

STATE OF COLORADO

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

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

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
TDD Line (303) 691-7700 (303) 692-3090
Located in Glendale, Colorado

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



Colorado Department
of Public Health
and Environment

October 23, 2009

Re: Low Risk Discharge Policy Guidance -
 Discharges of Uncontaminated Groundwater to Land
 Discharges of Potable Water
 MS4 Permit - Illicit Discharge Detection and Elimination Program
 Approval for Program Modification

Dear Municipal Separate Storm Sewer System (MS4) Permit Contacts:

The Water Quality Control Division (the Division) has issued two guidance documents—Discharges from Uncontaminated Groundwater to Land and Discharges of Potable Water—in accordance with the Low Risk Discharge Policy (WQP-27). As per the Low Risk Policy, while regulations do require that operators of point source discharges obtain a Colorado Discharge Permit System (CDPS) permit, the Division will not take enforcement action for those operators who have not obtained CDPS permit coverage for these discharges, providing that the operator can prove that all appropriate best management practices (BMPs) identified in the guidance have been fully implemented.

The Division would appreciate any efforts that MS4 permittees can make to help distribute this information to operators of discharges covered by the new guidance. The guidance and policy are available online from the Water Quality Permitting web page (www.coloradowaterpermits.com, or www.cdphe.state.co.us/wq/PermitsUnit/PolicyandGuidance/guidanceandpolicy.html), or directly from the following links:

- **Guidance for Discharges of Uncontaminated Groundwater to Land:**
www.cdphe.state.co.us/wq/PermitsUnit/PolicyandGuidance/lowriskgwdischarge2toland.pdf
- **Guidance for Discharges of Potable Water:**
www.cdphe.state.co.us/wq/PermitsUnit/PolicyandGuidance/LowRiskguidancepotable%20water.pdf
- **Low Risk Discharges Policy:** www.cdphe.state.co.us/wq/PermitsUnit/PolicyandGuidance/WQP27.pdf

In addition, Part I.B.3 of the MS4 general permits (COR-090000, 080000, and 070000) authorizes permittees to develop lists of non-stormwater discharges that will not be addressed by the permittees as illicit discharges, and therefore not prohibited by the permittee from discharging to the MS4. The addition of a new type of discharge to a permittee's list is a modification to the CDPS Stormwater Management Program and requires Division approval. **This memo constitutes official Division approval** for any MS4 permittee covered under the CDPS general permits COR-090000, 080000, or 070000 to add to the above referenced list: "discharges from uncontaminated groundwater to land and potable water that are conducted in accordance with the provisions of the Low Risk Discharge Guidance." Permittees must document this program modification as part of their Illicit Discharge Detection and Elimination program, but do not need to submit the revised plan, or otherwise contact the Division to make and implement this program modification. Note that discharges from activities that are not either conducted in accordance with these Low Risk Discharge Guidance documents or authorized by a CDPS discharge permit, are illicit discharges that must be addressed by the permittees' Illicit Discharge Detection and Elimination programs.

Although the Division is authorizing the above program modification, permittees are not required to make the modification. Any permittee wishing to continue to prohibit such discharges to their MS4 may still continue to do so in accordance with their own legal authority. The guidance documents state the following:

All discharges must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts, ditch owners, and other local agencies regarding any discharges to storm drain systems, conveyances, ditches or other water courses under their jurisdiction.

- *The guidance included in this document in no way reduces the existing authority of the owner of a storm sewer, ditch owner, or other local agency, from prohibiting or placing additional conditions on the discharge.*

Please call me at (303) 692-3004 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Knerr".

Lisa Knerr
Environmental Protection Specialist
Stormwater and Statewide Permits Section
WATER QUALITY CONTROL DIVISION