

STORM WATER MANAGEMENT PLAN

**WEXPRO
POWDER WASH NATURAL GAS FIELD
MOFFAT COUNTY, COLORADO
CONSTRUCTION ACTIVITIES**

**TERRACON PROJECT NO. A9077002
May 8, 2007
(September 2013 revised)**

Prepared for:

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**STORM WATER MANAGEMENT PLAN
WEXPRO
POWDER WASH NATURAL GAS FIELD
MOFFAT COUNTY, COLORADO
PROPOSED CONSTRUCTION ACTIVITIES**

1.0 INTRODUCTION

This Storm Water Management Plan (SWMP) has been prepared for proposed, active and completed construction activities at Wexpro's Powder Wash natural gas field in Moffat County, Colorado. This SWMP identifies Best Management Practices (BMPs) which will be implemented to meet the terms and conditions of the Colorado Discharge Permit System (CDPS) General Permit "*Stormwater Discharges Associated with Construction Activity*" which requires that storm water be treated to the maximum extent possible (MEP). The SWMP has been prepared in accordance with good engineering, hydrologic, and pollution control practices, and is designed to constitute compliance with Best Available Technology (BAT) and Best Conventional Technology (BCT), as mandated under the Federal Clean Water Act and the Federal Water Pollution Control Act as well as rules and regulations promulgated by the Colorado Department of Public Health and Environment (CDHE).

The SWMP Administrator for this project is:

Linda Sugano
Wexpro Company
P.O. Box 458
Rock Springs, WY 82902
Phone: 307-382-9791

2.0 SITE DESCRIPTION

2.1 Construction Activity

Construction within the Powder Wash natural gas field is associated with existing natural gas and oil well drilling, completion and production. Construction activities include site clearing, pit excavation and filling, drilling, well completion and production equipment installation, access road construction and flowline and pipeline construction. The field is used for natural gas production. The following equipment is typically included at each well location:

- Well head
- Dehydrator
- Methanol injection
- Condensate storage tank
- Emergency pit

Future construction in the Powder Wash field may consist of:

- New well installation
- New lateral lines
- Workover of existing well

2.2 Sequence of Major Activities

The sequence of major construction activities at each project area in the Powder Wash natural gas field facility will be as follows:

- Before grading activities begin, major drainages will have sediment stop BMP's installed
- Clear vegetation and establish perimeter storm water control
- Grade and compact the project area
- Clear pipeline right-of-way (if necessary)
- Excavate reserve pit
- Select and install additional BMP controls
- Move in drilling equipment and drill gas well (if necessary)
- Move in completion equipment to complete well (if necessary)
- Install production equipment
- Move out drilling and completion equipment (if necessary)
- Re-seed/reclaim the disturbed areas that are not included with the area which will not be revegetated due to operational necessity with uniform vegetative cover to at least 70% of pre-disturbance levels. BMP's will be evaluated and modified as necessary.

2.3 Estimate of Site Area

Wexpro's operations in the Powder Wash natural gas field are located in Moffat County, Colorado. Figure 1 in Appendix A shows the location of the Powder Wash natural gas field and Figure 2 shows the area encompassed by the field. The Powder Wash area currently includes approximately 65 well sites and associated equipment (dehydrator, condensate tank and pit at each well pad) and buried and above-ground lateral pipelines. Well names and locations are listed in Appendix B. The well list will be regularly updated as new well sites are constructed within the gathering system and as the status changes.

The area encompassed by the well field is approximately 12,800 acres. Construction projects within the field, including new well installation, well workover, pipe replacement and pipe installation, have the potential to disturb more than five acres at any one time. Individual atypical well site drawings will be added to Appendix A of this SWPPP, as necessary, to reflect construction activities as projects are implemented and completed.

The area of cleared ground at any one time will be limited to the area required for immediate construction activities.

2.4 Site Vegetation



The soils in the Powder Wash field are clay, sand and rocks. Rocks ranging in size from ½-inch to 4-inches in diameter are evident on the ground surface a natural “armoring” of the ground surface, helping to minimize erosion. Where draws or gullies have become established, however they are characterized by steep vertical sides.

The Powder Wash natural gas field is relatively flat with slopes ranging from one to twenty percent. Gullies and draws exist throughout the site and often have side-slopes that are greater than 20 percent. Wells constructed near these drainages will differ from the standard well pad and will require different stormwater management practices.

Average annual precipitation in the region is between 10 and 14 inches per year.

Vegetation in the Powder Wash natural gas field is characterized by high desert flora including sparse grasses, sage and lichen. Typically, the percent vegetation before disturbance is approximately 10 to 40 percent.

2.5 Potential Pollution Sources

The primary potential pollution source, as is typically the case with construction projects, is sediment from clearing the site. Potential pollution sources during construction activities at the project site, other than sediment, include accidental releases of: 1) fuel and lubricants for construction equipment and vehicles; 2) water or oil-based mud used during well drilling and completion; 3) fracturing fluids; 4) produced water; and 5) condensate.

2.6 Non-Storm Water Components of Discharge

Non-storm water components of storm water discharge typically include irrigation return flows or spring discharges. Hydrostatic test water will be discharged under an individual discharge permit. Springs may exist within the Island gas field area and may be considered non-storm water components of discharge. No contamination is expected to be imparted to storm water by the non-storm water components of discharge.

2.7 Receiving Water Identification

Receiving water within the Powder Wash natural gas gathering system area include:

- Ace in the Hole Draw and unnamed tributaries (intermittent);
- Powder Wash, North Fork of Powder Wash, and their unnamed tributaries (intermittent);
- Eagle Rock Draw (intermittent); and
- Reservoir Draw (intermittent).

The water ways listed are all described as intermittent streams. Even if these water ways are dry, they do require protection from stormwater-transported sediment.

3.0 SITE MAP

A topographic map of the Powder Wash natural gas field is shown on Figure 1 in Appendix A. Figure 2 shows an outline of the field. Additional maps and well site drawings will be inserted in Appendix A or a separate binder on location, as necessary, to reflect new drill pads and road.

Construction site boundaries, ground surface disturbance areas and cut/fill information are included on the surveyed well location drawings available at the field office or electronically on the company U: drive.

4.0 BEST MANAGEMENT PRACTICES FOR STORM WATER POLLUTION PREVENTION

4.1 Erosion and Sediment Controls

Erosion control will be accomplished through a combination of construction (structural) techniques and operational (non-structural) practices.

4.1.1 Structural Practices

Figure 3 in Appendix A shows a typical structural storm water control features to be used on a drill pad or when construction occurs at a well site. Schematics of typical structural Best Management Practices (BMPs) applicable to conditions in the Powder Wash field are included in Appendix C. BMP's shall be properly maintained. Worn, damaged, improperly installed or sediment build up that compromises the integrity of the BMP shall be repaired or replaced.



In addition, the following site management practices intended to minimize erosion and sediment transport may be implemented as needed:

- Disturbance associated with construction activities will be minimized. Level and gently sloping terrain outside the project area will not be graded, except where reasonable for construction equipment stability.
- Silt barriers (e.g. gravel berms, brush dams, rock filter dikes, straw bales, or other energy dissipaters) may be installed, as needed, on down-gradient portions of the project area.
- Side hill cuts will be kept to a minimum to protect local resources while providing a safe and stable plane for the efficient and safe use of equipment.

- Where conditions warrant, erosion control structures such as berms, water bars, diversion or collection channels, terraces, or culverts may be constructed to divert water away from the project area and to help reduce soil erosion along adjoining areas disturbed during construction.
- In areas of steep slopes, water bars or runoff diversions may be installed as indicated in Table A below. Water bars will begin and end in undisturbed ground at a 2 percent slope.
- Culverts may be installed at a slope of 2 to 5 percent. Inlet protection may include inlet aprons and rock armoring around the culvert perimeter while below grade inlet sumps may be installed to enhance deposition. Outfall protection may include the use of a rock-armored splash pad or rip-rap to slow the flow rate of water.

Table A - Spacing for Erosion Control Structures

Percent Grade	Diversion Spacing (feet)
2 %	200 (BLM Gold Book ¹)
2 – 4 %	100 (BLM Gold Book)
4 – 5 %	75 (BLM Gold Book)
5+ %	50 (BLM Gold Book)
5 –15 %	30
16 – 30 %	20
30+ %	10

4.1.2 Operational Practices²

The following lists describe non-structural practices that will be implemented to help minimize sediment runoff from the site during construction.

Site Preparation

¹ Surface Operating Standards for Oil and Gas Exploration and Development, Third Edition, prepared by the Bureau of Land Management, dated January 1989.

² Also called “Non-Structural” practices by US EPA.

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September 2013 Revision
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- The footprint of any new well pad will be as small as possible leaving a buffer of undisturbed vegetation all around.
- If a general permit application for this specific area has not already been submitted, an application will be completed at least 10 days prior to earth clearing activities in an area disturbing more than five acres in size. A blank Permit Application is included in Appendix F.
- Existing vegetative cover will be removed only where necessary for the operation of equipment. Cuttings may be stacked into a brush dam, distributed along the contour across reclaimed areas during reclamation or disposed as directed by the landowner/agency representative.
- Sagebrush that is not cleared from the site will be protected from damage during construction by avoiding it with equipment. For example, bulldozers will maintain their blades in a raised position except in areas designated for clearing, or as necessary to smooth out sharp breaks in relief.
- Grading outside the project area will be done only when necessary for the safe operation of equipment and for fire protection.

Excavation

- Soil exposed during construction operations (stripping, grading, etc.) will be maintained in a roughened condition by ripping or discing along land contours until mulch, temporary or permanent vegetation, or other erosion control is installed.
- No soil stockpile will exceed 20 feet in height. Soil stockpiles will be protected from sediment transport by surface roughening. Silt barriers may be installed along the downhill edges (toe of slope) of the stockpile.
- Excavated materials will be stored next to the excavation site to protect the material from vehicular and equipment traffic.
- Excavated material will be used as backfill when practical. Excess rock may be: mounded to form rock berms; used for slope armoring; used for filter dikes; used in

energy dissipation zones below culverts; constructed into rock check dams within grassed swales; distributed over a portion of the project area; or disposed off-site.

- Cuts made in steep rolling terrain during construction will be regraded and contoured to blend into the adjoining landscape and to reestablish natural drainage patterns to the extent possible.
- Temporary workspace areas will be restored to approximate pre-construction conditions.

4.2 Materials Handling and Spill Prevention

Hazardous materials and petroleum products used in construction at the site may include fuel and lubricants for construction equipment and vehicles, small quantities of solvents, oil-based drilling muds, water or gel-based fracturing fluids used during completion, produced water, and condensate. Material Safety Data Sheets (MSDSs) for the materials will be maintained in a notebook at the Powder Wash field office .

Refueling and lubrication of vehicles will be conducted a minimum of 500 feet from flowing streams and wetland areas. Spill clean-up and reporting within the Powderwash Gas Field will follow the guidelines and procedures outlined in the Spill Prevention Control and Countermeasure Plans for the Powderwash Area. Spills will be cleaned up promptly and contaminated materials will be handled in accordance with local, State and Federal requirements. Quantities of materials stored on site will be limited to the amount needed for immediate operations.

Preventive maintenance inspections will be conducted on a routine basis. The inspections will include a visual inspection of hoses, connections, gaskets, oil pans, and other components which may leak. Leaks will be repaired promptly.

4.3 Vehicle Tracking Control

Site access is controlled and minimized by company representatives. Vehicles stay within the confines of the permitted site.

5.0 FINAL STABILIZATION AND LONG-TERM STORM WATER MANAGEMENT

5.1 Reclamation

Unless otherwise directed by the landowner or the jurisdictional authority, rocks, cut vegetation, and other surface material temporarily stockpiled for construction will be redistributed across non-fenced portions of the project area following construction.

Disturbed areas will be seeded using seed mixes appropriate for the location. Local soil conservation authorities, surface owners and/or reclamation contractors familiar with the area will be consulted regarding an appropriate seed mix. In addition, Bureau of Land Management Manual 1745 (Introduction, Transplant, Augmentation, and Reestablishment of Fish, Wildlife, and Plants) should be consulted regarding seed mix formulation.

Revegetation procedures include:

- Fall reseeding (September 15 to freeze-up), where feasible
- Spring reseeding (April 30 – May 31) if fall seeding is not feasible
- Deep ripping of compacted soils prior to reseeding
- Surface pitting/roughening prior to reseeding
- Utilization of native cool season grasses, forbs, and shrubs in the seed mix
- Interseeding shrubs into an established stand of grasses and forbs at least one year after seeding
- Appropriate, approved weed control techniques
- Broadcast or drill seeding, depending on site conditions
- Fencing of certain sensitive reclamation sites (e.g., riparian areas, steep slopes, and areas within ½ mile of livestock watering facilities) as determined necessary through monitoring

On terrain where drill seeding is appropriate, seed may be planted using a drill equipped with a depth regulator to ensure proper depth of planting. The seed mix will be evenly and uniformly planted over the disturbed area. Drilling will be used where topography and soil conditions allow operation of equipment to meet the seeding requirements of the species being planted.

Broadcast seeding will occur on steep terrain and on areas where cut vegetation and rocks were redistributed over the pipeline right-of-way.

Revegetation treatments will be accomplished as soon as practical, following completion of construction activities at the site.

The need for fertilizers will be determined in conjunction with the jurisdictional authority. If fertilization is necessary, the rates of application will be based on site-specific requirements of the soil.

5.2 Post-Construction Structural Measures

Permanent water bars may be installed on steep slopes according to Table A and at wetland and stream crossing boundaries.

Upon completion of the project and after the disturbed soils have been stabilized as described in the CDPS General Permit in Appendix E, Wexpro will complete and mail an Inactivation Notice to the CDPHE Water Quality Control Division. A blank copy of the Inactivation Notice with instructions is included in Appendix F.

After restoration work is complete, repairs to erosion and sediment control structures will be completed during or after routine scheduled pipeline inspections, or in response to other notification.

6.0 OTHER CONTROLS

Wastes generated from materials imported to the construction site will be removed and disposed in a timely fashion, including sanitary sewage facilities (typically portable). No wastes or imported materials will be buried, dumped, or discharged on site. Drilling muds and well cuttings are exempt from the definition of "wastes" as used in this plan.

7.0 INSPECTIONS AND MAINTENANCE

Inspections of each project site for potential storm water pollution problems will be conducted at least every 14 days during the construction period (prior to implementation of site reclamation) and within 24 hours (72 hours if inclement conditions preclude access for inspection) after a precipitation or snow melt event that causes surface erosion. Inspections

will include visual observation of erosion control structures, areas exhibiting erosion, liquids stored on site, and equipment.

Under normal circumstances, deficiencies will be repaired in a timely manner. The designated Inspector will maintain documentation of inspections, findings and corrective actions.

When construction of a project has been completed, inspections will be “post-construction” inspections and will be conducted at least every 30-calendar days until uniform vegetative cover of at least 70% of pre-disturbance levels has been achieved. Deficiencies observed during inspections will be corrected in a timely fashion.

Each inspection will be documented on the inspection form provided in Appendix D.

8.0 PLAN AMENDMENTS

The plan will be amended by marking the drawings and filing the drawings on site, to show new or removed BMPs.

9.0 TRAINING

Wexpro maintains a training program on storm water pollution prevention. Operators receive instruction on erosion and sediment control and proper BMP maintenance. Storm water briefings are conducted annually to assure adequate understanding of the SWPPP Plan.

10.0 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

10.0 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.

Jimmy L. Druce
Name (Printed)

