharge

2) The date the discharge was reported as first observed and by whom

3) The location of the discharge

4) Responsible party (owner and/or operator) for the discharge

5) A description or identifier of the source and nature of the discharge

6) A summary of how the incident was removed/resolved, including:

(a) if the incident was referred to a different entity for resolution (e.g., WQCD, EPA, other local government, etc.);

(b) date(s) and methods used to trace the discharge

(c) date(s) and method of removal

7) Records of enforcement actions

c. PDD: The permittee must provide the following information regarding program development and implementation to meet the requirements of Part I.E.2:

i. Storm sewer system map: The format and location of the storm sewer system map and a summary of procedures for updating the map for new outfalls or expanded Permit Areas.

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

iii. Regulatory Mechanism Exemptions: Citation(s) and location(s) of regulatory mechanism elements that allow for exemptions. Documented procedures to ensure that any exemptions, waivers and variances will be applied in a manner that complies with the permit.

iv. Non-stormwater discharge:

(A) Identification of any discharge sources listed in Part I.E.2.a.iv for which the permittee prohibits to discharge into the MS4.

(B) Identification of any discharge sources excluded from being an Illicit Discharge in accordance with Part I.E.2.a.iv(R) or (S).

v. Tracing an Illicit Discharge:

(A) A summary of the specific tools available that will allow tracing, including as applicable: storm sewer maps, dye tracers, cameras, aerial maps, etc.

(B) A summary of the procedures for tracing an Illicit Discharge, including the citation(s) and location(s) of supporting documents.

vi. Removing an Illicit Discharge: Provide a summary of the procedures for removing an Illicit Discharge, including the citation(s) and location(s) of supporting documents.

vii. Enforcement Response: Provide a summary of the specific enforcement mechanisms available and procedures for enforcement response, including the citation(s) and location(s) of supporting documents.

viii. Training: Provide a summary description of the training program which must at a minimum include the following items:

(A) Training activities

(B) Description of materials (syllabus, handouts, etc.) used in training activities

(C) Intended frequency of training

(D) Summary of the individuals (e.g., by title, work groups, etc.) who will receive training

(E) Procedures and tools used to report observed suspected Illicit Discharges

(F) Priority areas: Identification of priority areas

ix. Industrial facilities: A summary of the procedures for reporting discharges from industrial activities to the Division, including the citation(s) and location(s) of supporting documents.

x. Documenting an Illicit Discharge:

(A) The format and location of the record keeping system(s) used to maintain the required information.

(B) A summary of the procedures used for documenting information on Illicit Discharges reported or identified, including if applicable, identification of how information is consolidated between separate functional groups within the permittee's organization.

3. Construction Sites

a. Limitations: The permittee must implement a program to reduce or prevent the discharge of pollutants to the MS4 from covered construction activities. Covered construction activities must include, at a minimum, those activities in the Permit Area that result in a land disturbance 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 below. Covered construction activities include the land disturbing activity and all activities and materials associated with the construction project and located at, or contiguous to, the land disturbing activities. 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), the permittee may exclude the waived activity from being a covered construction activity. The following requirements apply.

i. Renewal Permittees: Renewal permittees must implement an interim program for Compliance Assessment to assure adequate design, implementation, and maintenance of Control Measures for covered construction activities until the requirements in Parts I.E.3.a.vi and vii (Site Plans and Inspections) and are met, in accordance with the compliance schedule in Part I.H. The interim program must be implemented and enforced consistent with the CDPS Stormwater Management Plan Description submitted to the Division and in accordance with the requirements of the previous permit. The permittee may modify the interim program by replacing elements of the interim program with elements that comply with this permit in advance of a compliance schedule deadline. The interim program shall:

(A) Reduce pollutant discharges from covered construction activities to protect water quality.

(B) Include procedures for site plan review which incorporate consideration of potential water quality impacts.

(C) Include procedures for construction site compliance assessment, including site inspections.

ii. Excluded Activities for County Non-Urban Areas: Permittees that are counties may allow for the following exclusions from being covered construction activities when they occur within a County Growth Area:

(A) Sites for which construction activities have commenced as part of the plan of development prior to the effective date of this permit.

(B) 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 two and one-half acres in size and having a total site impervious area that is less than ten percent gross density.

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

(D) 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.

iii. Regulatory Mechanism: To the extent allowable under State or local law, implement a regulatory mechanism adequate for the permittee to implement actions to meet the requirements in Part I.E.3.a, including:

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

(B) Require Control Measures to be implemented for all covered construction activities from initial disturbance to final stabilization.

iv. 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.

v. Control Measure Requirements: The permittee's requirements and oversight must be implemented to address selection, installation, implementation, and maintenance of Control Measures for covered construction activities meeting the requirements of Part I.B, and the minimum requirements below.

(A) Control Measures must be implemented prior to the commencement of covered construction activities and maintained in operational condition through Final Stabilization.

(B) Control Measures must be adequately designed to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of State waters.

(C) Control Measures for the following pollutant sources must be addressed on site plans when present, and meet the minimum design standards where provided below:

1) Disturbed and stored soils. Stormwater runoff from all disturbed areas and soil storage areas for which permanent or temporary stabilization has not been implemented, must flow to at least one Control Measure to minimize suspended sediment in the discharge to the MS4. The Control Measure must be designed and installed to be appropriate for the expected flow rate, duration, and flow conditions (i.e., sheet or concentrated flow). The following requirements apply to the listed practices, when used as the only Control Measure to meet this standard:

(a) Inlet protection implemented for concentrated flow shall only be considered adequate to meet this standard when designed to either filters suspended solids from all flows or includes an outlet mechanism that provides the necessary retention volume and time to settle suspended solids for all flow (i.e., the control measure is adequately sized for the drainage area so as not to allow for flows to bypass without treatment).

(b) Natural vegetative buffers shall only be considered adequate to meet this standard when all runoff is sheet flow (i.e., not concentrated flow) that the permittee determines will infiltrate within the natural vegetative buffer area. The design considerations used for this determination must minimally include length of the tributary area; buffer length and width; slope; vegetative cover; and routine maintenance practices. The design considerations must be:

(i) documented in the site plan as a site-specific consideration, which also includes the site-specific runoff volume to be treated by the Control Measure and infiltration conditions; or

(ii) addressed as part of allowable design standards documented as part of the permittee's PDD, which are based on rainfall and soil conditions present within the Permitted Area and include allowable slopes and ratios of disturbed area to vegetative buffer area.

2) Vehicle tracking. Control Measures must be implemented to minimize sediment being transported from disturbed areas to paved area from vehicle tracking, unless runoff from the paved area is directed to a Control Measure meeting Subsection (1), above (disturbed

and stored soils).

3) Contaminated soils

4) Loading and unloading operations

5) Outdoor storage (building materials, fertilizers, chemicals, etc.)

6) Bulk storage structures. Bulk storage structures for petroleum products and any other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering the MS4.

7) Vehicle and equipment maintenance and fueling

8) Significant dust or particulate generating processes

9) Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc.

10) Waste such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste

11) Concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment. Control Measures used for concrete washout, including from concrete trucks and masonry operations, must ensure that these activities do not result in the contribution of pollutants associated with the washing activity to stormwater runoff. Concrete washout water shall not be discharged to the MS4.

12) Dedicated asphalt and concrete batch plants

13) Other areas or procedures where potential spills can occur

14) Other non-stormwater discharges including construction dewatering and wash water that may contribute pollutants to state waters.

(D) Control Measures must achieve final stabilization of all disturbed areas associated with covered construction activities.

vi. Site Plans:

(A) Site Plan Requirement: The permittee shall require operators to develop and maintain site plans that identify Control Measures, including installation and implementation specifications, for the covered construction activities:

1) The permittee shall require that a site plan be maintained to reflect current conditions and that changes to the plan shall be made prior to changes in the site conditions; except that when development of materials to modify the site plan is necessary and cannot be reasonably achieved prior to changing field conditions, the permittee may allow revisions as soon as practicable, but in no case more than 72 hours after the change(s) in Control Measure installation and/or implementation occur at the site. In such cases a notation must be included with the site plan prior to the site change(s) that includes the time and date of the change(s) in the field, an identification of any Control Measures removed or added, and the location(s) of the Control Measure(s).

2) For site plan modification that address implementation of new Control Measures or incorporate new pollutant sources, including but not limited to new areas of disturbance, the permittee must confirm that the Control Measures meet the requirements of this permit no later than the next inspection required by Part I.E.3.a.vii.

(B) Initial Site Plan Review: The permittee shall implement site plan review for **all** covered construction activities prior to the start of construction activities, which includes the following minimum actions to minimize inadequate plans from being implemented. Permittees that are counties are not required to meet the requirements in this Subsection (B) for projects located within Growth Areas for which construction activities have commenced as part of the plan of development prior to December 31, 2014, however this waiver does not apply to the requirements of Part I.E.3.a.vi(A) (requirements for the plans to be developed) or

Part I.E.3.a.vii (requirements for review of plans during site inspections).

1) Confirmation that Control Measures for all stages of construction to final stabilization are included on the site plans.

2) Confirmation that Control Measures meet the requirements of this permit.

3) Confirmation that site plans meet the Site Plan Requirements.

vii. Site Inspection: The permittee shall implement compliance assessment for covered construction activities through a combination of inspection frequency, compliance assistance, and compliance assurance, which includes enforcement escalation that is proactive in maintaining compliant construction sites. The following requirements apply:

(A) Inspection Frequency: Covered construction activities must be inspected at least once prior to final stabilization and at least once every 30 days, from initial disturbance to final stabilization, with the following exclusions:

1) Increased Frequency: For Construction activity with findings of inadequate Control Measures or failure to implement Control Measures that are identified during three or more concurrent months, the minimum inspection frequency shall be once every 14 days, until or unless a determination is made and documented that the increased frequency is not needed to prevent chronic or recalcitrant violations.

2) Infeasibility Frequency Exclusion: The permittee may allow for an exclusion from the minimum inspection frequency that allows a period of up to 60-days between inspections to account for infeasibility resulting from the unavailability of qualified staff due to vacancies or temporary absence (e.g., vacation or illness). This exclusion shall not be allowed more than once per calendar year for a given covered construction activity.

