

STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Water Quality Control Division – Industrial Permits Program



General Permit for Construction Dewatering Activities (COG-070000)

Frequently Asked Questions

Revised May 2009

During construction activities, groundwater may be encountered during excavation which may need to be discharged to groundwater or surface water. A certification under the Construction Dewatering (CDW) general permit is required from the Water Quality Control Division (Division) before this discharge can occur.

The following questions and answers are provided to aid in a general understanding of the permitting process for discharges from construction dewatering activities. Please read through all of the Questions and Answers prior to contacting the Division. If your specific question cannot be answered by reading this fact sheet feel free to contact the individual listed at the bottom of this fact sheet for further clarification.

Q1. When do I need to obtain coverage under the CDW Permit?

CDW Permit coverage is required anytime groundwater, including groundwater that is commingled with stormwater or surface water, is encountered during construction activities where the groundwater or commingled water needs to be discharged to surface water or back to the ground. If the site is covered by a Construction Stormwater Permit and the conditions in **Q18** are met, a separate CDW permit will not be required for a discharge to the ground.

Q2. Do I need a CDW permit to divert surface water around an area of construction?

If surface water/springs/seeps are diverted around a construction area and no pollutants are introduced during the diversion, CDW permit coverage is not required. This applies to pumped diversions. However, if the diverted water enters the construction area and contacts pollutant sources (e.g., disturbed soil, concrete washout, etc), CDW permit coverage is required for the discharge of this water to surface water or to the ground.

Q3. Do I need a CDW permit if I am doing work in a live (flowing) stream?

If the project includes dewatering an area in a live stream, permit coverage is required. If the project includes work in a live stream and does not include dewatering, CDW permit coverage is not required as the 404 permit would cover the activity. However, pollutants **cannot** be discharged past the point of the 404 permitted area.

For example, if coffer dams are implemented to divert surface water (e.g., streams and creeks) around an in-stream construction area, this alone would not require CDW permit coverage as the 404 permit would cover the activity. If surface water/groundwater seeps into the coffer dam area, CDW permit coverage is required for the discharge of this water to surface water or to the ground.

Q4. I am injecting the discharge into the ground via an injection well. Do I need a CDW permit?

This would not require a CDW Permit from the Division, as the EPA would have regulatory authority.

Q5. Is there a minimal amount of discharge water that would exempt me from having to apply for CDW permit coverage?

A CDW permit is required regardless of the amount of water discharged to surface water or to the ground.

Q6. I intend to discharge the groundwater to the ground. Do I need a permit?

Because the Division is required to regulate discharges to groundwater, discharges to the ground require coverage under the CDW. Groundwater standards will apply in lieu of surface water standards. However, if the site is covered by a Construction Stormwater Permit and the conditions in **Q17** are met, a separate CDW permit will not be required.

Q7. What if I only intend to discharge for a month?

You are required to obtain permit coverage regardless of the duration of the discharge. However, you can terminate your certification once all dewatering discharges have stopped. The permittee will receive a prorated refund for the portion of the permit not used, minus 90 days.

Q8. Where can I find the CDW Permit Application?

The application and a copy of the CDW General Permit can be found on our website at:
<http://www.cdphe.state.co.us/wq/PermitsUnit/Industrial/index.html>

Q9. How far in advance should I apply for coverage under the CDW Permit?

You must apply for coverage at least 30 days prior to the anticipated discharge date.

Q10. I don't know if I will encounter groundwater. Should I apply for a permit?

The Division suggests that you apply for permit coverage if there is any suggestion that groundwater may be encountered. You can terminate the permit if it is not needed. If you opt to not apply for a permit and encounter groundwater, you will not be able to discharge to surface water or groundwater until permit coverage is obtained. The Division has 30 days to issue a certification once we receive the application.

Q11. I have several projects in numerous locations. Can I cover all projects under one permit?

No. Each project is required to have a separate permit.

Q12. I've submitted my application for a CDW Permit. When can I start discharging?

The Division has 30 days to process a CDW certification once we receive your application. The certification will list the effective date. You can discharge on or after the effective date listed on your certification.

Q13. Is there a way to expedite getting a permit?

Generally permits cannot be expedited. Often times the Division can complete a certification within a couple of weeks, but depending on workloads (which vary day to day) this is not guaranteed and therefore the Division suggests applying for a permit a minimum of 30 days prior to the anticipated discharge date.

Q14. Where will my certification be sent?

Your certification will be sent to whoever is listed on the application as the permittee/legal contact.

Q15. When does my permit coverage expire?

Your certification is valid until the expiration date of the CDW general permit which is November 30, 2011. At that time, the permittee will have the option to renew under the revised CDW general permit.

However, the permittee can terminate permit coverage when dewatering activities are complete. The CDW termination form is available on the Division's Website at:

<http://www.cdphe.state.co.us/wq/PermitsUnit/Industrial/CDWtermination.pdf>

Q16. What is the fee for obtaining coverage under the general permit?

The cost is \$500 per year.

Q17. Should I send payment with my application?

No, the Division will send you an invoice with the billing amount.

Q18. What if I already have permit coverage under the Stormwater Permit for Construction Activity?

If you encounter groundwater and need to discharge it to surface water, a separate CDW Permit is required. Alternatively, Construction Dewatering water may be discharged to the ground under your stormwater permit if all of the following conditions are met:

- 1) The discharge and the BMPs are included in the SWMP;
- 2) Adequate BMPs are included to control stormwater pollution;
- 3) The discharge does not leave the site as surface runoff or to surface waters/storm sewer systems; and
- 4) The groundwater being pumped is not contaminated so as to exceed State groundwater standards.