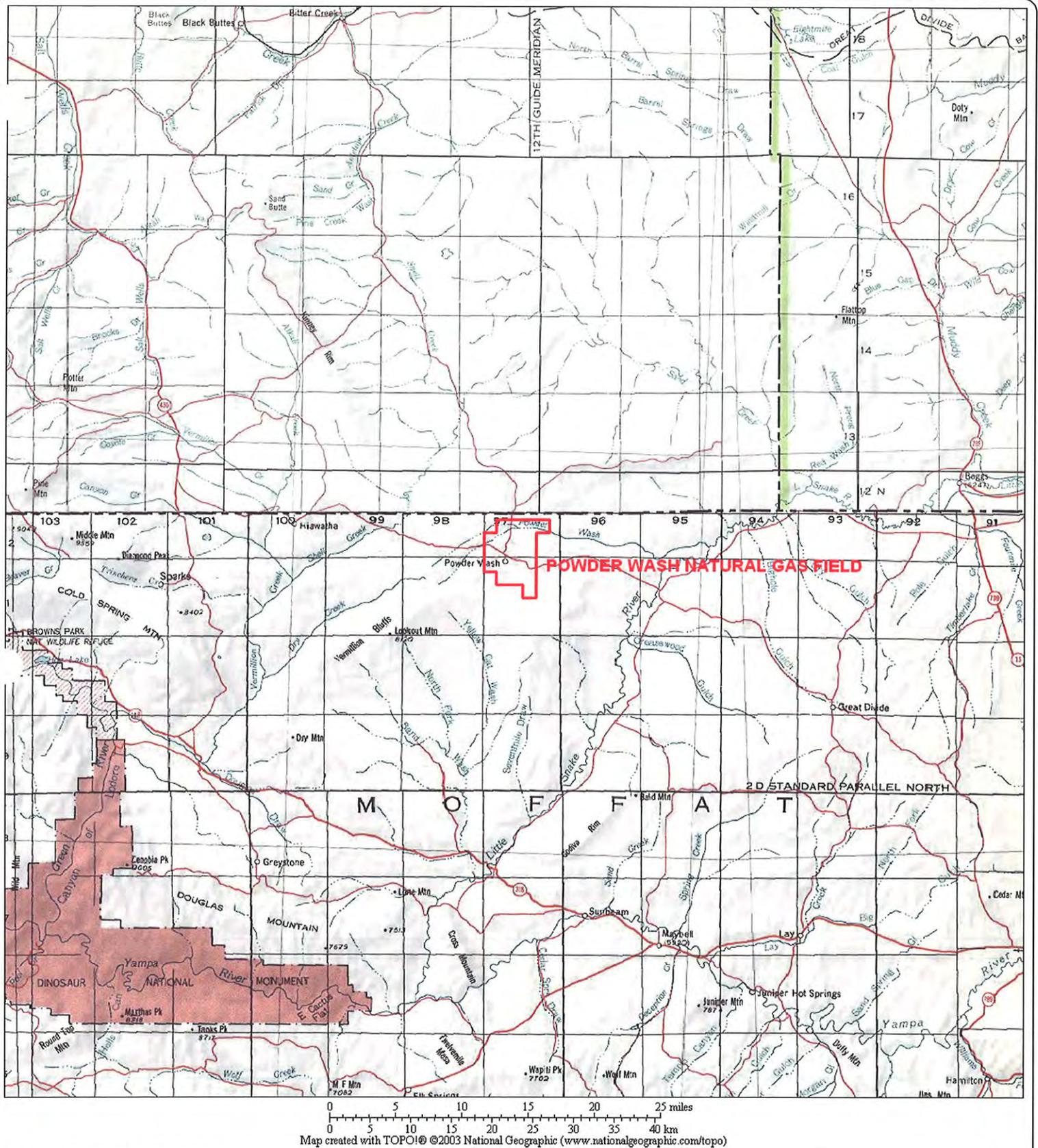
General Manager of Operations
Title


Signature

12-04-2013
Date

(307) 352 - 7555
Telephone Number

APPENDIX A – Maps and Site Drawings

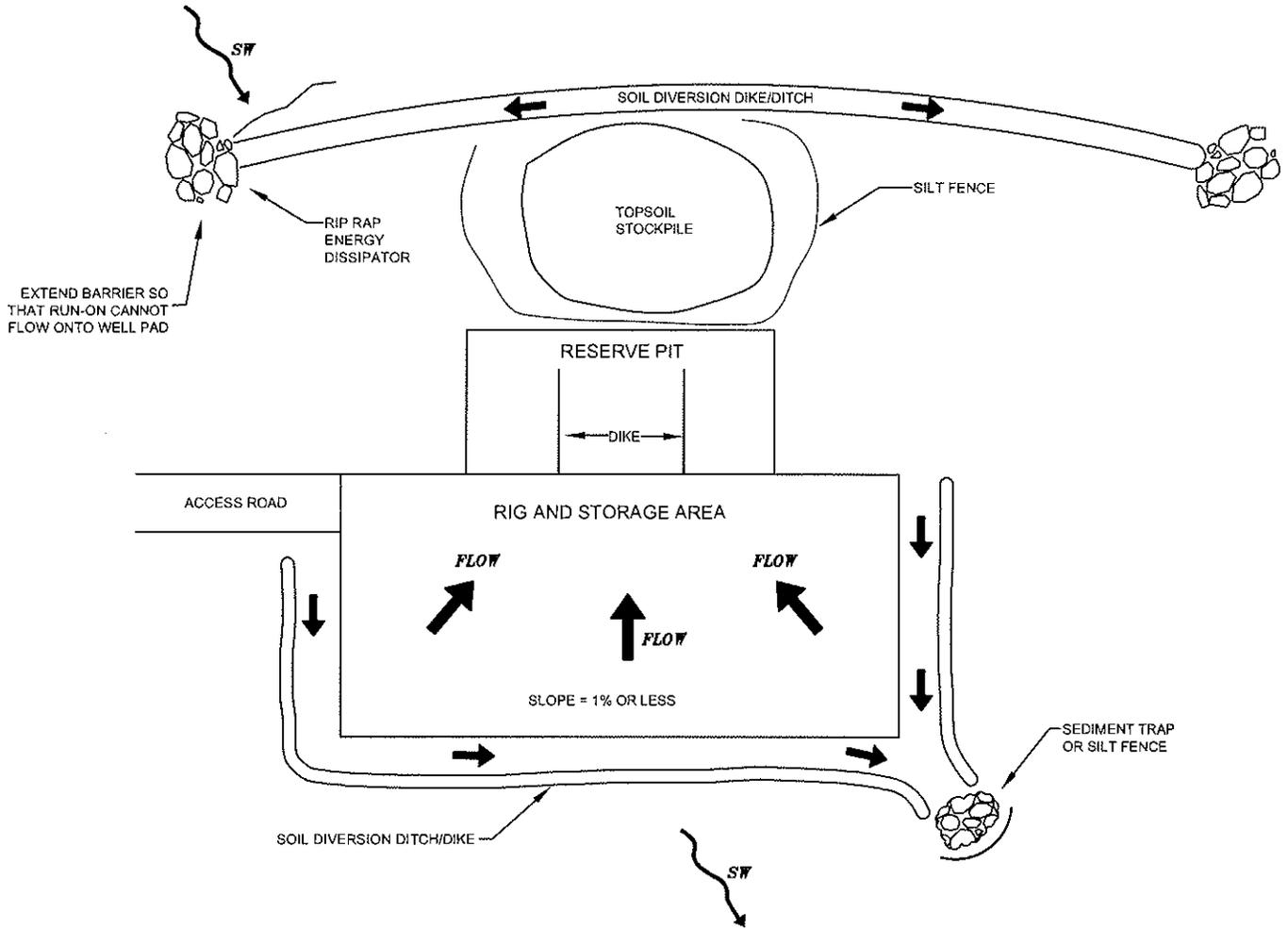


Note: USGS 7.5-Minute Quadrangle Map
Powder Wash, Colorado dated 1973



**FIGURE 1: LOCATION MAP
POWDER WASH NATURAL GAS FIELD
STORMWATER MANAGEMENT PLAN**

Project Mngr:	JCG	 1509 Elk Street Rock Springs, Wyoming 82901	Project No.:	A9077002
Designed By:			Scale:	AS SHOWN
Checked By:	SACC		Date:	May 2007
Approved By:	SACC		Drawn By:	JCG
File Name:	A9077002/Area.dwg		Figure No.:	1



NOTES

1. NOT ALL BEST MANAGEMENT PRACTICES (BMPs) WILL BE IMPLEMENTED AT A WELL PAD. BMPs SHOULD BE ADDED OR REMOVED BASED ON SITE CONDITIONS.

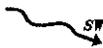
 = STORMWATER FLOW DIRECTION

DIAGRAM IS FOR GENERAL INFORMATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES. IF NEW CONSTRUCTION IS TO BE LOCATED ADJACENT TO A DRAINAGE, A SITE SPECIFIC SITE MAP MAY NEED TO BE DEVELOPED.

FIGURE 3: TYPICAL DRILL PAD STORMWATER BEST MANAGEMENT PRACTICES

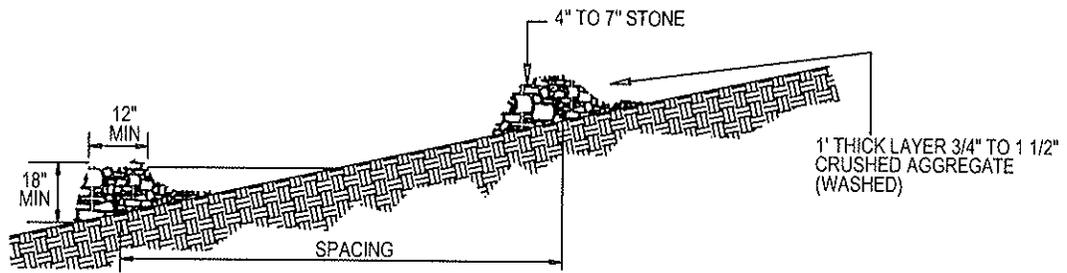
Project Mngr:	SACC	Project No.	A9077002	
Designed By:	JCG	Scale:	NTS	
Checked By:	SACC	Date:	5/8/07	
Approved By:	JCG	Drawn By:	JCG	
File Name:	BMP		Figure No.	3

APPENDIX B – List of Well Numbers and Locations

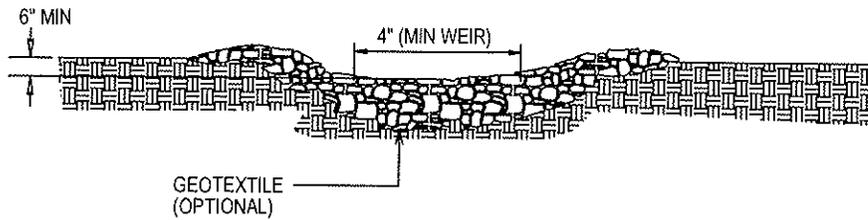
POWDER WASH
SWPPP INSPECTION WELL LIST

WELL NAME	LEGAL DESCRIPTION	COUNTY, STATE	COMMENTS
ACE 1	SWSW SEC 34 T12N R97W	MOFFAT, CO	
ACE 3	SESE S28 T12N R97W	MOFFAT, CO	Reclaimed week of 8/20/18
CARL ALLEN 38 (PAD)	NESW SEC 33 T12N R97W	MOFFAT, CO	
GOVERNMENT 5 (PAD)	NESE SEC 8 T11N R97W	MOFFAT, CO	
BW MUSSER 4	NWNW SEC 4 T11N R97W	MOFFAT, CO	
BW MUSSER 5	SENE SEC 4 T11N R97W	MOFFAT, CO	
BW MUSSER 25	SWNW SEC 4 T11N R97W	MOFFAT, CO	
JACKS DRAW 13	NWSW SEC 22 T12N R97W	MOFFAT, CO	
STATE OF COLORADO 1	NENE SEC 16 T11N R97W	MOFFAT, CO	
STATE OF COLORADO 21-16	SENE SEC 3 T11N R97W	MOFFAT, CO	
JACKS DRAW 5	SW S09 T11N R97W	MOFFAT, CO	
JACKS DRAW 8	SWSW S15 T11N R97W	MOFFAT, CO	
CHAPMAN STATE 1	NESE S16 T11N R97W	MOFFAT, CO	

APPENDIX C – Example Best Management Practices



DITCH PROFILE



CROSS SECTION

STANDARD STONE CHECK DAM DESIGN

SLOPE	SPACING
2% or less	80'
2.1% to 4%	40'
4.1% to 7%	25'
7.1% to 10%	15'
over 10%	use continuous rip-rap in channel

STONE CHECK DAM

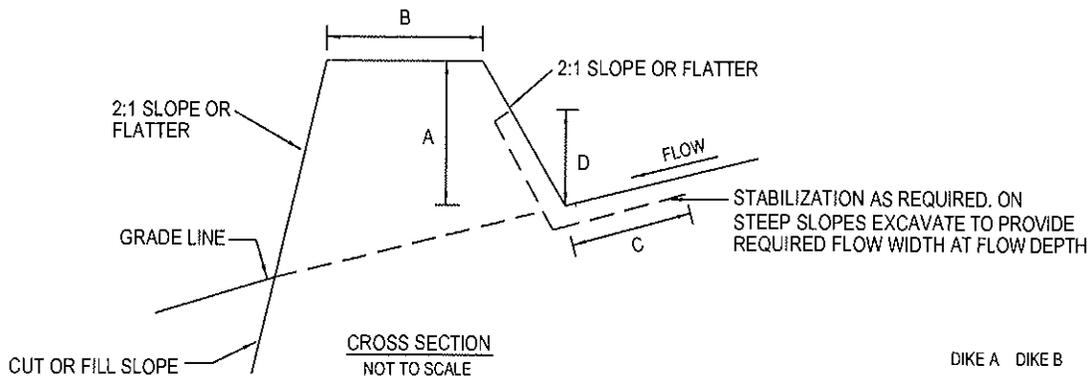
Construction Specifications

1. The check dam shall be constructed of 4"-7" stone. The stone shall be placed so that it completely covers the width of the channel and keyed into the channel banks.
2. The top of the check dam shall be constructed so the center is approximately 6" lower than the outer edges, forming a weir that water can flow across.
3. The upstream side of the check dam shall be lined with approximately 1" of 3/4" to 1 1/2" crushed aggregate.

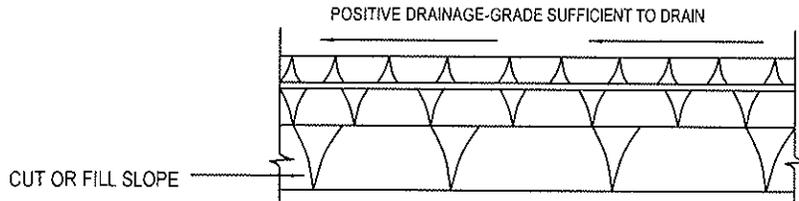
DIAGRAM IS FOR GENERAL LOCATION ONLY,
AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.

FIGURE: BMP-1
BEST MANAGEMENT PRACTICE
POWDER WASH NATURAL GAS FIELD, COLORADO
MOFFAT COUNTY, COLORADO

Project Mngr:	JCG	Terracon 301 N. Howes Street Fort Collins, Colorado 80521	Project No.	A9077002
Designed By:	JCG		Scale:	NTS
Checked By:	SACC		Date:	MAY 2007
Approved By:	SACC		Drawn By:	DJS
File Name:	2007\A9077002\CADD\FIG.BMP-1-7		Figure No.	BMP-1



	DIKE A	DIKE B
	(5' AG. OR LESS)	(5-10AC.)
A - DIKE HEIGHT	18"	36"
B - DIKE WIDTH	24"	36"
C - FLOW WIDTH	4'	6'
D - FLOW DEPTH	8"	15"



CONSTRUCTION SPECIFICATIONS

1. ALL DIKES SHALL BE COMPACTED BY EARTH-MOVING EQUIPMENT.
2. ALL DIKES SHALL HAVE POSITIVE DRAINAGE TO AN OUTLET.
3. TOP WIDTH MAY BE WIDER AND SIDE SLOPES BE FLATTER IF DESIRED TO FACILITATE CROSSING BY CONSTRUCTION TRAFFIC.
4. FIELD LOCATION SHOULD BE ADJUSTED AS NEEDED TO UTILIZE A STABILIZED OUTLET.
5. EARTH DIKES SHALL HAVE AN OUTLET THAT FUNCTIONS WITH A MINIMUM OF EROSION. RUNOFF SHALL BE CONVEYED TO A SEDIMENT TRAPPING DEVICE SUCH AS A SEDIMENT TRAP OR SEDIMENT BASIN.
6. STABILIZATION SHALL BE IN ACCORDANCE WITH STANDARD SPECIFICATIONS FOR SEED AND STRAW MULCH IF NOT IN SEEDING SEASON, AND FLOW CHANNEL AS PER THE CHART BELOW.

FLOW CHANNEL STABILIZATION

TYPE OF TREATMENT	TYPE OF GRADE	DIKE A	DIKE B
1	.5-3.0%	SEED AND STRAW MULCH	SEED AND STRAW MULCH
2	3.1-5.0%	SEED AND STRAW MULCH	SEED USING JUTE, OR EXCELSIOR; SOD; 2" STONE
3	5.1-8.0%	SEED WITH JUTE, OR SOD; 2" STONE	LINED RIPRAP 4-8"
4	8.1-20%	LINED RIP-RAP 4-8"	ENGINEERING DESIGN

- A. STONE TO BE 2 INCH STONE, OR RECYCLED CONCRETE EQUIVALENT, IN A LAYER AT LEAST 3 INCHES IN THICKNESS AND BE PRESSED INTO THE SOIL WITH CONSTRUCTION EQUIPMENT.
- B. RIP-RAP TO BE 4-8 INCHES IN A LAYER AT LEAST 8 INCHES THICKNESS AND PRESSED INTO THE SOIL.
- C. APPROVED EQUIVALENTS CAN BE SUBSTITUTED FOR ANY OF THE ABOVE MATERIALS.

7. PERIODIC INSPECTION AND REQUIRED MAINTENANCE MUST BE PROVIDED AFTER EACH RAIN EVENT.

EARTH DIVERSION BERM

FIGURE: BMP-2
BEST MANAGEMENT PRACTICE
POWDER WASH NATURAL GAS FIELD, COLORADO
MOFFAT COUNTY, COLORADO

Project Mngr:	JCG	 301 N. Howes Street Fort Collins, Colorado 80521	Project No.	A9077002
Designed By:	JCG		Scale:	NTS
Checked By:	SACC		Date:	MAY 2007
Approved By:	SACC		Drawn By:	DJS
File Name:	2007\A9077002\CADD\FIG.BMP-1-7		Figure No.	BMP-2

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.

ROUGHENING

THIS TECHNIQUE USES THE HORIZONTAL GROOVES CREATED BY TRACKS OF CONSTRUCTION EQUIPMENT TO REDUCE RUNOFF FLOW VELOCITIES. TRACKS ARE ESTABLISHED ON THE SLOPES PERPENDICULAR TO WATER FLOW.

LIMITATIONS:

1. NOT FOR USE ON ROCKY SLOPES
2. MAY CAUSE SOIL COMPACTION WHICH LIMITS VEGETATION RE-GROWTH
3. ROUGHENING MAY HAVE TO BE RE-ESTABLISHED IF LOST DUE TO HEAVY SHEET FLOW RUNOFF

INSTALLATION:

1. OPERATE TRACKED EQUIPMENT IN A DIRECTION PARALLEL TO WATER FLOW SO AS TO CREATE TRACKS PERPENDICULAR TO WATER FLOW

CONSTRUCTION ACTIVITY:

1. ACCESS ROADS, WELL/TANK BATTERY PADS, AND FLOW/GATHERING PIPELINES

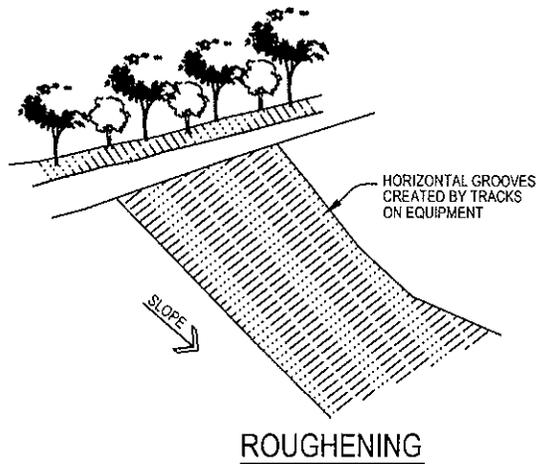


FIGURE: BMP-3
BEST MANAGEMENT PRACTICE
POWDER WASH NATURAL GAS FIELD, COLORADO
MOFFAT COUNTY, COLORADO

Project Mngr:	JCG	Terracon 301 N. Howes Street Fort Collins, Colorado 80521	Project No.	A9077002
Designed By:	JCG		Scale:	NTS
Checked By:	SACC		Date:	MAY 2007
Approved By:	SACC		Drawn By:	DJS
File Name:	2007\A9077002\CADD\FIG.BMP-1-7		Figure No.	BMP-3

DIAGRAM IS FOR GENERAL LOCATION ONLY,
AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.

ROAD-SIDE DITCHES

THIS TECHNIQUE REQUIRES CONSTRUCTING CHANNELS PARALLEL TO ROADS. THE DITCHES CONVEY CONCENTRATED RUNOFF OF SURFACE WATER FROM ROADS AND SURROUNDING AREAS TO A STABILIZED AREA.