3) Reduced Inspection Frequency: The permittee may decrease the minimum inspection frequency to be at least once prior to final stabilization and at least every 90 days for a construction activity meeting the following requirements:

(a) Final stabilization has not been achieved due to a vegetative cover that has not become established when all criteria below are met:

(i) All construction activities that will result in surface ground disturbance are completed.

(ii) All activities required for final stabilization are completed, with the exception of the application of seed that has not occurred due to seasonal conditions or the necessity for additional seed application to augment previous efforts.

(iii) The site plan has been amended to indicate those areas that will be inspected in accordance with the reduced schedule allowed for in this paragraph.

(b) 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), when the permittee determines that the participant has a demonstrated record of reduced potential for occurrences of inadequate Control measures or failure to implement Control Measures, and reduced risk of negative impacts on receiving waters.

4) 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.

5) When a residential lot has been conveyed to a homeowner and all criteria below are met, the permittee is only required to conduct inspections based on observations or reports of sediment from disturbed areas being discharged from the lot.

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

(b) The lot had less than one acre of disturbed area.

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

(d) A certificate of occupancy (or equivalent) has been issued to the home owner.

(B) Inspection Follow Up: When conditions of inadequate Control Measures or failure to implement Control Measures are identified during inspections, the permittee shall implement actions within 14 days through site inspection, required operator reporting, etc., to assess and document the Control Measure has been corrected/implemented to meet the requirements of this permit.

1) Where a permittee identifies that an operator has submitted false information in a report used to meet the inspection follow up requirement, the permittee shall conduct future follow up actions through direct field observation for the associated construction activity until final stabilization or transfer of operation control.

2) When the permittee identifies a failure to implement a Control Measure for a pollutant source or inadequate Control Measure resulting in pollutants discharging to the MS4 or leaving the control of the operator, the permittee must require removal of pollutants when feasible from the MS4 and/or down gradient of a Control Measure designed for the pollutant source.

(C) Inspection Scope: Inspections used to meet the required frequency in Subsection (A), above must include observation and assessment of the following:

1) Field conditions, including pollutant sources and Control Measures, to confirm conformity with the site plan and to identify: any failure to implement Control Measures, inadequate Control Measures and Control Measures requiring routine maintenance.

2) Discharge points to State Waters or from the operator's area of control.

3) Construction dewatering discharges, including observation of discharge turbidity or other indicators of inadequate Control Measures.

4) Areas used for concrete washout.

5) Decreased Minimum Scope: For residential home construction projects, the permittee may decrease scope of inspection for construction activities on lots less than one acre for which all road construction has been completed, as follows:

(a) Where down gradient observation and assessment of the runoff flow path (e.g., curbs, detention ponds, etc) is conducted by the permittee prior to discharge to the MS4 or State Waters, the permittee may exclude from the inspection scope the direct observation of the disturbed areas and control measures not visible from a road. If observation does show evidence of down gradient sediment transport from the unobserved disturbed areas, or other indications of inadequate Control Measures in the unobserved areas, then the permittee shall meet the additional scope requirements in subsection (1), above.

viii. Enforcement Response: Implement an enforcement response process that includes failure of operators of covered construction activities to meet the requirements imposed by the permittee, which at a minimum includes:

(A) Processes and sanctions adequate to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of Control Measure requirements.

(B) The permittee's enforcement response must ensure that findings of a similar nature are enforced upon consistently.

(C) The following categories of responses in permittee's process:

1) Informal Responses which may include: Telephone Notification, Verbal Notice, Notice of Violation, Meetings

2) Formal Responses which may include: Administrative Order, Compliance Schedule, Order to Show Cause, Monetary Penalty (Administrative), Suspend Service

3) Judicial Response which may include: Injunctive Relief, Consent Decree, Civil Penalties, Criminal Penalties

ix. Training: The permittee must provide information to operators of covered construction activities as necessary to ensure each operator is aware of the permittee's applicable requirements.

x. 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 into the Cherry Creek Reservoir drainage basin, the permittee shall meet the following requirements in addition to the above requirements of this permit:

(A) Covered construction activities shall include construction activities that disturb land, unless excluded in accordance with 72.7.2(b)(3).

(B) Control Measures shall meet the requirements for required construction BMPs per section 72.7.2(b)(5) of the regulation.

(C) Additional Covered Construction Activities: For covered construction activities in accordance with subsection (A) above, that would not otherwise meet the definition of covered construction activities:

1) The permittee does not have to meet the requirements for site-inspection in accordance with Part I.E.3.a.vii. For such activities, the permittee must document and implement a Compliance Assessment program to assure adequate design, implementation, and maintenance of Control Measures for covered construction activities to reduce pollutant discharges and protect water quality, which includes construction site compliance assessment, including site inspections as necessary.

xi. For covered construction activities that overlap Permit Area(s) of one or more entity's MS4 permits (a co-regulating MS4 permittee), when a written agreement is in place with a co-regulating eMS4 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.

b. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of this section I.E.3 for the effective period of the permit and three years following:

i. Renewal Permittees: Records of site plan reviews and site inspections conducted to meet the requirements of the permit, consistent with record keeping procedures in the procedure documentation in the PDD.

ii. Excluded Activities for County Non-Urban Areas: Maintain records for the following activities that include the project name, owner name, location, completion date, and project disturbed area.

(A) Projects in County Non-Urban Areas excluded in accordance with I.E.3.a.ii(A)

(B) Projects in County Non-Urban Areas excluded in accordance with I.E.3.a.ii(B)

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

iv. Site Plans: Copies of the site plans reviewed to meet the Initial Site Plan Review requirement, and confirmation of the permittee's review and acceptance.

v. Site Inspection: Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:

(A) Date of the inspection

(B) Name of the inspector

(C) Construction project identification (name, permit, or location)

(D) Inspections of individual lots in a subdivision must clearly associate the site conditions with the specific lot instead of comingling findings from multiple lots. Inspection documentation (e.g., inspection form) must reflect a single operator (e.g., multiple lots in a subdivision can be on one form as long as the lots are have the same operator and may be enforced upon together).

(E) Presence or evidence of an offsite discharge of pollutants resulting from failure to implement a Control Measure for a pollutant source or from inadequate Control Measure

(F) Condition of any failure to implement a Control Measure for a pollutant source or inadequate Control Measure

(G) Condition of any Control Measure requiring routine maintenance

(H) Any non-conformity of field conditions with the site plan

(I) Identification of any alternative inspection frequency in accordance with Part I.E.3.a.vii(A)(1) through (4)

(J) For any construction activity with inadequate Control Measures identified during 3 or more concurrent months that does not receive, or stops receiving, a more frequent inspection frequency, a summary and justification of the determination that the increased frequency is not needed to prevent and stop chronic or recalcitrant violations

(K) Identification of any follow-up actions that are required/implemented in accordance with Part I.E.3.a.vii(B)

(L) Identification of any reduced inspection scope in accordance with Part I.E.3.a.vii(C)(5)

vi. Enforcement Response: Maintain records of the enforcement response that includes identifying information (e.g., name, location, etc.) for the associated covered construction activity.

vii. Training: For each permittee staff or contractor who conducts required site plan review and inspections, records of the training and/or experience (e.g., certifications, class room training, experience, etc.) to ensure they are capable of completing the necessary actions to comply with the permit requirements. Original copies, electronic copies, photo evidence, or equivalent of any training materials that have been provided and/or made available.

viii. Cherry Creek Reservoir Basin Discharges: Records of site inspections conducted to meet the requirements of the permit, consistent with the procedure documentation in the PDD.

ix. Copies of any written agreements between co-regulating MS4 permittees when required by Part I.E.3.a.xi.

c. PDD: The permittee must provide the following summary information regarding program development and implementation to meet the requirements of this section I.E.3:

i. Renewal Permittees: Documentation of procedures for implementation of the interim program. Copies of applicable program description documents, including modifications, submitted to the Division in accordance with the requirements of the previous permit.

ii. Excluded Activities for County Non-Urban Areas: Citation(s) and location(s) of regulatory mechanism elements that allow for exclusions and any supporting documents used to implement the process.

iii. Regulatory Mechanism:

(A) Citation(s) and location(s) of the required elements of the regulatory mechanism, including associated program documents that are used to meet the regulatory mechanism requirements.

(B) A summary of how the regulatory mechanism requires Control Measures and provides the

ability to implement sanctions against entities responsible for covered construction activities.

iv. Regulatory Mechanism Exemptions: Citation(s) and location(s) of regulatory mechanism elements that allow for exemptions. Documented procedures to ensure that any exemptions, waivers and variances will be applied in a manner that complies with the permit.

v. Control Measure Requirements:

(A) Minimum Design Standards: A summary of how the permittee requires operators to meet each of the minimum design standards in Part I.E.3.a.v(C)(1) (disturbed and stored soils), in Part I.E.3.a.v(C)(2) (vehicle tracking), in Part I.E.3.a.v(C)(6) (bulk storage structures), and in Part I.E.3.a.v(C)(11) (concrete truck washout).

(B) Citation(s) and location(s) of supporting documents, including any documents that provide Control Measure design considerations, criteria, or standards.

vi. Site Plan Requirements:

(A) A summary of the requirements to develop, maintain and modify site plans, including the citation(s) and location(s) of supporting documents.

(B) A summary of the procedures for conducting initial site plan review, including the citation(s) and location(s) of supporting documents.

vii. Site Inspection: A summary of the procedures for conducting site inspections, including the citation(s) and location(s) of supporting documents, that includes:

(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 (e.g., inspection, submittals, review, adequacy determinations, etc.).

(C) The process for determining, implementing, and documenting the inspection scope.

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

viii. Enforcement response: A summary of the procedures for enforcement response, including the citation(s) and location(s) of supporting documents, that includes

(A) Describe 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:

1) Construction activities operator commencing construction activities without site plan review in accordance with permit requirements.

2) Site plans not maintained and modified in accordance with permit requirements.

