

CDPS GENERAL PERMIT
STORMWATER DISCHARGES ASSOCIATED WITH
NON-STANDARD MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)
AUTHORIZATION TO DISCHARGE UNDER THE
COLORADO DISCHARGE PERMIT SYSTEM

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), this permit authorizes the discharge of stormwater associated with 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 permittee listed on page 1 of this permit to discharge stormwater associated with municipal separate storm sewer systems, as of this date, in accordance with permit requirements and conditions set forth in Parts I and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

This permit and the authorization to discharge shall expire at midnight, **March 9, 2013.**

Issued and Signed this 8th day of February, 2008

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Janet S. Kieler
Permits Section Manager
Water Quality Control Division

ISSUED AND SIGNED FEBRUARY 8, 2008

EFFECTIVE MARCH 10, 2008

**ADMINISTRATIVELY CONTINUED
EFFECTIVE MARCH 10, 2013**

**NON-STANDARD MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)
COR-070000**

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PART I

A. COVERAGE UNDER THIS PERMIT

1. Authority to Discharge

Under this permit, beginning immediately and lasting through **March 9, 2013**, municipalities are authorized to discharge stormwater from the portions of their publicly-owned municipal separate storm sewer system (MS4) indicated on Page 1 of this Permit in accordance with the CDPS Stormwater Management Program requirements, and other provisions set forth herein.

2. Discharges Covered Under this Permit

This permit authorizes new and existing discharges composed entirely of stormwater from the identified MS4.

The permit also authorizes discharges of emergency firefighting water.

3. Permit Area

This permit covers all areas designated by the Water Quality Control Division (“Division”) within the jurisdiction of the entity identified in the certification that are served by, or contribute to, municipal separate storm sewers owned or operated by the entity that discharge to State waters. The certification will specify whether the coverage is for the areas of the MS4 that are within an urbanized area only, and/or for other areas as well. Implementation of the CDPS Stormwater Management Program, in accordance with the Implementation Schedule requirements in Part I.C, shall begin immediately for areas that meet the Permit Area description through expansion of the entity’s jurisdictional boundaries or infrastructure within the area designated. Areas removed from a permittee’s jurisdiction, such as through transfer to a city, county, or private entity, are removed from permit coverage at the time of the transfer of the jurisdiction.

4. Applicability

This permit covers discharges from small MS4s that are regulated under the Colorado Discharge Permit Regulation 61.3(2)(f)(iii) and (v). This permit is for coverage of entities that own or operate an MS4 (i.e., Non-Standard MS4s) and are not cities or counties.

The Division may require some Non-Standard MS4s to obtain coverage under an alternative general permit, if they are determined to have roles within their operational area similar to a city or county, or for reasons discussed in Part I.D.5 or II.E.1 of the permit.

5. Cherry Creek Reservoir Drainage Basin

The Cherry Creek Reservoir Control Regulation (5 CCR 1002-72) includes specific program requirements for those parts of an MS4 that drain into the Cherry Creek Reservoir drainage basin. Implementation of a CDPS Stormwater Management Program, as required by Part I.B of the permit, constitutes compliance with the specific program requirements in the Cherry Creek Reservoir Control Regulation. Specific requirements are included in Parts I.B.4 and I.B.5 of this permit that limit permittees within the Cherry Creek Reservoir drainage basin to specific options that ensure consistency with the Cherry Creek Reservoir Control Regulation.

6. Application and CDPS Stormwater Management Program Description for New Applicants

The requirements of this section apply only to permittees not covered under a previous General Permit for Stormwater Discharges Associated with MS4s (MS4 General Permit), i.e., New Applicants. Renewal Permittees are not required to meet the requirements of this section, and instead must follow the requirements of Part I.A.7, below.

New Applicants must meet the following application requirements. The application includes submittal of the CDPS Stormwater Management Program description.

A. COVERAGE UNDER THIS PERMIT (cont.)

- a) Due Dates: Within 180 days of Division notification, the operator of the MS4 shall submit an application form as provided by the Division. (The Division retains the right to grant permission for a later date upon good cause shown.) One original completed discharge permit application shall be submitted, by mail or hand delivery, to:

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

- b) Application Form and CDPS Stormwater Management Program Description: The application form requires, at a minimum, the following information:

- 1) Name and address of principal executive officer, ranking elected official, or other duly authorized employee in charge the of resources used for implementation of the CDPS Stormwater Management Program
- 2) MS4 location description and map
- 3) Names of USGS named State waters that receive discharges from the permittee's MS4
- 4) Name of the person responsible for overseeing implementation and coordination of the CDPS Stormwater Management Program
- 5) MS4 population and area
- 6) CDPS Stormwater Management Program description consisting of, at a minimum, a general description of the program elements that will be implemented (or already exist) for each of the CDPS Stormwater Management Program Areas (see Part I.B of the permit)
- 7) Measurable Goals for each of the program areas including, as appropriate, the year by which the permittee will undertake required actions, including interim milestones and the frequency of the action.
- 8) Certification and signature requirements in accordance with Part I.H.1

The descriptions for Items (6) and (7), above, must be detailed enough for the Division to determine the permittee's general strategy for complying with the required items in each of the six CDPS Stormwater Management Program areas (Parts I.B.1-6 of this permit). This must include an indication of which program elements (such as those in the Colorado's Phase II Municipal Guidance) the permittee intends to utilize, and to what degree particular elements will be stressed.

All Measurable Goals must have a due date of December 31st of the intended year of completion, and shall be reported on in the subsequent Annual Report.