LIMITATIONS:

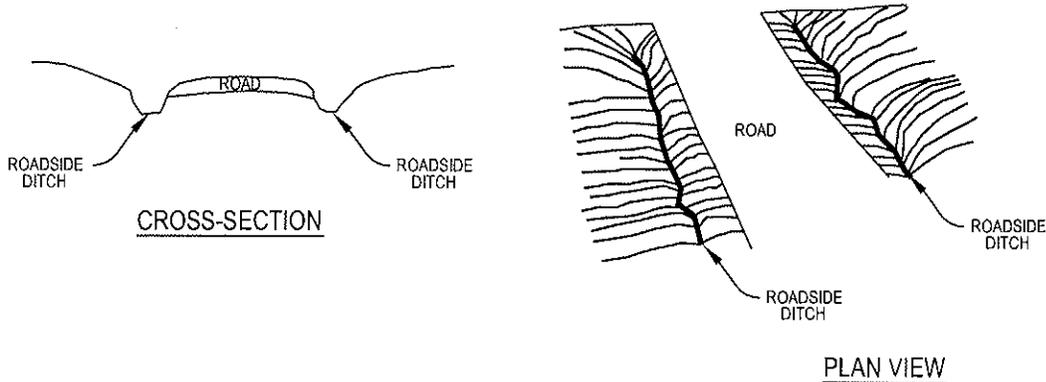
1. EROSION OCCURS WITHIN CHANNEL
2. CHANNEL DOES NOT NECESSARILY FILTER SEDIMENT FROM RUNOFF

INSTALLATION:

1. EXCAVATE CHANNEL ALONG ROADSIDE TO A WIDTH AND DEPTH THAT CAN HANDLE EXPECTED FLOWS
2. SLOPE CHANNELS SO THAT WATER VELOCITIES DO NOT CAUSE EXCESSIVE EROSION
3. SHAPE AND LEVEL CHANNEL REMOVING EXCESS SPOIL SO WATER CAN FLOW
4. VEGETATE OR LINE CHANNEL WITH MATERIAL TO PREVENT EROSION

CONSTRUCTION ACTIVITY:

1. ACCESS ROADS



ROADSIDE DITCHES

FIGURE: BMP-4
BEST MANAGEMENT PRACTICE
POWDER WASH NATURAL GAS FIELD, COLORADO
MOFFAT COUNTY, COLORADO

Project Mngr:	JCG	Terracon 301 N. Howes Street Fort Collins, Colorado 80521	Project No.	A9077002
Designed By:	JCG		Scale:	NTS
Checked By:	SACC		Date:	MAY 2007
Approved By:	SACC		Drawn By:	DJS
File Name:	2007\A9077002\CADD\FIG.BMP-1-7		Figure No.	BMP-4

DIAGRAM IS FOR GENERAL LOCATION ONLY,
AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.

TURNOUTS OR WING DITCHES

THESE STRUCTURES ARE EXTENSIONS OF ROAD-SIDE DITCHES AND WILL EFFECTIVELY REMOVE RUN-OFF WATER FROM THE DITCH INTO WELL-STABILIZED AREAS.

LIMITATIONS:

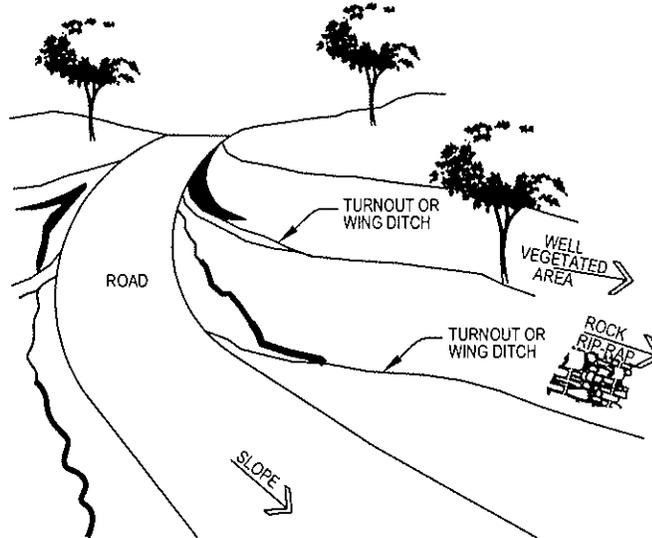
1. GRADUAL SLOPES ONLY
2. REQUIRE VEGETATIVE COVER OR OTHER FILTER AT DISCHARGE POINT

INSTALLATION:

1. SLOPE TURNOUT GRADUALLY DOWN FROM BOTTOM OF ROAD DITCH
2. ANGLE TURNOUT AT APPROXIMATELY 30° TO ROAD DITCH
3. DISCHARGE TURNOUT INTO WELL-VEGETATED AREA OR INSTALL SECONDARY CONTROL SUCH AS ROCK FILTER OR STRAW BALES
4. SPACE TURNOUTS ACCORDING TO SLOPE

CONSTRUCTION ACTIVITY:

1. ACCESS ROADS

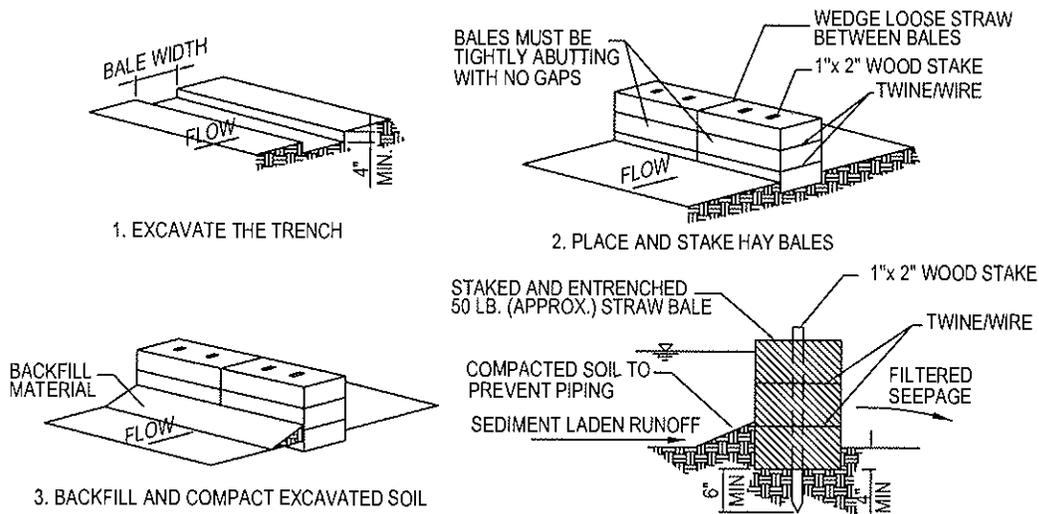


TURNOUTS OR WING DITCHES

FIGURE: BMP-5
BEST MANAGEMENT PRACTICE
POWDER WASH NATURAL GAS FIELD, COLORADO
MOFFAT COUNTY, COLORADO

Project Mngr:	JCG	 301 N. Howes Street Fort Collins, Colorado 80521	Project No.	A9077002
Designed By:	JCG		Scale:	NTS
Checked By:	SACC		Date:	MAY 2007
Approved By:	SACC		Drawn By:	DJS
File Name:	2007\A9077002\CADD\FIG.BMP-1-7		Figure No.	BMP-5

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.



**CROSS-SECTION OF A PROPERLY
INSTALLED STRAW BALE BARRIER**

STRAW BALE BARRIER NOTES

INSTALLATION REQUIREMENTS:

1. STRAW BALE BARRIERS SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBING ACTIVITIES.
2. BALES SHALL CONSIST OF APPROXIMATELY 5 CUBIC FEET OF CERTIFIED WEED FREE HAY OR STRAW AND WEIGH NOT LESS THAN 35 POUNDS.
3. BALES ARE TO BE PLACED IN A SINGLE ROW WITH THE END OF THE BALES TIGHTLY ABUTTING ONE ANOTHER.
4. EACH BALE IS TO BE SECURELY ANCHORED WITH AT LEAST TWO STAKES AND THE FIRST STAKE IS TO BE DRIVEN TOWARD THE PREVIOUSLY LAID BALE TO FORCE THE BALES TOGETHER.
5. STAKES ARE TO BE A MINIMUM OF 42 INCHES LONG. WOOD STAKES SHALL HAVE A MINIMUM DIAMETER OR CROSS SECTION DIMENSION OF 1-INCH.
6. BALES ARE TO BE BOUND WITH EITHER WIRE OR TWINE AND ORIENTED SUCH THAT THE BINDINGS ARE AROUND THE SIDE AND NOT ALONG THE TOPS AND BOTTOMS OF THE BALE.
7. GAPS BETWEEN BALES ARE TO BE CHINKED WITH STRAW OR THE SAME MATERIAL OF THE BALE.
8. END BALES ARE TO EXTEND UPSLOPE SO THE TRAPPED RUNOFF CANNOT FLOW AROUND THE ENDS OF THE BARRIER.

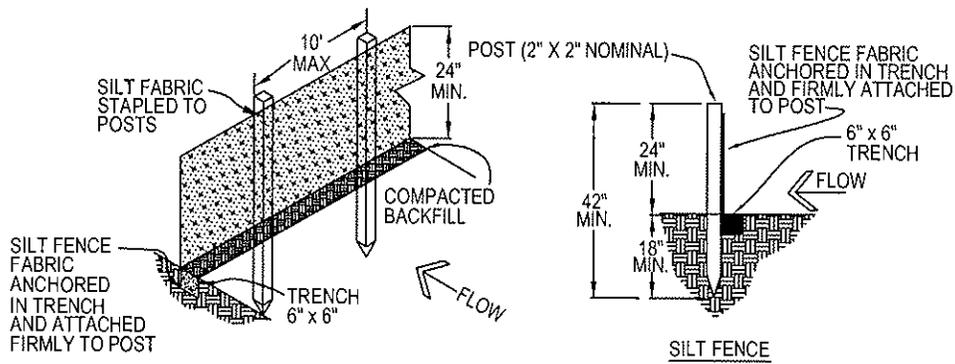
MAINTENANCE REQUIREMENTS:

1. INSPECT STRAW BALE BARRIERS IMMEDIATELY AFTER EACH RAINFALL, AT LEAST DAILY DURING PROLONGED RAINFALL, AND BI-WEEKLY DURING PERIODS OF NO RAINFALL.
2. DAMAGED OR INEFFECTIVE BARRIERS SHALL PROMPTLY BE REPAIRED, REPLACING BALES IF NECESSARY, AND UNENTRENCHED BALES NEED TO BE REPAIRED WITH COMPACTED BACKFILL MATERIAL.
3. SEDIMENT SHALL BE REMOVED FROM BEHIND STRAW BALE BARRIERS WHEN IT ACCUMULATES TO APPROXIMATELY 1/2 THE HEIGHT OF THE BARRIER.
4. STRAW BALE BARRIERS SHALL BE REMOVED WHEN 70% OF PRE-DISTURBANCE VEGETATIVE COVER IS ESTABLISHED.

**FIGURE: BMP-6
BEST MANAGEMENT PRACTICE
POWDER WASH NATURAL GAS FIELD, COLORADO
MOFFAT COUNTY, COLORADO**

Project Mngr:	JCG	Terracon 301 N. Howes Street Fort Collins, Colorado 80521	Project No.	A9077002
Designed By:	JCG		Scale:	NTS
Checked By:	SACC		Date:	MAY 2007
Approved By:	SACC		Drawn By:	DJS
File Name:	2007\A9077002\CADD\FIG.BMP-1-7		Figure No.	BMP-6

DIAGRAM IS FOR GENERAL LOCATION ONLY,
AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.



SILT FENCE DETAIL

SILT FENCE NOTES

INSTALLATION REQUIREMENTS:

1. SILT FENCES SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBING ACTIVITIES.
2. WHEN JOINTS ARE NECESSARY, SILT FENCE GEOTEXTILE SHALL BE SPLICED TOGETHER ONLY AT SUPPORT POST AND SECURELY SEALED.
3. METAL POSTS SHALL BE "STUDDED TEE" OR "U" TYPE WITH MINIMUM WEIGHT OF 1.33 POUNDS PER LINEAR FOOT. WOOD POSTS SHALL HAVE A MINIMUM DIAMETER OR CROSS SECTION DIMENSION OF 2 INCHES.
4. THE FILTER MATERIAL SHALL BE FASTENED SECURELY TO METAL OR WOOD POSTS USING WIRE TIES, OR TO WOOD POSTS WITH 3/4" LONG #9 HEAVY-DUTY STAPLES.
5. WHILE NOT REQUIRED, WIRE MESH FENCE MAY BE USED TO SUPPORT THE GEOTEXTILE. WIRE FENCE SHALL BE FASTENED SECURELY TO THE UPSLOPE SIDE OF THE POSTS USING HEAVY-DUTY WIRE STAPLES AT LEAST 3/4" LONG, TIE WIRES OR HOG RINGS. THE WIRE SHALL EXTEND INTO THE TRENCH A MINIMUM OF 6" AND SHALL NOT EXTEND MORE THAN 3' ABOVE THE ORIGINAL GROUND SURFACE.
6. ALONG THE TOE OF FILL, INSTALL THE SILT FENCE ALONG A LEVEL CONTOUR AND PROVIDE AN AREA BEHIND THE FENCE FOR RUNOFF TO POND AND SEDIMENT TO SETTLE. A MINIMUM DISTANCE OF 5 FEET FROM THE TOE OF THE FILL IS RECOMMENDED.
7. THE HEIGHT OF THE SILT FENCE FROM THE GROUND SURFACE SHALL BE MINIMUM OF 24 INCHES AND SHALL NOT EXCEED 36 INCHES; HIGHER FENCES MAY IMPOUND VOLUMES OF WATER SUFFICIENT TO CAUSE FAILURE OF THE STRUCTURE.

MAINTENANCE REQUIREMENTS:

1. INSPECT SILT FENCES IMMEDIATELY AFTER EACH RAINFALL, AT LEAST DAILY DURING PROLONGED RAINFALL, AND BI-WEEKLY DURING PERIODS OF NO RAINFALL. DAMAGED, COLLAPSED, UNENTRENCHED OR INEFFECTIVE SILT FENCES SHALL BE PROMPTLY REPAIRED OR REPLACED.
2. SEDIMENT SHALL BE REMOVED FROM BEHIND SILT FENCE WHEN IT ACCUMULATES TO HALF THE EXPOSED GEOTEXTILE HEIGHT.
3. SILT FENCES SHALL BE REMOVED WHEN 70% OF PRE-DISTURBANCE VEGETATIVE COVER IS ESTABLISHED.

FIGURE: BMP-7
BEST MANAGEMENT PRACTICE
POWDER WASH NATURAL GAS FIELD, COLORADO
MOFFAT COUNTY, COLORADO

Project Mngr:	JCG	<p>301 N. Howes Street Fort Collins, Colorado 80521</p>	Project No.	A9077002
Designed By:	JCG		Scale:	NTS
Checked By:	SACC		Date:	MAY 2007
Approved By:	SACC		Drawn By:	DJS
File Name:	2007\A9077002\CADD\FIG.BMP-1-7		Figure No.	BMP-7

DIAGRAM IS FOR GENERAL LOCATION ONLY,
AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.

FIBER ROLLS (WATTLES)

FIBER ROLLS (ALSO CALLED WATTLES) ARE TUBE SHAPED POLYPROPYLENE OR JUTE NETTING TUBES FILLED WITH STRAW, COCONUT FIBER OR COMPOST. THEY FILTER SEDIMENT ON SLOPES AND IN EARTHEN DITCHES. THEY ARE FOR USE ON GENTLE SLOPES AND DITCHES. THEY DO NOT HOLD UP WELL ON STEEP SLOPES OR IN DITCHES WITH HIGH VELOCITY WATER.

FIBER ROLLS WORK WELL ALONG THE TOE, TOP AND FACE OF SLOPES TO SHORTEN SLOPE LENGTH AND SPREAD RUNOFF INTO SHEET FLOW. THEY CAN BE USED AS CHECK DAMS IN EARTHEN DITCHES AND AROUND THE TOE OF STOCKPILES.

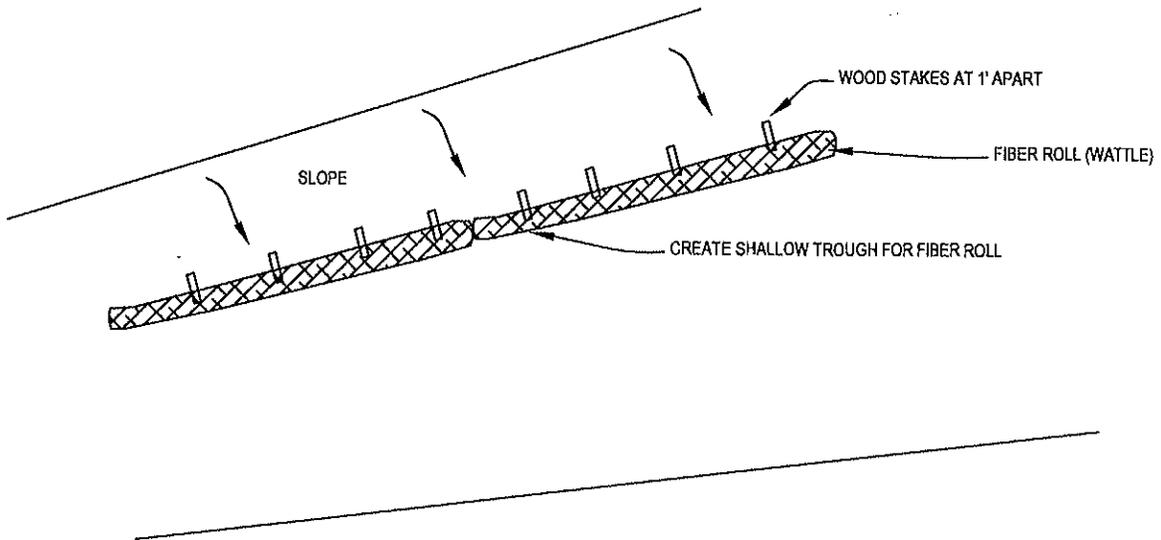
INSTALLATION:

DIG A SHALLOW (3 TO 5" DEEP) TROUGH IN WHICH TO PLACE FIBER ROLLS. PLACE FIBER ROLLS ACROSS THE SLOPE OR DITCH AND ANCHOR IN PLACE WITH 1" X 1" WOODEN STAKES SPACED 3-FEET APART. WHEN PLACING FIBER ROLLS LENGTHWISE ADJACENT TO EACH OTHER, MAKE SURE THEY ABUT TIGHTLY.