3) Control Measure not maintained in operational condition at time of MS4 inspection.

4) Uncorrected finding(s) from previous inspection(s).

5) Failure to implement a Control Measure for a pollutant source or inadequate Control Measure not resulting in pollutants leaving the site (i.e., trackout or other transport of sediment down gradient of a Control Measure designed for the pollutant source).

6) Failure to implement a Control Measure for a pollutant source or inadequate Control Measure resulting in pollutants discharging to the MS4 or leaving the control of the operator.

7) Construction activities in receivership. Include the procedures for the permittee to install effective and appropriate Control Measures in the case of sites with covered construction activities that are in receivership.

ix. Training: A summary of the procedures for training operators, including the citation(s) and location(s) of supporting documents.

x. Cherry Creek Reservoir Basin Discharges: A summary of the procedures for enforcement response, including the citation(s) and location(s) of supporting documents that includes:

(A) Documentation of procedures for implementation of the Compliance Assessment program for the additional covered construction activities.

xi. A summary of procedures for meeting all permit requirements in Part I.E.3 for construction activities for which the permittee is the owner or operator.

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

a. Limitations: The permittee must implement a program to reduce the discharge of pollutants to the MS4 from covered development projects. Covered development projects must include, at a minimum, development and redevelopment projects in the Permit Area for which associated construction activities result in a land disturbance of one or more acres, or projects disturbing less than one acre that are part of a larger common plan of development or sale that collectively disturb one or more acres, unless excluded below. Covered Development Projects include all new development and redevelopment projects for which permanent water quality Control Measures were required in accordance with an MS4 permit. At a minimum, this includes all projects meeting the above criteria, completed after March 10, 2008 for renewal permittees and completed after December 31, 2018 for new permittees.

The following requirements apply.

i. Excluded Projects: Permittees may exclude the following from being covered development projects.

(A) Pavement Management Projects

(B) Excluded Roadway Redevelopment: Redevelopment Projects for existing roadways, when one of the following criteria is met, Subsection (1) or (2):

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

2) The project does not exceed adding 8.25 feet of paved width at any location.

(C) Excluded Existing Roadway Areas: Fro redevelopment projects for existing roadways, the portion of the project that was part of an existing roadway is excluded when the project does not double the width of the original roadway area (e.g., 2 lane road to a 4 lane road) at any location. For this exclusion, the entire project is not excluded from being a covered development project. The area of the project that is part of the added new roadway area is still a covered development project.

(D) Underground Utilities: Activities for installation or maintenance of underground utilities or infrastructure that does not permanently alter the terrain, ground cover, or drainage patterns prior to the project. This exclusion includes, but is not limited to, projects 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 Projects: A single-family residential lot, or agricultural zoned lands, greater than or equal to two and one-half acres in size per dwelling and having a total lot impervious area of less than ten percent gross density.

(F) Infiltration Conditions: Development activities for which post-development surface conditions do not result in the occurrence of concentrated stormwater flow during the 80th percentile stormwater runoff event, and are not projected to result in a surface water discharge from 80th percentile stormwater runoff events (i.e., the 80th percentile event is infiltrated prior to flows being concentrated). This exclusion does not apply to projects including residential or commercial buildings. For this exclusion to apply, the permittee must confirm and document the site considerations used for this determination through either a site-specific determination or as part of allowable design standards documented as part of the permittee's PDD, which are based on rainfall and soil conditions present within the Permitted Area and include allowable slopes, surface conditions, and ratios of impervious

area to pervious area.

(G) County Growth Areas: Permittees that are counties may exclude the following when they occur within a County Growth Areas:

1) Sites for which construction activities have commenced as part of the plan of development prior to the effective date of this permit.

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

3) 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.

4) Residential development project or larger common plans of development for which associated construction activities results in a land disturbance of 10 acres or less and a proposed density of at least 1000 people/sq mile.

5) Commercial or industrial development project or larger common plans of development for which associated construction activities results in a land disturbance of 10 acres or less.

(H) Area Draining to Regional WQCV Facility: Areas for which stormwater runoff flows to a regional WQCV facility when the following requirements are met.

1) The regional WQCV Facility is designed to provide the water quality capture volume for 100% of the drainage area.

2) The regional WQCV Facility is installed, implemented, and maintained following good engineering, hydrologic and pollution control practices.

3) 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.a.iii. (Regulatory Mechanism).

4) The permittee shall meet the requirements in all subsections of Part I.E.4.a.v.and xi. (Site Plans, Post Acceptance Oversight), for oversight and recordkeeping (see Part I.E.4.b) for the regional WQCV Facility consistent with requirements and actions for Control Measures in those subsections.

5) The regional WQCV Facility must be located prior to discharge to a classified state water, or when located following the discharge to a classified state water, the permittee shall evaluate and document that no drinking water uses exist and no other beneficial uses are expected to be impacted by pollutant discharges from the new development project for the state water upgradient from the regional WQCV Facility.

6) The permittee has evaluated and determined that the conveyances between the development project and the regional WQCV facility will remain stable for flow conditions resulting from the development project.

ii. Regulatory Mechanism: To the extent allowable under State or local law, implement a regulatory mechanism adequate for the permittee to implement actions to meet the requirements in Part I.E.4.a, including:

(A) Require Control Measures to be implemented for all covered development projects and for the long term operation and maintenance of the Control Measures. The permittee shall ensure mechanisms (e.g., Inter Governmental Agreement) are in place as necessary to meet this requirement for Control Measures that are located outside of the jurisdictional control of the permittee.

(B) The ability to implement sanctions against entities responsible for covered development projects and for the long term operation and maintenance of the Control Measures.

iii. Regulatory Exclusions: 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 must be implemented to address selection, installation, implementation, and maintenance of Control Measures for covered development projects meeting the requirements of Part I.B, and one of the following minimum design standards in Subsections (A) through (E), below.

(A) WQCV Standard: The Control Measure(s) is designed to provide treatment and/or infiltration of the water quality capture volume (WQCV), and:

1) 100% of the covered development project is captured, except the permittee may exclude an area not to exceed the lesser of 1000 square feet or 1% of the covered development project 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, and 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) Detention of the WQCV shall be a minimum of 12 hours, but shall be extended as needed to meet the Control Measure requirements of this permit. 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 provide for removal of Total Suspended Solids (TSS) equal to the mass of 80% of the expected annual TSS loading from stormwater runoff discharges from 100% of the covered development project area. This standard does not require that 100% of the covered development project 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).

(C) Infiltration Standard: The Control Measure(s) is designed to infiltrate, through practices such as green infrastructure, a quantity of water equal to 70% of what the calculated WQCV would be if all impervious area for the covered development project discharged without infiltration.

(D) Constrained Redevelopment Sites Standard:

1) Applicability: The Constrained Redevelopment Sites standard is only applicable to redevelopment projects meeting the following criteria:

(a) The covered development project has greater than 85% impervious area.

(b) The permittee has determined that it is not practicable to meet any of the design standards in Parts I.E.4.a.iv(A),(B), or (C), based on the ability to implement Control Measures without necessitating a reduction in the surface area covered with structures.

2) Primary Control Measure(s) Design Standard: The Control Measure(s) is designed to meet **one** of the following:

(a) Provide treatment for the water quality capture volume for 50% of the impervious area for the covered development project area. Treatment of the WQCV shall be a minimum of 12 hours but shall be extended as need to meet the minimum Control Measure requirements in Part I.B. in accordance with good engineering practices. Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the Control Measure implemented.

(b) Provide for removal of TSS equal to the mass of 50% of the expected annual TSS loading from stormwater runoff discharges from 100% of the covered development project area. This standard does not require that 100% of the covered development project 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).

(c) Infiltrate, through practices such as green infrastructure, a quantity of water equal

to 40% of what the calculated WQCV would be if all impervious for the covered development project discharged without infiltration.

3) Additional Control Measure(s) Design Standard: The permittee shall evaluate and require additional Control Measures at the covered redevelopment site for removal of pollutants or infiltration of runoff to the extent determined practicable by the permittee (e.g., replacing storm sewer pipes with open vegetated swales, disconnecting directly connected impervious areas, etc). At a minimum, additional controls shall include incorporation of Control Measures to reduce pollutant discharges to any facility implemented to control the flow rate of stormwater runoff for purposes of drainage or flood control (e.g., adding water quality detention to a flood control pond).

(E) Prior Permit Term standard:

1) Applicability: The Prior Permit Term standard is only applicable to covered development activities where the following criteria are met:

(a) The Control Measure(s) was implemented (fully constructed and operable) for the covered development project prior to December 31, 2014.

(b) The Control Measure incorporation into the project was substantially designed prior to the effective date for this permit. Substantially designed means that the Control Measure has been designed, including necessary drainage and hydraulic calculations, or the site design would require modifications to already designed features such as building locations to incorporate the necessary drainage changes or sitting requirements to install Control Measures meeting one of the Base Design Standards in Parts I.E.4.a.iv.(A),(B), (C), or (D).

2) Design Standard: The Base 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, and that:

(a) Prevents or minimizes water quality impacts in stormwater runoff from the project.

(b) Addresses the discharge of pollutants from the projects and/or that maintain or restore hydrologic conditions at sites to minimize the discharge of pollutants and prevent in-channel impacts associated with increased imperviousness.

(c) Any modifications to the Control Measure(s) shall ensure that the modified Control Measure meets one of the Base Design Standards in Part I.E.3.a.iv(A) through (D), or that the modified Control Measure(s) are designed to provide equivalent prevention or minimization of the discharge of pollutants as the originally approved Control Measure(s).

v. Site Plans

(A) Site Plan Requirements: Requirements for site plans that include Control Measures for the covered development projects in accordance with the following criteria.

1) Site plans must include design details for all structural Control Measures implemented to meet the requirements of this permit; and a narrative reference for all non-structural Control Measures that will be implemented on the project. Treatment, runoff minimization (e.g., reducing directly connected impervious areas), and infiltration Control Measures must be included.