- c) Permit Certification Procedures: If the general permit is applicable to the applicant's operation and the application has been reviewed and determined to be complete, a certification will be issued and the applicant will be authorized to discharge stormwater under this general permit.

- 1) Request for Additional Information for Acceptance of Application: The Division shall have up to **30 days** after receipt of the information required in subparagraph (b), above, to determine application completeness, and to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information, the Division shall have an additional **fifteen days** to determine if the information provided satisfies the request, or to deny coverage under the permit.
- 2) Automatic Coverage: If the applicant does not receive a request for additional information, denial of coverage under the permit, or acceptance of the application from the Division dated within 30 days of receipt of the application by the Division, authorization to discharge in accordance with the conditions of this permit shall be deemed granted.

A. COVERAGE UNDER THIS PERMIT (cont.)

- 3) **Individual Permit Required:** If, after evaluation of the application (or additional information, such as the CDPS Stormwater Management Program), it is found that this general permit is not applicable to the operation, then the application may be processed as one for an individual permit with the applicant's approval. The applicant will be notified of the Division's decision to deny certification under this general permit. For an individual permit, additional information may be requested, and 180 days will be required to process the application and issue the permit.
- 4) **Temporary Coverage:** Notwithstanding Parts I.A.6(c)(3), above, the Division reserves the right to temporarily cover stormwater discharge from MS4s under general permits, even though individual permit coverage may be more appropriate.

Certification of these activities under a general permit does not in any way infringe on the Division's right to revoke that coverage and issue an individual permit or amend an existing individual permit.

- 5) **General vs. Individual Permit Coverage:** Any operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual CDPS permit. The operator shall submit an individual application, with reasons supporting the request, to the Division at least 180 days prior to the time that coverage under an individual permit is needed.
- d) **CDPS Stormwater Management Program:** The Division shall have up to **180 days** after receipt of the complete application to review the CDPS Stormwater Management Program as described in the application. See Part I.E.1 of this permit.
- 1) **Public Notice and Comment:** Upon review, and modification if required in accordance with Part I.E.1 of the permit, of the CDPS Stormwater Management Program Description and Measurable Goals, the Division will provide public notice on the Division website (<http://www.cdphe.state.co.us/wq/PermitsUnit>), along with procedures for public review.
- e) **Transfer of Coverage to New Entity:** Where application is made by a New Applicant that has assumed operational control of an MS4 for which coverage under this permit was previously held by a separate entity, the Division may determine that the New Applicant shall comply with the permit requirements in this permit, as directed for Renewal Permittees. Notification shall be made by the Division of this requirement in writing to the New Applicant prior to issuance of the permit certification.

7. CDPS Stormwater Management Program Description for Renewal Permittees

The requirements of this section apply only to Renewal Permittees that were covered under a previous MS4 General Permit (unless notified by the Division in accordance with Part I.A.6(e), above). New Applicants are not required to meet the requirements of this section and instead must follow the requirements of Part I.A.6, above.

Renewal Permittees must meet the following requirements for submitting a CDPS Stormwater Management Program description:

- a) **Due Dates:** By **June 10, 2008**, the permittee shall submit an updated CDPS Stormwater Management Program description to the Division.
- b) **CDPS Stormwater Management Program Description Requirements:** The CDPS Stormwater Management Program description shall include, at a minimum, the following information:
 - 1) Permit certification number.
 - 2) MS4 location description and map.

A. COVERAGE UNDER THIS PERMIT (cont.)

- 3) CDPS Stormwater Management Program description consisting of, at a minimum, a general description of the program elements that will be implemented (or are already being implemented) for each of the CDPS Stormwater Management Program Areas (see Part I.B of the permit.)
 - i) For each CDPS Stormwater Management Program Area, briefly summarize any modifications to ordinances or long-term/ongoing processes implemented in accordance with the previous MS4 general permit.
- 4) For any new program elements implemented to meet specific requirements of this permit, that were not addressed under the permittee's previous CDPS Stormwater Management Program:
 - i) A description and relevant Measurable Goals that include, as appropriate, the year by which the permittee will undertake required actions (on or before December 31, 2009), including interim milestones, and the frequency of the action (this item may reference information already provided under Item (3), above) ; or
 - ii) A reference to existing program areas described in Item (3), above, that already meet the permit requirements.
- 5) Certification and signature requirements in accordance with Part I.H.1.

The descriptions for Items 3 and 4 above must be detailed enough for the Division to determine the permittee's general strategy for complying with the required items in the six CDPS Stormwater Management Program areas (Parts I.B.1-6 of this permit).

All Measurable Goals must have a due date of December 31st of the intended year of completion, and shall be reported on in the subsequent Annual Report.

- c) Review of CDPS Stormwater Management Program: The Division shall have up to **180 days** after receipt of the complete submittal required in subparagraph b, above, to review the CDPS Stormwater Management Program as described. See Part I.E.1 of this permit.
 - 1) Public Notice and Comment: Upon review, and modification if required in accordance with Part I.E.1 of the permit, of the CDPS Stormwater Management Program Description and Measurable Goals, the Division will provide public notice on the Division website (<http://www.cdphe.state.co.us/wq/PermitsUnit>), along with procedures for public review.

8. Local Agency Authority

This permit does not pre-empt or supersede the authority of the permittee, the city or county the permittee is located within, or other local agencies to prohibit, restrict, or control discharges to storm drain systems or other water courses within their jurisdiction.