SPACE FIBER ROLLS DOWN THE SLOPE AT 10 FT. TO 25 FT. INTERVALS, DEPENDING ON SLOPE ANGLE.

MAINTENANCE:

INSPECT FREQUENTLY. REPLACE IF DRIVEN OVER, SLUMPED, OR UNRAVELED. FIBER ROLLS MADE OF BIODEGRADABLE MATERIALS CAN BE LEFT IN PLACE AND GRADED TO MATCH EXISTING COUNTOURS AT THE END OF THEIR USEFUL LIFE.



FIBER ROLLS (WATTLES)

BMP - Wattles
Stormwater Pollution Prevention Plan
Wexpro Company
Moffat County, CO

Project Mngr:	SACC	Terracon 301 N. Howes Street Fort Collins, Colorado 80521	Project No.	24067423
Designed By:	SACC		Scale:	NTS
Checked By:	SACC		Date:	5/29/07
Approved By:			Drawn By:	SAC
File Name:	BMP		Figure No.	BMP

DIAGRAM IS FOR GENERAL LOCATION ONLY,
AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.

FIG. 1

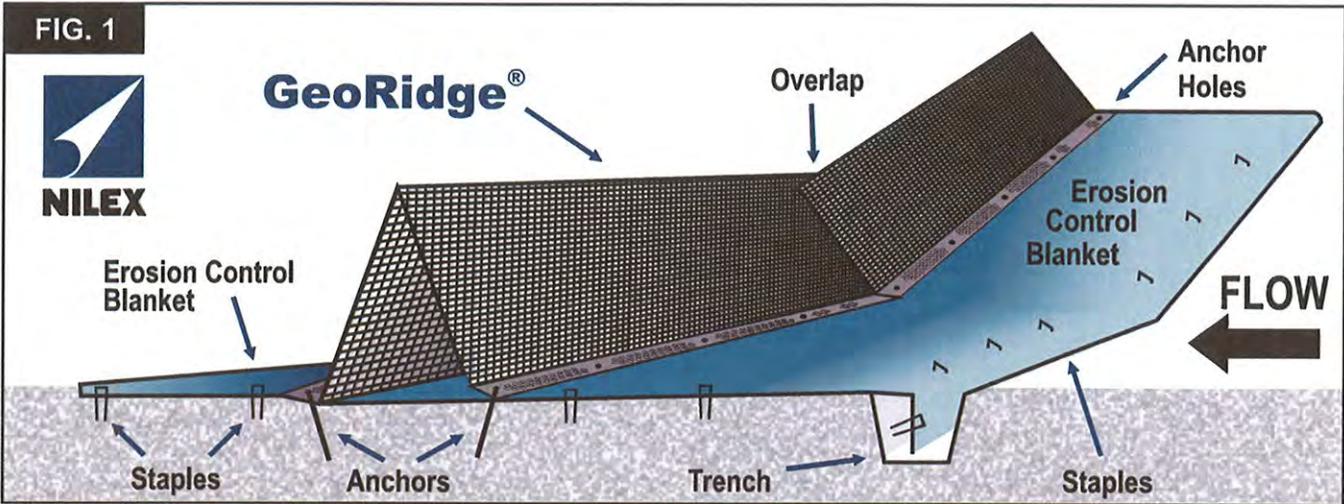


FIG. 2

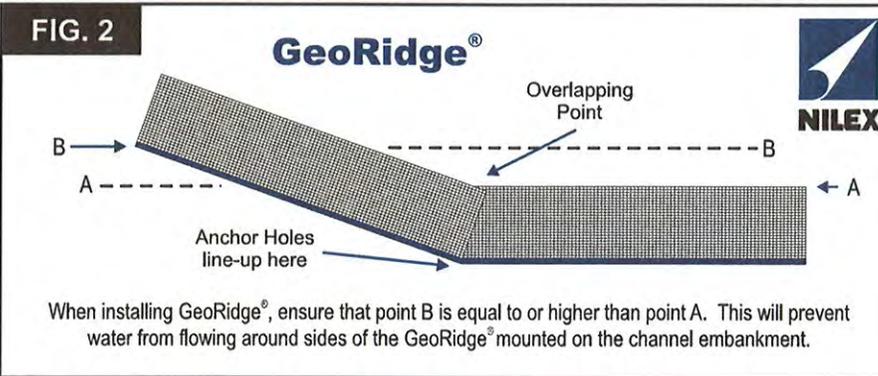
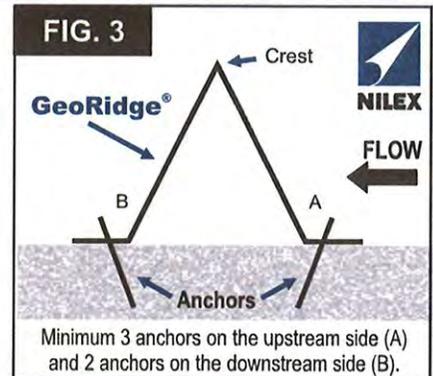


FIG. 3



INSTALLATION INSTRUCTIONS

Select an erosion control blanket (ECB) grade based on the channel geometry and flow conditions. Follow manufacturer's recommended installation procedures.

Refer to the diagram for steps 1-4

Step 1: A section of ECB shall be placed across the flowline direction of the channel prior to the installation of the GeoRidge®. The ECB section must span the entire width of the channel, while the width of the blanket must be at least one roll width or no less than 1.22m (4 ft.).

Step 2: The upstream edge of the ECB must be secured in a 100mm (4") trench. Secure the blanket in the trench using 150mm or 6 inch minimum staples placed at 500mm (1.67 ft.) intervals along the edge. Backfill and re-compact the soil in the upstream edge trench.

Step 3: Secure the downstream edge of the blanket with 150mm or 6 inch minimum staples placed at 300mm (1 ft.) intervals along the edge.

Step 4: Place the GeoRidge® berm in the middle of the ECB and anchor with 10 inch spiral spikes. Anchor spacing depends on soil condition and density. Minimum recommendation is 3 anchors on the upstream side and 2 anchors on the downstream side. The anchors will prevent water from going around or under the GeoRidge®. (See figure 3.)

NOTE: If multiple GeoRidge® panels are required to span a channel,

ensure that the anchor holes line-up when you overlap each panel. (See figure 2.)

SPACING: When positioning GeoRidge® panels in a channel, the gradient plays a key role in the distance between panels as follows:

GRADIENT	SPACING
1%	23.0 m
2%	11.5 m
3%	7.7 m
4%	5.8 m
5%	4.6 m
6%	3.8 m
7%	3.3 m
8%	2.9 m
9%	2.6 m
10%	2.3 m

Spacing is based on calculating the height of GeoRidge® divided by the gradient.

Example: On a 2% gradient...
 $0.230 \text{ m (height of GeoRidge®)} / 0.02$
 Gradient = 11.5 m spacing.

nilex.com

1-800-667-4811



APPENDIX D – Inspection Forms

**STORMWATER POLLUTION PREVENTION
INSPECTION AND MAINTENANCE FORM - COLORADO**

Inspector _____ Title/Position _____ Date _____

Project Information: (list the well number or pipe segments that are being inspected)		
Project Name or Number:	Indicate the current status of the project	
	Construction ⁽¹⁾	Post Construction ⁽²⁾
	<input type="checkbox"/>	<input type="checkbox"/>

Inspection Areas, Devices and Practices	YES	NO	NA	Deficiencies
Inspected all disturbed areas of the construction site (including access roads) that have not been stabilized?				
Inspected structural control measures to verify that they are working as planned and for damage? (Note sediment buildup requiring cleanup under "Deficiencies.")				
Inspected locations where stormwater leaves the site for erosion or sediment deposition?				
Inspected locations where vehicles enter or exit on the site?				
Chemicals, fuels, petroleum products, paints, adhesives and fertilizers stored in designated storage areas?				
Lids securely tightened in storage areas?				
Evidence of leaking (staining etc.) at the construction site?				
Are hazardous products stored in their original containers?				
Following the construction phase, have the bare areas been revegetated?				
Do any revegetated areas require additional seeding, mulching or treatment?				

Required Corrective Actions:

Footnotes:

¹⁾ If project is in construction phase, inspections are required every 14 days and within 24 hours of a precipitation event that causes erosion.

⁽²⁾ If project is in post-construction phase and not yet stabilized, inspections are required every 30 days until the site is stabilized.

APPENDIX E – Construction Activity Stormwater Discharge Permit

CDPS GENERAL PERMIT
STORMWATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY
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 construction activities (and specific allowable non-stormwater discharges in accordance with Part I.D.3 of the permit) 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 facility listed on page 1 of this permit to discharge, 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, **June 30, 2012**.

Issued and Signed this 31st day of May, 2007

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Janet S. Kieler
Permits Section Manager
Water Quality Control Division

SIGNED AND ISSUED MAY 31, 2007

EFFECTIVE JULY 1, 2007

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PART I

A. COVERAGE UNDER THIS PERMIT

1. Authority to Discharge

Under this permit, facilities are granted authorization to discharge stormwater associated with construction activities into waters of the state of Colorado. This permit also authorizes the discharge of specific allowable non-stormwater discharges, in accordance with Part I.D.3 of the permit, which includes discharges to the ground. This includes stormwater discharges from areas that are dedicated to producing earthen materials, such as soils, sand and gravel, for use at a single construction site (i.e., borrow or fill areas). This permit also authorizes stormwater discharges from dedicated asphalt batch plants and dedicated concrete batch plants. (Coverage under the construction site permit is not required for batch plants if they have alternate CDPS permit coverage.) This permit does not authorize the discharge of mine water or process water from such areas.

- a) **Applicable Sections:** In accordance with Part I.A.3 of this permit, some parts of this permit do not apply to sites covered under a Qualifying Local Program, as defined in I.A.2.d. For sites not covered by a Qualifying Local Program, all parts of the permit apply except Part I.A.3. The permittee will be responsible for determining and then complying with the applicable sections.
- b) **Oil and Gas Construction:** Stormwater discharges associated with construction activities directly related to oil and gas exploration, production, processing, and treatment operations or transmission facilities are regulated under the Colorado Discharge Permit System Regulations (5CCR 1002-61), and require coverage under this permit in accordance with that regulation. However, references in this permit to specific authority under the Federal Clean Water Act (CWA) do not apply to stormwater discharges associated with these oil and gas related construction activities, to the extent that the references are limited by the federal Energy Policy Act of 2005.

2. Definitions

- a) **Stormwater:** Stormwater is precipitation-induced surface runoff.
- b) **Construction activity:** Construction activity refers to ground surface disturbing activities, which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.
- c) **Small construction activity:** Stormwater discharge associated with small construction activity means the discharge of stormwater from construction activities that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.
- d) **Qualifying Local Program:** This permit includes conditions that incorporate qualifying local erosion and sediment control program (Qualifying Local Program) requirements by reference. A Qualifying Local Program is a municipal stormwater program for stormwater discharges associated with small construction activity that has been formally approved by the Division.

Other Definitions: Definitions of additional terms can be found in Part I.E. of this permit.

3. Permit Coverage Without Application – for small construction activities under a Qualifying Local Program only

If a small construction site is within the jurisdiction of a Qualifying Local Program, the operator of the construction activity is authorized to discharge stormwater associated with small construction activity under this general permit without the submittal of an application to the Division.

- a) **Applicable Sections:** For sites covered by a Qualifying Local Program, only Parts 1.A.1, 1.A.2, 1.A.3, I.D.1, I.D.2, I.D.3, I.D.4, I.D.7, I.D.8, I.D.11, I.E and Part II of this permit, with the exception of Parts II.A.1, II.B.3, II.B.8, and II.B.10, apply.

A. COVERAGE UNDER THIS PERMIT (cont.)

- b) **Local Agency Authority:** This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of stormwater to storm drain systems or other water courses within their jurisdiction.
- c) **Permit Coverage Termination:** When a site under a Qualifying Local Program has been finally stabilized, coverage under this permit is automatically terminated.
- d) **Compliance with Qualifying Local Program:** A construction site operator that has authorization to discharge under this permit under Part I.A.3 shall comply with the requirements of the Qualifying Local Program with jurisdiction over the site.
- e) **Full Permit Applicability:** The Division may require any operator within the jurisdiction of a Qualifying Local Program covered under this permit to apply for and obtain coverage under the full requirements of this permit. The operator must be notified in writing that an application for full coverage is required. When a permit certification under this permit is issued to an operator that would otherwise be covered under Part I.A.3 of this permit, the full requirements of this permit replace the requirements as per Part I.A.3 of this permit, upon the effective date of the permit certification. A site brought under the full requirements of this permit must still comply with local stormwater management requirements, policies or guidelines as required by Part I.D.1.g of this permit.

4. Application, Due Dates

- a) **Application Due Dates:** At least **ten calendar days** prior to the commencement of construction activities, the applicant shall submit an application form as provided by the Division, with a certification that the Stormwater Management Plan (SWMP) is complete.

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-Permits-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

- b) **Summary of Application:** The application requires, at a minimum, the following:
 - 1) The applicant's company name; address; telephone number; and email address (if available); whether the applicant is the owner, developer, or contractor; and local contact information;
 - 2) Project name, address, county and location of the construction site, including the latitude and longitude to the nearest 15 seconds of the approximate center of the construction activity;
 - 3) Legal description or map of the construction site;
 - 4) Estimates of: the total area of the site, the area of the site that is expected to be disturbed, and the total area of the larger common plan of development or sale to undergo disturbance;
 - 5) The nature of the construction activity;
 - 6) The anticipated start date and final stabilization date for the project;
 - 7) The name of the receiving water(s), or the municipal separate storm sewer system and the ultimate (i.e., named) receiving water(s);
 - 8) Certification that the SWMP for the construction site is complete (see Part I.C. below); and
 - 9) The signature of the applicant, signed in accordance with Part I.F.1 of this permit.

5. Permit Certification Procedures

If this general permit is appropriate for the applicant's operation, then a certification will be developed and the applicant will be authorized to discharge stormwater under this general permit.

- a) **Request for Additional Information:** The Division shall have up to **ten calendar days** after receipt of the above information to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information, the Division shall have an additional **ten calendar days** to issue or deny authorization for the particular discharge. (Notification of denial shall be by letter, in cases where coverage under an alternate general permit or an individual permit is required, instead of coverage under this permit.)

A. COVERAGE UNDER THIS PERMIT (cont.)

- b) **Automatic Coverage:** If the applicant does not receive a request for additional information or a notification of denial from the Division dated within ten calendar days of receipt of the application by the Division, authorization to discharge in accordance with the conditions of this permit shall be deemed granted.
- c) **Individual Permit Required:** If, after evaluation of the application (or additional information, such as the SWMP), it is found that this general permit is not appropriate for the operation, then the application will be processed as one for an individual permit. 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 may be required to process the application and issue the permit. At the Division's discretion, temporary coverage under this general permit may be allowed until the individual permit goes into effect.
- d) **General vs. Individual Permit Coverage:** Any permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual CDPS permit. The permittee shall submit an individual application, with reasons supporting the request, to the Division at least 180 days prior to any discharge.
- e) **Local Agency Authority:** This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of stormwater to storm drain systems or other water courses within their jurisdiction.

6. **Inactivation Notice**

When a site has been finally stabilized in accordance with the SWMP, the permittee must submit an **Inactivation Notice** form that is signed in accordance with Part I.F.1. of this permit. The Inactivation Notice form is available from the Division and includes:

- a) Permit certification number;
- b) The permittee's name, address, telephone number;
- c) Name, location, and county for the construction site for which the inactivation notice is being submitted; and
- d) Certification that the site has been finally stabilized, and a description of the final stabilization method(s).

7. **Transfer of Permit**

When responsibility for stormwater discharges at a construction site changes from one entity to another, the permittee shall submit a completed **Notice of Transfer and Acceptance of Terms** form that is signed in accordance with Part I.F.1. of this permit. The Notice of Transfer form is available from the Division and includes:

- a) Permit certification number;
- b) Name, location, and county for the construction site for which the Notice of Transfer is being submitted;
- c) Identifying information for the new permittee;
- d) Identifying information for the current permittee; and
- e) Effective date of transfer.

If the new responsible party will not complete the transfer form, the permit may be inactivated upon written request to the Division and completion of the Inactivation Notice if the permittee has no legal responsibility, through ownership or contract, for the construction activities at the site. In this case, the new owner or operator would be required to obtain permit coverage separately.

8. **Reassignment of Permit**

When a permittee no longer has control of a specific portion of a permitted site, and wishes to transfer coverage of that portion of the site to a second party, the permittee shall submit a completed **Notice of Reassignment of Permit Coverage** form that is signed in accordance with Part I.F.1. of this permit. The Notice of Reassignment of Permit Coverage form is available from the Division and includes:

- a) Current permit certification number;
- b) Identifying information and certification as required by Part I.A.4.b for the new permittee;
- c) Identifying information for the current permittee, revised site information and certification for reassignment; and
- d) Effective date of reassignment.

A. COVERAGE UNDER THIS PERMIT (cont.)

If the new responsible party will not complete the reassignment form, the applicable portion of the permitted site may be removed from permit coverage upon written request to the Division if the permittee has no legal responsibility, through ownership or contract, for the construction activities at the portion of the site. In this case, the new owner or operator would be required to obtain permit coverage separately.

9. Sale of Residence to Homeowners

For residential construction only, when a residential lot **has been conveyed to a homeowner** and all criteria in paragraphs a through e, below, are met, coverage under this permit is no longer required and the conveyed lot may be removed from coverage under the permittee's certification. At such time, the permittee is no longer responsible for meeting the terms and conditions of this permit for the conveyed lot, including the requirement to transfer or reassign permit coverage. The permittee remains responsible for inactivation of the original certification.

- a) The lot has been sold to the homeowner(s) for private residential use;
- b) the lot is less than one acre of disturbed area;
- c) all construction activity conducted by the permittee on the lot is completed;
- d) a certificate of occupancy (or equivalent) has been awarded to the home owner; and
- e) the SWMP has been amended to indicate the lot is no longer covered by permit.

Lots not meeting all of the above criteria require continued permit coverage. However, this permit coverage may be transferred (Part I.A.7, above) or reassigned (Part I.A.8, above) to a new owner or operator.

10. Permit Expiration Date

Authorization to discharge under this general permit shall expire on June 30, 2012. The Division must evaluate and reissue this general permit at least once every five years and must recertify the permittee's authority to discharge under the general permit at such time. Therefore, a permittee desiring continued coverage under the general permit must reapply by March 31, 2012. The Division will initiate the renewal process; however, it is ultimately the permittee's responsibility to ensure that the renewal is submitted. The Division will determine if the permittee 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.