2) Documentation of operation and maintenance procedures to ensure the long term observation, maintenance, and operation of Control Measures. The documentation must include design frequencies for routine inspections and maintenance activities. Documentation regarding easements or other legal means for access at the Post-construction Control Measure sites for operation, maintenance, and inspection of Post-construction Control Measures.

(B) Site Plan Review: Implement site plan review for covered development projects, which

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 this permit.

2) Confirmation that site plans meet the site plan requirements.

(C) The site plan upon completion of the Control Measure (the as-built) shall confirm to the actual field conditions.

(D) Following an initial review of a site plan, the permittee may allow for modifications to the plan already reviewed for a covered development project as follows:

1) Plan changes shall be made prior to changes in the site conditions.

2) The permittee must meet the requirements of Subsections (A) and (B), above prior to the modification.

vi. Construction Inspection and Acceptance: The permittee must implement inspection and acceptance procedures to require that Control Measures are installed and implemented in accordance with the site plan and Control Measure requirements. Implementation must include the following:

(A) Confirmation that the completed Control Measure matches the as-built in the site plan.

(B) All covered development projects must have operational permanent water quality Control Measures at the completion of the project or phase of a project, except that the permittee may defer implementation of Control Measures up to one year following completion when completion of the deferred Control Measure(s) is dependent on construction activities for a future project phase. The permittee must have a mechanism to ensure that all Control Measures will be implemented, regardless of completion of future phases or site-ownership. For the purpose of this section, completion of a project or phase shall be determined by the issuance of a certificate of occupancy, use of the completed project area according to the site plan, payment marking the completion of a project Control Measures, or equivalent determination of completion as appropriate to the nature of the project.

vii. Post Acceptance Oversight: The permittee must implement procedures which include the following minimum requirements to ensure adequate long-term operation and maintenance of Control Measures that result in the Control Measures meeting the permit requirements.

(A) Procedures to enforce the requirements for other parties 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 and to identify any inadequate Control Measures and Control Measures requiring routine maintenance. All functional elements (e.g., drainage infrastructure, inlets, outlets, vegetation, filter media, etc.) of Control Measures shall be inspected at a frequency documented by the permittee that is adequate to ensure Control Measures operate in accordance with Control Measure requirement.

(C) Inspections of each Control Measure shall occur at least once during the permit term, except for Control Measures on individual residential lots serving only the individual lot for which oversight shall occur as determined necessary by the permittee, and may rely on alternative oversight process (e.g., select certification, complaint, other permittee-determined frequency).

viii. Enforcement Response: Implement an enforcement response process that includes failure of operators of Control Measures to meet the requirements imposed by the permittee, which at a minimum includes:

(A) Processes and sanctions adequate to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of Control Measures.

(B) The permittee's enforcement response must ensure that findings of a similar nature are enforced upon consistently.

(C) The following categories of responses must be included in permittee's process:

1) Informal Responses which may include: Telephone Notification, Verbal Notice, Notice of Violation, Meetings

2) Formal Responses which may include: Administrative Order, Compliance Schedule, Order to Show Cause, Monetary Penalty (Administrative), Suspend Service

3) Judicial Response which may include: Injunctive Relief, Consent Decree, Civil Penalties, Criminal Penalties

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 and of Regional WQCV Facilities for which a project has been excluded in accordance with Part I.E.4.a.i(H).

x. 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 into the Cherry Creek Reservoir drainage basin, the permittee shall meet the following requirements that are in addition to the above requirements of this permit:

(A) Covered development projects shall include projects that result in the development or redevelopment of land, unless excluded in accordance with 72.7.2(c)(3) or (4).

(B) Control Measures shall meet the requirements for permanent BMPs as per section 72.7.2(c)(6), (7), and (8).

(C) Additional Covered Development Projects: For covered development projects in accordance with Subsection (A) above, that would not otherwise meet the definition of covered development projects:

1) The permittee does not have to meet the requirements for post acceptance oversight frequency in Part I.E.4.a.vi(C). For such projects, the permittee must document and implement inspection protocols to ensure continued effectiveness of Control Measures, and commitments from responsible agency/owner to maintain Control Measures.

xi. For covered development projects that overlap Permit Area(s) of one or more entity's MS4 permits (ta co-regulating MS4 permittee), when a written agreement is in place with a co-regulating MS4 permittee:

(A) Control Measures 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 inspection activities may be conducted by the co-regulating MS4 permittee to meet the requirement of the permit.

b. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of this section I.E.4 for the effective period of the permit and three years following.

i. Excluded Projects: Maintain records for the following projects that includes the project name, owner name, location, completion date, project area, and any additional information required below.

(A) Pavement Management Projects – Only for those projects that are subject to requirements as a covered construction project. Including the excluded impervious area.

(B) Excluded Roadway Redevelopment. Including the excluded impervious area.

(C) Excluded Existing Roadway Areas for Roadway Redevelopment. Including the excluded impervious area.

(D) Large Lot Single Family Projects.

(E) Infiltration Conditions. Including the excluded impervious area and a summary of the site considerations used for the exclusion determination.

(F) Projects in County Non-Urban Areas excluded in accordance with Part I.E.4.a.i(G)(1).

(G) Projects in County Non-Urban Areas excluded in accordance with Part I.E.4.a.i(G)(4).

Including the number of residence people projected and people/square mile projected at completion of the project.

(H) Projects in County Non-Urban Areas excluded in accordance with Part I.E.4.a.i(G)(5).

(I) Projects with stormwater runoff going to a Regional WQCV Facility, including an identification of the Regional WQCV Facility.

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

iii. Site Plans: Copies of current site plans for all covered development projects.

(A) For all sites for which the Constrained Redevelopment Sites standard is applied: A summary shall be maintained with the site plan of the considerations accounted for in the permittee's determination that it is not practicable to meet one of the design standards in Parts I.E.4.a.iv.(A)(B), or (C).

(B) For all projects for which acceptance occurs following the effective date of the permit: Confirmation of the permittee's review and acceptance and identification of the which minimum design standard was applied (Parts I.E.4.a.iv(A),(B), (C), (D), or (E)).

iv. Inspection Documentation: Maintain inspection records with the following minimum information for all inspections to meet the requirements for Construction Inspection and Acceptance and Post Acceptance Oversight:

(A) Site identification information (location, project name, etc.)

(B) Date of the inspection

(C) Name of the inspector

(D) Inspected Control Measure(s) identification (name, permit, or location)

(E) Condition of any failure to implement a Control Measure or inadequate Control Measure

(F) Condition of any Control Measure requiring routine maintenance

(G) Oversight confirmation of all functional elements of the Control Measure reflected in the site plan

(H) Indication if follow-up actions are required, or not required and a summary of any follow-up actions conducted

(I) Following any necessary follow-up actions, documentation of the permittee's determination that the Control Measure(s) are operating in accordance with Control Measure requirements

v. Enforcement Response: Maintain records of the enforcement response with the project site identifying information.

vi. Tracking: The database and or list including the required Control Measure and Regional WQCV Facilities information.

vii. Cherry Creek Reservoir Basin Discharges: Records of site inspections conducted to meet the requirements of the permit, consistent the procedure documentation in the PDD.

viii. Copies of any written agreements with co-regulating MS4 permittees when required by Part I.E.4.a.xi.

ix. Staff Training: For each individual who conducts required site plan review and inspections, records of the training and/or experience (e.g., certifications, class room training, experience, etc.) to ensure they are capable of completing the necessary actions to comply with the permit requirements. Original copies, electronic copies, photo evidence, or equivalent of any training materials that have been provided and/or made available.

c. PDD: The permittee must provide the following summary information regarding program development and implementation to meet the requirements of Part I.E.4:

i. Excluded Projects: Citation(s) and location(s) of regulatory mechanism elements that allow for exclusions and any supporting documents used to implement the process.

ii. Regulatory Mechanism:

(A) Citation(s) and location(s) of the required elements of the regulatory mechanism, including associated program documents used to meet the regulatory mechanism requirements.

(B) A summary of how the regulatory mechanism requires Control Measures and provides the ability to implement sanctions against entities responsible for covered development projects.

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:

(A) Minimum Design Standards: A summary of how the permittee requires operators to meet the minimum Control Measures Requirements in Part I.E.4.a.iv.

(B) Citation(s) and location(s) of supporting documents, including any documents that provide Control Measure design considerations, criteria, or standards.

v. Site Plan Requirements:

(A) A summary of the requirements to develop, maintain and modify site plans, including the citation(s) and location(s) of supporting documents.

(B) A summary of the procedures for conducting site plan review, including the citation(s) and location(s) of supporting documents.

vi. Construction Inspection and Acceptance and Post Acceptance Oversight Site Inspection: A summary of the procedures for conducting site inspections, including the citation(s) and location(s) of supporting documents that includes:

(A) The process for inspection follow-up, including determining, implementing, and documenting the nature of the follow-up a (i.e., inspection, submittals, review, adequacy determinations, etc.).

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

(C) The process for determining, implementing, and documenting Post Acceptance Site Inspection frequencies.

vii. Enforcement Response: A summary of the procedures for enforcement response, including the citation(s) and location(s) of supporting documents, that includes a summary how the permittee will investigate instances of non compliance; and a description of 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 summary of the procedures for maintaining the required tracking information, including the citation(s) and location(s) of supporting documents.

ix. Cherry Creek Reservoir Basin Discharges: A summary of the procedures for enforcement response, including the citation(s) and location(s) of supporting documents that includes:

(A) Documentation of procedures for implementation of the inspection protocols for the additional covered development projects.

x. A summary of procedures for meeting all permit requirements in Part I.E.4 for covered development projects and Control Measures for which the permittee is the owner or operator.

5. Pollution Prevention/Good Housekeeping for Municipal Operations

a. Limitations: The permittee must implement a program for Pollution Prevention/Good Housekeeping for activities and facilities that they own or operate within the Permit Area (municipal operations) with the

ultimate goal of preventing or reducing pollutants in discharges to the MS4 from municipal operations. The following requirements apply.

i. Control Measure Requirements: The permittee's pollution prevention/good housekeeping for municipal operations program must be implemented to address selection, installation, implementation, and maintenance of Control Measures in accordance with Part I.B, and the minimum requirements below.

