

WWE
MEMORANDUM

To: WWE Clients and Colleagues
Via Email

From: Wright Water Engineers, Inc.
Jennifer Keyes

Date: November 4, 2016

Re: Draft CDPS General Permit for Stormwater Discharges Associated with Construction Activities

The Water Quality Control Division (WQCD) has issued a draft of the new Colorado Discharge Permit System (CDPS) General Permit for Stormwater Discharges Associated with Construction Activity for public comment. The draft documents may be found at <https://www.colorado.gov/pacific/cdphe/stormwater-discharges-associated-construction-activities-general-permit-renewal>.

Wright Water Engineers, Inc. (WWE) has reviewed the draft permit and found it to be fairly straightforward. However, there are some changes that are important to be aware of the most significant of which we have summarized below.

- The permit number will change from COR030000 to COR400000 to accommodate the number of certifications that need to be issued in future years.
- Draft permit provides clarification on the definition of common plan of development referencing activities located within a ¼ mile that may have multiple separate and distinct construction activities that may be taking place at different times and schedules but remain related. This includes borrow and fill areas that are within ¼ mile of a construction site.
- Dewatering of non-stormwater (ie groundwater) is no longer an allowable non-stormwater discharge under the Stormwater Discharge for Construction Activity permit (SCP); however, discharges can be performed if they meet the low-risk guidance requirements (primarily requiring onsite infiltration).
- Draft permit also clarifies that the SCP will cover batch plants but they can also be covered under the WQCD sand and gravel mining processing.
- The application to apply for coverage under the SCP requires signatures from both the owner and the operator of the construction site.
- Stormwater runoff from all disturbed areas and soil storage areas for which permanent or temporary stabilization is not implemented must flow to at least one structural control

measure. This control measure must be adequately selected and sized for the drainage area to contain flows in order to prevent the bypass of flows without treatment.

- Outlets that withdraw water from the surface will be used when discharging from basins and impoundments unless infeasible.
- Maintain pre-existing vegetation or equivalent control measures for areas within 50 feet of a state surface water body, unless infeasible.
- Clarification that concrete washouts once used or full must have off-site disposal of material and that the permit does not authorize the onsite permanent disposal of the concrete washout waste.
- Bulk storage of petroleum and chemicals must have secondary containment or equivalent.
- Temporary stabilization must be implemented for earth disturbing activities on any portion of the site where ground disturbing construction activities permanently ceased, or temporarily ceased for more than 14 calendar days. There are some exceptions due to a function of the construction project, terrain or climate prevent stabilization, but if these exceptions are utilized, there are some additional documentation required in the SWMP.
- Additional measures may be required including sampling if discharging to a receiving water with a TMDL.
- SWMP Administrator is apparently replaced with a Qualified Stormwater Manager who has different responsibilities than the previous SWMP Administrator.
- Must provide the method used for determining pre-disturbance vegetative cover in the SWMP.
- Inspection frequency can now either be every 7 calendar days or every 14 calendar days and after storm events (within 24 hours of the event that causes surface erosion).
- Minor changes in inspection reports. Most significant change is a clarification that was added for when a control measure is still operating but requires maintenance vs a control measure that has failed or is inadequate.
- The draft permit also mandates that appropriate sediment control BMPs must be installed and used until final stabilization is achieved.
- The permit also will allow an electronic copy of the SWMP be kept on site vs only previously allowing hard copies.

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WWE anticipates preparing formal responses which are due to WQCD no later than December 16, 2016 when the public comment period will be closed. It is also important to note that existing permittees will have to reapply for coverage under the new permit and that existing and new stormwater management plans (SWMPs) will have to be revised to meet the new permit requirements within 90 days of when the new permit is effective (to be determined by WQCD but is anticipated to be finalized by mid-winter 2017). If you would like WWE to assist in preparing comments on behalf of your organization, please feel free to contact Jennifer Keyes at jkeyes@wrightwater.com or 303-480-1700.