11. Individual Permit Criteria

Various criteria can be used in evaluating whether or not an individual (or alternate general) permit is required instead of this general permit. This information may come from the application, SWMP, or additional information as requested by the Division, and includes, but is not limited to, the following:

- a) the quality of the receiving waters (i.e., the presence of downstream drinking water intakes or a high quality fishery, or for preservation of high quality water);
- b) the size of the construction site;
- c) evidence of noncompliance under a previous permit for the operation;
- d) the use of chemicals within the stormwater system; or
- e) discharges of pollutants of concern to waters for which there is an established Total Maximum Daily Load (TMDL).

In addition, an individual permit may be required when the Division has shown or has reason to suspect that the stormwater discharge may contribute to a violation of a water quality standard.

B. STORMWATER MANAGEMENT PLAN (SWMP) – **GENERAL REQUIREMENTS**

1. A SWMP shall be developed for each facility covered by this permit. The SWMP shall be prepared in accordance with good engineering, hydrologic and pollution control practices. (The SWMP need not be prepared by a registered engineer.)

B. STORMWATER MANAGEMENT PLAN (SWMP) – **GENERAL REQUIREMENTS** (cont.)

2. The SWMP shall:
 - a) Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the facility;
 - b) Describe the practices to be used to reduce the pollutants in stormwater discharges associated with construction activity at the facility; and ensure the practices are selected and described in accordance with good engineering practices, including the installation, implementation and maintenance requirements; and
 - c) Be properly prepared, and updated in accordance with Part I.D.5.c, to ensure compliance with the terms and conditions of this permit.
3. Facilities must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete, as a condition of this permit. The Division reserves the right to review the SWMP, and to require the permittee to develop and implement additional measures to prevent and control pollution as needed.
4. The SWMP may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the CWA, or Best Management Practices (BMPs) Programs otherwise required by a separate CDPS permit, and may incorporate any part of such plans into the SWMP by reference, provided that the relevant sections of such plans are available as part of the SWMP consistent with Part I.D.5.b.
5. For any sites with permit coverage before June 30, 2007, the permittee's SWMP must meet the new SWMP requirements as summarized in Section II.I of the rationale. Any needed changes must be made by **October 1, 2007**.

C. STORMWATER MANAGEMENT PLAN (SWMP) – **CONTENTS**

The SWMP shall include the following items, at a minimum.

1. **Site Description.** The SWMP shall clearly describe the construction activity, to include:
 - a) The nature of the construction activity at the site.
 - b) The proposed sequence for major activities.
 - c) Estimates of the total area of the site, and the area and location expected to be disturbed by clearing, excavation, grading, or other construction activities.
 - d) A summary of any existing data used in the development of the site construction plans or SWMP that describe the soil or existing potential for soil erosion.
 - e) A description of the existing vegetation at the site and an estimate of the percent vegetative ground cover.
 - f) The location and description of all potential pollution sources, including ground surface disturbing activities (see Part I.A.2.b), vehicle fueling, storage of fertilizers or chemicals, etc.
 - g) The location and description of any anticipated allowable sources of non-stormwater discharge at the site, e.g., uncontaminated springs, landscape irrigation return flow, construction dewatering, and concrete washout.
 - h) The name of the receiving water(s) and the size, type and location of any outfall(s). If the stormwater discharge is to a municipal separate storm sewer system, the name of that system, the location of the storm sewer discharge, and the ultimate receiving water(s).
2. **Site Map.** The SWMP shall include a legible site map(s), showing the entire site, identifying:
 - a) construction site boundaries;
 - b) all areas of ground surface disturbance;
 - c) areas of cut and fill;
 - d) areas used for storage of building materials, equipment, soil, or waste;
 - e) locations of dedicated asphalt or concrete batch plants;
 - f) locations of all structural BMPs;
 - g) locations of non-structural BMPs as applicable; and
 - h) locations of springs, streams, wetlands and other surface waters.

C. STORMWATER MANAGEMENT PLAN (SWMP) – CONTENTS (cont.)

3. **Stormwater Management Controls.**

The SWMP must include a description of all stormwater management controls that will be implemented as part of the construction activity to control pollutants in stormwater discharges. The appropriateness and priorities of stormwater management controls in the SWMP shall reflect the potential pollutant sources identified at the facility.

The description of stormwater management controls shall address the following components, at a minimum:

- a) **SWMP Administrator** - The SWMP shall identify a specific individual(s), position or title who is responsible for developing, implementing, maintaining, and revising the SWMP. The activities and responsibilities of the administrator shall address all aspects of the facility's SWMP.
- b) **Identification of Potential Pollutant Sources** - All potential pollutant sources, including materials and activities, at a site must be evaluated for the potential to contribute pollutants to stormwater discharges. The SWMP shall identify and describe those sources determined to have the potential to contribute pollutants to stormwater discharges, and the sources must be controlled through BMP selection and implementation, as required in paragraph (c), below.

At a minimum, each of the following sources and activities shall be evaluated for the potential to contribute pollutants to stormwater discharges, and identified in the SWMP if found to have such potential:

- 1) all disturbed and stored soils;
 - 2) vehicle tracking of sediments;
 - 3) management of contaminated soils;
 - 4) loading and unloading operations;
 - 5) outdoor storage activities (building materials, fertilizers, chemicals, etc.);
 - 6) vehicle and equipment maintenance and fueling;
 - 7) significant dust or particulate generating processes;
 - 8) routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc.;
 - 9) on-site waste management practices (waste piles, liquid wastes, dumpsters, etc.);
 - 10) concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment;
 - 11) dedicated asphalt and concrete batch plants;
 - 12) non-industrial waste sources such as worker trash and portable toilets; and
 - 13) other areas or procedures where potential spills can occur.
- c) **Best Management Practices (BMPs) for Stormwater Pollution Prevention** - The SWMP shall identify and describe appropriate BMPs, including, but not limited to, those required by paragraphs 1 through 8 below, that will be implemented at the facility to reduce the potential of the sources identified in Part I.C.3.b to contribute pollutants to stormwater discharges. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP to ensure proper implementation, operation and maintenance of the BMP.
- 1) **Structural Practices for Erosion and Sediment Control.** The SWMP shall clearly describe and locate all structural practices implemented at the site to minimize erosion and sediment transport. Practices may include, but are not limited to: straw bales, wattles/sediment control logs, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins.
 - 2) **Non-Structural Practices for Erosion and Sediment Control.** The SWMP shall clearly describe and locate, as applicable, all non-structural practices implemented at the site to minimize erosion and sediment transport. Description must include interim and permanent stabilization practices, and site-specific scheduling for implementation of the practices. The SWMP should include practices to ensure that existing vegetation is preserved where possible. Non-structural practices may include, but are not limited to: temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, vegetative buffer strips, protection of trees, and preservation of mature vegetation.

C. STORMWATER MANAGEMENT PLAN (SWMP) – CONTENTS (cont.)

- 3) Phased BMP Implementation. The SWMP shall clearly describe the relationship between the phases of construction, and the implementation and maintenance of both structural and non-structural stormwater management controls. The SWMP must identify the stormwater management controls to be implemented during the project phases, which can include, but are not limited to, clearing and grubbing; road construction; utility and infrastructure installation; vertical construction; final grading; and final stabilization.
- 4) Materials Handling and Spill Prevention. The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials (see definitions at Part I.E.) that could contribute pollutants to runoff. Such procedures or significant materials could include: exposed storage of building materials; paints and solvents; fertilizers or chemicals; waste material; and equipment maintenance or fueling procedures.

Areas or procedures where potential spills can occur must have spill prevention and response procedures identified in the SWMP.

- 5) Dedicated Concrete or Asphalt Batch Plants. The SWMP shall clearly describe and locate all practices implemented at the site to control stormwater pollution from dedicated concrete batch plants or dedicated asphalt batch plants covered by this certification.
- 6) Vehicle Tracking Control. The SWMP shall clearly describe and locate all practices implemented at the site to control potential sediment discharges from vehicle tracking. Practices must be implemented for all areas of potential vehicle tracking, and can include: minimizing site access; street sweeping or scraping; tracking pads; graveled parking areas; requiring that vehicles stay on paved areas on-site; wash racks; contractor education; and/or sediment control BMPs, etc.
- 7) Waste Management and Disposal, Including Concrete Washout.
 - i) The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from all construction site wastes (liquid and solid), including concrete washout activities.
 - ii) The practices used for concrete washout must ensure that these activities do not result in the contribution of pollutants associated with the washing activity to stormwater runoff.
 - iii) Part I.D.3.c of the permit authorizes the conditional discharge of concrete washout water to the ground. The SWMP shall clearly describe and locate the practices to be used that will ensure that no washout water from concrete washout activities is discharged from the site as surface runoff or to surface waters.
- 8) Groundwater and Stormwater Dewatering.
 - i) The SWMP shall clearly describe and locate the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater from excavations, wells, etc.
 - ii) Part I.D.3.d of the permit authorizes the conditional discharge of construction dewatering to the ground. For any construction dewatering of groundwater not authorized under a separate CDPS discharge permit, the SWMP shall clearly describe and locate the practices to be used that will ensure that no groundwater from construction dewatering is discharged from the site as surface runoff or to surface waters.

4. Final Stabilization and Long-term Stormwater Management

- a) The SWMP shall clearly describe the practices used to achieve final stabilization of all disturbed areas at the site, and any planned practices to control pollutants in stormwater discharges that will occur after construction operations have been completed at the site.
- b) Final stabilization practices for obtaining a vegetative cover should include, as appropriate: seed mix selection and application methods; soil preparation and amendments; soil stabilization practices (e.g., crimped straw, hydro mulch or rolled erosion control products); and appropriate sediment control BMPs as needed until final stabilization is achieved; etc.

C. STORMWATER MANAGEMENT PLAN (SWMP) – CONTENTS (cont.)

- c) Final stabilization is reached when all ground surface disturbing activities at the site have been completed, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

The Division may, after consultation with the permittee and upon good cause, amend the final stabilization criteria in this section for specific operations.

5. **Inspection and Maintenance**

Part I.D.6 of the permit includes requirements for site inspections. Part I.D.7 of the permit includes requirements for BMP maintenance. The SWMP shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control practices and other protective practices identified in the SWMP, in good and effective operating condition.

D. TERMS AND CONDITIONS

1. **General Limitations**

The following limitations shall apply to all discharges covered by this permit:

- a) Stormwater discharges from construction activities shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any water quality standard, including narrative standards for water quality.
- b) Concrete washout water shall not be discharged to state surface waters or to storm sewer systems. On-site permanent disposal of concrete washout waste is not authorized by this permit. Discharge to the ground of concrete washout waste that will subsequently be disposed of off-site is authorized by this permit. See Part I.D.3.c of the permit.
- c) Bulk storage structures for petroleum products and any other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering State waters.
- d) No chemicals are to be added to the discharge 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 correspondence.
- e) The Division reserves the right to require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that compliance with the SWMP is a problem, or to measure the effectiveness of the BMPs in removing pollutants in the effluent. Such monitoring may include Whole Effluent Toxicity testing.
- f) All site wastes must be properly managed to prevent potential pollution of State waters. This permit does not authorize on-site waste disposal.
- g) All dischargers must comply with the lawful requirements of federal agencies, 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. **BMP Implementation and Design Standards**

Facilities must select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of State waters.

D. TERMS AND CONDITIONS (cont.)

3. **Prohibition of Non-Stormwater Discharges**

- a) Except as provided in paragraphs b, c, and d below, **all discharges covered by this permit shall be composed entirely of stormwater associated with construction activity.** Discharges of material other than stormwater must be addressed in a separate CDPS permit issued for that discharge.
- b) Discharges from the following sources that are combined with stormwater discharges associated with construction activity may be authorized by this permit, provided that the non-stormwater component of the discharge is identified in the SWMP (see Part I.C.1.g of this permit):
 - emergency fire fighting activities
 - landscape irrigation return flow
 - uncontaminated springs
- c) Discharges to the ground of concrete washout water from washing of tools and concrete mixer chutes may be authorized by this permit, provided that:
 - 1) the source is identified in the SWMP;
 - 2) BMPs are included in the SWMP in accordance with Part I.C.3(c)(7) and to prevent pollution of groundwater in violation of Part I.D.1.a; and
 - 3) these discharges do not leave the site as surface runoff or to surface waters
- d) Discharges to the ground of water from construction dewatering activities may be authorized by this permit, provided that:
 - 1) the source is groundwater and/or groundwater combined with stormwater that does not contain pollutants in concentrations exceeding the State groundwater standards in Regulations 5 CCR 1002-41 and 42;
 - 2) the source is identified in the SWMP;
 - 3) BMPs are included in the SWMP, as required by Part I.C.3(c)(8); and
 - 4) these discharges do not leave the site as surface runoff or to surface waters.

Discharges to the ground from construction dewatering activities that do not meet the above criteria must be covered under a separate CDPS discharge permit. Contaminated groundwater requiring coverage under a separate CDPS discharge permit may include groundwater contaminated with pollutants from a landfill, mining activity, industrial pollutant plume, underground storage tank, or other source.

4. **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 Noncompliance Notification Requirements (see Part II.A.3 of the permit).

5. **SWMP Requirements**

- a) **SWMP Preparation and Implementation:** The SWMP shall be prepared prior to applying for coverage under the general permit, and certification of its completion submitted with the application. The SWMP shall be implemented prior to commencement of construction activities. The plan shall be updated as appropriate (see paragraph c, below), below). SWMP provisions shall be implemented until expiration or inactivation of permit coverage.
- b) **SWMP Retention Requirements:** A copy of the SWMP must be retained on site unless another location, specified by the permittee, is approved by the Division.
- c) **SWMP Review/Changes:** The permittee shall amend the SWMP:
 - 1) when there is a change in design, construction, operation, or maintenance of the site, which would require the implementation of new or revised BMPs; or
 - 2) if the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity; or

D. TERMS AND CONDITIONS (cont.)

- 3) when BMPs are no longer necessary and are removed.

SWMP changes shall be made prior to changes in the site conditions, except as allowed for in paragraph d, below. SWMP revisions may include, but are not limited to: potential pollutant source identification; selection of appropriate BMPs for site conditions; BMP maintenance procedures; and interim and final stabilization practices. The SWMP changes may include a schedule for further BMP design and implementation, provided that, if any interim BMPs are needed to comply with the permit, they are also included in the SWMP and implemented during the interim period.

- d) **Responsive SWMP Changes:** SWMP changes addressing BMP installation and/or implementation are often required to be made in response to changing conditions, or when current BMPs are determined ineffective. The majority of SWMP revisions to address these changes can be made immediately with quick in-the-field revisions to the SWMP. In the less common scenario where more complex development of materials to modify the SWMP is necessary, SWMP revisions shall be made in accordance with the following requirements:
 - 1) the SWMP shall be revised as soon as practicable, but in no case more than 72 hours after the change(s) in BMP installation and/or implementation occur at the site, and
 - 2) a notation must be included in the SWMP prior to the site change(s) that includes the time and date of the change(s) in the field, an identification of the BMP(s) removed or added, and the location(s) of those BMP(s).

6. **Inspections**

Site inspections must be conducted in accordance with the following requirements and minimum schedules. The required minimum inspection schedules do not reduce or eliminate the permittee's responsibility to implement and maintain BMPs in good and effective operational condition, and in accordance with the SWMP, which could require more frequent inspections.

- a) **Minimum Inspection Schedule:** The permittee shall, at a minimum, make a thorough inspection, in accordance with the requirements in I.D.6.b below, at least once every 14 calendar days. Also, post-storm event inspections must be conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. Provided the timing is appropriate, the post-storm inspections may be used to fulfill the 14-day routine inspection requirement. A more frequent inspection schedule than the minimum inspections described may be necessary, to ensure that BMPs continue to operate as needed to comply with the permit. The following conditional modifications to this Minimum Inspection Schedule are allowed:
 - 1) **Post-Storm Event Inspections at Temporarily Idle Sites** – If no construction activities will occur following a storm event, post-storm event inspections shall be conducted prior to re-commencing construction activities, but no later than 72 hours following the storm event. The occurrence of any such delayed inspection must be documented in the inspection record. Routine inspections still must be conducted at least every 14 calendar days.
 - 2) **Inspections at Completed Sites/Areas** -- For sites or portions of sites that meet the following criteria, but final stabilization has not been achieved due to a vegetative cover that has not become established, the permittee shall make a thorough inspection of their stormwater management system at least once every month, and post-storm event inspections are not required. This reduced inspection schedule is *only* allowed if:
 - i) all construction activities that will result in surface ground disturbance are completed;
 - ii) all activities required for final stabilization, in accordance with the SWMP, have been completed, with the exception of the application of seed that has not occurred due to seasonal conditions or the necessity for additional seed application to augment previous efforts; and
 - iii) the SWMP has been amended to indicate those areas that will be inspected in accordance with the reduced schedule allowed for in this paragraph.

D. TERMS AND CONDITIONS (cont.)

- 3) **Winter Conditions Inspections Exclusion** – Inspections are not required at sites where construction activities are temporarily halted, snow cover exists over the entire site for an extended period, and melting conditions posing a risk of surface erosion do not exist. This exception is applicable only during the period where melting conditions do not exist, and applies to the routine 14-day and monthly inspections, as well as the post-storm-event inspections. The following information must be documented in the inspection record for use of this exclusion: dates when snow cover occurred, date when construction activities ceased, and date melting conditions began. Inspections, as described above, are required at all other times.

When site conditions make the schedule required in this section impractical, the permittee may petition the Division to grant an alternate inspection schedule.

b) **Inspection Requirements**

- 1) **Inspection Scope** - The construction site perimeter, all disturbed areas, material and/or waste storage areas that are exposed to precipitation, discharge locations, and locations where vehicles access the site shall be inspected for evidence of, or the potential for, pollutants leaving the construction site boundaries, entering the stormwater drainage system, or discharging to state waters. All erosion and sediment control practices identified in the SWMP shall be evaluated to ensure that they are maintained and operating correctly.
- 2) **Inspection Report/Records** - The permittee shall keep a record of inspections. Inspection reports must identify any incidents of non-compliance with the terms and conditions of this permit. Inspection records must be retained for three years from expiration or inactivation of permit coverage. At a minimum, the inspection report must include:
- i) The inspection date;
 - ii) Name(s) and title(s) of personnel making the inspection;
 - iii) Location(s) of discharges of sediment or other pollutants from the site;
 - iv) Location(s) of BMPs that need to be maintained;
 - v) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - vi) Location(s) where additional BMPs are needed that were not in place at the time of inspection;
 - vii) Deviations from the minimum inspection schedule as provided in Part I.D.6.a above;
 - vii) Description of corrective action for items iii, iv, v, and vi, above, dates corrective action(s) taken, and measures taken to prevent future violations, including requisite changes to the SWMP, as necessary; and
 - viii) After adequate corrective action(s) has been taken, or where a report does not identify any incidents requiring corrective action, the report shall contain a signed statement indicating the site is in compliance with the permit to the best of the signer's knowledge and belief.
- c) **Required Actions Following Site Inspections** – Where site inspections note the need for BMP maintenance activities, BMPs must be maintained in accordance with the SWMP and Part I.D.7 of the permit. Repair, replacement, or installation of new BMPs determined necessary during site inspections to address ineffective or inadequate BMPs must be conducted in accordance with Part I.D.8 of the permit. SWMP updates required as a result of deficiencies in the SWMP noted during site inspections shall be made in accordance with Part I.D.5.c of the permit.