(A) Control Measures must be adequately designed to provide control for all potential pollutant associated with covered municipal facilities and covered municipal operations to minimize the discharge of pollutants to State waters.

ii. Municipal Facility Runoff Control Measures:

(A) The permittee shall implement Control Measures to address potential discharges of pollutants to the MS4 from permittee-owned and/or operated facilities listed below that are **not** authorized by a separate CDPS discharge permit (covered municipal facilities). New procedures shall be developed and implemented for any new covered municipal facilities prior to associated pollutant sources being present.

1) Vehicle maintenance facilities (maintenance includes equipment rehabilitation, mechanical repairs, painting, fueling, and lubrication)

2) Asphalt and concrete batch plants which are not already individually permitted

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

4) 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 minimize the pollutant sources present:

1) Preventive maintenance

2) Good housekeeping

3) Spill prevention and response procedures

4) Structural Control Measures

5) Evaluation for non-stormwater discharges

6) Employee training

(C) Bulk storage structures for petroleum products and any other chemicals located at covered municipal facilities must have Control Measures implemented that provide secondary containment or equivalent protection so as to contain all spills and prevent 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 this subsection (C). Prior to 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.

(D) The permittee shall implement Municipal Facility Inspection procedures, which must at a minimum include:

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

2) Inspections must be conducted by personnel qualified to evaluate the pollutant sources present and the Control Measures present.

3) A verification that the facility procedures and documentation reflects current conditions.

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

5) Observation of field conditions, including pollutant sources and Control Measures, to confirm conformity with the site plan and to identify: any inadequate Control Measures and Control Measures requiring routine maintenance.

iii. Municipal Operations and Maintenance Procedures: The permittee shall implement Control Measures that address potential discharges for all municipal operations with potential to discharge pollutants into the MS4 that are not from covered municipal facilities in Part I.E.5.a.ii(A), above, and are not authorized by a separate CDPS discharge permit (covered municipal operations). New procedures shall be developed and implemented for any new covered municipal operations prior to prior to associated pollutant sources being present.

(A) At a minimum, implementation of the procedures must prevent or reduce stormwater pollution from the following activities 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) MS4 maintenance

10) New construction of municipal facilities

11) Application of pesticides, herbicides, and fertilizers

12) Large outdoor festivals and events

13) Construction activities not subject to the requirements of Part I.E.3

(B) The permittee shall implement Control Measures to minimize the discharge of pollutants associated with removal of sediment, debris, and other pollutant sources from the MS4, including removal of materials from Control Measures implemented in accordance with Part I.E.4 (Post Construction). Control Measures shall prevent the discharge to state waters of removed materials that are collected by the MS4 and transported to a different location for storage, dewatering, or disposal by the permittee.

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 covered municipal operations

(A) The Permittee shall evaluate, identify, and document the municipal operations activities and facilities that are and/or have the potential to contribute nitrogen and phosphorus to the waters receiving the discharge authorized under the MS4 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 MS4 permittee's discharge(s). At a minimum 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.

(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, above, if associated with a covered municipal facility, or in accordance with Part I.E.5.a.iii., above, if associated with a covered municipal operation.

v. Training: Implement procedures to provide training to municipal employees as necessary 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(D) of municipal operations and facilities to evaluate the pollutant sources present and the Control Measure present. 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.

b. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of this section I.E.5 for the effective period of the permit and three years following:

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

(A) Facility Identification Information (name, location, etc.)

(B) Description of all pollutant and potential pollutant sources

(C) Description of Control Measures implemented, including installation and implementation specifications.

(D) Name(s) or position title(s) of the individual(s) responsible for ensuring the implementation of Control Measures and maintaining required 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) Date of the inspection

2) Name of the inspector

3) Inspected facility(s) identification

4) Observation and documentation of the field condition where stormwater from municipal facilities is discharged to the MS4 or from the facility

5) Condition of any failure to implemented a Control Measure for a pollutant source or inadequate construction activities Control Measure

6) Condition of any Control Measure requiring routine maintenance

7) Identification of any follow-up actions that are required/implemented

8) Following any necessary follow-up actions, documentation of the permittee's determination that a Control Measure is operating in accordance with applicable Control Measure requirements

ii. Operations and Maintenance Procedures: Description of Control Measures implemented, including installation and implementation specifications, for each covered municipal operation.

iii. Nutrient Source Reductions: Description of Control Measures implemented, including installation and implementation specifications, to prevent or reduce the nitrogen and phosphorus.

iv. Training: For each permittee staff or contractor who conducts required site plan review and inspections, records of the training and/or experience (e.g., certifications, class room training, experience, etc.) to ensure they are capable of completing the necessary actions to comply with the permit requirements. Original copies, electronic copies, photo evidence, or equivalent of any

training materials that have been provided and/or made available.

c. PDD: The permittee must provide the following summary information regarding program development and implementation to meet the requirements of this section I.E.5:

i. Municipal Facility Runoff Control Measures:

(A) List the covered municipal facilities.

(B) List of industrial facilities the permittee owns or operates that are subject to separate CDPS 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, including any documents that provide Control Measure installation and implementation specifications.

(D) Inspections: A summary of the procedures for conducting inspections, including the citation(s) and location(s) of supporting documents, that includes:

1) The process for determining, implementing, and documenting inspection frequencies.

2) The process for inspection follow up, including determining, implementing, and documenting the nature of the follow-up action (i.e., inspection, submittals, review, adequacy determinations, etc.).

3) The process and tools used for documenting inspections.

ii. Municipal Operations and Maintenance Procedures:

(A) List the covered municipal operations.

(B) Citation(s) and location(s) of supporting documents, including any documents that provide Control Measure installation and implementation specifications.

iii. Nutrient Source Reductions: Provide a summary and the results of the process implemented to evaluate, identify, and document the municipal operations activities and facilities that are and/or have the potential to contribute nitrogen and phosphorus.

iv. Training: A summary of the procedures for training municipal employees, including the citation(s) and location(s) of 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 an effluent limit 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 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 (see Part II.B.1 of the permit).

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)

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 Wasteload Allocation (WLA) under the TMDL, the Division will do either of the following:

a. If the Division determines that effluent limits in the current permit are adequate to ensure compliance with the WLA, 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.

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 permit, in accordance with Part II.E.1.

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 effluent limits 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 description in the PDD.

b. If the other entity conducts oversight of a third party to meet an effluent limit, 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 effluent limit(s), including but not limited to effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

6. Monitoring

Monitoring requirements are included in this section, as well as in Part III of the permit for requirements applicable to specific MS4s.

The Division has included 3 options for the monitoring requirements in this permit and is seeking additional input on incorporating one of the following options in the final permit. The Division is proposing including only one of the following 3 options in the final permit.

MONITORING OPTION 1

a. 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.

MONITORING OPTION 2 – including Outfall Screening for sources of E coli

a. 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.

b. Dry Weather Screening: For all MS4 outfalls that directly discharge to the impaired portions of segments listed in Appendix A of the Permit, the permittee shall implement dry weather screening in accordance with the following requirements. The screening shall be targeted at identifying Illicit Discharges that may be contributing pollutants associated with sanitary sewage to the MS4. Segments that are removed from the list of impaired waterbodies are not subject to these MS4 outfall monitoring requirements.

i. Screening Frequency and Scope: The permittee shall implement a process to observe all outfalls

with dry weather discharges that persist during periods with little to no irrigation contributions a minimum of two times during the permit term, unless excluded below. It is not required to include submerged outfalls.

(A) Excluded Outfalls: The permittee is not required to screen outfalls with:

1) Dry weather flows that are less than five gpm as determined through flow quantification methods.

2) Dry weather flows where greater than 90% of the flow is approximated by the permittee to be contributed by irrigation return flow from agricultural land and/or from irrigation supply water diverted from classified state waters.

ii. Identification of Outfalls of Concern: The permittee shall implement a process to identify outfalls at the time of the screening required in Subsection i., above, that are Outfalls of Concern. Outfalls of Concern shall include the following outfalls, at a minimum:

(A) All outfalls with greater than a 36" diameter or equivalent having dry weather flows identified in accordance with Subsection i., above.

(B) All outfalls with smaller than a 36" diameter or equivalent having dry weather flows identified in accordance with Subsection i., above that are determined to have significant dry weather discharge conditions. Significant dry weather discharge conditions may include flow rates that are substantially elevated relative to the outfall size and the flow rate of any nearby outfalls, and discharges likely to be resulting from a cross connection based on qualitative observations.

iii. Outfall Monitoring: At the time of the screening required in Subsection i., above, or as a follow-up to the screening, the permittee shall monitor all Outfalls of Concern to determine, at a minimum, estimated flow rates, and the presence of sanitary sewage based on conducting tests (e.g., smoke test, dye test) and/or analyzing indicators with threshold values that indicate sanitary sewage contamination (e.g. optical brighteners, Ammonia, anionic surfactants, conductivity) as determined by the permittee effective to identify sanitary sewage contamination. If the same outfall is identified during both required screening occurrences as an Outfall of Concern, monitoring shall occur at the time, or as a follow up to, both screening occurrences.

iv. Exclusions:

(A) The permittee is not required to conduct the screening required by Subsection i, above, when existing information is available that allows the permittee to identify Outfalls of Concern without field screening. Information must be based on at least two previous observations of the outfalls or MS4 systems draining to the outfall that have occurred following March 10, 2008. If outfall screening is excluded in accordance with these sections, required Outfall Monitoring must be conducted through separate field visits to obtain the required information.