9. Permit Expiration Date

Authorization to discharge under this general permit shall expire on March 9, 2013. The Division must evaluate and reissue this general permit at least once every five years and must recertify the applicant's authority to discharge under the general permit at such time. Any permittee desiring continued coverage under the general permit must reapply by September 9, 2012. The Division will determine if the applicant may continue to operate under the terms of the general permit. An individual permit may be required for any facility not reauthorized to discharge under the reissued general permit.

The reapplication form requires, at a minimum, the following information:

- a) Name and address of principal executive officer, ranking elected official, or other duly authorized employee in charge the of municipal resources used for implementation of the CDPS Stormwater Management Program
- b) Name of the person responsible for overseeing implementation and coordination of the CDPS Stormwater Management Program
- c) MS4 population
- d) Certification and signature requirements in accordance with Part I.H.1

B. CDPS STORMWATER MANAGEMENT PROGRAM

The permittee must develop, implement, and enforce a CDPS Stormwater Management Program, in accordance with Part I.B of this permit, designed to reduce the discharge of pollutants from their MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act (25-8-101 et seq., C.R.S.) and the Colorado Discharge Permit Regulations (61). Implementation of Best Management Practices (BMPs) consistent with the provisions of the CDPS Stormwater Management Program and the other requirements in this permit constitutes compliance with the standard of reducing pollutants to the MEP.

The permittee must develop and maintain a written record detailing the various components of the CDPS Stormwater Management Program. Program elements used to meet the requirements of the stormwater management program areas, as described in subsections 1 through 6 below, must be included in the record as they are implemented. The Division reserves the right to require that additional information be developed and submitted for any program area elements, in order to determine program adequacy (see Part I.E.3).

1. Public Education and Outreach on Stormwater Impacts

The permittee must implement a program to educate the public that uses their facilities. The program must include outreach activities about steps that the public can take to reduce pollutants in stormwater runoff and illicit discharges from the permittee's facilities. Pollutant sources targeted must include those actually present at the facilities, which may include items such as pet waste, litter, disposal of items such as oil to the ground or storm sewers, etc.

The permittee must meet the following minimum requirements:

- a) Target the following specific populations, if present:
 - i) General Public: Educate the general public that uses the facilities on stormwater pollutant sources and illicit discharges they may produce while using those facilities. Examples include disposal of litter and picking up pet waste.
 - ii) Tenants: Educate any commercial or industrial tenants, such as vendors, stores, and restaurants, that operate within the permitted area about their stormwater pollution sources and illicit discharges. Examples of activities to address include proper disposal of waste and good housekeeping practices.
- b) Document the specific populations listed in subsection (a) above that are covered, and the outreach activities that will be conducted during the permit term.
- c) Implement specific activities and maintain materials, such as web pages, signs, etc, to ensure implementation of the outreach activities.

2. Public Involvement/Participation

The permittee must provide a mechanism and processes to allow for ongoing public and staff review and input of the CDPS Stormwater Management Program.

The permittee must meet the following minimum requirements:

- a) Implement processes to ensure public feedback and information requests are directed to the proper permittee contacts, documented, and responded to as appropriate.

B. CDPS STORMWATER MANAGEMENT PROGRAM (cont.)

- b) Provide one or more of the following feedback mechanisms:
- i) Publish and maintain a web page providing information on the permittee's CDPS Stormwater Management Program, including directions for providing feedback.
 - ii) Publish and distribute, or post in a public place, notice of the permittee's CDPS Stormwater Management Program and directions for obtaining more information and providing feedback.

3. Illicit Discharge Detection and Elimination

The permittee must develop, implement and enforce a program to detect and eliminate illicit discharges, as defined below, into the permittee's MS4. Illicit discharges do not include discharges or flows from emergency fire fighting activities, or other activities specifically authorized by a CDPS permit.

The permittee must meet the following minimum requirements:

- a) Develop and maintain a current storm sewer system map, showing the location of all of the permittee's storm sewer outfalls and the names and location of all state waters that receive discharges from those outfalls.
- b) Develop, document, and implement a plan to detect and address illicit discharges to the system. The plan must include:
 - i) procedures for tracing the source of an illicit discharge;
 - ii) procedures for removing the source of the discharge, including procedures to refer discharges to a city or county for enforcement when appropriate; and
 - iii) procedures to document occurrences of illicit discharges and how they were responded to.
- c) Develop and implement a program to train permittee staff to recognize and appropriately respond to illicit discharges observed during typical duties. The program must address who will be likely to make such observation and therefore receive training, and how staff will report observed suspected illicit discharges.

Illicit Discharges include any discharge to an MS4 that is not composed entirely of stormwater, except:

- Discharges specifically authorized by a CDPS permit.
- Discharges resulting from emergency fire fighting activities.
- the following categories of non-stormwater discharges or flows, unless the permittee identifies them as significant contributors of pollutants to the permittee's MS4: landscape irrigation, lawn watering, diverted stream flows, irrigation return flow, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, springs, flows from riparian habitats and wetlands, water line flushing, discharges from potable water sources, foundation drains, air conditioning condensation, water from crawl space pumps, footing drains, individual residential car washing, dechlorinated swimming pool discharges, and water incidental to street sweeping (including associated side walks and medians) and that is not associated with construction.
- occasional incidental non-stormwater discharges similar to those in the above paragraph, (e.g., non-commercial or charity car washes, etc.) as determined and documented by the permittee, if approved by the Division. These non-stormwater discharges must not be reasonably expected (based on information available to the permittee) to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs, etc.). The permittee must document in their program any local controls or conditions placed on the discharges. The permittee must include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

B. CDPS STORMWATER MANAGEMENT PROGRAM (cont.)

The Division reserves the right to request documentation or further study of particular non-stormwater discharges that are not defined as illicit discharges in accordance with the above provisions. The Division may require a reasonable basis for allowing the non-stormwater discharge and excluding the discharge from the permittee's program, and to require inclusion of the discharge in the permittee's program as an illicit discharge, if water quality concerns can not otherwise be reasonably satisfied.

