



Colorado Discharge Permit System (CDPS)
 Fact Sheet for Modification 2
 Permit Number COR090000
 MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4S)

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I. TYPE OF PERMIT

- A. Type of Modification: Modification 2: Minor Amendment
- B. Discharge To: Surface Water

II. FACILITY INFORMATION

- A. SIC Code: 9511-Air, Water, and Solid Waste Management. Several SIC codes apply to specific municipal activities (sewerage systems 4952, water supply 4941, automotive repair shops 7539, transportation services 4789). Note that there is not a clear SIC code for a Municipal Separate Storm Sewer System (MS4), therefore the 9511 code is applied.
- B. Facility Location: Various Locations - See Part I.A.3 of the Permit

III. SCOPE OF MODIFICATION REQUEST

On May 12, 2016 the Division received a request for appeal and request for stay from the Weld County Office of Board of Commissioners of the requirement to identify and list conveyances for which the majority of flow is irrigation return flow. The request was in regards to the language in Part I.A.2.b.i of the permit. The division is initiating this minor amendment to clarify that there is no requirement to identify and list conveyances for which the majority of the flow is irrigation return flow. Specifically, the division is clarifying that some conveyances that contain irrigation return flow are excluded from being part of the permitted MS4 because they contain flows that are exempted from the Clean Water Act, and that for other conveyances that are part of the MS4 that contain irrigation return flows the permittee has the option of excluding portions of them from coverage under the permit.

IV. CHANGES MADE AS A RESULT OF THE MODIFICATION

The division modified Part I.A.2.b.i by creating two subsections now contained in Part I.A.2.b.i and Part





I.A.2.b.ii. The remaining subsections have been renumbered.

Part I.A.2.b.i addresses flows that are not eligible for coverage under the permit because they are not subject to permitting. In these circumstances, discharges from the conveyances do not meet the definition of a point source and therefore would not be a conveyance subject to permitting as an MS4. The language was modified to address agricultural stormwater runoff since the federal definition of point source excludes agricultural stormwater runoff. The definition of "irrigation return flow" contained at Regulation 61.2(46) was retained in the paragraph. EPA's description of irrigation return flow and agricultural stormwater runoff, and statement that they are exempt from the Clean Water Act, was added to the paragraph.

Part I.A.2.b.ii addresses combined flows and the option for permittees to exclude portions of the MS4 from permit coverage. The language was modified to make it clear that this applies to "portions of the MS4." In other words that the conveyance must first meet the definition of MS4 before this option of exclusion of permit coverage would be applicable. The division added agricultural stormwater runoff to the description of flows included when determining the "majority" of flow, since the federal definition of point source excludes agricultural stormwater runoff. The division retained the procedural aspects of the paragraph that in order to exclude these portions of the MS4 from permit coverage the permittee must identify the portions of the MS4 for which they are requesting exclusion in their permit application or an application supplement, and the division must list these portions of the MS4 in the permit certification.

The division made a conforming change to Part I.H by removing the compliance schedule for Part I.A.2.b.i. Because the division has clarified that the exclusion now contained at Part I.A.2.b.ii is voluntary, no compliance schedule is necessary. A permittee can provide an application supplement at any time and request that the division exclude portions of the MS4 from permit coverage.

V. PUBLIC NOTICE COMMENTS

The public notice period was from May 23, 2016 to June 23, 2016. No comments were received during the public notice period.