(B) The permittee is not required to conduct the outfall monitoring required by Subsection iii, above when existing information is available that allows the permittee to identify for all Outfalls of Concern, at a minimum, estimated flow rates, and the presence of sanitary sewage based on conducting tests equivalent to those required in Subsection iii. Information must be based on at least two previous observations of the outfalls or MS4 systems draining to the outfall that have occurred following March 10, 2008.

c. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of this Part I.F.6.b. for the effective period of the permit and three years following.

i. A list of impaired portions of segment listed in Appendix A that correspond to the Permit Area, and the outfalls that discharge to these segments.

ii. For all MS4 outfalls that directly discharge to the impaired portions of segments listed in Appendix A of the Permit:

(A) List of all outfalls indentified to have dry weather flows not meeting an exclusion in Part I.F.6.b.i(A)

(B) List of all Outfalls of Concern in accordance with Part I.F.6.b.ii

(C) Results of all Outfall Monitoring activities in accordance with Part I.F.6.b.iii

(D) A summary of all actions conducted to trace, identify, or remove sources of Illicit Discharges that may be contributing pollutants associated with sanitary sewage to the MS4 associated with the results of the Outfall Monitoring.

d. PDD: The permittee must provide the following summary information regarding program development and implementation to meet the requirements of this Part I.F.6.b:

i. A Dry Weather Flow Identification and Outfall Monitoring Plan to identify dry weather flows, outfalls of concern, and to monitor the flows as required. Include the names and the locations of the Outfall Monitoring Plan and related documents, including:

(A) A summary of the dry weather outfall screening process and procedures to identify dry weather flows.

(B) A summary of the process and procedures to identify Outfalls of Concern.

(C) A summary of the process, procedures, and tests conducted to monitor Outfalls of Concern in accordance with Part I.F.6.b.iii.

MONITORING OPTION 3 – including Outfall Screening and Monitoring for sources of E coli)

a. 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.

b. Dry Weather Flow Identification and Outfall Monitoring: For all MS4 outfalls that directly discharge to the impaired portions of segments listed in Appendix A of the Permit, the permittee shall implement dry weather monitoring in accordance with the following requirements. The monitoring shall be targeted at providing information that can be used to identify the source (e.g., geographic areas, Illicit Discharge) and scope (e.g., geographical extent of contamination, seasonality, and contaminant levels) of the impairment. The monitoring is required only for Escherichia coli ("E. coli"). Segments that are removed from the list of impaired waterbodies in Appendix A are not subject to these MS4 outfall monitoring requirements.

i. Identification of Dry Weather Flows: The permittee shall implement a process to identify and document all outfalls with dry weather discharges that persist during periods with little to no irrigation contributions. It is not necessary to include submerged outfalls. Identification of additional outfalls may follow the compliance schedule deadline for this action, but these additional outfalls are not subject to monitoring requirements in this permit term.

(A) Dry weather flows that are less than five gpm as determined through flow quantification methods are considered negligible and do not need to be identified.

(B) Dry weather flows where greater than 90% of the flow is approximated by the permittee to be contributed by irrigation return flow from agricultural land and/or from irrigation supply water diverted from classified state waters do not need to be identified.

ii. Identification of Outfalls of Concern: The permittee shall implement a process to identify and track Outfalls of Concern. Outfalls of Concern shall include the following outfalls, at a minimum, unless removed in accordance with Subsection iii, below:

(A) All outfalls with greater than a 36" diameter or equivalent having dry weather flows identified in accordance with Subsection i, above.

(B) All outfalls with smaller than a 36" diameter or equivalent having dry weather flows identified in accordance with Subsection i, above that are determined to have significant dry weather discharge conditions. Significant dry weather discharge conditions may include flow rates that are substantially elevated relative to the outfall size and the flow rate of any nearby outfalls, and discharges likely to be resulting from a cross connection based on qualitative observations.

iii. Outfall Monitoring: Monitor dry weather flows at Outfalls of Concern to determine, at a minimum,

estimated flow rates, and E. coli densities (cfu/100ml). All Outfalls of Concern shall be monitored a minimum of four times, with a minimum of one sample collected that represents each calendar quarter, except in accordance with the following waivers. Outfalls with smaller than a 36" diameter or equivalent that do not have concentrations exceeding stream standards in the first two sampling events do not require additional sampling and can be removed from being "outfalls of concern."

(A) Waiver to monitor outside of a quarter: Quarterly sampling may be adjusted to exclude irrigation season for permittees with irrigation ditch flows comingling with storm sewer.

(B) Waiver based on total samples necessary to meet requirement: The permittee may reduce or eliminate monitoring for some outfalls if compliance with the above monitoring conditions results in monitoring more than one separate discharge per 1,000 residents in the Permit Area, based on the 2010 census. Each monitoring occurrence would be a "separate discharge," so the requirement to monitor an Outfall of Concern 4 times would result in the requirement to monitor 4 "separate discharges." The permittee may reduce monitoring so the total number of separate discharges monitored does not exceed a total of one separate discharge per 1,000 residents in the Permit Area, based on the 2010 census. The permittee shall evaluate the outfalls of concerns and make a determination on where to reduce monitoring based so as to reduce monitoring at outfalls determined to have the lowest potential for causing or contributing to an exceedance of the E coli water quality standard of the receiving water.

(C) Exclusion: Where existing information from monitoring activities and analysis following March 10, 2008 are available that meet some or all of the requirements of Subsections iii and iv, the information can be used to meet those equivalent requirements monitoring occurrence requirements.

iv. Analysis: The permittee shall perform an analysis of available data on E. coli densities in the monitored MS4 outfalls, and review the implementation of the requirements of this section (Part I.F.6.b). The analysis/review will assess the permittee's progress towards identifying the source of E. coli densities in dry weather discharges from the MS4, progress on eliminating the source within the permit term where feasible, and any determination by the permittee that identifying and/or eliminating the source is infeasible.

c. Recordkeeping: The permittee must maintain the following records for activities to meet the requirements of this Part I.F.6.b for the effective period of the permit and three years following.

i. A list of impaired portions of segment listed in Appendix A that correspond to the Permit Area, and the outfalls that discharge to these segments.

ii. For all MS4 outfalls that directly discharge to the impaired portions of segments listed in Appendix A of the Permit:

(A) List of all outfalls indentified to have dry weather flows in accordance with Part I.F.6.b.i

(B) List of all Outfalls of Concern in accordance with Part I.F.6.b.ii

(C) Results of all Outfall Monitoring activities in accordance with Part I.F.6.b.iii

(D) A summary of all actions conducted to trace, identify, or remove sources of Illicit Discharges that may be contributing pollutants associated with sanitary sewage to the MS4 associated with the results of the Outfall Monitoring.

d. PDD: The permittee must provide the following summary information regarding program development and implementation to meet the requirements of this Part I.F.6.b:

i. Provide a Dry Weather Flow Identification and Outfall Monitoring Plan to identify dry weather flows and monitor the flows for E coli as required. Include the names and the locations of the Outfall Monitoring Plan and related documents.

(A) Provide a summary of the dry weather outfall screening process and procedures to identify dry weather flows.

(B) Provide a summary of the process and procedures to identify Outfalls of Concern.

(C) Provide a summary of procedures for scheduling monitoring events to obtain samples that are

reasonably representative of the dry-weather discharges at the outfall.

(D) Provide a summary of the process and procedures used to monitor Outfalls of Concern in accordance with Part I.F.6.b.iii including the process and procedures for waivers granted in accordance with Parts I.F.6.b.iii (A) and (B) and the process to eliminate outfalls of concern from the monitoring list.

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 the Illicit Discharges Management Program (Part I.E.2 of the permit). 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. When requested in writing, the Division may approve an alternative analytical procedure or any significant modification to an approved procedure.

b. The permittee shall establish and maintain records for all monitoring required by Part I.F.6 of this permit. 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 (e.g., commercial lab name, CDPHE Lab) who performed the analyses

v. The analytical techniques or methods used

vi. The results of such analyses

c. The permittee shall retain for a minimum of three (3) years records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, copies of all reports required by this permit and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division or EPA.

d. If the permittee monitors discharges addressed in Part I.F.6.b. for E. coli more frequently than required by the permit, using approved test procedures or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of data to the Division.

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 controls measures.

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

H. COMPLIANCE SCHEDULE

Except as provided below, compliance with the terms and conditions of this permit, including the Stormwater Management Programs, shall be required by the effective date of the permit. Where dates in the compliance schedule and in the text of the permit conflict, the dates in the compliance schedule are deemed to be correct. The compliance schedule detailed in Table 2, below, includes submittals of plans and implementation of permit conditions.

In the case of the required submittal of plans, the permittee shall submit the plans to the Water Quality Control Division by the specified date. 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
	Part I.C.1, and PDD content requirements in Part I.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, 2015	Completed December 31, 2014
	Part I.E.1.a.i.	Complete and make website available	Notification in annual report Due March 10, 2015	Completed December 31, 2014
	Part I.E.1.a.ii.	Begin providing information targeting businesses and the general public	Notification in annual report Due March 10, 2016	Begin implementation December 31, 2015
	Part I.E.1.a.iii	Begin providing annual public education and outreach from Group B and C.	Notification in annual report Due March 10, 2016	Begin implementation December 31, 2015
	Part I.E.1.a.iv(A)	Determine targeted sources of nutrients.	Notification and list of targeted sources in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.1.a.iv(B)	Begin providing education and outreach to the targeted sources	Notification in annual report Due March 10, 2017	Begin implementation December 31, 2016
	Part I.E.2.a.ii(B) and (C)	Regulatory Mechanism: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2015	Completed December 31, 2014

	Part I.E.2.a.iv	Discharges Excluded from being an Illicit Discharge: Ensure that the permittee's regulatory mechanism, program documentation, and implementation are consistent in identifying sources (including Illicit Discharges and any additional source not allowed by the permittee) that are prohibited by the permittee from discharging to the MS4.	Notification in annual report Due March 10, 2015	Completed December 31, 2014
	Part I.E.2.a.v(A) and (B)	Tracing: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2015	Completed December 31, 2014
	Part I.E.2.a.vii	Enforcement Response Escalation: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.2.a.viii	Training on Priority Areas: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.2.a.ix	Industrial Facilities: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.3.a.v(C)	Control Measure Minimum Design Standards: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.3.a.vi	Site Plans: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2015	Completed December 31, 2014
	Part I.E.3.a.vii	Site Inspection: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2015	Completed December 31, 2014
	Part I.E.3.a.viii(B) and (C)	Enforcement Response: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.3.b.v	Record keeping: Inspection Documentation: Ensure documentation is recorded.	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.4.a.iv(A) through (E)	Control Measure Requirements: Ensure new Control Measures meet one of the design standards in Part I.E.4.a.iv(A) through (D) (i.e., the Prior Permit Term standard in Part I.E.4.a.iv(E) is no longer allowed after December 31, 2014.)	Notification in annual report Due March 10, 2015	Completed December 31, 2014

