

CONSTRUCTION STORMWATER MANAGEMENT PLAN

**BNL (ENTERPRISE) INC.
BBB 33 SESE 2860
Las Animas County, Colorado**

April 2022

Prepared By:

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INTRODUCTION

This Construction Stormwater Management Plan (SWMP) for Construction Activities has been prepared to comply with the Colorado Department of Public Health and Environment's (CDPHE) General Permit (COR400000) for *Stormwater Discharges Associated with Construction Activities*. This SWMP addresses construction activities associated with BNL (Enterprise) Inc. (BNL) helium exploration and production activities in Las Animas County, Colorado. The General Permit can be found in Appendix A and upon receipt, a copy of the Certification to Discharge will similarly be incorporated into Appendix A.

This SWMP is intended to be revised as necessary to address planned developments, new disturbances, and other changes required to manage stormwater and protect surface water quality. Significant changes to the SWMP will be documented in the Revision History table in this Plan.

In addition to adherence to the requirements in General Permit COR400000, the helium facility covered by this SWMP is subject to local (county) requirements, which have been incorporated herein.

Oil and gas activities, including helium, in Colorado are subject to the Colorado Oil and Gas Conservation Commission (COGCC) rules and regulations. The 1000 series Reclamation Regulations require that operators implement Stormwater Management under Rule 1002.f. This rule requires operators to implement and maintain control measures at locations to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation. This requirement is in effect for the life of the facility (construction to abandonment).

While this facility maintains coverage under the CDPHE General Permit and this SWMP, the requirements of COGCC Rule 1002.f. are satisfied. Once the location achieves final stabilization and is removed from permit coverage under the CDPHE General Permit, the COGCC rules require that a Post-Construction Stormwater Program be implemented.

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.

Signature: _____

Name: _____

Title: _____

Date: _____

SWMP MANAGERS

The SWMP Manager(s) is responsible for making sure the SWMP is implemented in its entirety and must be knowledgeable in the principles and practices of erosion and sediment control and pollution prevention, and with the skills to assess conditions at construction sites that could impact stormwater quality and to assess the effectiveness of stormwater controls implemented to meet permit requirements.

SWMP MANAGER TABLE			
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Additionally, the SWMP Manager(s) may delegate responsibility for the coordination of the following to specific personnel:

- Implementation of upset condition/clean-up procedures;
- Notification to regulatory agencies, local authorities and local residents in the event of a significant release of stormwater and/or sediment from a construction area;
- Coordination/implementation of control measures (formally known as Best Management Practices (BMPs));
- Conducting inspections (as long as the person conducting inspections is also a qualified SWMP Manager);
- Maintenance of stormwater-related records; and
- Coordination of a preventative maintenance program and housekeeping measures.

REVISION HISTORY

When this SWMP is amended or updated, the following table should be updated with date of revision, author(s), a description of the revision(s) and an approval signature. A copy of the current SWMP shall be maintained at the construction site and be made available to the Water Quality Control Division (WQCD) of the Colorado Department of Public Health and Environment (CDPHE), EPA, or another Federal, State or local agency having stormwater program authority upon request.

REVISION HISTORY TABLE		
Revision Date	Revised By	Description of Revisions (Include control measure information (control measure(s) removed, modified; the location of these control measures; and any changes to the control measure(s))
4/2022	Aquionix	Initial release.

1.0 SITE DESCRIPTION

BNL (Enterprise) Inc. (BNL) currently owns or leases mineral rights within Las Animas County in Colorado. The project area is located in Township 28 South and Range 60 West as depicted on the Stormwater Construction Permit Area Map in Appendix B. The majority of the project is limited to an individual pad site that will be approximately 1.2 acres. The town of Trinidad, Colorado is the nearest population center to the majority of BNL's development activities.

Current drilling and development construction activities include pad construction, access road improvement and construction, well drilling, well testing, well completion, installation of associated facilities, and flow line construction.

1.1 Nature of Construction Activity

The nature of construction activities associated with BNL's BBB 33 SESE 2860 helium exploration and production will involve the construction of access roads, a single-well pad, and an individual tank battery. The location of the BBB 33 SESE 2860 facility will require engineered cut and fill for the construction of the well pad. Following construction of the well pad, drilling operations will occur to bring the well into production.

In areas that are disturbed by construction, topsoil will be stripped and stockpiled near the site. Brush, limbs, and other woody material will be stockpiled separately from the topsoil. Soil materials will be managed so that erosion and sediment transport are minimized. Nearby drainages will be protected by appropriate measures.

Once the well is in production, portions of the disturbed area will be reclaimed.

1.2 Sequence of Major Activities

The development of the BBB 33 SESE 2860 well will be accomplished in the following work phases. They include:

- Access Road and Pad Construction
- Well Drilling
- Well Completion
- Interim Reclamation
- Final Reclamation

Each work phase is briefly discussed below, and the control measures are discussed in Section 3.0.

1.2.1 Access Road and Pad Construction

Pad and access road construction will be performed using conventional cut and fill construction. The access road for the BBB 33 SESE 2860 well pad will tee off an existing 2-track road to the north, approximately 0.3 miles north of County Road 111.1, and is anticipated to be approximately 50-feet wide. No cut or fill is anticipated for the access

road aside from grubbing, clearing, grading, and stabilization.

The overall disturbed area of the well pad is anticipated to be approximately 1.2 acres and will require an engineered cut on the southeast half to level the pad for operations. The pad construction will involve clearing and grubbing, the removal of topsoil to a stockpile along the southern boundary of the disturbed area, grading, compaction contouring and installation of road base as a surfacing material. To the extent possible, permanent control measures such as erosion blankets will be utilized to control stormwater throughout the life of the facility during this phase.

Sediment discharge and small amounts of mobile equipment lubricant and fuel are the main potential pollutants of concern during access road and pad construction.

1.2.2 Well Drilling

The Well Drilling phase includes the drilling of the BBB 33 SESE 2860 well. Activities associated with the drilling phase include:

- Mobilization of the drilling rig and associated equipment including generators and drilling-mud handling equipment.
- Storage of chemicals, fuels, and lubricants
- Installation of potable water tanks and sewage-handling equipment (e.g., portable toilets or sewage vaults)
- Well drilling activities including the installation and cementing of well casing
- Demobilization of the drilling rig and all other equipment at the completion of this phase

Sediment discharge, releases of unused and used chemicals, petroleum products, drilling water/mud, and drill cuttings are potential pollutants of concern during this phase of construction. Drilling mud and water will be used to maintain appropriate down-hole pressures and lubrication. Fresh water and drilling mud (including chemical additives) will be stored on the pad, typically in large tanks or skid-mounted vertical tanks. Drilling mud and associated materials are captured in tanks for reuse during closed-loop drilling processes. Products used in the drilling process to fuel, lubricate, and/or maintain equipment including: diesel fuel, unleaded gasoline, gear oil, hydraulic oil, brake fluid, antifreeze, and grease. Materials to be used for cementing casing may also be stored and prepared on location or may be transported to the site.

1.2.3 Well Completion

The Well Completion phase, which may last up to 8 days, will include cementing and other processes that stimulate the well and prepare it for production. The basic activities that are conducted during this phase include:

- Mobilization of equipment required for well completion activities
- Installation of potable water tanks and sewage-handling equipment (e.g., portable

toilets) or continued maintenance of such equipment installed during the drilling phase

- Demobilization of equipment when this phase has been completed

Sediment discharge releases unused and used chemicals, and flowback water are potential pollutants of concern during this phase of construction. As equipment is demobilized at the completion of this phase, the well pad and surrounding areas will be inspected to identify spills or leaks that may have occurred that may impact surface water so that those areas can be remediated.

1.2.4 Pipeline

No pipelines are anticipated for this project. Flowline installation included in *1.2.6 Production* will be implemented.

1.2.5 Disturbance Reduction and Final Stabilization

Following the Drilling phase, the disturbed area for the well pad will be reduced for the production life of the well to approximately 0.2 acres. Enough working area will remain to allow a safe working environment for periodic workover operations, and vehicle traffic is expected to be minimal. The pad will be recontoured, topsoil reapplied, and the reduced area stabilized with seed, hydro-seed, bonded fiber matrix, or mulch. as deemed appropriate.