4. Construction Sites

The permittee must develop, document, and implement a program to reduce the discharge of pollutants to the MS4 from construction activities owned and/or operated by the permittee that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. The program must reduce pollutants in discharges of stormwater runoff and also reduce pollutants in, or prevent when required in accordance with the I.B.3, non-stormwater discharges that have the potential to result in water quality impacts (e.g., construction dewatering, wash water, etc.), to the MS4. The program must require adequate design, implementation, and maintenance of BMPs.

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 is not required to develop, implement, and/ or enforce its Construction Sites program to reduce pollutant discharges from such a site.

The permittee program must meet either the requirements in Option 1, subsection (a), or the requirements in Option 2, subsection (b), below. The requirements of Option 1 must be met for any areas discharging to the Cherry Creek Reservoir Drainage Basin.

a) Option 1 - Develop, document, and implement a program to follow the requirements of a city and/or county local program(s). Under this option, the permittee would be in violation of this permit if they fail to comply with the local program(s). The following requirements must be met under this option:

- 1) Document the local program(s) that will be followed for the permitted area. If different programs will be followed in different areas, this must be clearly described.
- 2) Require compliance, through contracts or other enforceable mechanisms, with all requirements of the local program(s). Have procedures in place and documented to ensure that contractors and staff comply with the requirements. Procedures must include specific processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measures.
- 3) Submit construction plans and documentation for review by the local program(s), as required by those local programs.
- 4) Allow for site inspections by the local program(s), as required by the local program.

b) Option 2 – Develop, document, and implement the permittee's own program that meets all of the following requirements:

- 1) Require compliance, through contracts or other enforceable mechanisms, with all requirements of the program.
- 2) Develop, document, and implement requirements for construction site operators to implement appropriate erosion and sediment control BMPs. The permittee must develop or reference specific design criteria for site planning and BMPs.
- 3) Develop, document, and implement requirements for construction site operators to implement BMPs to control waste such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste, and other non-stormwater discharges including construction dewatering and wash water, at the construction site that may cause adverse impacts to water quality.

B. CDPS STORMWATER MANAGEMENT PROGRAM (cont.)

- 4) Develop, document, and implement a Compliance Assessment program, including:
 - i) Procedures for site plan review which incorporate consideration of potential water quality impacts.
 - ii) Procedures for construction site compliance assessment, including:
 - A) site inspections; and
 - B) receipt and consideration of information submitted by the public.
 - iii) procedures and mechanisms to track and provide the Annual Report information required in Part I.F.6(a) of the permit.
- 5) Develop and implement a Compliance Assurance program, including:
 - i) Procedures for enforcement of control measures that include documented procedures for response to violations of the permittee's program requirements. Procedures must include specific processes and sanctions adequate to minimize the occurrence of, obtain compliance from, chronic and recalcitrant violators of control measures.
 - ii) An education and training program for staff and contractors that includes, at a minimum, information for construction site operators unfamiliar with the program requirements.

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

The permittee must develop, document, and implement a program to address stormwater runoff from the permittee's new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must ensure that, following new development and/or redevelopment, permanent water quality controls are in place that would prevent or minimize water quality impacts.

The permittee program must meet either the requirements in Option 1, subsection (a), or the requirements in Option 2, subsection (b), below. The requirements of Option 1 must be met any areas discharging to the Cherry Creek Reservoir Drainage Basin.

- a) **Option 1 - Develop, document, and implement a program to follow the requirements of the city and/or county program(s) (local program(s)). Under this option, the permittee would be in violation of this permit if they fail to comply with the local program(s). The following requirements must be met under this option:**
 - 1) Document the local program(s) that will be followed for the permitted area. If different programs will be followed in different areas, this must be clearly described.
 - 2) Require that permanent water quality controls are developed and implemented in compliance with all requirements of the local program(s).
 - 3) Ensure the long-term operation and maintenance of permanent water quality controls, in accordance with the local program(s).
 - 4) Submit construction and long-term operation and maintenance plans and documentation for review by the local program(s), as required by those local programs.
 - 5) Allow for site inspections, both during construction and following construction, by the local program(s), as required by the local program.

B. CDPS STORMWATER MANAGEMENT PROGRAM (cont.)

b) Option 2 - Develop, document, and implement the permittee's own program that meets all of the following requirements:

- 1) Develop, document, and implement strategies which include the use of structural and/or non-structural BMPs for new development and redevelopment projects. The BMPs shall address the discharge of pollutants, and/or maintain or restore hydrologic conditions at sites, to minimize the discharge of pollutants and prevent in-channel impacts associated with increased imperviousness. The permittee must develop or reference specific design criteria for selection, implementation, and maintenance of controls.
- 2) Develop, document, and implement procedures to review post-construction BMP plans and designs prior to construction to ensure compliance with the requirements in subparagraph (1), above.
- 3) Develop, document, and implement procedures, including inspections, to determine if the controls required under subparagraph (1), above, are being installed according to specifications.
- 4) Develop, implement, and document procedures to ensure adequate long-term operation and maintenance of controls, including inspection procedures for all controls.
- 5) Develop, document, and implement procedures and mechanisms to track long-term BMPs implemented in accordance with the program. Tracking must address the location and the adequacy of long term operation and maintenance activities for the BMPs.
- 6) Develop, document, and implement procedures and mechanisms to track and provide the Annual Report information required in Part I.F.6(b) of the permit.