	Part I.E.4.a.v(A)	Site Plans: Ensure Site Plans for all new Control Measures implemented incorporate operation and maintenance procedures	Notification in annual report Due March 10, 2015	Completed December 31, 2014
	Parts I.E.4.a.vi and vii.	Confirm Inspection Documentation required by Part I.E.4.b.iv is implemented	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.4.a.viii(B) and (C)	Enforcement Response: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.4.b.iv	Record keeping - Inspection Documentation: Ensure documentation is conducted.	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.5.a.ii(C)	Bulk Storage: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in Annual report Due March 10, 2018	Completed December 31, 2017
	Part I.E.5.a.ii(D)	Inspections: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	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, 2018	Completed December 31, 2017
Monitoring Option 2 (Note that these deadlines will only apply if Monitoring Option 2 is included in the renewal permit)				
	Part I.F.6.b	Ensure all requirements are met and recordkeeping completed.	Notification in annual report Due March 10, 2019	Completed December 31, 2018
Monitoring Option 3 (Note that these deadlines will only apply if Monitoring Option 3 is included in the renewal permit)				
	Part I.F.6.b.i	Dry Weather Flows: Ensure requirements are met	Notification in annual report Due March 10, 2017	Completed December 31, 2016
	Part I.F.6.b.ii	Outfalls of Concern: Ensure requirements are met	Notification in annual report Due March 10, 2017	Completed December 31, 2016
	Part I.F.6.b.iii	Outfall Monitoring: Ensure requirements are met	Notification in annual report Due March 10, 2019	Completed December 31, 2018
	Part I.F.6.b.iv	Analysis: Ensure requirements are met	Notification in annual report Due March 10, 2019	Completed December 31, 2018

2. New Permittees

For permittees obtaining permit coverage following the effective date of the 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. The alternative compliance schedule will be provided approximately consistent with the time allowed for by the compliance schedule dates in the permit. 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 the Construction (Part I.E.3), Post-Construction (Part I.E.4), and Municipal Operations (Part I.E.5) programs are subject to the compliance schedule dates in Table 3 and require the implementation of structural control measures that necessitate planning and installation. In addition, the Construction and Post-Construction programs require the permittee to implement regulatory mechanisms to ensure implementation by operators (i.e., requiring controls are implemented for covered construction activities and covered development projects under the control of those operators). Therefore, the permittee must complete some necessary actions in advance of the required deadlines (e.g., finalizing regulatory mechanisms) to ensure that the required structural control mechanisms for covered construction activities, covered municipal facilities, and covered municipal operations are in place by the corresponding deadlines in the compliance schedule. For covered development projects, the permittee must ensure that the control measures are in place for all projects completed after the compliance schedule deadline.

TABLE 3

Compliance Schedule - New Permittees

ICIS Code	Permit Condition	Action	Deliverable	Deadline
	Part I.C.1 and PDD content requirements in Part I.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, 2015	Completed December 31, 2014
	Part I.D.1(a) and (b)	Public Involvement/Participation: Ensure requirements are met	Notification in annual report Due March 10, 2015	Completed December 31, 2014
	Part I.E.1	Public Education and Outreach: Ensure requirements are met	Notification in annual report Due March 10, 2016	Completed December 31, 2015
	Part I.E.2	Illicit Discharge Detection and Elimination: Ensure requirements are met	Notification in annual report Due March 10, 2018	Completed December 31, 2017
	Part I.E.3	Construction Sites: Ensure requirements are met.	Notification in annual report Due March 10, 2018	Completed December 31, 2017
	Part I.E.4	Post Construction: Ensure requirements are met.	Notification in annual report Due March 10, 2019	Completed December 31, 2018
	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, 2017	Completed December 31, 2016

	Part I.E.5.a.ii(C)	Municipal Operations - Bulk Storage: Ensure requirements are met	Notification in annual report Due March 10, 2018	Completed December 31, 2017
Monitoring Option 2 (Note that these deadlines will only apply if Monitoring Option 2 is included in the renewal permit)				
	Part I.F.6.b	Complete two required screenings for all required outfalls and associated monitoring.	Notification in annual report Due March 10, 2019	Completed December 31, 2018
Monitoring Option 3 (Note that these deadlines will only apply if Monitoring Option 3 is included in the renewal permit)				
	Part I.F.6.b.i	Dry Weather Flows: Ensure requirements are met	Notification in annual report Due March 10, 2017	Completed December 31, 2016
	Part I.F.6.b.ii	Outfalls of Concern: Ensure requirements are met	Notification in annual report Due March 10, 2017	Completed December 31, 2016
	Part I.F.6.b.iii	Outfall Monitoring: Ensure requirements are met	Notification in annual report Due March 10, 2019	Completed December 31, 2018
	Part I.F.6.b.iv	Analysis: Ensure requirements are met	Notification in annual report Due March 10, 2019	Completed December 31, 2018

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 activities conducted from **January 1, 2013, to December 31, 2014** (which includes time covered under the previous permit). For New Applicants, the first report may include less than twelve months of information, unless otherwise indicated in the certification. The report must include the following information:

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

"I certify under penalty of law that the Program Description Document (PDD) is being maintained under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information documented. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information documented, to the best of my knowledge and belief, true, accurate, and complete."

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

c. An update on areas added to the MS4 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 the Deliverable in Part I.H.

e. A summary of the number and nature of sites/facilities addressed, enforcement actions, and inspections performed for the various program areas that includes information listed below.

i. 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.ii

(B) A list of the Education and Outreach activities completed in accordance with Part I.E.1.a.iii, referencing the activities in Table 1.

(C) A list of the Education and Outreach activities completed in accordance with Part I.E.1.a.iv and the targeted nutrient sources

ii. Illicit Discharge (Part I.E.2):

(A) Provide the total number of enforcement actions performed, by enforcement category (A) through (C) in accordance with Part I.E.2.a.vii.

iii. Construction Site Stormwater Runoff Control Program (Part I.E.3):

(A) Provide the total number of covered construction activities for which oversight was required during the year.

(B) Provide the total number of inspections performed. The number of inspections must be divided into one of the following two categories, as most appropriate:

1) Full Level Inspections: All inspections of covered construction activities that meet the inspection scope requirements in Part I.E.3.a.vii(C) and for which documentation is recorded in accordance with in Part I.E.3.b.v.

2) Reduced Level Inspections: All inspections of covered construction activities that include assessment for indicators of compliance with Control Measure requirements, but do not meet the criteria for Full Level Inspections.

(C) County permittees only: Provide a list of any construction activities excluded from being covered construction activities in accordance with Part I.E.3.a.ii(A) and (B), and include the recordkeeping information required by Part I.E.3.b.ii.

(D) Identify sites for which a reduced inspection frequency was implemented based on the Infeasibility Frequency Exclusion in Part I.E.3.vii(A)(2), including the dates and number of days where inspections did not occur.

(E) Provide the total number of enforcement actions performed, by enforcement category (1) through (3) in accordance with Part I.E.3.a.viii(C).

iv. Post-Construction Program (Part I.E.4):

(A) Provide the total number of covered development projects for which Control Measures were implemented during the reporting period

(B) Provide the total number of covered development sites/Control Measures inspected jurisdiction-wide to ensure compliance with the Post Acceptance Oversight requirement in Part I.E.4.a.vii.

(C) Provide a list of the following projects excluded from being covered development projects in and include the recordkeeping information required by Part I.E.4.b.ii:

1) Projects excluded in accordance with Part I.E.4.a.i(A)

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

3) County permittees only: Projects excluded in accordance with Parts I.E.4.a.i(G)(1), (4) and (5)

(D) Provide a list of any covered development projects for which the Constrained Redevelopment Sites standard was applied, including the project name and location information.

(E) Provide the total number of enforcement actions performed, by enforcement category (1) through (3) in accordance with Part I.E.4.a.viii(C).

v. Monitoring (Part I.F.6)

(A) Monitoring Option 2
(Note that these reporting requirements will not apply if Monitoring Option 1 or 3 are implemented in the final permit)

1) Identification of areas for which screening activities occurred for the year
2) Outfalls identified to have dry weather flows not meeting an exclusion in Part I.F.6.b.i(A)
3) Outfalls identified as being Outfalls of Concern in accordance with Part I.F.6.b.ii
4) Results of Outfall Monitoring activities in accordance with Part I.F.6.b.iii
5) A summary of all actions conducted to trace, identify, or remove sources of Illicit Discharges that may be contributing pollutants associated with sanitary sewage to the MS4 associated with the results of the Outfall Monitoring.

(B) Monitoring Option 3
(Note that these reporting requirements will not apply if Monitoring Option 1 or 3 are implemented in the final permit)

1) Identification of areas for which screening activities occurred for the year
2) Outfalls indented to have dry weather flows not meeting an exclusion in Part I.F.6.b.i(A)
3) Outfalls identified as being Outfalls of Concern in accordance with Part I.F.6.b.ii
4) Results of Outfall Monitoring activities and reporting of any waivers or exclusion in accordance with Part I.F.6.b.iii
5) A summary of all actions conducted to trace, identify, or remove sources of Illicit Discharges that may be contributing pollutants associated with sanitary sewage to the MS4 associated with the results of the Outfall Monitoring.