7. **BMP Maintenance**

All erosion and sediment control practices and other protective measures identified in the SWMP must be maintained in effective operating condition. Proper selection and installation of BMPs and implementation of comprehensive Inspection and Maintenance procedures, in accordance with the SWMP, should be adequate to meet this condition. BMPs that are not adequately maintained in accordance with good engineering, hydrologic and pollution control practices, including removal of collected sediment outside the acceptable tolerances of the BMPs, are considered to be no longer operating effectively and must be addressed in accordance with Part I.D.8, below. A specific timeline for implementing maintenance procedures is not included in this permit because BMP maintenance is expected to be proactive, not responsive. Observations resulting in BMP maintenance activities can be made during a site inspection, or during general observations of site conditions.

D. TERMS AND CONDITIONS (cont.)

8. **Replacement and Failed BMPs**

Adequate site assessment must be performed as part of comprehensive Inspection and Maintenance procedures, to assess the adequacy of BMPs at the site, and the necessity of changes to those BMPs to ensure continued effective performance. Where site assessment results in the determination that new or replacement BMPs are necessary, the BMPs must be installed to ensure on-going implementation of BMPs as per Part I.D.2.

Where BMPs have failed, resulting in noncompliance with Part I.D.2, they must be addressed as soon as possible, immediately in most cases, to minimize the discharge of pollutants.

When new BMPs are installed or BMPs are replaced, the SWMP must be updated in accordance with Part I.D.5(c).

9. **Reporting**

No scheduled reporting requirements are included in this permit; however, the Division reserves the right to request that a copy of the inspection reports be submitted.

10. **SWMP Availability**

A copy of the SWMP shall be provided upon request to the Division, EPA, or any local agency in charge of approving sediment and erosion plans, grading plans or stormwater management plans, and within the time frame specified in the request. If the SWMP is required to be submitted to any of these entities, it must include a signed certification in accordance with Part I.F.1 of the permit, certifying that the SWMP is complete and meets all permit requirements.

All SWMPs required under this permit are considered reports that shall be available to the public under Section 308(b) of the CWA and Section 61.5(4) of the Colorado Discharge Permit System Regulations. The permittee shall make plans available to members of the public upon request. However, the permittee may claim any portion of a SWMP as confidential in accordance with 40 CFR Part 2.

11. **Total Maximum Daily Load (TMDL)**

If a TMDL has been approved for any waterbody into which the permittee discharges, and stormwater discharges associated with construction activity have been assigned a pollutant-specific Wasteload Allocation (WLA) under the TMDL, the Division will either:

- a) Ensure that the WLA is being implemented properly through alternative local requirements, such as by a municipal stormwater permit; or
- b) Notify the permittee of the WLA, and amend the permittee's certification to add specific BMPs and/or other requirements, as appropriate. The permittee may be required to do the following:
 - 1) Under the permittee's SWMP, implement specific management practices based on requirements of the WLA, and evaluate whether the requirements are being met through implementation of existing stormwater BMPs or if additional BMPs 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.

Discharge monitoring may also be required. The permittee may maintain coverage under the general permit provided they comply with the applicable requirements outlined above. The Division reserves the right to require individual or alternate general permit coverage.

E. ADDITIONAL DEFINITIONS

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, pollution prevention, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage.
2. **Dedicated asphalt plants and concrete plants:** portable asphalt plants and concrete plants that are located on or adjacent to a construction site and that provide materials only to that specific construction site.
3. **Final stabilization:** when all ground surface disturbing activities at the site have been completed, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. For purposes of this permit, establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site will be considered final stabilization.
4. **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.
5. **Operator:** the entity that has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, the developer, the general contractor or the agent of one of these parties, in some circumstances. It is anticipated that at different phases of a construction project, different types of parties may satisfy the definition of 'operator' and that the permit may be transferred as the roles change.
6. **Outfall:** a point source at the point where stormwater leaves the construction site and discharges to a receiving water or a stormwater collection system.
7. **Part of a larger common plan of development or sale:** a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules.
8. **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.
9. **Pollutant:** dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste.
10. **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.
11. **Receiving Water:** any classified stream segment (including tributaries) in the State of Colorado into which stormwater related to construction activities discharges. This definition includes all water courses, even if they are usually dry, such as borrow ditches, arroyos, and other unnamed waterways.
12. **Significant Materials** include, but are not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; 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.
13. **Stormwater:** precipitation-induced surface runoff.

F. 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, if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates.
- 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.
- 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

- a) The permittee shall retain copies of the SWMP and all reports required by this permit and records of all data used to complete the application to be covered by this permit, for three years after expiration or inactivation of permit coverage.
- b) The permittee shall retain a copy of the SWMP required by this permit at the construction site from the date of project initiation to the date of expiration or inactivation of permit coverage, unless another location, specified by the permittee, is approved by the Division.

3. Monitoring

The Division reserves the right to require sampling and testing, on a case-by-case basis (see Part I.D.1.e), for example to implement the provisions of a TMDL (see Part I.D.11 of the permit). Reporting procedures for any monitoring data collected will be included in the notification by the Division of monitoring requirements.

If monitoring is required, the following definitions apply:

- a) The **thirty (30) day average** shall be determined by the arithmetic mean of all samples collected during a thirty (30) consecutive-day period.
- b) A **grab sample**, for monitoring requirements, is a single “dip and take” sample.

PART II

A. MANAGEMENT REQUIREMENTS

1. Amending a Permit Certification

The permittee shall inform the Division (Permits Section) in writing of changes to the information provided in the permit application, including the legal contact, the project legal description or map originally submitted with the application, or the planned total disturbed acreage. The permittee shall furnish the Division with any plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving stream. If applicable, this notification may be accomplished through submittal of an application for a CDPS process water permit authorizing the discharge. The SWMP shall be updated and implemented prior to the changes (see Part I.D.5.c).

Any discharge to the waters of the State from a point source other than specifically authorized by this permit or a different CDPS permit is prohibited.

2. Special Notifications - Definitions

- a) **Spill:** An unintentional release of solid or liquid material which may cause pollution of state waters.
- b) **Upset:** An exceptional incident in which there is unintentional and temporary noncompliance with permit discharge limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

3. Noncompliance Notification

- a) The permittee shall report the following instances of noncompliance:
 - 1) Any noncompliance which may endanger health or the environment;
 - 2) Any spill or discharge of hazardous substances or oil which may cause pollution of the waters of the state.
 - 3) Any discharge of stormwater which may cause an exceedance of a water quality standard.
- b) For all instances of noncompliance based on environmental hazards and chemical spills and releases, all needed information must be provided orally to the Colorado Department of Public Health and Environment spill reporting line (24-hour number for environmental hazards and chemical spills and releases: 1-877-518-5608) within 24 hours from the time the permittee becomes aware of the circumstances.

For all other instances of noncompliance as defined in this section, all needed information must be provided orally to the Water Quality Control Division within 24 hours from the time the permittee becomes aware of the circumstances.

For all instances of noncompliance identified here, a written submission shall also be provided within 5 calendar days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of:

- 1) The noncompliance and its cause;
- 2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue;
- 3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

A. MANAGEMENT REQUIREMENTS (cont.)

4. **Submission of Incorrect or Incomplete Information**

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

5. **Bypass**

- a) A bypass, which causes effluent limitations (i.e., requirements to implement BMPs in accordance with Parts I.B.3 and I.D.2 of the permit) to be exceeded is prohibited, and the Division may take enforcement action against a permittee for such a bypass, unless:
- 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities (e.g., alternative BMPs), retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment (e.g., implemented additional BMPs) to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - 3) The permittee submitted notices as required in "Non-Compliance Notification," Part II.A.3.

6. **Upsets**

- 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 permitted facility was at the time being properly operated;
 - 3) The permittee submitted notice of the upset as required in Part II.A.3. 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.

7. **Removed Substances**

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

8. **Minimization of Adverse Impact**

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any terms and conditions specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

A. MANAGEMENT REQUIREMENTS (cont.)

9. **Reduction, Loss, or Failure of Stormwater Controls**

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the permit requirements. Upon reduction, loss, or failure of any stormwater controls, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, or remove all pollutant sources from exposure to stormwater, or both, until the stormwater controls are restored or an alternative method of treatment/control is provided.

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.

10. **Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

B. RESPONSIBILITIES

1. **Inspections and Right to Entry**

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

- a) To enter upon the permittee's premises where a regulated facility 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 to investigate, within reason, any actual, suspected, or potential source of water pollution, or any violation of the Colorado Water Quality Control Act. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing permittee staff on alleged violations and other matters related to the permit, and access to any and all facilities or areas within the permittee's premises that may have any effect on the discharge, permit, or any alleged violation.

2. **Duty to Provide Information**

The permittee shall furnish to the Division, within the time frame specified by the Division, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or inactivating coverage under 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.

3. **Transfer of Ownership or Control**

Certification under this permit may be transferred to a new permittee if:

- a) The current permittee notifies the Division in writing when the transfer is desired as outlined in Part I.A.7; and
- b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and
- c) The current permittee has met all fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15.

B. RESPONSIBILITIES (cont.)

4. **Modification, Suspension, or Revocation of Permit By Division**

All permit modification, inactivation or revocation and reissuance actions shall be subject to the requirements of the Colorado 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.

- a) This permit, and/or certification under this permit, may be modified, suspended, or revoked in whole or in part during its term for reasons determined by the Division including, but not limited to, the following:
 - 1) Violation of any terms or conditions of the permit;
 - 2) 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;
 - 3) Materially false or inaccurate statements or information in the application for the permit;
 - 4) Promulgation of toxic effluent standards or prohibitions (including any schedule of compliance specified in such effluent standard or prohibition) which are established under Section 307 of the Clean Water Act, where such a toxic pollutant is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.
- b) This permit, and/or certification under this permit, may be modified in whole or in part due to a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge, such as:
 - 1) Promulgation of Water Quality Standards applicable to waters affected by the permitted discharge; or
 - 2) Effluent limitations or other requirements applicable pursuant to the State Act or federal requirements; or
 - 3) Control regulations promulgated; or
 - 4) Other available information indicates a potential for violation of adopted Water Quality Standards or stream classifications.
- c) This permit, or certification under this permit, may be modified in whole or in part to include new effluent limitations and other appropriate permit conditions where data submitted pursuant to Part I indicate that such effluent limitations and permit conditions are necessary to ensure compliance with applicable water quality standards and protection of classified uses.
- d) At the request of the permittee, the Division may modify or inactivate certification under this permit if the following conditions are met:
 - 1) In the case of inactivation, the permittee notifies the Division of its intent to inactivate the certification, and certifies that the site has been finally stabilized;
 - 2) In the case of inactivation, the permittee has ceased any and all discharges to state waters and demonstrates to the Division there is no probability of further uncontrolled discharge(s) which may affect waters of the State.
 - 3) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modification, amendment or inactivation;
 - 4) Fee requirements of Section 61.15 of the Colorado Discharge Permit System Regulations have been met; and
 - 5) Applicable requirements of public notice have been met.

For small construction sites covered by a Qualifying Local Program, coverage under this permit is automatically terminated when a site has been finally stabilized.

B. RESPONSIBILITIES (cont.)

5. **Permit Violations**

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit.

Dischargers of stormwater associated with industrial activity, as defined in the EPA Stormwater Regulation (40 CFR 122.26(b)(14) and Section 61.3(2) of the Colorado Discharge Permit System Regulations, which do not obtain coverage under this or other Colorado general permits, or under an individual CDPS permit regulating industrial stormwater, will be in violation of the federal Clean Water Act and the Colorado Water Quality Control Act, 25-8-101, as amended. Failure to comply with CDPS permit requirements will also constitute a violation.

6. **Legal Responsibilities**

The issuance of 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.

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.

7. **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, are held invalid, the application of such provision to other circumstances and the application of the remainder of this permit shall not be affected.

8. **Renewal Application**

If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least ninety (90) days before this permit expires. If the permittee anticipates that there will be no discharge after the expiration date of this permit, the Division should be promptly notified so that it can inactivate the certification in accordance with Part II.B.4.d.

9. **Confidentiality**

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and Colorado Discharge Permit System Regulations, Section 61.5(4), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division. The permittee must state what is confidential at the time of submittal.

Any information relating to any secret process, method of manufacture or production, or sales or marketing data which has been declared confidential by the permittee, and which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the Commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this section shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

10. **Fees**

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

B. RESPONSIBILITIES (cont.)

11. **Requiring an Individual CDPS Permit**

The Director may require the permittee to apply for and obtain an individual or alternate general CDPS permit if:

- a) The discharger is not in compliance with the conditions of this 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 water quality standards may be violated.

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

RATIONALE

STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

GENERAL PERMIT IN COLORADO THIRD RENEWAL COLORADO DISCHARGE PERMIT NUMBER COR-030000

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I. INTRODUCTION

This permit is for the regulation of stormwater runoff from construction activities, and specific allowable non-stormwater discharges in accordance with Part I.D.3 of the permit. The term "construction activity" includes ground surface disturbing activities, including, but not limited to, clearing, grading, excavation, demolition, installation of new or improved haul and access roads, staging areas, stockpiling of fill materials, and borrow areas. "Stormwater" is precipitation-induced surface runoff. This rationale will explain the background of the Stormwater program, activities which are covered under this permit, how to apply for coverage under this permit, and the requirements of this permit.

The forms discussed in the rationale and permit are available on the Water Quality Control Division's website at: www.cdphe.state.co.us/wq/PermitsUnit

II. CHANGES IN THIS GENERAL PERMIT

Several notable changes from the previous General Permit for Construction Activities have been incorporated into this permit. Significant changes are listed below. Numerous other minor changes were made for clarification purposes only.

A. Authority to Discharge

This section has been restructured to list all of the types of activities covered by this permit, and to be consistent with the definition of "construction activity." The definition of construction activity has been expanded to provide clarification. See Part I.A.1 of the permit.

II. CHANGES IN THIS GENERAL PERMIT (cont.)

B. Authority to Discharge – Oil and Gas Construction

This section has been added, to take into account a regulatory change. The federal Energy Policy Act of 2005 exempts nearly all oil and gas construction activities from federal requirements under the Clean Water Act's NPDES stormwater discharge permit program. In January 2006, the Colorado Water Quality Control Commission held a hearing to determine what effects, if any, the change in federal law would have upon Colorado's stormwater regulations. The Commission determined that oil and gas construction sites in Colorado that disturb one or more acres are still required to be covered under Colorado's stormwater permitting regulations (Colorado Discharge Permit System (CDPS) regulations (5CCR 1002-61)). In practice, oil and gas construction sites have the same requirements under this permit as do other types of construction. However, this permit contains some references to the federal Clean Water Act; generally these references are not applicable to oil and gas construction sites to the extent that the references are limited by the federal Energy Policy Act of 2005. See Part I.A.1(b) of the permit.

C. Application Requirements

The permit application requirements have changed slightly, including the addition of an email address, if available. See Part I.A.4(b).

The applicant must be either the owner and/or operator of the construction site. An operator at a construction site that is not covered by a certification held by an appropriate entity may be held liable for operating without the necessary permit coverage.

D. Temporary Coverage

Part I.A.5(d) of the previous permit (effective July 1, 2002) dealt with temporarily covering a facility under the general permit even if an individual permit is more appropriate. This permit section essentially duplicated the previous section (see Part I.A.5(c)), and so it has been deleted.

E. Reassignment of Permit Coverage

Procedures have been added to clarify the requirements for the transfer of coverage of specific portions of a permitted site to a second party. See Section VIII.1.3 of the rationale and Part I.A.8 of the permit.

F. Individual Permit Criteria

This section has been modified to include situations involving a Total Maximum Daily Load (TMDL). See Part I.A.11 of the permit.

G. Stormwater Management Plan (SWMP)

The Stormwater Management Plan section has been divided into two parts: Stormwater Management Plan (SWMP) – General Requirements, which provides the basic framework and general requirements for the SWMP, and Stormwater Management Plan (SWMP) – Contents, which specifically identifies each item that must be addressed in the SWMP. See Parts I.B and I.C of the permit.

H. Stormwater Management Plan (SWMP) – General Requirements

The SWMP General Requirements section has been modified to require that the SWMP be updated in accordance with Parts I.D.5(c) and I.D.5(d) of the permit (SWMP Review/Changes). This additional requirement ensures that the SWMP provisions reflect current site conditions. See Part I.B.2(c) of the permit.

II. CHANGES IN THIS GENERAL PERMIT (cont.)

I. Stormwater Management Plan (SWMP) – Contents

The SWMP Contents section has been modified. Some of the changes are limited to organization of information, which does not require modification of an existing permittee's current SWMP. Most of the SWMP changes involve either clarifications, reformatting, or taking recommendations from the Division's SWMP guide and making them permit requirements (e.g., vehicle tracking controls, BMP installation specifications). If an **existing permittee (i.e., those with permit coverage before June 30, 2007)** followed the recommendations in the SWMP guide (Appendix A of the permit application), then their SWMP will presumably meet the new requirements. However, for any existing permittees who did not follow the applicable SWMP guide recommendations, their SWMP must be amended to include the new required items:

-SWMP Administrator

-Identification of potential pollutant sources

-Best Management Practices descriptions and installation specifications, including dedicated concrete or asphalt batch plants; vehicle tracking control; and waste management and disposal (including concrete washout activities).

For existing permittees, any SWMP changes based on the change in permit requirements must be completed by **October 1, 2007**. The plan is not to be submitted to the Division unless requested, but must be available on site as outlined in Part I.D.5(b) of the permit.

The BMP requirement clarifications included in this renewed permit in no way imply that adequate BMPs to address all pollutant sources at a permitted site were not required in previous permits. The revised requirements are intended only to better clarify SWMP content requirements and provide improved direction to permittees.