6. Pollution Prevention/Good Housekeeping for Permittee's Operations

The permittee must develop and implement an operation and maintenance program that includes a training component for employees, and contractors when applicable, and has the ultimate goal of preventing or reducing pollutants in runoff from the operations conducted by or for the permittee. The program must also inform employees/contractors of impacts associated with illegal discharges and improper disposal of waste from the permittee's operations. The program must prevent and/or reduce stormwater pollution from the permittee's facilities, or their contracted facilities located within the permitted area, such as streets, roads, parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations, snow disposal areas, and waste transfer stations, and from the permittee's, and/or their contractors', activities such as park and open space maintenance, fleet and building maintenance, street maintenance, new construction of facilities, and stormwater system maintenance, as applicable. The permittee must:

- a) develop and maintain written procedures for the implementation of an operation and maintenance program to prevent or reduce pollutants in runoff from the permittee's operations. The program must specifically list the operations (i.e., activities and facilities) that are impacted by this operation and maintenance program. The program must also include a list of any industrial facilities the permittee owns or operates that are subject to separate coverage under the State's general stormwater permits for discharges of stormwater associated with industrial activity;
- b) develop and implement procedures to provide training to employees and contractors as necessary to implement the program under Item 1, above.

C. CDPS STORMWATER MANAGEMENT PROGRAM - IMPLEMENTATION SCHEDULE

The permittee's CDPS Stormwater Management Program must include the six program areas, including Measurable Goals, described in Part I.B, above. Measurable Goals for each of the program areas must include, as appropriate, the year by which the permittee will undertake required actions, including interim milestones and the frequency of the action. Measurable Goals are not required for programs already fully implemented.

C. CDPS STORMWATER MANAGEMENT PROGRAM - IMPLEMENTATION SCHEDULE (cont.)

1. **New Applicants**

Applicants not covered under a previous MS4 General Permit (i.e., COR-080000 or 090000) must meet the following application requirements.

Implementation of the permittee's CDPS Stormwater Management Program, as described in the permittee's application, is required to begin within 30 days after the completed application is submitted, or by April 9, 2008, whichever is later. Measurable Goals must be continued until each program area has been fully developed and implemented.

A staged implementation is allowed. The permittee must fully develop and implement the CDPS Stormwater Management Program as discussed in Part I.B of the permit, by **March 9, 2013**. At a minimum, the program areas must be developed and implemented at a relatively steady rate over the initial permit term, to the MEP.

The Division may include alternative deadlines in the permit certification that would allow the permittee to have their program areas partially completed by March 9, 2013, only if the permittee is designated by the Division (as requiring permit coverage) after September 9, 2008.

2. **Renewal Permittees**

Permittees that were covered under a previous MS4 General Permit (i.e., COR-080000 or 090000) , and that have submitted a permit renewal application in accordance with the provisions of that permit, must meet the following requirements.

The permittee must continue to implement the CDPS Stormwater Management Program as described in the application and submittals provided in accordance with the previous MS4 general permit, unless proposed modifications or revisions are made in accordance with Part I.E or Part I.A.7(b) of the permit.

Implementation of the permittee's new CDPS Stormwater Management Program, as described in the program submittal required by Part I.A.7(b) of the permit, is required to begin by **July 10, 2008**.

A staged implementation is allowed only for new program elements required to meet specific requirements of this permit, that were not addressed under the permittee's previous CDPS Stormwater Management Program. However, the permittee must fully develop and implement all elements of the CDPS Stormwater Management Program as discussed in Part I.B of the permit, by **December 31, 2009**.

For any changed program elements, implementation of the previous CDPS Stormwater Program elements must continue during the time of such modifications or revisions.

3. **Newly Designated Areas**

For Renewal Permittees where additional areas are designated for permit coverage, either through issuance or amendment of the certification under this permit, the permittee must fully comply with the CDPS Stormwater Management Program requirements of Part I.B of the permit for that newly designated area within one year of the issuance or amendment of the certification that includes the new designation, or by **December 31, 2009**, whichever is later.

D. 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 to the discharge for stormwater treatment unless permission for the use of a specific chemical is granted by the Division. In granting the use of such chemicals, special conditions and monitoring may be addressed by separate letter.

D. OTHER TERMS AND CONDITIONS (cont.)

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

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

This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 or 40 CFR 302. Any discharge of hazardous material must be handled in accordance with the Division's Notification Requirements (see Part II.B.1 of the permit).

3. **CDPS Stormwater Management Program Records Availability**

All CDPS Stormwater Management Program 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 stormwater discharges covered by this permit shall make their CDPS Stormwater Management Program available to members of the public upon request. However, the permittee may claim any portion of a CDPS Stormwater Management Program as confidential in accordance with 40 CFR Part 2.

4. **Resources**

The permittee shall provide finances, staff, equipment, and support capabilities to implement the CDPS Stormwater Management Program to the MEP.