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. Base Design Standard: The minimum design standard for new and redevelopment prior to applying exclusions or alternative standards.
2. Construction activity: Construction activity refers to ground surface disturbing and associated activities, which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of regular maintenance or for replacement are construction activities and are not routine maintained. Repaving activities where underlying and/or surrounding soil is cleared, graded, or excavated as part of the repaving operation are construction activities and are not routine maintenance. Construction activity is from initial ground breaking to final stabilization regardless of ownership of the construction activities.
3. 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 Construction Activities
4. Control Measure: Refers to any practice or other method used to prevent or reduce the discharge of pollutants to waters of the state.
5. Contiguous: Means within 0.25 miles.
6. Discharge: The discharge of pollutants as defined in Section 25-8-103(3); also includes land application.
7. Division: The Water Quality Control Division of the Colorado Department of Public Health and Environment.
8. Dry Weather Discharge: Is a discharge not resulting from surface runoff from stormwater.
9. Effluent Limitation: Means any restriction or prohibition established under this article 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.
10. Exemption: An exemption, waiver, or variance implemented by the permittee for permittee Control Measures

used to meet the effluent limits in this permit.

11. Exclusion: Is a removal of the applicability of a terms or conditions in this permit from applying for the givens conditions.
12. Final stabilization: Is the condition reached when all ground surface disturbing activities at the site have been completed, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.
13. Good Engineering, Hydrologic and Pollution Control Practices: are methods, procedures, and practices that:
    a. Are based on basic scientific fact(s).
    b. Reflect best industry practices and standards.
    c. Are appropriate for the conditions and pollutant sources.
    d. Provide appropriate solutions to meet the associated permit requirements, including practice based and numeric effluent limits.
14. Illicit Discharge: Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges that are excluded from being an "Illicit Discharge" in accordance with Parts I.E.
15. Impervious Area: Developed areas with covering or pavement that prevents the land's natural ability to absorb and infiltrate typical precipitation and irrigation events (i.e., events with a volume/rate expected under normal conditions to occur multiple times per year). 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 watertight pavement or covering.
16. Irrigation Return Flow: Tailwater, tile drainage, or surfaced groundwater flow from irrigated land.
17. Part of a larger common plan of development or sale: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules.
18. Land disturbing activity: Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. 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.
19. Minimize: Reduce and/or eliminate to the extent achievable using Control Measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.
20. MS4: A municipal separate storm sewer system.
21. Municipality/Municipal: A State, city, town, borough, county, parish, 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 an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.
22. 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, borough, county, parish, 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 an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
    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).

23. 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.

24. Non-Structural Control Measure: Include Control Measures that not Structural Control Measures, and include, but are not limited to, Control Measures for that prevent or reduce pollutants being introduced to water or that prevent or reduce the generation of runoff or Illicit Discharges.

25. New Applicant: Permittee not covered under a previous MS4 general permit.

26. New Development: New Development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision on an area that has not been previously developed.

27. Operator: The person or entity who is responsible for the overall operation of the facility or activity from which the associated discharge originates.

28. Pavement Management Projects: Projects, or portions of projects, for the rehabilitation, maintenance, and reconstruction of pavement (e.g., Roadway resurfacing, mill and overlay, white topping, black topping, curb and gutter replacement, concrete panel replacement, pothole repair) intended to provide additional years of service life and optimize service and safety where the project is limited to the repair and replacement of pavement in a manner that does not result in an increased impervious area and where the infrastructure is not substantially changed. These activities are intended to include day-to-day maintenance activities, rehabilitation, and reconstruction of pavement.

29. 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).

30. Pollution: Man-made or man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water.

31. Redevelopment: Includes a site that is already substantially developed (i.e., 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.

32. Regulatory Mechanism: The mechanism that allows the permittee to implement and enforce the requirements.

33. Renewal Permittee: Permittee that was covered under a previous MS4 general permit.

34. 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.

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

36. Structural Control Measures: Includes Control Measures that are comprised of facilities and structures that remove pollutant from water or retain, reuse, or provide for infiltration or evaporation of water.

37. To the Maximum Extent Allowable under State or Local Law: Is 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.

38. 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 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).

39. 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.

40. Water Quality Standards: Means 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).

41. Waters of the State of Colorado (State waters): 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 does not include subsurface waters.

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, prior to or together with any reports, information, or applications to be signed by an authorized representative.

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

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

2. Retention of Records

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, this includes the treatment process. Notice is required when:

a. The alteration or addition is likely to result in a new or altered discharge either in terms of location or effluent quality prior to the occurrence of the new or altered discharge, or;

b. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported pursuant to an approved land application plan.

The permittee shall give advance notice to the Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For any pollutant for which monitoring requirements are not included in the permit certification, the permittee shall notify the Division as soon as it becomes aware that the pollutant(s) are present in the source water, influent, or effluent in concentrations greater than originally identified in the application.

Whenever notification of any planned physical alterations or additions to the permitted facility is required pursuant to this section, the permittee shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge, the stream, or ground water.

If the Division finds that such new or altered discharge might be inconsistent with the conditions of the permit, the Division shall require a new or revised permit application or revised modification and shall follow the procedures specified in Sections 61.5 through 61.6, and 61.15 of the Colorado Discharge Permit System Regulations.

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 noncomplying activity.

b. The permittee shall report the following instances of noncompliance orally within twenty-four (24) hours from the time the permittee becomes aware of the noncompliance, and shall mail to the Division a written report within five (5) working days 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 proceeding 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 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 affect 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 prior to the discharge mixing 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.

Part III

A. REQUIREMENTS APPLICABLE TO THE CITY OF BOULDER AND BOULDER COUNTY MS4S

The requirements of this section are applicable only to discharges from the City of Boulder and Boulder County MS4s that are to Boulder Creek from North Boulder Creek to South Boulder Creek (COSPBO02).

1. Monitoring Requirements

The permittee shall conduct monitoring as necessary to identify progress towards meeting the WLA in the COSPB02 E Coli TMDL.

2. Reporting Requirements

The permittee shall prepare an annual report to be submitted by March 10 of each year, covering January 1 through December 31 of the previous year (with the exception of the first report as addressed below). The report must include the following information:

a. For the first annual report only: A description of all Control Measures planned by the permittee to reduce the discharge of E Coli to COSPB02, including specific target dates for implementation.

b. A description of all Control Measures implemented by the permittee to reduce the discharge of E Coli to COSPB02. The first annual report shall include information on Control Measures implemented prior to the effective date of the permit.

c. An identification of all Illicit Discharges identified by the permittee determined or suspected by the permittee to contribute to discharges from the MS4 in exceedance of 126 colony forming units (CFU) of bacteria per 100 milliliters of water (the E. coli water quality standard). The first annual report shall include information on discharges identified prior to the effective date of the permit.

d. An indication of if the Illicit Discharges identified in subsection b have been eliminated. If the discharge has not been eliminated, a description of any planned Control Measure that the permittee intends to take to address the discharge must be included.

e. A description of monitoring activities conducted, or planned, to meet the requirements of Part III.A.1. The first annual report shall include information on monitoring prior to the effective date of the permit conducted to identify progress towards meeting the WLA in the COSPB02 E Coli TMDL. Results included in the TMDL do not need to be addressed.

Appendix A

Water Quality impairment 303d list of segments in the permit coverage areas that include impairment for E coli.

WBID	Segment Description	Portion
COARFO01a	Fountain Creek and tributaries above Monument Creek	all
COARFO02a	Fountain Creek, Monument Creek to Hwy 47	all
COARFO02b	Fountain Creek from Hwy 47 to the Arkansas River	all
COARFO04	All tribs to Fountain Creek, which are not on National Forest or Air Force Academy Land	all
COARFO06	Monument Creek from National Forest to Fountain Creek	All (for *E. coli*)
COARLA09a	Mainstem of Adobe Creek and Gageby Creek…	Adobe Creek
COARMA04a	Wildhorse Creek	all
COGULG02	Gunnison River, Uncompahgre River to Colorado River	all
COLCLC13b	Tributaries to Colorado River from Government Highline Canal Diversion to Salt Creek	Adobe Creek, Leach Creek
CORGRG28	Rito Seco, from source to Salazar Reservoir	Upper Rito Seco blw Battle Mtn
COSJLP07a	Mainstem of McElmo Creek from the source to the Colorado/Utah border; Mainstem of Yellow Jacket Creek from the source to the confluence with McElmo Creek.	McElmo Creek
COSPBD01	Mainstem of Big Dry Creek, including all tributaries, lakes, reservoirs and wetlands, from the source to the confluence with the South Platte River	all
COSPBE02	Bear Creek below Bear Creek Reservoir to South Platte River	Below Kipling Parkway (CO 390)
COSPBE05	Swede, Kerr, Sawmill, Troublesome and Cold Springs Gulches and Cub Creek	Swede/Kerr Gulch
COSPBO07b	Coal Creek, HWY 36 to Boulder Creek	all
COSPBO10	Boulder Creek, Coal Creek to St. Vrain Creek	all
COSPBT09	Little Thompson River, Culver Ditch to Big Thompson River	all
COSPCH03	Mainstem of Cherry Creek from Cherry Creek Reservoir to the South Platte.	All
COSPCL15	Clear Creek, Youngfield St. to S. Platte River	all
COSPCL18a	Ralston Creek and tributaries below Arvada Reservoir	Ralston Creek
COSPCP12	Cache la Poudre River, Box Elder Creek to S. Platte River	all
COSPCP13a	All tributaries to the Cache la Poudre River, including all wetlands, from the Monroe Gravity Canal to the confluence with the South Platte River.	Spring Creek and Fossil Creek
COSPLS02b	Tributaries to S Platte River, Beaver Creek, Bijou Creek and Kiowa Creek	Beaver Creek
COSPMS01a	South Platte River from Big Dry Creek to St. Vrain Creek	all
COSPRE04	Mainstem of Arikaree River from the confluence of the North and South Forks to the Kansas border.	all
COSPSV06	Tributaries to the St Vrain River	Dry Creek
COSPUS15	S. Platte River, Burlington Ditch to Big Dry Creek	all
COSPUS16a	Sand Creek	all
COSPUS16c	Tributaries to S. Platte River, Chatfield Reservoir to Big Dry Creek except specific listings	Westerly Creek, Dry Creek
COSPUS16c	Tributaries to S. Platte River, Chatfield Reservoir to Big Dry Creek except specific listings	Harvard, Harvard West, and Lakewood Gulches
COUCYA08	Elk River source to Yampa River	Elk River below Morin Ditch