The SWMP changes are listed below. All new applicants (after June 30, 2007) for permit coverage for their sites must fully comply with the new SWMP organization, plan requirements, and implementation.

1. **Site Description:** The requirement to provide an estimate of the run-off coefficient has been removed. The run-off coefficient as currently utilized in the SWMP may not contribute sufficiently to permit compliance to justify the effort in determining accurate values. See Part I.C.1 of the permit. However, the Division still encourages use of the coefficient as needed to adequately evaluate site-specific BMP selection and design criteria (e.g., pond capacities, BMP location, etc.) See Section C.2 of the SWMP guidance (Appendix A of the permit application).
2. **Site Map:** The requirement to identify boundaries of the 100-year flood plain has been removed. The boundaries as currently utilized in the SWMP may not contribute sufficiently to permit compliance to justify the effort in determining their location. See Part I.C.2 of the permit.
3. **Stormwater Management Controls:** This section has been modified to require identification of a SWMP Administrator and all potential pollutants sources in the SWMP. See Part I.C.3 of the permit.
 - a) The SWMP Administrator is a specific individual(s), position or title who is responsible for the process of developing, implementing, maintaining, and revising the SWMP. This individual serves as the comprehensive point of contact for all aspects of the facility's SWMP. **This requirement may necessitate changes to existing permittees' SWMPs.**

II. CHANGES IN THIS GENERAL PERMIT (cont.)

- b) *The requirement to identify Potential Pollutant Sources has been expanded to include more details for the evaluation of such sources. This evaluation allows for the appropriate selection of BMPs for implementation at a facility or site. Additionally, this section was added to be consistent with the SWMP guide. **This requirement may necessitate changes to existing permittees' SWMPs.***
- c) *Best Management Practices (BMPs) for Stormwater Pollution Prevention: This section was modified to require the following items to be addressed in the SWMP. **These requirements may necessitate changes to existing permittees' SWMPs.** This section also requires that the SWMP provide installation and implementation specifications for each BMP identified in the SWMP. For structural BMPs, in most cases, this must include a technical drawing to provide adequate installation specifications. See Part I.C.3(c).*
 - i) *Dedicated concrete or asphalt batch plants. This section requires that the practices used to reduce the pollutants in stormwater discharges associated with dedicated concrete or asphalt batch plants be identified in the SWMP. (Coverage under the construction site SWMP and permit is not required for batch plants if they have alternate CDPS permit coverage.)*
 - ii) *Vehicle tracking control. This section requires that practices be implemented to control sediment from vehicle tracking, and that all such practices implemented at the site be clearly described in the SWMP.*
 - iii) *Waste management and disposal. This section requires that the practices implemented at the site to control stormwater pollution from construction site waste, including concrete washout activities, be clearly described in the SWMP. It also requires that concrete washout activities be conducted in a manner that does not contribute pollutants to surface waters or stormwater runoff.*
 - iv) *Concrete Washout Water. Part I.D.3(c) of the permit has been revised to conditionally authorize discharges to the ground of concrete wash water from washing of tools and concrete mixer chutes when appropriate BMPs are implemented. The permit prohibits the discharge of concrete washout water to surface waters and to storm sewer systems. Part I.C.3(c)(7) of the permit requires that BMPs be in place to prevent surface discharges of concrete washout water from the site.*

The use of unlined pits to contain concrete washout water is a common practice in Colorado. The Division has further evaluated the need for a permit for discharge of concrete washout water to the ground. The Division has determined that the use of appropriate BMPs for on-site washing of tools and concrete mixer chutes would prevent any significant discharge to groundwater. BMPs to protect groundwater are required by Part I.C.3(c)(7) of the permit. Because pH is a pollutant of concern for washout activities, the soil must have adequate buffering capacity to result in protection of the groundwater standard, or a liner/containment must be used. The following management practices are recommended to prevent an impact from unlined pits to groundwater:

- (1) the use of the washout site should be temporary (less than 1 year), and*
- (2) the washout site should be not be located in an area where shallow groundwater may be present, such as near natural drainages, springs, or wetlands.*

II. CHANGES IN THIS GENERAL PERMIT (cont.)

Where adequate management practices are not followed to protect groundwater quality, the Department may require discharges to unlined pits to cease, or require the entity to obtain alternate regulatory approval through notice from either the Water Quality Control Division or the Hazardous Materials and Waste Management Division.

In addition, Part I.D.1(b) of the permit has been revised to clearly state that the permit does not authorize on-site permanent disposal of concrete washout waste, only temporary containment of concrete washout water from washing of tools and concrete mixer chutes. Upon termination of use of the washout site, accumulated solid waste, including concrete waste and any contaminated soils, must be removed from the site to prevent on-site disposal of solid waste.

- v) *Construction Dewatering. Part I.D.3(d) of the permit has been revised to conditionally authorize discharges to the ground of water from construction dewatering activities when appropriate BMPs are implemented. The permit does not authorize the discharge of groundwater from construction dewatering to surface waters or to storm sewer systems. Part I.C.3(c)(8) of the permit requires that BMPs be in place to prevent surface discharges. The permittee may apply for coverage under a separate CDPS discharge permit, such as the Construction Dewatering general permit, if there is a potential for discharges to surface waters.*

The Division has determined that potential pollutant sources introduced into groundwater from construction dewatering operations do not have a reasonable potential to result in exceedance of groundwater standards when the discharge is to the ground. The primary pollutant of concern in uncontaminated groundwater is sediment. Although technology-based standards for sediment do exist in 5 CCR 1002-41, the discharge of sediment to the ground as part of construction dewatering does not have the reasonable potential to result in transport of sediment to the groundwater table so as to result in an exceedance of those standards.

For a discharge of water contaminated with other pollutants that are present in concentrations that may cause an exceedance of groundwater standards, separate CDPS discharge permit coverage is required. Contaminated groundwater may include that contaminated with pollutants from a landfill, mining activity, industrial pollutant plume, underground storage tank, or other source of human-induced groundwater pollution and exceeding the State groundwater standards in Regulations 5 CCR 1002-41 and 42.

J. Terms and Conditions, General Limitations and Design Standards

This section reiterates the requirement that facilities select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. In addition, requirements for protection of water quality standards (see Part I.D.1.(a) of the permit) and requirements to adequately design BMPs to prevent pollution or degradation of State waters (see Part I.D.2 of the permit) have been revised and are fully discussed in Part III.B of the rationale, below. Additional language was also added to Section III.B of the rationale further clarifying the expectations for compliance with this permit.

1. Management of Site Waste

This section has been modified to clarify that on-site waste must be properly managed to prevent potential pollution of State waters, and that this permit does not authorize on-site waste disposal. Solid waste disposal is regulated by the Hazardous Materials and Waste Management Division.

II. CHANGES IN THIS GENERAL PERMIT (cont.)

K. Terms and Conditions, SWMP Requirements

1. **SWMP Review/Changes:** *This section now requires that when changes are made to site conditions, the SWMP must be revised immediately, except for some BMP description changes which conditionally may occur within 72 hours. This requirement is included to both ensure that the SWMP be kept accurate and up-to-date, and to clarify that stormwater management at a site typically should be proactive instead of responsive, and be integrated into site management to ensure it is calibrated with those changes. The section was also clarified to state that only changes in site conditions that do not require new or modified BMPs do not need to be addressed in the SWMP. See Part I.D.5(c) of the permit.*
2. **SWMP Certification:** *The previous permit was unclear on a requirement that the copy of SWMP that remains at the facility had to be signed in accordance with permit signatory requirements. This requirement has been deleted. The signatory requirement of Part I.F.1 only applies to the SWMP if it is to be submitted to the Division or to EPA. See Part I.F.1 of the permit.*

L. Terms and Conditions, Post-Storm Inspections

The previous permit required post-storm inspections, but did not specify the timing of inspections. This section now requires that post-storm event inspections generally be conducted within 24 hours of the event. An alternative timeline has been allowed, only for sites where there are no construction activities occurring following a storm event. For this condition, post-storm event inspections shall instead be conducted prior to commencing construction activities, but no later than 72 hours following the storm event, and the delay noted in the inspection report.

Any exception from the minimum inspection schedule is temporary, and does not eliminate the requirement to perform routine maintenance due to the effects of a storm event, including maintaining vehicle tracking controls and removing sediment from impervious areas. In many cases, maintenance needs will require a more frequent inspection schedule than the minimum inspections required in the permit, to ensure that BMPs continue to operate as needed to comply with the permit. See Part I.D.6(a) of the permit.

M. Terms and Conditions, Inspections

1. *The Winter Conditions Inspection Exclusion section has been modified to include documentation requirements for this exclusion. See Part I.D.6(a) of the permit. The Inspection Scope has been modified to include the requirement to inspect waste storage areas during inspections conducted in accordance with the permit. See Part I.D.6(b) of the permit.*
2. *The requirements for sites to qualify for reduced inspection frequencies for completed sites have been slightly modified (see Part I.D.6(a)(2) of the permit.). The requirement now is that only construction activities that disturb the ground surface must be completed. Construction activities that can be conducted without disturbance of the ground surface; for example, interior building construction, and some oil well activities, would not prohibit a site from otherwise qualifying for the reduced inspection frequency. In addition, the requirement for the site to be prepared for final stabilization has been slightly modified to allow for sites that have not yet been seeded to qualify, as long as the site has otherwise been prepared for final stabilization, including completion of appropriate soil preparation, amendments and stabilization practice. This will allow for sites with seasonal seeding limitations or where additional seed application may be needed in the future to still qualify.*

II. *CHANGES IN THIS GENERAL PERMIT (cont.)*

3. *The Inspection Report/Records section (Part I.D.6(b)(2)) was added to clarify requirements for inspection reports generated during an inspection conducted in accordance with Part I.D.6 of the permit. Inspection reports must be signed by the inspector, or the individual verifying the corrective action indicated in the inspection report, on behalf of the permittee. Inspection reports are not typically required to be submitted to the Division, and therefore, are not required to be signed and certified for accuracy in accordance with Part I.F.1 of the permit. However, any inspection reports that are submitted to the Division must follow the signatory requirements contained in that section.*

N. *Terms and Conditions, Maintenance, Repair, and Replacement of Control Practices*

These sections have been added to clarify requirements for maintaining the BMPs identified in the SWMP and for addressing ineffective or failed BMPs. BMP maintenance and site assessment to determine the overall adequacy of stormwater quality management at the site must occur proactively, in order to ensure adequate control of pollutant sources at the site. In most cases, if BMPs are already not operating effectively, or have failed, the issue must be addressed immediately, to prevent discharge of pollutants. See Parts I.D.7 and I.D.8 of the permit.

O. *Total Maximum Daily Load (TMDL)*

A section on TMDLs has been added. This section gives a general outline of the additional requirements that may be imposed by the Division if the facility discharges to a waterbody for which a stormwater-related TMDL is in place. See Section VIII.C of the rationale and Part I.D.11 of the permit.

P. *Additional Definitions*

Part I.E of the permit has been modified to remove the definition of runoff coefficient, as it is no longer a permit requirement. The definition for state waters has also been deleted, but can be found in Regulation 61.

Q. *Changes in Discharge*

The section on the types of discharge or facility changes that necessitate Division notification has been clarified. See Part II.A.1 of the permit.

R. *Non-Compliance Notification*

The section on notification to the Division regarding instances of non-compliance has been amended to clarify which types of noncompliance require notification. See Part II.A.3 of the permit.

S. *Short Term Certifications*

The previous permit allowed small short-term construction activities to be authorized for a predetermined period from 3 to 12 months, and then automatically expire (an inactivation request did not need to be submitted). The issuance of these certifications has led to significant confusion and incidents of noncompliance resulting from permittees unintentionally letting their certifications expire prior to final stabilization, as well as issues regarding billing. Therefore, the provisions for short-term certifications have been deleted.

T. *Bypass*

The Division has revised the Bypass conditions in Part II.A.5 of the permit to be consistent with the requirements of Regulation 61.8(3)(i). The revised language addresses under what rare occurrences BMPs may be bypassed at a site.

III. BACKGROUND

As required under the Clean Water Act amendments of 1987, the Environmental Protection Agency (EPA) has established a framework for regulating municipal and industrial stormwater discharges. This framework is under the National Pollutant Discharge Elimination System (NPDES) program (Note: The Colorado program is referred to as the Colorado Discharge Permit System, or CDPS, instead of NPDES.) The Water Quality Control Division ("the Division") has stormwater regulations (5CCR 1002-61) in place. These regulations require specific types of industrial facilities that discharge stormwater associated with industrial activity (industrial stormwater), to obtain a CDPS permit for such discharge. The regulations specifically include construction activities that disturb one acre of land or more as industrial facilities. Construction activities that are part of a larger common plan of development which disturb one acre or more over a period of time are also included.

A. General Permits

The Division has determined that the use of general permits is the appropriate procedure for handling most of the thousands of industrial stormwater applications within the State.

B. Permit Requirements

This permit does not impose numeric effluent limits or require submission of effluent monitoring data in the permit application or in the permit itself. The permit instead imposes practice-based effluent limitations for stormwater discharges through the requirement to develop and implement a Stormwater Management Plan (SWMP). The narrative permit requirements include prohibitions against discharges of non-stormwater (e.g., process water). See Part I.D.3 of the permit.

The permit conditions for the SWMP include the requirement for dischargers to select, implement and maintain Best Management Practices (BMPs) at a permitted construction site that adequately minimize pollutants in the discharges to assure compliance with the terms and conditions of the permit. Part I.D.2 of the permit includes basic design standards for BMPs implemented at the site. Facilities must select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. BMPs implemented at the site must be adequately designed to control all potential pollutant sources associated with construction activity to prevent pollution or degradation of State waters. Pollution is defined in CDPS regulations (5CCR 1002-61) as man-made or man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water. Utilizing industry-accepted standards for BMP selection that are appropriate for the conditions and pollutant sources present will typically be adequate to meet these criteria, since construction BMPs are intended to prevent the discharge of all but minimal amounts of sediment or other pollutants that would not result in actual pollution of State waters, as defined above. However, site-specific design, including ongoing assessment of BMPs and pollutant sources, is necessary to ensure that BMPs operate as intended.

The permit further requires that stormwater discharges from construction activities shall not cause, have the reasonable potential to cause, or measurably contribute to an excursion above any water quality standard, including narrative standards for water quality. This condition is the basis for all CDPS Discharge permits, and addresses the need to ensure that waters of the State maintain adequate water quality, in accordance with water quality standards, to continue to meet their designated uses. It is believed that, in most cases, BMPs can be adequate to meet applicable water quality standards. If water quality impacts are noted, or the Division otherwise determines that additional permit requirements are necessary, they are typically imposed as follows: 1) at the renewal of this general permit or through a general permit specific to an industrial sector (if the issue is sector-based); 2) through direction from the Division based on the implementation of a TMDL (if the issue is watershed-based); or 3) if the issue is site-specific, through a revision to the certification from the Division based on an inspection or SWMP review, or through an individual permit.

III. BACKGROUND (cont.)

Some construction sites may be required to comply with a Qualifying Local Program in place of meeting several of the specific requirements in this permit. Sites covered by a Qualifying Local Program may not be required to submit an application for coverage or a notice of inactivation and may not be required to pay the Division's annual fee. See Section VII of the rationale.

C. Violations/Penalties

Dischargers of stormwater associated with industrial activity, as defined in the CDPS regulations (5CCR 1002-61), that do not obtain coverage under this or other Colorado general permits, or under an individual CDPS permit regulating industrial stormwater, will be in violation of the Federal Clean Water Act and the Colorado Water Quality Control Act, 25-8-101. For facilities covered under a CDPS permit, failure to comply with any CDPS permit requirement constitutes a violation. As of the time of permit issuance, civil penalties for violations of the Act or CDPS permit requirements may be up to \$10,000 per day, and criminal pollution of state waters is punishable by fines of up to \$25,000 per day.

IV. STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

The stormwater regulations (CDPS regulations (5CCR 1002-61)), require that stormwater discharges associated with certain industrial activities be covered under the permit program. Construction activity that disturbs one acre or more during the life of the project is specifically included in the listed industrial activities. This permit is intended to cover most stormwater discharges from construction facilities required by State regulation to obtain a permit.

A. Construction Activity

Construction activity includes ground surface disturbing activities including, but not limited to, clearing, grading, excavation, demolition, installation of new or improved haul and access roads, staging areas, stockpiling of fill materials, and dedicated borrow/fill areas. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility. (The maintenance exclusion is intended for projects such as road resurfacing, and where there will be less than one acre of additional ground disturbed. Improvements or upgrades to existing facilities or roads, where at least one acre is disturbed, would not qualify as "routine maintenance.")

Definitions of additional terms can be found in Part I.E of the permit.

Stormwater discharges from all construction activity require permit coverage, except for operations that result in the disturbance of less than one acre of total land area and which are not part of a larger common plan of development or sale. A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules.

B. Types of Discharges/Activities Covered

1. **Stormwater:** *This permit is intended to cover most new or existing discharges composed **entirely** of stormwater from construction activities that are required by State regulation to obtain a permit. This includes stormwater discharges associated with areas that are dedicated to producing earthen materials, such as soils, sand, and gravel, for use at a single construction site. These areas may be located at the construction site or at some other location. This permit does not authorize the discharge of mine water or process water from borrow areas. This permit may also cover stormwater discharges associated with dedicated asphalt plants and concrete plants located at a specific construction site.*

IV. STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (cont.)

2. **Process water:** Under certain restrictions, discharges to the ground from construction dewatering, and from concrete washout activities, are also covered (see Parts I.C.3(c)(7), I.C.3(c)(8), I.D.3(c) and I.D.3(d) of the permit).

C. Types of Activities NOT Covered

1. **Stormwater:** Aside from the sources listed in subparagraph B.1, above, this permit does not cover stormwater discharged from construction sites that is mixed with stormwater from other types of industrial activities, or process water of any kind. Other types of industrial activities that require stormwater discharge permits pursuant to different sections of the regulations (Regulation 5 CCR 1002-61, Section 61.2(e)(iii)(A-I, K)], are not covered by this permit.
2. **Process water:** This permit also does not cover any discharge of process water to surface waters. If the construction activity encounters groundwater, in order to discharge this groundwater to surface waters, a Construction Dewatering Discharge Permit (permit number COG-070000) must also be obtained. An application for this permit can be obtained from the Division at the address listed in Part I.A.4(a) of the permit, or at the website in Section 1 of the rationale.

V. COVERAGE UNDER THIS GENERAL PERMIT

Under this general permit, owners or operators of stormwater discharges associated with construction activity may be granted authorization to discharge stormwater into waters of the State of Colorado. This includes stormwater discharges associated with industrial activity from areas that are dedicated to producing earthen materials, such as soils, sand and gravel, for use at a single construction site, and dedicated asphalt plants and dedicated concrete plants.