5. **TMDLs**

If a TMDL has been approved for any waterbody into which the permittee discharges, and discharges requiring controls 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) Notify the permittee of the WLA, and amend the permittee's certification to add specific BMPs and/or other requirements, as appropriate, and a compliance schedule for the permittee to submit information and to implement necessary actions. The permittee may be required to do the following:
 - 1) Under the permittee's CDPS Stormwater Management Program, implement specific management practices based on requirements of the WLA, and evaluate whether the requirements are being met through implementation of existing program areas or if additional or modified program areas are necessary. Document the calculations or other evidence that show that the requirements are expected to be met; and
 - 2) If the evaluation shows that additional or modified BMPs are necessary, describe the type and schedule for the BMP additions/revisions.
- 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.C.4, or require the permittee to apply for and obtain an individual or alternate general CDPS permit, in accordance with Part II.E.1.

6. **Implementation by Other Parties**

Implementation of one or more of the program area elements may be shared with another entity, or the other entity may fully take over implementation of the element(s). The permittee may rely on another entity for implementation only if:

- a) The other entity, in fact, implements the element(s);
- b) The particular element(s) is at least as stringent as the corresponding permit requirement; and

D. OTHER TERMS AND CONDITIONS (cont.)

- c) The other entity agrees to implement the control measure on the permittee's behalf. Written acceptance of this obligation is expected. This obligation must be maintained as part of the description of the permittee's CDPS Stormwater Management Program.

The permittee remains liable for ensuring that all requirements of this permit are complied with, regardless of who implements the element(s).

7. 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.

E. PROGRAM REVIEW AND MODIFICATION

1. Division Review of Programs and Reports

Any programs or reports that are prepared as a condition of this permit and are required to be submitted to the Division for review are subject to the following deadlines.

- a) Within 180 days of the submittal, or a later date agreed to by the permittee, the Division shall notify the permittee that the program or report is acceptable or that it does not meet one or more of the minimum requirements of this permit. Such notification shall identify which provisions of the submittal, if any, require modification.
- b) Within 30 days of such notification from the Division, or a later date agreed to by the Division, the permittee shall make the required changes and re-submit the program or report.
- c) If the Division notifies the permittee that a submittal is unacceptable, the Division may grant the permittee permission to extend schedules, deadlines and Measurable Goals that may be affected by the resulting delays in implementation, in accordance with Part I.E.2(b)) of this permit.

CDPS Stormwater Management Program and program element descriptions and Measurable Goals as submitted by the permittee, once accepted by the Division, shall become enforceable conditions under this permit.

2. CDPS Stormwater Management Program and Measurable Goals Modification

a) Permittee-Initiated Changes

The permittee shall amend the program whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the State, or if one or more elements of the CDPS Stormwater Management Program proves to be ineffective in achieving the general objectives of controlling pollutants in MS4 stormwater discharges.

- 1) Additions: Changes adding (but not removing or replacing) components, controls, or requirements to the CDPS Stormwater Management Program and/or Measurable Goals may be made at any time. Such changes shall be summarized in the subsequent Annual Report.
- 2) Modifications and Removals: Significant changes that involve replacing or deleting an ineffective or unfeasible BMP specifically identified in the CDPS Stormwater Management Program, or a Measurable Goal with an alternate BMP/Goal must be submitted to the Division for review prior to implementation. This includes changes to BMPs that have been proposed in the application/Annual Reports but not yet implemented. Unless denied by the Division, changes proposed in accordance with the criteria below shall be deemed acceptable and may be implemented 60 days after submittal of the request, or upon acceptance by the Division, whichever is sooner. If the request is denied, the Division will send a written response giving a reason for the decision. The modification request must include:

E. PROGRAM REVIEW AND MODIFICATION (cont.)

- i) a description of the replacement BMP/Goal;
- ii) an analysis of why the replacement BMP/Goal is expected to achieve the goals of the original BMP/Goal;
- iii) an implementation schedule and any other relevant Measurable Goal; and
- iv) certification and signature requirements in accordance with Part I.H.1.

All Measurable Goals must have a due date of December 31st of the intended year of completion, and be reported on in the subsequent Annual Report.

b) Division-Initiated Changes

The Division may require changes to the CDPS Stormwater Management Program as needed to:

- 1) address negative impacts on quality of state waters caused, or contributed to, by discharges from the MS4;
- 2) include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; and/or
- 3) include such other conditions deemed necessary by the Division to comply with the goals and requirements of the Clean Water Act, the Colorado Discharge Permit Regulations, and this permit.

Changes requested by the Division will be made in writing, set forth the time schedule for the permittee to develop the changes, and offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification.

3. Demonstration of Adequacy

The Division reserves the right to request submittal of additional information on the adequacy of the proposed programs/measurable goals to determine whether or not the CDPS Stormwater Management Program, or program elements, have been designed to reduce the discharge of pollutants from the permittee's MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act (25-8-101 et seq., C.R.S.) and the Colorado Discharge Permit Regulations (61).

4. Annual Program Review

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

- a) A review of the CDPS Stormwater Management Program compliance status with any schedules and other Measurable Goals established under the Program;
- b) An assessment of the effectiveness of controls established by the Program; and
- c) An assessment of any program modifications needed.