1.2.6 Production

While the lifespan of the BBB 33 SESE 2860 facility covered in this SWMP may last up to 50 years, the actual productive life of the well will be dependent on the producing formation, location in the field, and proximity to other wells. The equipment found onsite during this phase will include:

- One wellhead
- Ancillary equipment such as flow measurement equipment and flow lines

Final stabilization of the disturbed area outside the production area is generally achieved during this phase.

1.2.7 Abandonment

Once the BBB 33 SESE 2860 well is deemed ready to abandon, the location will be recontoured and reclaimed to pre-disturbance conditions and/or in accordance with the surface owner's wishes.

When the well is plugged and abandoned, the wellhead assembly will be removed and the well permanently plugged down hole. The equipment associated with the well will be removed from the location unless being used by other wells on the location or in the vicinity, and the flow lines may be re-routed or abandoned as required.

Following the removal of equipment from a well pad, the location and access roads will be recontoured and reclaimed to pre-disturbance conditions in accordance with COGCC final reclamation standards and/or in accordance with the surface owner's wishes. Once it is recontoured, topsoil will be reapplied across the location in preparation for seeding and an appropriate seed mixture will be applied.

1.3 Estimate of Total Area of Site and Disturbed Area

The total disturbance area for the BBB 33 SESE 2860 facility is approximately 1.2 acres in size, which includes access roads.

1.4 Soil Description

Erosion potential is based primarily on-site topography, soil type, and vegetative cover. The major soil types that will be disturbed are well drained soils with a low (~1.0 inches – 4.2 inches) water holding capacity and are classified as:

- Almagre-Villedry complex, 1 to 4 percent slopes

The soils typically are situated on nearly level to gently sloping (<4 percent) land. Topsoil is typically shallow with a high percentage of silt loam composition. The average annual precipitation for the area is approximately 12 - 14 inches.

1.5 Vegetation Description

The majority of the project area is located in a "grassland / herbaceous" area, as identified by the National Land Cover Database. Grassland/herbaceous areas are dominated by graminoid or herbaceous vegetation, generally accounting for greater than 80 percent of total vegetation. Pre-disturbance ground cover in the project area varies from approximately 0 to 80 percent.

1.6 Potential Pollution Sources and Locations

BNL has identified activities, equipment and materials associated with the construction of the BBB 33 SESE 2860 well pad that may potentially be sources of pollutants that contribute, or have the potential to contribute, pollutants to stormwater. The following sections provide an overview of the identified potential pollutant sources.

1.6.1 Erosion of Disturbed and Stockpiled Soils

The construction activities for the well pad and access road will involve soil disturbances and stockpiling. Clearing, grading, and otherwise altering previously undisturbed land can greatly increase the rate of soil erosion over pre-disturbance rates. The resulting sediment can impact the water quality of receiving streams.

Appendix C contains the figures from the surveying company showing anticipated disturbance area including cut and fill and stockpile location. Appendix D contains the

figure showing the control measures that will be implemented to manage stormwater during construction.

1.6.2 Drill Cuttings

During the drilling process cuttings from downhole will be separated from the drilling mud and will be contained and managed on site. BNL will employ closed-loop drilling techniques. The drill cuttings will be mechanically separated from water-based bentonitic drilling fluids and will be disposed of at an approved commercial facility.

1.6.3 Vehicle Tracking of Sediment

Offsite sediment tracking by vehicles is a potential pollutant source to stormwater and waters of the State. To address offsite sediment tracking, the access road may have a track pad at the intersection with the nearby two-track road, and the well pad will be surfaced with rock, as needed, to minimize offsite vehicle tracking. Furthermore, staff and contractor awareness will reduce the likelihood of offsite sediment tracking by limiting the areas of operations during muddy conditions.

1.6.5 Loading and Unloading Operations

The sites may have tanks for the storage of fuels or other materials used in drilling and completion activities. The presence of such tanks would require loading and unloading of the tanks and releases of materials during these activities could potentially impact stormwater.

1.6.6 Outdoor Storage and Material Handling Activities

During the drilling and completion phases of the project, quantities of well construction and completion materials such as cement, drilling mud, sawdust, sand, and other materials will be staged on location and moved around the location as the well is drilled and completed. Releases of these materials from storage areas or during material handling activities could potentially impact stormwater.

1.6.7 Vehicle and Equipment Maintenance and Fueling

It is possible that equipment will be maintained or fueled on site. On-site maintenance and fueling could potentially result in leaks or spills of fuel, gear oil, hydraulic oil, brake fluid, antifreeze or grease which could potentially impact stormwater.

1.6.8 Significant Dust or Particulate Generating Processes

Construction activities and vehicle traffic to and from the sites could potentially generate dust. Strong winds, frequently encountered in the vicinity of the proposed well pad, have the potential to discharge windblown sediment from disturbed areas.

1.6.9 Routine Maintenance Activities

The use of fertilizers or weed killers is possible at the sites in order to achieve successful revegetation of disturbed areas. See also “vehicle and equipment maintenance and fueling” above.

1.6.10 On-site Waste Management Practices

Trash receptacles will be located on site to contain construction-related or other trash or debris. Used drilling mud and water will be captured in tanks during closed-loop drilling processes and portable toilets will also be utilized on site.

1.6.11 Concrete Truck/Equipment Washing

Concrete truck or equipment washing is not expected. Highly specialized concrete trucks will be on site during well casing operations. The concrete could be prepared on-site and any truck cleaning will also be done offsite by third party contractors.

1.6.12 Dedicated Asphalt and Concrete Batch Plants

Dedicated asphalt and concrete batch plants are not expected.

1.6.13 Non-Industrial Waste Sources

All project phases involve people working on site. This can generate personal and work-related trash and debris and may also necessitate the use of portable toilets. Clearing operations may also generate waste in the form of slash (trees, brush, etc.).

The locations of potential pollutant sources are shown on the site-specific map in Appendix D.

1.7 Non-Stormwater Discharges

Stormwater discharges from each facility covered by this Plan will consist entirely of runoff from precipitation events and allowable non-stormwater discharges identified below. This condition is verified on a regular basis through site inspections.

Other allowable non-stormwater discharges, provided that appropriate control measures are implemented, may include:

- i. Discharges resulting from emergency firefighting activities during the active emergency response;
- ii. Discharges from uncontaminated spring water that do not originate from an area of land disturbance;
- iii. Discharges of landscape irrigation return flow;
- iv. Discharges to the ground of concrete washout water (see below); and
- v. Discharges from diversions of state waters within the permitted site.

Concrete washout is not anticipated at the BBB 33 SESE 2860 facility.

COR400000 does not authorize discharges currently covered by a division Low Risk Discharge Guidance Document, including uncontaminated groundwater discharge to the ground. In the event that uncontaminated groundwater must be discharged to the ground, the Division's Low Risk Discharge Guidance shall be followed.

COR400000 also does not authorize discharges associated with construction dewatering, which may include groundwater, surface water, and stormwater that has mixed with groundwater and/or surface water (i.e., commingled stormwater runoff). In the event that discharges associated with dewatering activities are deemed necessary, authorization under the CDPS General Permit, *Construction Dewatering Discharges*. (COG070000) shall be obtained.

1.8 Receiving Waters

The majority of planned disturbances for BNL operations lie within the Arkansas River Basin. For more detail on receiving waters, see the Stormwater Construction Permit Area Map in Appendix B and site-specific maps in Appendix D.

2.0 SITE MAPS/DIAGRAMS

The control measures anticipated for the BBB 33 SESE 2860 facility are depicted on the site-specific maps in Appendix D of this Plan. The maps will be regularly updated to reflect changes to the facility.

2.1 Construction Site Boundaries

The disturbed area for the BBB 33 SESE 2860 well pad is approximately 1.2 acres; however, the actual well pad footprint is smaller than the 1.2 acres as show in the plat maps in Appendix C.

2.2 Areas of Ground Disturbance

An approximate 170 foot x 250 foot well pad footprint is anticipated within the 1.2 acres of planned disturbance.

2.3 Areas of Cut and Fill

The southwestern half of the well pad footprint is anticipated to be cut with the northwestern half receiving fill to construct a level surface area for operation.