This permit does not pre-empt or supersede the authority of other local, state or federal agencies to prohibit, restrict or control discharges of stormwater to storm drain systems or other water courses within their jurisdiction.

Authorization to discharge under the permit requires submittal of a completed application form and a certification that the SWMP is complete, unless the site is covered by a Qualifying Local Program. Upon receipt of all required information, the Division may allow or disallow coverage under the general permit.

VI. APPLICATION AND CERTIFICATION

At least **ten days** prior to the commencement of construction activities, the owner or operator of the construction site shall submit an original completed application which includes the signed certification that the SWMP is complete. Original signatures are required for the application to be considered complete. For small construction sites only, if the site is covered by a Qualifying Local Program (see below), submittal of an application is not required.

For the purposes of this permit, the "operator" is the person who has day-to-day control over the project. This can be the owner, the developer, the general contractor or the agent of one of these parties, in some circumstances. At different times during a construction project, different types of parties may satisfy the definition of "operator" and the certification may be transferred as roles change.

(Note - Under the Federal regulations, this application process is referred to as a Notice of Intent, or NOI. For internal consistency with its current program, the Division will continue to use the term "application.") A summary of the permit application requirements is found in the permit at Part I.A.4(b).

If coverage under this general permit is appropriate, then a certification will be developed and the applicant will be certified under this general permit.

VII. QUALIFYING LOCAL PROGRAMS

For stormwater discharges associated with small construction activity (i.e., one to five acre disturbed area sites), the permit includes conditions that incorporate approved qualifying local erosion and sediment control program (Qualifying Local Program) requirements by reference. A Qualifying Local Program is a municipal stormwater program for stormwater discharges associated with small construction activity that has been formally approved by the Division. The requirements for Qualifying Local Programs are outlined in Part 61.8(12) of the Colorado Discharger Permit System Regulations (also see the Division's "Qualifying Local Programs for Small Construction Sites - Application Guidance"). Such programs must impose requirements to protect water quality that are at least as stringent as those required in this permit.

A. Approval Termination

A Qualifying Local Program may be terminated by either the Division or the municipality. Upon termination of Division approval of a Qualifying Local Program, any small construction activity required to obtain permit coverage under Section 61.3(2)(h) of the CDPS regulations (5CCR 1002-61), shall submit an application form as provided by the Division, with a certification that the Stormwater Management Plan (SWMP) is complete as required by Part I.A.3 of the permit, within 30 days of Division notification.

B. Approval Expiration

Division approval of a Qualifying Local Program will expire with this general permit on June 30, 2012. Any municipality desiring to continue Division approval of their program must reapply by March 31, 2012. The Division will determine if the program may continue as a approved Qualifying Local Program.

VIII. TERMS AND CONDITIONS OF PERMIT

A. Coverage under a Qualifying Local Program – For Small Construction Sites Only

*For small construction sites (disturbing less than 5 acres) covered under a Qualifying Local Program (see Section VII, above), only certain permit requirements apply, as outlined below. The local program must have been formally designated by the Division to qualify. Most municipalities have some type of local program and may require permits and fees. However, simply having a program in place does not necessarily mean that it is a qualifying program and that a State permit is not required. The local municipality is responsible for notifying operators and/or owners that they are covered by a Qualifying Local Program. As of May 31, 2007, the only approved Qualifying Local Programs within the state are for Golden, Durango and Lakewood. An updated list of municipalities with Qualifying Local Programs, including contact information, is available on the Division's website at:
<http://www.cdphe.state.co.us/wq/PermitsUnit/stormwater/construction.html>.*

The Division reserves the right to require any construction owner or operator within the jurisdiction of a Qualifying Local Program covered under this permit to apply for and obtain coverage under the full requirements of this permit.

1. **Permit Coverage:** *If a construction site is within the jurisdiction of a Qualifying Local Program, the owner or operator of the construction activity is authorized to discharge stormwater associated with small construction activity under this general permit **without** the submittal of an application to the Division. The permittee also is not required to submit an inactivation notice or payment of an annual fee to the Division.*

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

2. **Permit Terms and Conditions:** *The permittee covered by a Qualifying Local Program must comply with the requirements of that Qualifying Local Program. In addition, the following permit sections are applicable:*
- a) *Parts I.A.1, 1.A.2, and 1.A.3: Authorization to discharge and discussion of coverage under the permit.*
 - b) *Part I.D.1: General limitations that must be met in addition to local requirements.*
 - c) *Parts I.D.2, I.D.3, I.D.4: BMP implementation, prohibition of non-stormwater discharges unless addressed in a separate CDPS permit, and requirements related to releases of reportable quantities.*
 - d) *Part I.D.11: Potential coverage under a Total Maximum Daily Load (TMDL).*
 - e) *Part I.E: Additional definitions.*
 - f) *Part II (except for Parts II.A.1, II.B.3, II.B.8, and II.B.10): Specifically includes, but is not limited to, provisions applicable in the case of noncompliance with permit requirements, and requirements to provide information and access.*

B. Stormwater Management Plans (SWMPs)

Prior to commencement of construction, a stormwater management plan (SWMP) shall be developed and implemented for each facility covered by this permit. A certification that the SWMP is complete must be submitted with the permit application. The SWMP shall identify potential sources of pollution (including sediment) which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the facility. In addition, the plan shall describe the Best Management Practices (BMPs) which will be used to reduce the pollutants in stormwater discharges from the construction site. (Note that permanent stormwater controls, such as ponds, that are used as temporary construction BMPs must be adequately covered in the SWMP.) Facilities must implement the provisions of their SWMP as a condition of this permit. The SWMP shall include the following items:

1. *Site Description*
2. *Site Map*
3. *Stormwater Management Controls*
4. *Long-term Stormwater Management*
5. *Inspection and Maintenance*

(See Parts I.B. and I.C of the permit for a more detailed description of SWMP requirements.) The Division has a guidance document available on preparing a SWMP. The document is included as Appendix A of the permit application, and is available on the Division's website at www.cdphe.state.co.us/wq/PermitsUnit.

Some changes have been made to the SWMP requirements. See Section II.I of the rationale for a discussion on permittee responsibilities regarding those changes.

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

Master SWMP

Often, a large construction project will involve multiple smaller construction sites that are within a common plan of development, or multiple well pads under construction within an oil and gas well field. Pollutant sources and the types of BMPs used can be relatively consistent in such cases. A permittee could significantly streamline the SWMP development process through the use of a master SWMP. SWMP information must be developed and maintained for all construction activities that exceed one acre (or are part of a common plan of development exceeding one acre) conducted within the permitted area. By developing a single master plan, the permittee can eliminate the need to develop repetitive information in separate plans. Such a plan could include two sections, one containing a reference section with information applicable to all sites (e.g., installation details and maintenance requirements for many standard BMPs, such as silt fence and erosion blankets), and the second containing all of the information specific to each site (e.g., site BMP map, drainage plans, details for BMPs requiring site specific design, such as retention ponds).

As new activities begin, information required in the SWMP is added to the plan, and as areas become finally stabilized, the related information is removed. Records of information related to areas that have been finally stabilized that are removed from the active plan must be maintained for a period of at least three years from the date that the associated site is finally stabilized.

C. Total Maximum Daily Load (TMDL)

If the designated use of a stream or water body has been impaired by the presence of a pollutant(s), development of a Total Maximum Daily Load (TMDL) may be required. A TMDL is an estimate of allowable loading in the waterbody for the pollutant in question. Types of discharges that are or have the potential to be a significant source of the pollutant are also identified. If a TMDL has been approved for any waterbody into which the permittee discharges, and stormwater discharges associated with construction activity have been assigned a pollutant-specific Wasteload Allocation (WLA) under the TMDL, the Division will either:

1. Notify the permittee of the TMDL, and amend the permittee's certification to add specific BMPs and/or other requirements, as appropriate; or
2. Ensure that the TMDL is being implemented properly through alternative local requirements, such as by a municipal stormwater permit. (The only current example of this is the Cherry Creek Reservoir Control Regulation (72.0), which mandates that municipalities within the basin require specific BMPs for construction sites.)

See Part I.D.11 of the permit for further information.

D. Monitoring

Sampling and testing of stormwater for specific parameters is not required on a routine basis under this permit. However, the Division reserves the right to require sampling and testing on a case-by-case basis, in the event that there is reason to suspect that compliance with the SWMP is a problem, or to measure the effectiveness of the BMPs in removing pollutants in the effluent. See Part I.D.1(e) of the permit.

E. Facility Inspections

Construction sites typically must inspect their stormwater management controls at least every 14 days and within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. At sites or portions of sites where ground-disturbing construction has been completed but a vegetative cover has not been established, these inspections must occur at least once per month. (At sites where persistent snow cover conditions exist, inspections are not required during the period that melting conditions do not exist. These

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

conditions are only expected to occur at high elevations within the Colorado mountains.) For all of these inspections, records must be kept on file. Exceptions to the inspection requirements are detailed in Part I.D.6 of the permit.

F. SWMP Revisions

The permittee shall amend the SWMP whenever there is a change in design, construction, operation, or maintenance of the site, which would require the implementation of new or revised BMPs. The SWMP shall also be amended if it proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity. The timing for completion of SWMP changes is detailed in Parts I.D.5(c) and I.D.5(d) of the permit.

SWMP revisions shall be made prior to change in the field, or in accordance with Part I.D.5(d) of the permit.

G. Reporting

The inspection record shall be made available to the Division upon request. Regular submittal of an annual report is not required in this permit. See Part I.D.9 of the permit.

H. Annual Fee

The permittee is required to submit payment of an annual fee as set forth in the Water Quality Control Act. Permittees will be billed for the initial permit fee within a few weeks of permit issuance and then annually, based on a July 1 through June 30 billing cycle.

I. Responsibility for Permit

The permit certification for a site may be inactivated, once coverage is no longer needed. The certification may be transferred, if another party is assuming responsibility for the entire area covered by the certification. In addition, permit responsibility for **part** of the area covered by the certification may be reassigned to another party. These actions are summarized below. The Stormwater Program construction fact sheet explains these actions in further detail under the section on Multiple Owner/Developer Sites, and is available on the Division website at <http://www.cdphs.state.co.us/wq/PermitsUnit/stormwater/ConstFactSheet.PDF>, Section F.

1. **Inactivation Notice:** When a site has been finally stabilized in accordance with the SWMP, the permittee shall submit an **Inactivation Notice** that is signed in accordance with Part I.F.1 of the permit. A summary of the Inactivation Notice content is described in Part I.A.6 of the permit. A copy of the Inactivation Notice form will be mailed to the permittee along with the permit certification. Additional copies are available from the Division.

For sites where all areas have been removed from permit coverage, the permittee may submit an inactivation notice and terminate permit coverage. In such cases the permittee would no longer have any land covered under their permit certification, and therefore there would be no areas remaining to finally stabilize. Areas may be removed from permit coverage by:

- reassignment of permit coverage (Part I.A.8 of the permit);
- sale to homeowner(s) (Part I.A.9 of the permit); or
- amendment by the permittee, in accordance with Division guidance for areas where permit coverage has been obtained by a new operator or returned to agricultural use.

VIII. TERMS AND CONDITIONS OF PERMIT (cont.)

2. **Transfer of Permit:** When responsibility for stormwater discharges for an entire construction site changes from one individual to another, the permit shall be transferred in accordance with Part I.A.7 of the permit. The permittee shall submit a completed **Notice of Transfer form**, which is available from the Division, and at www.cdphe.state.co.us/wq/PermitsUnit. If the new responsible party will not complete the transfer form, the permit may be inactivated if the permittee has no legal responsibility, through ownership or contract, for the construction activities at the site. In this case, the new owner or operator would be required to obtain permit coverage separately.
3. **Reassignment of Permit:** When a permittee no longer has control of a specific portion of a permitted site, and wishes to transfer coverage of that portion of the site to a second party, the permittee shall submit a completed **Notice of Reassignment of Permit Coverage form**, which is available from the Division, and at www.cdphe.state.co.us/wq/PermitsUnit. The form requires that both the existing permittee and new permittee complete their respective sections. See Part I.A.8 of the permit.

J. Duration of Permit

The general permit will expire on June 30, 2012. The permittee's authority to discharge under this permit is approved until the expiration date of the general permit. Any permittee desiring continued coverage under the general permit past the expiration date must apply for recertification under the general permit at least 90 days prior to its expiration date.

Kathleen Rosow
December 18, 2006

IX. PUBLIC NOTICE – 12/22/06

The permit was sent to public notice on December 22, 2006. A public meeting was requested, and was held on February 2, 2007. Numerous comments were received on the draft permit. Responses to those comments, and a summary of changes made to the draft permit, are in a separate document entitled "Division Response To Public Comments." The permit will be sent to a second public notice on March 23, 2007. Any changes resulting from the second public notice will be summarized in the rationale.

Kathleen Rosow
March 22, 2007

X. PUBLIC NOTICE – 3/23/07

The permit was sent to public notice for a second time on March 23, 2007. Numerous comments were received on the second draft permit. Responses to those comments, and a summary of the additional changes made to the draft permit, are contained in a separate document entitled "Division Response To Public Comments Part II". This document is part of the rationale. Any changes based on the Division response are incorporated into the rationale and permit. The response document is available online at <http://www.cdphe.state.co.us/wq/PermitsUnit/stormwater/construction.html>, or by emailing cdphe.wqstorm@state.co.us, or by calling the Division at 303-692-3517.

Kathleen Rosow
May 31, 2007

APPENDIX F – Permit Application and Inactivation Notice Forms

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer



Colorado Department
of Public Health
and Environment

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

4300 Cherry Creek Dr. S. Laboratory Services Division
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Located in Glendale, Colorado (303) 692-3090

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

June 21, 2012

Jimmy Druce, Ops Mgr
Wexpro Co
PO 458
Rock Springs, WY 82902

**RE: Renewal of Permit/Certification
 Administrative Continuation
 For: Powder Wash Oil & Gas Field
 Located at: , , Moffat County
 Permit No.: **COR031332****

Dear Mr. Druce;

The Division has received an application to renew the above permit/certification. It has been determined that there is sufficient information to make this permit/certification eligible for renewal. More information may be requested by the Division as progress is made in developing a new permit/certification for the above listed facility. This information must be made available to the Division when requested to complete the permit process.

The Division is currently in the process of developing a new permit or master general permit and associated certification for the above permitted facility. The development and review procedures required by law have not yet been completed. When the discharge permit issued to you for your facility expired on **June 30, 2012** your permit is administratively continued and remains in effect under Section 104(7) of the Administrative Procedures Act, C.R.S. 1973, 24-4-101, et seq (1982 repl. vol. 10) until the new permit/certification is issued and effective.

All effluent permit terms and conditions in your current permit will remain in effect until your new permit/certification is issued and effective.

**PLEASE KEEP THIS LETTER WITH YOUR PERMIT AND SWMP TO SHOW
CONTINUATION OF PERMIT COVERAGE.**

Sincerely,

Debbie Jessop
Permits Section
WATER QUALITY CONTROL DIVISION

xc: Permit File

STATE OF COLORADO

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

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

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
TDD Line (303) 691-7700 (303) 692-3090
Located in Glendale, Colorado
<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

Colorado Water Quality Control Division Notice of Termination Construction Stormwater Inactivation Notice

www.coloradowaterpermits.com

Print or type all information. All items must be filled out completely and correctly. If the form is not complete, it will be returned. All permit terminations dates are effective on the date approved by the Division.

MAIL ORIGINAL FORM WITH INK SIGNATURES TO THE FOLLOWING ADDRESS:

Colorado Dept of Public Health and Environment
Water Quality Control Division
4300 Cherry Creek Dr South, WQCD-P-B2
Denver, CO 80246-1530

FAXED OR EMAILED FORMS WILL NOT BE ACCEPTED.

- **PART A. IDENTIFICATION OF PERMIT** Please write the permit certification number to be terminated

Permit Certification Number (four digits, not "0000"): COR03 _ _ _ _

- **PART B. PERMITTEE INFORMATION**

Company Name _____

Mailing Address _____

City _____ State _____ Zip code _____

Legal Contact Name _____ Phone number _____

Title _____ Email _____

- **PART C. FACILITY/PROJECT INFORMATION**

Facility/Project Name _____

Location (address) _____

City _____ County _____ Zip code _____

Local Contact Name _____ Phone number _____

Title _____ Email _____

• **PART D. TERMINATION VALIDATION CRITERIA**

One of the criteria (1 or 2) below must be met, the appropriate box checked, and the required additional information provided. Part E includes a certification that the criteria indicated has been met.

1: Finally Stabilized or Construction Not Started - The permitted activities covered under the certification listed in Part A meet the requirements for **FINAL STABILIZATION in accordance with the permit, the Stormwater Management Plan, and as described below**. This criterion should also be selected if construction was never started and no land was disturbed, and an explanation of this condition provided in the description below.

Final stabilization is reached when: all ground surface disturbing activities at the site have been completed including removal of all temporary erosion and sediment control measure, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of predisturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

REQUIRED for Criteria 1 - Describe the methods used to meet the final stabilization c described above:

Include an attachment if additional space is required.

-OR-

2: Separate Permit Coverage or Full Reassignment - All ongoing construction activities, including all disturbed areas, covered under the permit certification listed in Part A have coverage under a separate CDPS stormwater construction permit, including the permit certification issued when Division's Reassignment Form was used by the permittee to reassign all areas/activities.

REQUIRED for Criteria 2 – Provide the permit certification number covering the ongoing activities:

COR03 _ _ _ _

STOP! One of the two criteria above **MUST BE CHECKED** and the required information for that criterion provided, or this form will not be processed and the permit will remain active.

• **PART E. CERTIFICATION SIGNATURE (Required for all Termination Requests)**

I understand that by submitting this notice of inactivation, I am no longer authorized to discharge stormwater associated with construction activity by the general permit. I understand that discharging pollutants in stormwater associated with construction activities to the waters of the State of Colorado, where such discharges are not authorized by a CDPS permit, is unlawful under the Colorado Water Quality Control Act and the Clean Water Act.

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. (See 18 U.S.C 1001 and 33 U.S.C. 1319.)

I also certify that I am a duly authorized representative of the permittee named in Part B.

Signature of Legally Responsible Party

Date Signed

Name (printed)

Title

Signatory requirements: This form shall be signed, dated, and certified for accuracy by the permittee in accordance with the following criteria:

1. In the case of a corporation, 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 operation from which the discharge described herein 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 operation, by wither a principal executive officer, ranking elected official, or other duly authorized employee.