F. REPORTING REQUIREMENTS - 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, 2008, to December 31, 2008 (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. An Annual Report form shall be provided by the Division. The report shall include the following sections:

F. REPORTING REQUIREMENTS - ANNUAL REPORT (cont.)

1. The implementation status of each of the program areas within the CDPS Stormwater Management Program for which any program element is still being developed in accordance with a Measurable Goal. Must include a brief summary of the CDPS Stormwater Management Program elements that have been changed or further refined since the previous report or the permit application, and status of achieving the Measurable Goals for each of the program areas;
2. A summary of the stormwater activities the permittee plans to undertake during the next reporting cycle to meet any outstanding Measurable Goals (including an implementation schedule);
3. Proposed changes to the CDPS Stormwater Management Program, including changes to any BMPs or any identified Measurable Goals that apply to the program elements (see Part I.B and I.E);
4. Notice, if not included in previous reports or application, that the permittee is relying on another government entity to satisfy some of their permit obligations (if applicable);
5. An update on areas added to the MS4 due to expansion of facilities or other means; and
6. If submittal of information is required in subsection (a) or (b), below, a summary, that includes the information indicated in those subsections, of the number and nature of sites/facilities addressed, enforcement actions, and inspections performed for the various program areas.
 - a) Construction Site Stormwater Runoff Control Program: If Option 2, as described in Part I.B.4(b), is implemented by the permittee, the following information must be provided:
 - 1) The total number of construction sites covered by the permittee's inspection program during the year.
 - 2) The total number of inspections performed.
 - 3) A summary of Compliance Assurance activities performed, including:
 - i) The total number of enforcement actions performed, by enforcement type (e.g., monetary penalty, stop work order, written notice of violation, etc.);
 - b) Post-Construction Program: If Option 2, as described in Part I.B.5(b), is implemented by the permittee, the following information must be provided:
 - 1) The total number of sites for which BMPs were required or specific BMPs implemented during the reporting period, in accordance with the permittee's Post-Construction Stormwater Program.
 - 2) The total number of such sites/BMPs inspected jurisdiction-wide to ensure compliance with long term operation and maintenance requirements.
 - 3) The total number of enforcement actions performed, by enforcement type (e.g., monetary penalty, written notice of violation, etc.).
7. One-Time Operating Procedures Report: Permittees must submit a one-time inventory of the written procedures for the Pollution Prevention/Good Housekeeping for Permittee Operations program, as described in Part I.B.6(a) . The inventory is due with the next Annual Report:
 - For New Applicants: **March 10, 2013**
 - For Renewal Permittees: **March 10, 2010**

The permittee must provide the following information **for each** of the operations (i.e., activities and facilities) listed in Part I.B.6 of the permit, as well as any other operations or facilities that the permittee has addressed under their Pollution Prevention/Good Housekeeping for Permittee Operations program. The Division may also specifically request additional types of operations or facilities be included in the inventory by providing such a list at least 6 months prior to the above applicable due date.

F. REPORTING REQUIREMENTS - ANNUAL REPORT (cont.)

- a) Does the permittee own or operate the facility/operation within its permitted area?
- b) Is the facility/operation operated by contractors?
- c) Are written procedures for pollution prevention and good housekeeping in place for the facility/operation, as required by Part I.B.6?
- d) How and where are the written procedures maintained? If the procedures are contained within a larger manual, regulation, etc, provide the name and section of that document

The Division reserves the right to require additional information in the report, on a case-by-case basis, as needed.

A completed and signed copy of the above report form shall be submitted to the following address:

Colorado Department of Public Health & Environment
Water Quality Control Division
WQCD-P-B2 – Stormwater Program
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

G. 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. **Best Management Practices (BMPs):** schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage.
2. **CDPS Stormwater Management Program:** A program to manage the quality of stormwater discharges from an MS4 authorized to discharge under this permit, based on the six program areas as outlined in Part I.B of this permit.
3. **Illicit Discharge:** any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges specifically authorized by a CDPS permit, and discharges resulting from fire fighting activities.
4. **MS4:** a municipal separate storm sewer system.
5. **Municipal Separate Storm Sewer System:** a conveyance or system of conveyances (including: roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), owned or operated by a State, city, town, county, district, or other public body (created by state law), having jurisdiction over disposal of sewage, industrial waste, stormwater, or other wastes; designed or used for collecting or conveying stormwater.
6. **Municipality:** a city, town, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of the federal Clean Water Act.
7. **Non-Standard MS4s:** publicly-owned systems similar to separate storm sewer systems in cities and counties, including, but not limited to, systems at military bases and large education, hospital or prison complexes.
8. **Non-Stormwater Discharges:** Any discharge to an MS4 that is not composed entirely of stormwater. See definition for Illicit Discharge.
9. **New Applicant:** permittee not covered under a previous MS4 General Permit.
10. **Operator:** the person or entity who is responsible for operation and maintenance of the MS4.

G. DEFINITIONS (cont.)

11. **Outfall:** point where a municipal separate storm sewer discharges to state waters; 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.
12. **Point Source:** any discernible, confined and discrete conveyance from which pollutants are or may be discharged. Point source discharges of stormwater result from structures which increase the imperviousness of the ground which acts to collect runoff, with runoff being conveyed along the resulting drainage or grading pattern.
13. **Process Water:** any water which during manufacturing or processing, comes into contact with or results from the production of any raw material, intermediate product, finished product, by product or waste product. This definition includes mine drainage.
14. **Renewal Permittee:** permittee that was covered under a previous MS4 General Permit.
15. **Significant Materials** include but are not limited to: raw materials; fuels; materials such as metallic products; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharge.
15. **Stormwater:** precipitation-induced surface runoff.
16. **Urbanized Area:** contiguous, densely settled census block groups and census blocks that meet minimum population density requirements, along with adjacent densely settled census blocks that together encompass a population of at least 50,000 people. Urbanized area boundaries are determined by the latest Decennial Census by the U.S. Bureau of the Census.
17. **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.