2.4 Storage Areas

BNL anticipates stockpiling topsoil to the exterior of the well pad footprint but within the disturbed area. Fuel, construction materials, and other chemical storage areas are shown on the individual site maps in Appendix D.

2.5 Location of Asphalt and Concrete Batch Plants

Asphalt or concrete batch plants are not planned for the BBB 33 SESE 2860 facility.

2.6 Locations of Structural Control Measures

The locations of structural control measures, where applicable, are shown on the figure in Appendix D.

2.7 Locations of Non-Structural Control Measures

The locations of non-structural control measures, where applicable, are shown on the figure in Appendix D.

2.8 Locations of Springs, Streams, Wetlands and Other Surface Waters

The locations of springs, streams, wetlands, and other surface waters in proximity to the BBB 33 SESE 2860 facility are shown on both the Stormwater Construction Permit Area Map in Appendix B and the site-specific vicinity waters map in Appendix D.

The immediate receiving water is an unnamed tributary 450 feet southeast of the pad, flowing

from west to northeast and the ultimate receiving water is Timpas Creek.

2.9 Implementation of Control Measures Outside of the Permitted Area

In accordance with the general permit, control measures located outside of the permitted area that are utilized by the construction site for permit compliance, but not owned or operated by BNL, must be documented and include a documented use agreement between BNL and the owner/operator of the control measure(s). Such control measures would be included on site-specific maps and associated usage agreement documentation appended to this Plan.

3.0 STORMWATER MANAGEMENT CONTROLS

The following sections present BNL's stormwater management controls to be implemented at the BBB 33 SESE 2860 location prior to and during construction activities to prevent erosion, control sediment, and prevent impacts to stormwater leaving the site.

3.1 Control Measures for Stormwater Pollution Prevention

This section describes the control measures that will be used for stormwater pollution prevention. Control measures may be added or removed to accommodate changes in site conditions and activities.

3.1.1 Structural Practices for Erosion and Sediment Control

BNL intends to utilize the following structural control measures to control sediment migration from the facility during construction:

- Silt Fence or Straw Wattles: There shall be a perimeter silt fence and/or straw wattles installed around the southeastern portion of the pad, less the entrance location, to control run-on to the pad, and any stormwater flow to runoff the pad uncontrolled.
- Mulch/Seed: Topsoil stockpiles that will be exposed for more than six months will be mulched and/or seeded as a stabilization technique to control sediment loss.

The surrounding topography of the location is relatively flat. As construction progresses, BMPs will be assessed, installed, and/or replaced as needed.

3.1.2 Non-Structural Practices for Erosion and Sediment Control

BNL intends to utilize the following non-structural control measures to control sediment migration from the facility during construction:

- Training: Those persons responsible for inspections and monitoring will be trained on the contents of the Plan and the requirements herein.
- Minimize Compaction: BNL will limit traffic outside of the well pad footprint but within the disturbed area, to the extent possible, to reduce compaction.
- Stockpile Tracking: To prevent erosion, stockpiles will be tracked perpendicular to runoff direction.
- Stockpile Location: Whenever possible, stockpiles will be located away from drainage system components and outfalls, and where practical, stockpiles should be placed in areas that will remain undisturbed for the longest period of time as the phases of construction progress.

3.1.3 Phased Control Measure Installation

Control measure implementation will be coordinated with the various stages of

construction. Run-on protection and run-off controls will be installed prior to earth disturbing activities where necessary, with consideration given to worker safety, access, and prevailing drainage patterns. As the well pad construction comes to a close, and control measures are no longer needed, they will be removed.

Permanent or temporary stabilization measures for slopes, channels, ditches, disturbed land areas, and soil stockpiles will be implemented as soon as practicable after final grading or the final ground disturbance has been completed. When it is not possible to permanently stabilize a disturbed area, temporary erosion control measures will be implemented as soon as practicable.

3.1.4 Materials Handling and Spill Prevention

BNL personnel and contractors will handle and store materials in a manner that prevents stormwater impacts and spills to the extent practicable. Where feasible, significant material storage areas will be kept covered to prevent contact with stormwater.

The following guidelines for storing and managing petroleum products will be implemented:

- Product containers will be clearly labeled.
- Drums (if present) will be kept within secondary containment or general site containment (i.e. perimeter berm), and may also need to be kept off the ground. Lids for drummed materials will be securely fastened.
- Fuel tanks will be stored within secondary containment, general site containment, or stored to minimize impacts to stormwater.
- Persons trained in handling spills will be on call at all times; BNL field personnel are trained on spill management procedures annually.
- Spill response equipment and materials (absorbent materials, shovels, etc.) will be easily accessible. Each BNL lease operator is equipped with a small spill response kit in their truck.
- Storage areas and containers will be regularly monitored for leaks and repaired or replaced as necessary.

Oily wastes such as used oil filters, empty containers, rags, and sorbent pads and socks containing oils will be placed in proper receptacles and disposed of or recycled. Routine inspections will be conducted to identify leaks from equipment and vehicles and if needed corrective actions will be implemented.

3.1.5 Stockpile Stabilization

During facility construction, topsoil should be piled no higher than 3 to 5 feet high and slopes of the stockpiles should not exceed 2:1 (horizontal:vertical) to minimize erosion potential and facilitate interim stabilization.

Whenever possible, topsoil will not be stockpiled for longer than six months. Topsoil stockpiled for more than six months will be seeded and mulched with a temporary grass

cover or will be stabilized using structural and/or non-structural control measures.

Topsoil stockpiles should be fenced and uniquely identified on facility drawings in accordance with COGCC 1000 series rules. Perimeter control measures such as sediment control logs, rock socks, straw bales, ditch and/or berm with sediment trap(s) or sandbags should be used around the base of unstabilized stockpiles or where there is potential for sediment to come in contact with run off and leave the site.

3.1.6 Other Material/Chemical Product Management

Chemicals and other materials such as cement, sand, and sawdust that are utilized during facility construction, drilling, or completions activities will be stored in accordance with manufacturer's recommendations; generally, in original packaging and/or otherwise covered to ensure that the raw material does not come into contact with stormwater. Storage or laydown areas employed during construction activities will be regularly inspected for spills, leaks, and the potential of materials commingling with stormwater.

3.1.7 Spill Response

Spills are to be reported to the SWMP manager(s) immediately. Spills of produced fluids and exploration and production (E&P) waste that are greater than one barrel (42 gallons) outside of secondary containment or greater than 5 barrels that are inside of secondary containment, will be reported to the COGCC by BNL or their designated agent. Spills of refined petroleum products, unused chemicals, and other non-E&P waste will be evaluated on a case-by-case basis and any spills that exceed a reportable quantity will be reported to the appropriate state or federal agency by BNL or their designated agent. As needed, BNL personnel will review Safety Data Sheets (SDS) for information on spills of chemicals or other materials.

BNL will coordinate the appropriate personnel to handle spills in accordance with BNL's Emergency Response Plan. Spills will be controlled and contained as soon as practicable upon discovery and cleaned up as soon as practicable. Spilled material and/or contaminated soil will be disposed of in accordance with all applicable regulations, generally at a commercial landfill or disposal facility. De minimis spills of inert construction materials such as bentonite, concrete, and sawdust used in drilling and completion will be cleaned up as soon as practicable after drilling and completion activities are completed.

3.2 Dedicated Asphalt or Concrete Batch Plants

Dedicated asphalt or concrete batch plants are not expected at the BBB 33 SESE 2860 location.

3.3 Vehicle Tracking

In order to limit vehicle tracking of sediment, vehicles will use designated entry points into construction areas. Stabilization methods, such as road base and chemical stabilizers, along with

a Tracking Pad (TP) (See TP detail in the Control Measures Manual) will be used where necessary. In general, the use of TPs is not anticipated to be necessary in the project area due to the sandy, non-cohesive nature of the soils in the project area. The locations of vehicle tracking control measures will be shown on the site maps.

3.4 Waste Management

3.4.1 Waste Management and Disposal

Exploration and production wastes will be managed in accordance with the COGCC 900 Series rules. Construction-related and other trash will be collected in dumpsters and containers and hauled off-site for disposal in commercial landfills as soon as practicable. Dumpsters will be covered during times when construction activities are not occurring. BNL expects that contractors will pick up loose trash and debris.