Q19. What if there is contamination in the area of my construction project?

If there is contamination, additional sampling/monitoring requirements for parameters reflective of the ground water contamination, with associated numeric effluent limitations will be included in your certification. A discharge above surface water or groundwater standards is not authorized under the CDW permit. Additionally, the Division has the flexibility to require sampling of parameters reflective of the groundwater contamination prior to issuing the certification.

Q20. How do I know if there is contamination in my project area?

There are several methods to obtain preliminary groundwater contamination information:

- Brownfield Sites: <http://epa.gov/swerosps/bf/bfmapper.htm>
- Site Contamination: <http://www.cdphe.state.co.us/hm/HMSiteCover.htm>
- Oil and Public Safety for Leaking Underground Storage Tanks: <http://oil.cdle.state.co.us/>
- Voluntary Clean-Up Sites: <http://emaps.dphe.state.co.us/hmtrackreporter/VCRAFront.aspx>

Please note this is not a comprehensive list of all known groundwater contamination, but is meant to help start the process.

Q21. I have groundwater data associated with my construction project. Should I submit it with the application?

Yes, if you have any data associated with you project area you are required to submit it with the application. In addition, if another agency requires that you sample for any parameter, you must submit that data to the Division as well.

Q22. Will I be required to sample if I have a permit?

Yes, the main mechanism for determining compliance with the CDW Permit is sampling.

Q23. What parameters will I be required to sample for?

If there is no potential of groundwater contamination the general parameters will include: Total Suspended Solids, pH, flow reporting, and a visual check for Oil and Grease. If a visual sheen is not detected, sampling for oil and grease is not required, however if a visual sheen is detected, sampling for oil and grease is required. Phosphorus sampling is required if the discharge is to a basin with a Phosphorus control regulation (Bear Creek Reservoir, Cherry Creek Reservoir, Chatfield Reservoir, and Dillon Reservoir), and Total Dissolved Solids sampling is required if the discharge is to the Colorado River Basin.

However, additional parameters may be added to your certification based on contamination in your project area. Your certification to discharge will list each parameter that you are required to sample and monitor for and the sampling frequency. **Please read your certification prior to discharging.**

Q24. If I only discharge for one day, do I still need to sample?

Yes, all discharges require sampling and monitoring for all parameters listed in the certification regardless of duration. The Division suggests sampling at the beginning of the discharge to ensure all sampling requirements are met.

For example: You have a weekly sampling frequency for TSS, the discharge begins on Monday and may not occur later in the week, the Division suggests taking the sample on Monday to ensure that you meet the permit requirements.

Q25. What if I can't meet the permit numeric effluent limitations?

A discharge above surface water or groundwater standards is not authorized as this is a violation of the Colorado Water Quality Control Act. You will have to provide treatment prior to discharge.

Q26. What happens if I discharge above the permit limitations?

Permit violations are handled by the Division's Enforcement Unit and are subject to an enforcement action. Enforcement actions typically include penalty fees. The maximum amount the Division can fine is \$10,000 per day of violation. Additionally, violations are subject to third party lawsuits.

Q27. How do I submit my sampling and monitoring data?

All sampling and monitoring data will be transferred to the Discharge Monitoring Reports (DMRs), per the DMR instructions. DMRs are required to be submitted monthly as long as the permit is effective.

Q28. Where do I get the DMRs?

DMRS will be emailed to the permittee shortly after the certification is issued. If the permittee does not provide an email address on the application, the DMRs will be mailed. If the certification is for a **Mobile Discharge**, the permittee will be required to download their own DMRs from the Division's website at: <http://www.cdphe.state.co.us/wq/PermitsUnit/Industrial/BLANKDMR.pdf>

The certification will specifically state if the discharge is mobile. The permittee will identify the outfall number on the DMRs in numeric order as the mobile discharges occur. If additional sampling and monitoring parameters have been included in the certification, the permittee will have to write in the additional parameters.

Q29. I don't have a discharge during the month. Do I still have to submit a DMR?

Yes, as long as the permit is effective DMRs are required to be submitted monthly. Check the box in the upper right hand corner that says 'No Discharge'.

Q30. How do I terminate my permit certification?

Download the CDW Termination Form from our website at: <http://www.cdphe.state.co.us/wq/PermitsUnit/Industrial/CDWtermination.pdf> and mail it to the address listed on the form.

Please **do not** submit CDW termination forms with you DMRs as they are not routed to the permits section.

Q31. Can I transfer the permit certification from one operator to another?

Yes. Permits can be transferred from one operator to another provided all permit fees are current. Contact Loretta Houk of the Division at 303-692-3531 to obtain the Transfer of Ownership Form.

Q32. How can I change my permit contact information?

Download the Change of Contact Form from our website at: <http://www.cdphe.state.co.us/wq/PermitsUnit/CONTACTCHANGE.pdf> and mail it to the address listed on the form

Q33. Does the issuance of CDW permit constitute a water right?

No. If there are questions surrounding water rights, contact the State Engineers Office (SEO) at 303.866.3581.

For additional information about the Construction Dewatering General Permit
Contact [the Permits Section 303-692-3517, choose 0 for assistance](http://www.cdphe.state.co.us/wq/PermitsUnit/Industrial/CDWtermination.pdf)