H. GENERAL REQUIREMENTS

1. **Signatory Requirements**

- a) All reports required for submittal shall be signed and certified for accuracy by the permittee in accordance with the following criteria:
 - 1) In the case of corporations, by a principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates;
 - 2) In the case of a partnership, by a general partner;
 - 3) In the case of a sole proprietorship, by the proprietor;
 - 4) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
- 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.

H. GENERAL REQUIREMENTS (cont.)

- 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 CDPS Stormwater Management Program 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. PERMITTEE RESPONSIBILITIES

1. Duty To Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance or modification; or denial of a permit renewal application. Violation of the terms and conditions specified in this permit may be subject to civil and criminal liability pursuant to C.R.S. 25-8-601 through 612 and the Federal Clean Water Act.

2. Minimization of Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or environment.

3. Proper Operation and Maintenance

In accordance with the requirements of Part I of this Permit, the permittee shall at all times properly implement the six program areas, as described in Part I.B of the permit, to the maximum extent practicable to achieve compliance with the conditions of this permit. Proper implementation includes effective performance, adequate funding, and adequate operator staffing and training.

4. Reduction, Loss, or Failure of Water Quality Controls

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.

5. Upset

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

A. PERMITTEE RESPONSIBILITIES (cont.)

6. Inspections and Right to Entry

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

- a) To enter upon the permittee's premises where a regulated MS4 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 noncompliance with any control regulation or any order promulgated by the Division. The investigation may include, but is not limited to, the following: sampling of any discharge; the taking of photographs; interviewing of any person having knowledge related to the discharge permit, CDPS Stormwater Management Program, or alleged violation; and access to any and all facilities or areas within the permittee's jurisdiction that may have any effect on the discharge, permit, or alleged violation.

The Division and/or EPA shall split samples taken by the Division and/or EPA during any investigation with the permittee if requested to do so by the permittee.

7. Duty to Reapply

The permittee shall submit a permit renewal application at least one hundred eighty (180) days before this permit expires.

8. Duty to Provide Information

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

B. NOTIFICATION, REPORTING AND ADMINISTRATIVE REQUIREMENTS

1. 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:
 - 1) A description and cause of noncompliance;
 - 2) The period of noncompliance, including exact dates and times and/or the anticipated time when the permittee will return to compliance; and
 - 3) 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):

B. NOTIFICATION, REPORTING AND ADMINISTRATIVE REQUIREMENTS (cont.)

- 1) Any instance of noncompliance, which may endanger health or the environment;
- c) The permittee shall report all other instances of noncompliance to the Division within 30 days. The reports shall contain the information listed in sub-paragraph (a) of this section.

2. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and Regulations for the State Discharge Permit System 61.5(4), all reports prepared and submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the Water Quality Control Division. As required by the Federal Clean Water Act, monitoring data shall not be considered confidential.

3. Submission of Incorrect or Incomplete Information

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

C. MODIFICATION OR TERMINATION OF PERMITS

1. The filing of a request by the permittee for a permit modification, termination, revocation and reissuance, inactivation or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
2. All permit modification, termination or revocation and reissuance actions shall be subject to the requirements of the State Discharge Permit System Regulations, Sections 61.5(2), 61.5(3), 61.7 and 61.15, 5 C.C.R. 1002-61, except for minor modifications.
3. This permit or certification under the 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:
 - a) Violation of any terms or conditions of the permit;
 - b) 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
 - c) Materially false or inaccurate statements or information in the permit application or the permit.
 - d) 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.
4. This permit may be modified in whole or in part for the following causes, provided that such modification complies with the provisions of 5 CCR 1002-61 Sec. 61.10 regarding antibacksliding:
 - a) The Division has received new information which was not available at the time of permit issuance (other than revised regulations or guidance) and which would have justified the application of different permit conditions at the time of issuance.
 - b) 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:

C. MODIFICATION OR TERMINATION OF PERMITS (cont.)

- 1) EPA has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based, or has approved a Commission action with respect to the regulation on which the permit condition was based; or
 - 2) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations, if the remand and stay concerns that portion of the regulations or guidelines on which the permit condition was based and a request is filed within ninety (90) days of judicial remand.
- c) 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.

D. CONSISTENCY WITH OTHER LAWS AND REGULATIONS

1. **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.

2. **Property Rights**

The issuance of this permit and certification under 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.

3. **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 (Oil and Hazardous Substance Liability) of the Clean Water Act.

4. **Removed Substances**

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

E. OTHER STANDARD CONDITIONS

1. **Requiring an Individual or Alternate General CDPS Permit**

The Division may require any operator covered under this permit to apply for and obtain an individual or alternate general CDPS permit if:

- a) the discharge is not in compliance with the conditions of the general permit;
- b) Conditions or standards have changed so that the discharge no longer qualifies for a general permit; or
- c) Data/information become available which indicate that the permittee's discharge has a reasonable potential to contribute to an exceedance of a water quality standard.

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

D. CONSISTENCY WITH OTHER LAWS AND REGULATIONS (cont.)

2. **Severability**

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

3. **Fees**

The permittee is required to submit payment of an annual fee as set forth in the Water Quality Control Act, Section 25-8-502 (1)(b) as amended. Failure to submit the required fee when due and payable is a violation of the permit and shall result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. 1973 as amended.