Portable toilets may be used to contain sanitary waste, with waste materials regularly pumped and transported off-site for disposal at approved facilities. Portable toilets will be secured when a risk of tippage is present.

Slash from clearing activities will, if possible, be chipped and used on site for mulch, or utilized as a brush barrier at the site perimeter. See Brush Barrier (BB) in the Control Measures Design Manual for control measures descriptions and uses.

3.4.2 Concrete Washout

Concrete washout is not expected within the project site. However, if the need for concrete washout arises, an appropriate containment structure will be utilized. See Section 1.7 above for more information. The locations of any waste containments or concrete washout areas on site will be shown on the site maps.

3.5 Ground Water and Stormwater Dewatering

3.5.1 Groundwater Dewatering

No groundwater dewatering is expected at this time. If groundwater is encountered, refer to Section 1.7 above for information.

3.5.2 Stormwater Dewatering

If the need for stormwater dewatering is encountered, control measures will be utilized to prevent erosion and trap sediment. See Dewatering Operations (DW) in the Control Measures Design Manual for control measures descriptions for dewatering operations. The control measures to be utilized will be shown on the site map. See Section 1.7 above for more information.

3.6 Control Measure Maintenance

Erosion and sediment control measures implemented under this Plan will be maintained in effective operational condition, in accordance with the manufacturer's specifications and good engineering, hydrologic and pollution control practices. Routine inspections include a provision to evaluate the effectiveness of each implemented control measures and identify when maintenance is required.

When control measures maintenance or replacement is required, BNL will correct the issue as soon as possible to minimize the discharge of pollutants. When new control measures are installed or replaced, this Plan will be updated accordingly.

4.0 FINAL STABILIZATION AND LONG-TERM STORMWATER MANAGEMENT

Final stabilization must be implemented for all construction sites covered under General Permit COR400000. A site is considered to be in final stabilization when a location meets interim reclamation in accordance with COGCC Rule 1003 has been achieved and (1), (2), and (3) below are complete:

- (1) All construction activities are complete;
- (2) Permanent stabilization methods are complete. Permanent stabilization methods include, but are not limited to, permanent pavement or concrete, hardscape, xeriscape, stabilized driving surfaces, vegetative cover, or equivalent permanent alternative stabilization methods (alternative methods may be approved by the Division). Vegetative cover must meet the following criteria:
 - a. Evenly distributed perennial vegetation; and
 - b. Coverage, at a minimum, equal to 70 percent of what would have been provided by native vegetation in a local, undisturbed area or adequate reference site.
- (3) The permittee must ensure that all temporary control measures are removed from the construction site once final stabilization is achieved, except when the control measure specifications allow the control measure to be left in place (i.e., biodegradable control measures).

Specific control measures for soil preparation and amendment, soil stabilization, and sediment control during final stabilization will be selected and applied, as needed.

5.0 INSPECTIONS AND MAINTENANCE PROCEDURES

Site inspections will be conducted in accordance with the requirements and minimum schedule outlined in Part I.D.2 of the CDPS General Permit (COR400000). The requirements are as follows:

- The first site inspection must be completed within seven (7) calendar days of the commencement of construction activities.
- Active construction sites will be inspected at one of the two following frequencies:
 - At least one inspection every 7 calendar days;
 - At least one inspection every 14 calendar days, if post-storm event inspections are conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. Note that post-storm inspections may be used to fulfill the 14-day routine inspection requirement.

BNL has elected to inspect at least once every 7 days at the BBB 33 SESE 2860 facility during active construction.

- If a site is considered temporarily idle, that is, no construction activities will occur following a storm event, then a post-storm inspection will be conducted prior to re-commencing constructing activities, but no later than 72 hours following the storm event. Routine inspections must still be conducted at least every 14 calendar days.
- For sites or portions of sites in which all construction activities that will result in ground disturbance are completed, all activities for final stabilization, as outlined above in Section 4, with the exception of vegetative coverage are completed, and this SWMP has been amended to locate the areas to be inspected, inspections will be conducted at least once every 30 days, and post-storm inspections are not required.
- Inspections are not required at sites where snow cover exists over the entire site for an extended period of time and construction activities are halted, as long as melting conditions do not exist. The following information must be documented in the inspection record for the use of this exclusion: dates when snow cover occurred, date when construction activities ceased, and date melting conditions began. This only applies when all construction activities cease and typically only at high elevations.
- For sites that discharge to a water body designated as an Outstanding Water by the Water Quality Control Division shall be inspected at least once every 7 calendar days.

A person identified as a SWMP Manager (see beginning of this Plan) will conduct inspections. The scope of the inspection will cover the construction site perimeter, disturbed areas, designated haul routes, material and/or waste storage areas that are exposed to precipitation, discharge locations, and locations where vehicles access the site. These areas will be inspected for evidence of, or the potential for, pollutants leaving the construction site boundaries entering the stormwater drainage system or discharging to waters of the state. Also, erosion and sediment control practices identified in this SWMP will be evaluated to ensure that they are maintained and operating correctly.

Personnel performing site inspections will record the information as outlined below on the inspection report. This inspection report will identify any incidents of non-compliance with the terms and conditions of the general permit and this SWMP. The inspection report will include:

1. The inspection date;
2. Name(s) and title(s) of personnel making the inspection;
3. Weather conditions at the time of inspection;
4. Phase of construction at the time of inspection;
5. Estimated acreage of disturbance at time of inspection;
6. Location(s) of discharges of sediment or other pollutants from the site;
7. Location(s) of control measures that need to be maintained;
8. Location(s) of control measures that failed to operate as designed or proved inadequate for a particular location;
9. Location(s) where additional control measures are needed that were not in place at the time of inspection;
10. Description of the minimum inspection frequency utilized when conducting inspection;
11. Deviations, and reason for deviation from the minimum inspection schedule as outlined above;
12. Description of corrective action for items 3, 4, 5, and 6, above, dates corrective action(s) taken, and measures taken to prevent future violations, including requisite changes to the SWMP, as necessary; and
13. After adequate corrective action(s) have been taken, or where a report does not identify any incidents requiring corrective action(s), 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.

A sample Routine Inspection Form can be found in Appendix F of this Plan.

Where site inspections note the need for control measures maintenance activities, control measures must be maintained in accordance with the SWMP and the General Permit. Repair, replacement, or installation of new control measures determined necessary during site inspections to address ineffective or inadequate control measures must be conducted in accordance with the permit. SWMP updates required as a result of deficiencies in the SWMP noted during site inspections shall be made in accordance with the General Permit.

6.0 SWMP REVISION, RECORDS AND RETENTION

Pursuant to the General Permit, this SWMP has been prepared prior to commencement of any construction activity. A complete, accurate and signed permit application shall be submitted electronically at least 10 days prior to the commencement of construction activities, except in the event of construction activities in response to a public emergency (in which an application shall be submitted no later than 14 days *after* the commencement of construction activities).

6.1 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.

6.2 SWMP Review and Changes

The SWMP shall be amended if the following occurs:

- When there is a change in design, construction, operation, or maintenance of the site, which would require the implementation of new or revised control measures; or
- If the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity; or
- When control measures are no longer necessary or removed; or
- When control measures identified in the SWMP are taken onsite that result in a change to the SWMP.

SWMP revisions may include, but are not limited to, potential pollutant source identification; selection of appropriate control measures for site conditions; control measures maintenance procedures; and interim and final stabilization practices. The SWMP changes may include a schedule for further control measures design and implementation, provided that, if any interim control measures are needed to comply with the permit, they are also included in the SWMP and implemented during the interim period.

For SWMP revisions made prior to or following a change(s) onsite, including revisions to sections addressing site conditions and control measures, a notation must be included in the Revision History table at the beginning of this Plan that identifies the date of the site change, the control measures removed or modified, the location(s) of these control measures, and any changes to the control measures.

BNL shall ensure the site changes are reflected in the SWMP, or pursuant to Part I.C.3 of COR400000, the permittee shall be considered noncompliant with the general permit until SWMP revisions have been made.

APPENDIX A

CDPS CERTIFICATION AND
GENERAL PERMIT COR400000



STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Division

CDPS GENERAL PERMIT STORMWATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY AUTHORIZATION TO DISCHARGE UNDER THE COLORADO DISCHARGE PERMIT SYSTEM (CDPS)
COR400000

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.A.1. 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 the certification to discharge 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 becomes effective on April 1, 2019, and shall expire at midnight March 31, 2024.

Issued and signed this 28th day of January, 2021.

Meg Parish

Meg Parish, Permits Section Manager Water Quality Control Division

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Permit History

Minor Modification Issued January 28, 2021 Effective February 1, 2021

Modification Issued December 31, 2020 Effective February 1, 2021

Originally signed and issued October 31, 2018; effective April 1, 2019

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Part I

Note: At the first mention of terminology that has a specific connotation for the purposes of this permit, the terminology is electronically linked to the definitions section of the permit in Part I.E.

A. COVERAGE UNDER THIS PERMIT

1. Authorized Discharges

This general permit authorizes permittee(s) to discharge the following to state waters: stormwater associated with construction activity and specified non-stormwater associated with construction activity. The following types of stormwater and non-stormwater discharges are authorized under this permit:

a. Allowable Stormwater Discharges

- i. Stormwater discharges associated with construction activity.
- ii. Stormwater discharges associated with producing earthen materials, such as soils, sand, and gravel dedicated to providing material to a single contiguous site, or within ¼ mile of a construction site (e.g. borrow or fill areas).
- iii. Stormwater discharges associated with [dedicated asphalt](#), [concrete batch plants](#) and [masonry mixing stations](#) (Coverage under this permit is not required if alternative coverage has been obtained.)

b. Allowable Non-Stormwater Discharges

The following non-stormwater discharges are allowable under this permit if the discharges are identified in the stormwater management plan in accordance with [Part I.C](#) and if they have appropriate [control measures](#) in accordance with [Part I.B.1](#).

- i. Discharges from uncontaminated springs that do not originate from an area of land disturbance.
- ii. Discharges to the ground of concrete washout water associated with the washing of concrete tools and concrete mixer chutes. Discharges of concrete washout water must not leave the site as surface runoff or reach [receiving waters](#) as defined by this permit. Concrete on-site waste disposal is not authorized by this permit except in accordance with [Part I.B.1.a.ii\(b\)](#).
- iii. Discharges of landscape irrigation return flow.
- iv. Discharges from [diversions](#) of state waters within the permitted site.

c. Emergency Fire Fighting

Discharges resulting from emergency firefighting activities during the active emergency response are authorized by this permit.

2. Limitations on Coverage

Discharges not authorized by this permit include, but are not limited to, the discharges and activities listed below. Permittees may seek individual or alternate general permit coverage for the discharges, as appropriate and available.

a. Discharges of Non-Stormwater

Discharges of non-stormwater, except the authorized non-stormwater discharges listed in Part

I.A.1.b., are not eligible for coverage under this permit.

- b. Discharges Currently Covered by another Individual or General Permit
- c. Discharges Currently Covered by a Water Quality Control Division (division) Low Risk Guidance Document

3. Permit Certification and Submittal Procedures

a. Duty to Apply

The following activities shall apply for coverage under this permit:

- i. Construction activity that will disturb one acre or more; or
- ii. Construction activity that is part of a [common plan of development or sale](#); or
- iii. Stormwater discharges that are designated by the division as needing a stormwater permit because the discharge:
 - (a) Contributes to a violation of a water quality standard; or
 - (b) Is a significant contributor of [pollutants](#) to state waters.

b. Application Requirements

To obtain authorization to discharge under this permit, applicants applying for coverage following the effective date of the renewal permit shall meet the following requirements:

- i. Owners and operators submitting an application for permit coverage will be co-permittees subject to the same benefits, duties, and obligations under this permit.
- ii. Signature requirements: Both the [owner](#) and [operator](#) (permittee) of the construction site, as defined in Part I.E., must agree to the terms and conditions of the permit and submit a completed application that includes the signature of both the owner and the operator. In cases where the duties of the owner and operator are managed by the owner, both application signatures may be completed by the owner. Both the owner and operator are responsible for ensuring compliance with all terms and conditions of the permit, including implementation of the stormwater management plan.
- iii. The applicant(s) must develop a stormwater management plan (SWMP) in accordance with the requirements of Part I.C. The applicant(s) must also certify that the SWMP is complete, or will be complete, prior to commencement of any construction activity.
- iv. In order to apply for certification under this general permit, the applicant(s) must submit a complete, accurate, and signed permit application form as provided by the division by electronic delivery at least 10 days prior to the commencement of construction activity, except those construction activities that are in response to a [public emergency related site](#); [public emergency related sites](#) shall apply for coverage no later than 14 days after the commencement of construction activities. The provisions of this part in no way remove a violation of the Colorado Water Quality Control Act if a [point source](#) discharge occurs prior to the issuance of a CDPS permit.
- v. The application in its entirety must be submitted via the division's online permitting system unless a waiver is granted by the division. If a waiver is granted, the application in its entirety, including signatures by both the owner and operator, must be submitted to:

Colorado Department of Public Health and Environment
Water Quality Control Division
Permits Section, WQCD-PS-B2
4300 Cherry Creek Drive South
Denver, CO 80246

- vi. The applicant(s) must receive written notification that the division granted permit coverage prior to conducting construction activities except for construction activities that are in response to a public emergency related site.

c. Division Review of Permit Application

Within 10 days of receipt of the application, and following review of the application, the division may:

- i. Issue a certification of coverage;
- ii. Request additional information necessary to evaluate the discharge;
- iii. Delay the authorization to discharge pending further review;
- iv. Notify the applicant that additional terms and conditions are necessary; or
- v. Deny the authorization to discharge under this general permit.

d. Alternative Permit Coverage

i. Division Required Alternative Permit Coverage:

The division may require an applicant or permittee to apply for an individual permit or an alternative general permit if it determines the discharge does not fall under the scope of this general permit, including if any additional terms and conditions are necessary in order to ensure that discharges authorized by this permit shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any applicable water quality standard, including narrative standards for water quality. In this case, the division will notify the applicant or permittee that an individual permit application is required.

ii. Permittee Request for Alternative Permit Coverage:

A permittee authorized to discharge stormwater under this permit may request to be excluded from coverage under this general permit by applying for an individual permit. In this case, the permittee must submit an individual application, with reasons supporting the request, to the division at least 180 days prior to any discharge. When an individual permit is issued, the permittee's authorization to discharge under this permit is terminated on the effective date of the individual permit.

e. Submittal Signature Requirements

Documents required for submittal to the division in accordance with this permit, including applications for permit coverage and other documents as requested by the division, must include signatures by **both** the owner and the operator, except for instances where the duties of the owner and operator are managed by the owner.

Signatures on all documents submitted to the division as required by this permit must meet the Standard Signatory Requirements in [Part II.K](#) of this permit in accordance with 40 C.F.R. 122.41(k).

i. Signature Certification

Any person(s) signing documents required for submittal to the division must 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."

f. Compliance Document Signature Requirements

Documents which are required for compliance with the permit, but for which submittal to the division is not required unless specifically requested by the division, must be signed by the individual(s) designated as the [Qualified Stormwater Manager](#), as defined in Part I.E.

- i. Any person(s) signing inspection documents required for compliance with the permit per [Part I.D.5.c.xiii](#) must make the following statement and provide the date of the statement:

"I verify that, to the best of my knowledge and belief, that if any corrective action items were identified during the inspection, those corrective actions are complete, and the site is currently in compliance with the permit."

g. Field Wide Permit Coverage for Oil and Gas Construction

At the discretion of the division, a single permit certification may be issued to a single oil and gas permittee to cover construction activity related discharges from an oil and gas field at multiple locations that are not necessarily contiguous.

h. Permit Coverage without Application

Qualifying Local Program: When a small construction site is within the jurisdiction of a qualifying local program, the owner and operator of the construction activity are authorized to discharge stormwater associated with [small construction activity](#) under this general permit without the submittal of an application to the division. Sites covered by a qualifying local program are exempt from the following sections of this general permit: Part I.A.3.a.; Part I.A.3.b.; Part I.A.3.c.; Part I.A.3.d.; Part I.A.3.g.; Part I.A.3.i.; Part I.A.3.j.; Part I.A.3.k.

Sites covered by a qualifying local program are subject to the following requirements:

- i. **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.
- ii. **Permit Coverage Termination:** When a site under a Qualifying Local Program is finally stabilized, coverage under this permit is automatically terminated.
- iii. **Compliance with Qualifying Local Program:** Qualifying Local Program requirements that are equivalent to the requirements of this permit are incorporated by reference. Permittees authorized to discharge under this permit, must comply with the equivalent requirements of the Qualifying Local Program that has jurisdiction over the site as a condition of this permit.
- iv. **Compliance with Remaining Permit Conditions.** Requirements of this permit that are in addition to or more stringent than the requirements of the Qualifying Local Program apply in addition to the requirements of the Qualifying Local Program.
- v. **Written Authorization of Coverage:** The division or local municipality may require any permittee within the jurisdiction of a Qualifying Local Program covered under this permit to

apply for, and obtain written authorization of coverage under this permit. The permittee must be notified in writing that an application for written authorization of coverage is required.

i. Permittee Initiated Permit Actions

Permittee initiated permit actions, including but not limited to modifications, contact changes, transfers, and terminations, shall be conducted following [Part II.L](#), division guidance and using appropriate division-provided forms.

j. Sale of Residence to Homeowner

Residential construction sites only: The permittee may remove residential lots from permit coverage once the lot meets the following criteria:

- i. The residential lot has been sold to the homeowner(s) for private residential use;
- ii. A certificate of occupancy, or equivalent, is maintained on-site and is available during division inspections;
- iii. The lot is less than one acre of disturbance;
- iv. All construction activity conducted on the lot by the permittee is complete;
- v. The permittee is not responsible for final stabilization of the lot; and
- vi. The SWMP was modified to indicate the lot is no longer part of the construction activity.

If the residential lot meets the criteria listed above then activities occurring on the lot are no longer considered to be construction activities with a duty to apply and maintain permit coverage. Therefore, the permittee is not required to meet the final stabilization requirements and may terminate permit coverage for the lot.

k. Permit Expiration and Continuation of Permit Coverage

Authorization to discharge under this general permit shall expire at midnight on March 31, 2024. While Regulation 61.4 requires a permittee to submit an application for continuing permit coverage 180 days before the permit expires, the division is requiring that permittees desiring continued coverage under this general permit must reapply at least 90 days in advance of this permit expiration. The division will determine if the permittee may continue to discharge stormwater 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.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. For permittees that have applied for continued permit coverage, discharges authorized under this permit prior to the expiration date will automatically remain covered by this permit until the earliest of:

- i. An authorization to discharge under a reissued permit, or a replacement of this permit, following the timely and appropriate submittal of a complete application requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
- ii. The issuance and effect of a termination issued by the division; or
- iii. The issuance or denial of an individual permit for the facility's discharges; or
- iv. A formal permit decision by the division not to reissue this general permit, at which time the division will identify a reasonable time period for covered dischargers to seek coverage under

an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or

- v. The division has informed the permittee that discharges previously authorized under this permit are no longer covered under this permit.

B. EFFLUENT LIMITATIONS

1. Requirements for Control Measures Used to Meet Effluent Limitations

The permittee must implement control measures to [minimize](#) the discharge of pollutants from all potential pollutant sources at the site. Control measures must be installed prior to commencement of construction activities. Control measures must be selected, designed, installed and maintained in accordance with [good engineering, hydrologic and pollution control practices](#). Control measures implemented at the site must be designed to prevent pollution or degradation of state waters.

a. Stormwater Pollution Prevention

The permittee must implement structural and/or nonstructural control measures that effectively minimize erosion, sediment transport, and the release of other pollutants related to construction activity.

i. Control Measures for Erosion and Sediment Control

Control measures for erosion and sediment control may include, but are not limited to, wattles/sediment control logs, silt fences, earthen dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, sediment basins, temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, maintaining existing vegetation, protection of trees, and preservation of mature vegetation.

Specific control measures must meet the requirements listed below.

- (a) Structural and nonstructural vehicle tracking controls shall be implemented to minimize vehicle tracking of sediment from disturbed areas and may include tracking pads, minimizing site access, wash racks, graveled parking areas, maintaining vehicle traffic to paved areas, street sweeping and sediment control measures.
- (b) Stormwater runoff from all disturbed areas and soil storage areas must utilize or flow to one or more control measures to minimize erosion or sediment in the discharge. The control measure(s) must be selected, designed, installed and adequately sized in accordance with good engineering, hydrologic and pollution control practices for the intended application. The control measure(s) must contain or filter flows in order to prevent the [bypass](#) of flows without treatment and must be appropriate for stormwater runoff from disturbed areas and for the expected flow rate, duration, and flow conditions (e.g. sheet or concentrated flow).
- (c) Selection of control measures should prioritize the use of structural and nonstructural control measures that minimize the potential for erosion (i.e. covering materials). Selection should also prioritize phasing construction activities to minimize the amount of soil disturbance at any point in time throughout the duration of construction.
- (d) Outlets that withdraw water from or near the surface shall be installed when discharging from basins and impoundments, unless [infeasible](#).
- (e) Maintain pre-existing vegetation or equivalent control measures for areas within 50 horizontal feet of receiving waters as defined by this permit, unless infeasible.

- (f) Soil compaction must be minimized for areas where infiltration control measures will occur or where [final stabilization](#) will be achieved through vegetative cover.
 - (g) Unless infeasible, topsoil shall be preserved for those areas of a site that will utilize vegetative final stabilization.
 - (h) Minimize the amount of soil exposed during construction activity, including the disturbance of [steep slopes](#).
 - (i) Diversion control measures must minimize soil transport and erosion within the entire diversion, minimize erosion during discharge, and minimize run-on into the diversion. The permittee must minimize the discharge of pollutants throughout the installation, implementation and removal of the diversion. Diversions must meet one or more of the following conditions:
 - (1) Lined or piped structures that result in no erosion in all flow conditions.
 - (2) Diversion channels, berms, and coffer dams must be lined or composed of a material that minimizes potential for soil loss in the entire wetted perimeter during anticipated flow conditions (e.g. vegetated swale, non-erosive soil substrate). The entire length of the diversion channel must be designed with all of the following considerations: maximum flow velocity for the type of material(s) exposed to the anticipated flows to ensure that the calculated maximum shear stress of flows in the channel is not expected to result in physical damage to the channel or liner and result in discharge of pollutants. Additionally, the conditions relied on to minimize soil loss must be maintained for the projected life of the diversion (i.e. a vegetated swale must be limited to a period of time that ensures vegetative growth, minimizes erosion and maintains stable conditions).
 - (3) An alternative diversion criteria, approved by the division prior to implementation. The diversion method must be designed to minimize the discharge of pollutants and to prevent the potential for pollution or degradation to state waters as a result of the diverted flow through the diversion structure. In addition, the alternative diversion method must minimize the discharge of pollutants throughout the installation, implementation and removal of the diversion.
- ii. Practices for Other Common Pollutants
- (a) Bulk storage, individual containers of 55 gallons or greater, for petroleum products and other liquid chemicals must have secondary containment, or equivalent protection, in order to contain [spills](#) and to prevent spilled material from entering state waters.
 - (b) Control measures designed for concrete washout waste must be implemented. This includes washout waste discharged to the ground as authorized under this permit and washout waste from concrete trucks and masonry operations contained on site. The permittee must ensure the washing activities do not contribute pollutants to stormwater runoff, or receiving waters in accordance [Part I.A.1.b.ii](#). Discharges that may reach groundwater must flow through soil that has buffering capacity prior to reaching groundwater, as necessary to meet the effluent limits in this permit, including [Part I.B.3.a](#). The concrete washout location must not be located in an area where shallow groundwater may be present and would result in buffering capacity not being adequate, such as near natural drainages, springs, or wetlands. This permit authorizes discharges to the ground of concrete washout waste, but does not authorize on-site waste disposal per [Part I.B.3.d](#).
 - (c) In the event that water remains onsite and contains pollutants either from the

firefighting activities or picked up from the site (i.e. in a gutter, sediment basin, etc.) after active emergency response is complete, the permittee must ensure the remaining water containing pollutants is properly removed and disposed of in order to minimize pollutants from discharging from the site, unless infeasible.

iii. Stabilization Requirements

The following requirements must be implemented for each site.

- (a) Temporary stabilization must be implemented for earth disturbing activities on any portion of the site where ground disturbing construction activity has permanently ceased, or temporarily ceased for more than 14 calendar days. Temporary stabilization methods may include, but are not limited to, tarps, soil tackifier, and hydroseed. The permittee may exceed the 14-day schedule when either the function of the specific area of the site requires it to remain disturbed or physical characteristics of the terrain and climate prevent stabilization. The SWMP must document the constraints necessitating the alternative schedule, provide the alternate stabilization schedule, and identify all locations where the alternative schedule is applicable on the site map. Minimum inspection frequency and scope, as directed in Part I.D., must be followed for temporarily stabilized areas.
- (b) Final stabilization must be implemented for all construction sites covered under this permit. Final stabilization is reached when (1), (2), and (3) below are complete:
 - (1) All construction activities are complete.
 - (2) Permanent stabilization methods are complete. Permanent stabilization methods include, but are not limited to, permanent pavement or concrete, hardscape, xeriscape, stabilized driving surfaces, vegetative cover, or equivalent permanent alternative stabilization methods. The division may approve alternative final stabilization criteria for specific operations. Vegetative cover must meet the following criteria:
 - a. Evenly distributed perennial vegetation, and
 - b. Coverage, at a minimum, equal to 70 percent of what would have been provided by native vegetation in a local, undisturbed area or adequate reference site, and
 - (3) The permittee must ensure all temporary control measures are removed from the construction site once final stabilization is achieved, except when the control measure specifications allow the control measure to be left in place (i.e. bio-degradable control measures).
- (c) Final stabilization must be designed and installed as a permanent feature. Final stabilization measures for obtaining a vegetative cover or alternative stabilization methods include, but are not limited to, the following as appropriate:
 - (1) Seed mix selection and application methods;
 - (2) Soil preparation and amendments;
 - (3) Soil stabilization methods to provide adequate protection to minimize erosion (e.g. crimped straw, hydro mulch or rolled erosion control products);
 - (4) Appropriate sediment control measures as needed until final stabilization is achieved;

(5) Permanent pavement, hardscape, xeriscape, stabilized driving surfaces;

(d) Other alternative stabilization practices as applicable.

b. Maintenance

The permittee must ensure that all control measures remain in effective operating condition and are protected from activities that would reduce their effectiveness. Control measures must be maintained in accordance with good engineering, hydrologic and pollution control practices. Observations leading to the required maintenance of control measures can be made during a site inspection, or during general observations of site conditions. The necessary repairs or modifications to a [control measure requiring routine maintenance](#), as defined in Part I.E., must be conducted to maintain an effective operating condition. This section is not subject to the requirements in [Part I.B.1.c](#) below.

c. Corrective Actions

The permittee must assess the adequacy of control measures at the site, and the need for changes to those control measures, to ensure continued effective performance.

When an [inadequate control measure](#), as defined in Part I.E., is identified (i.e., new or replacement control measures become necessary), the following corrective action requirements apply. The permittee is in noncompliance with the permit until the inadequate control measure is replaced or corrected and returned to effective operating condition in compliance with [Part I.B.1](#) and the general requirements in [Part I.B.3](#). If the inadequate control measure results in noncompliance that meets the conditions of Part II.L., the permittee must also meet the requirements of that section.

- i. The permittee must take all necessary steps to minimize or prevent the discharge of pollutants from the permitted area and manage any stormwater run-on onto the site until a control measure is implemented and made operational and/or an inadequate control measure is replaced or corrected and returned to effective operating condition. If it is infeasible to install or repair the control measure immediately after discovering the deficiency, the following must be documented in the SWMP in [Part I.D.5.c](#) and kept on record in accordance with the recordkeeping requirements in Part II.

(a) Describe why it is infeasible to initiate the installation or repair immediately; and

(b) Provide a schedule for installing or repairing the control measure and returning it to an effective operating condition as soon as possible.

- ii. If applicable, the permittee must remove and properly dispose of any unauthorized release or discharge within and from the permitted area (e.g., discharge of non-stormwater, untreated stormwater containing pollutants, spill, or leak not authorized by this permit.) The permittee must also clean up any contaminated surfaces, if feasible, to minimize discharges of the material in subsequent storm events, including water remaining from the response that contains pollutants after active emergency firefighting response is complete.

2. Discharges to an Impaired Waterbody

a. [Total Maximum Daily Load](#) (TMDL)

If the discharge from the site of permit coverage flows to or could reasonably be expected to flow to any water body for which a TMDL has been approved, and stormwater discharges associated with construction activity were assigned a pollutant-specific Wasteload Allocation (WLA) under the TMDL, the division may:

- i. Ensure the WLA is implemented properly through alternative local requirements, such as by a

municipal stormwater permit; or

- ii. Notify the permittee of the WLA and amend the permittee's certification to add specific effluent limits and other requirements, as appropriate. The permittee may be required to do the following:
 - (a) Under the permittee's SWMP, implement specific control measures based on requirements of the WLA, and evaluate whether the requirements are met through implementation of existing stormwater control measures or if additional control measures are necessary. Document the calculations or other evidence demonstrating that the requirements are expected to be met; and
 - (b) If the evaluation shows that additional or modified control measures are necessary, describe the type and schedule for the control measure additions or modifications.
- iii. 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.

3. General Requirements

- a. Discharges authorized by this permit shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any applicable water quality standard, including narrative standards for water quality.
- b. The division may require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that the SWMP is not adequately minimizing pollutants in stormwater or in order to measure the effectiveness of the control measures in removing pollutants in the effluent. Such monitoring may include Whole Effluent Toxicity testing.
- c. The permittee must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts and other local agencies including applicable requirements in [Municipal Stormwater Management Programs](#) developed to comply with CDPS permits. The permittee must comply with local stormwater management requirements, policies and guidelines including those for erosion and sediment control.
- d. All construction site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.
- e. This permit does not relieve the permittee of the reporting requirements in 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.L](#) of the permit).

C. STORMWATER MANAGEMENT PLAN (SWMP) REQUIREMENTS

1. SWMP General Requirements

- a. A SWMP shall be developed for each construction site listed under [Part I.A.3.a](#), including but not limited to, construction activity that will disturb one acre or more and/or are part of a common plan of development or sale covered by this permit. The SWMP must be prepared in accordance with good engineering, hydrologic and pollution control practices.
 - i. For public emergency related sites, a SWMP shall be created no later than 14 days after the commencement of construction activities.
- b. The permittee must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete. The division may review the SWMP.

- c. A copy of the SWMP must be retained onsite or be onsite when construction activities are occurring at the site unless the permittee specifies another location and obtains approval from the division.

2. SWMP Content

- a. The SWMP, at a minimum, must include the following elements.
 - i. Qualified Stormwater Manager. The SWMP must list individual(s) by title and name who are designated as responsible for implementing the SWMP in its entirety and meet the definition of a Qualified Stormwater Manager. This role may be filled by more than one individual.
 - ii. Spill Prevention and Response Plan. The SWMP must have a spill prevention and response plan. The plan may incorporate by reference any part of a Spill Prevention Control and Countermeasure (SPCC) plan under section 311 of the Clean Water Act (CWA) or a Spill Prevention Plan required by a separate CDPS permit. The relevant sections of any referenced plans must be available as part of the SWMP consistent with [Part I.C.4](#).
 - iii. Other CDPS Permits. The SWMP must list the applicable CDPS permits associated with the permitted site and the activities occurring on the permitted site (e.g. a CDPS Dewatering Permit).
 - iv. Materials Handling. The SWMP must describe handling procedures of all control measures implemented at the site to minimize impacts from handling [significant materials](#) that could contribute pollutants to runoff. These handling procedures can include control measures for pollutants and activities such as, exposed storage of building materials, paints and solvents, landscape materials, fertilizers or chemicals, sanitary waste material, trash and equipment maintenance or fueling procedures.
 - v. Potential Sources of Pollution. The SWMP must list all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the site. This may include, but is not limited to, the following pollutant sources:
 - (a) Disturbed and stored soils;
 - (b) Vehicle tracking of sediments;
 - (c) Management of contaminated soils, if known to be present, or if contaminated soils are found during construction;
 - (d) Loading and unloading operations;
 - (e) Outdoor storage activities (erodible building materials, fertilizers, chemicals, etc.);
 - (f) Vehicle and equipment maintenance and fueling;
 - (g) Significant dust or particulate generating processes (e.g., saw cutting material, including dust);
 - (h) Routine maintenance activities involving fertilizers, pesticides, herbicides, detergents, fuels, solvents, oils, etc.;
 - (i) On-site waste management practices (waste piles, liquid wastes, dumpsters);
 - (j) Concrete truck/equipment washing, including washing of the concrete truck chute and associated fixtures and equipment;
 - (k) Dedicated asphalt, concrete batch plants and masonry mixing stations;

(l) Non-industrial waste sources such as worker trash and portable toilets.

- vi. Implementation of Control Measures. The SWMP must include design specifications that contain information on the implementation of all the structural and nonstructural control measures in use on the site in accordance with good engineering, hydrologic and pollution control practices; including, as applicable, drawings, dimensions, installation information, materials, implementation processes, control measure-specific inspection expectations, and maintenance requirements.

The SWMP must include a documented use agreement between the permittee and the owner or operator of any control measures located outside of the permitted area, that are utilized by the permittee's construction site for compliance with this permit, but not under the direct control of the permittee. The permittee is responsible for ensuring that all control measures located outside of their permitted area, that are being utilized by the permittee's construction site, are properly maintained and in compliance with all terms and conditions of the permit. The SWMP must include all information required of and relevant to any such control measures located outside the permitted area, including location, installation specifications, design specifications and maintenance requirements.

- vii. Site Description. The SWMP must include a site description which includes, at a minimum, the following:
- (a) The nature of the construction activity at the site;
 - (b) The proposed schedule for the sequence for major construction activities and the planned implementation of control measures for each phase. (e.g. clearing, grading, utilities, vertical, etc.);
 - (c) Estimates of the total acreage of the site, and the acreage expected to be disturbed by clearing, excavation, grading, or any other construction activities;
 - (d) A summary of any existing data and sources used in the development of the construction site plans or SWMP that describe the soil types found in the permitted area and the erodibility of the identified soil types;
 - (e) A description of the percent cover of native vegetation on the site if the site is undisturbed, or the percent cover of native vegetation in a similar, local undisturbed area or adequate reference area if the site is disturbed. Include the source or methodology for determining the percentage. If a percent cover is not appropriate for the site location (i.e. arid), describe the technique and justification for the identified cover of native vegetation;
 - (f) A description of any allowable non-stormwater discharges at the site, including those being discharged under a separate CDPS permit or a division low risk discharge guidance policy, and applicable control measures installed;
 - (g) A description of the drainage patterns from the site, including a description of the immediate source receiving the discharge and the receiving water(s) of the discharge, if different than the immediate source. If the stormwater discharge is to a [municipal separate storm sewer system](#), include the name of the entity owning that system, the location(s) of the stormwater discharge, and the receiving water(s);
 - (h) A description of all stream crossings located within the construction site boundary; and
 - (i) A description of the alternate temporary stabilization schedule, if applicable ([Part I.B.1.a.iii\(a\)](#)).

- (j) A description of the alternative diversion criteria as approved by the division, if applicable ([Part I.B.1.a.i\(i\)\(3\)](#)).

viii. Site Map. The SWMP must include a site map which includes, at a minimum, the following:

- (a) Construction site boundaries;
- (b) Flow arrows that depict stormwater flow directions on-site and runoff direction;
- (c) All areas of ground disturbance including areas of borrow and fill;
- (d) Areas used for storage of soil;
- (e) Locations of all waste accumulation areas, including areas for liquid, concrete, masonry, and asphalt;
- (f) Locations of dedicated asphalt, concrete batch plants and masonry mixing stations;
- (g) Locations of all structural control measures;
- (h) Locations of all non-structural control measures (e.g. temporary stabilization);
- (i) Locations of springs, streams, wetlands, diversions and other state waters, including areas that require pre-existing vegetation be maintained within 50 feet of a receiving water, where determined feasible in accordance with [Part I.B.1.a.i\(e\)](#);
- (j) Locations of all stream crossings located within the construction site boundary; and
- (k) Locations where alternative temporary stabilization schedules apply.

ix. Temporary Stabilization, Final Stabilization and Long Term Stormwater Management.

- (a) The SWMP must document the constraints necessitating an alternative temporary stabilization schedule, as referenced in [Part I.B.1.a.iii\(a\)](#), provide the alternate stabilization schedule, and identify all locations where the alternative schedule is applicable on the site map.
- (b) The SWMP must describe and locate the methods used to achieve final stabilization of all disturbed areas at the site, as listed in [Part I.B.1.a.iii\(b\)](#).
- (c) The SWMP must describe the measures used to establish final stabilization through vegetative cover or alternative stabilization method, as referenced in [Part I.B.1.a.iii\(c\)](#), and describe and locate any temporary control measures in place during the process of final stabilization.
- (d) The SWMP must describe and locate any planned permanent control measures to control pollutants in stormwater discharges that will occur after construction operations are completed, including but not limited to, detention/retention ponds, rain gardens, stormwater vaults, etc.

x. Inspection Reports. The SWMP must include documented inspection reports in accordance with [Part I.D.5.c](#).

3. SWMP Review and Revisions

Permittees must keep a record of SWMP changes made that includes the date and identification of the changes. The SWMP must be amended when the following occurs:

- a. A change in design, construction, operation, or maintenance of the site requiring implementation

of new or revised control measures;

- b. The SWMP proves ineffective in controlling pollutants in stormwater runoff in compliance with the permit conditions;
- c. Control measures identified in the SWMP are no longer necessary and are removed; and
- d. Corrective actions are taken onsite that result in a change to the SWMP.
- e. The site or areas of the site qualifying for reduced frequency inspections under [Part I.D.4](#).

For SWMP revisions made prior to or following a change(s) onsite, including revisions to sections addressing site conditions and control measures, a notation must be included in the SWMP that identifies the date of the site change, the control measure removed, or modified, the location(s) of those control measures, and any changes to the control measure(s). The permittee must ensure the site changes are reflected in the SWMP. The permittee is noncompliant with the permit until the SWMP revisions have been made.

4. SWMP Availability

A copy of the SWMP must be provided upon request to the division, EPA, and any local agency with authority for approving sediment and erosion plans, grading plans or stormwater management plans within the time frame specified in the request. If the SWMP is required to be submitted to any of these entities, the submission must include a signed certification in accordance with [Part I.A.3.e](#), certifying that the SWMP is complete and compliant with all terms and conditions of the permit.

All SWMPs required under this permit are considered reports that must be available to the public under Section 308(b) of the CWA and Section 61.5(4) of the CDPS regulations. The permittee must 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.

D. SITE INSPECTIONS

Site inspections must be conducted in accordance with the following requirements. The required inspection schedules are a minimum frequency and do not affect the permittee's responsibility to implement control measures in effective operating condition as prescribed in the SWMP, [Part I.C.2.a.vi](#), as proper maintenance of control measures may require more frequent inspections. Site inspections shall start within 7 calendar days of the commencement of construction activities on site.

1. Person Responsible for Conducting Inspections

The person(s) inspecting the site may be on the permittee's staff or a third party hired to conduct stormwater inspections under the direction of the permittee(s). The permittee is responsible for ensuring that the inspector meets the definition of a Qualified Stormwater Manager. The inspector may be different than the individual(s) listed in [Part I.C.2.a.i](#).

2. Inspection Frequency

Permittees must conduct site inspections in accordance with on the following minimum frequencies, unless the site meets the requirements of [Part I.D.3](#). All inspections must be recorded per [Part I.D.5.c](#).

- a. At least one inspection every 7 calendar days; or
- b. At least one inspection every 14 calendar days, if post-storm event inspections are conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. Post-storm inspections may be used to fulfill the 14-day routine inspection requirement.
- c. When site conditions make the schedule required in this section impractical, the permittee may

petition the division to grant an alternate inspection schedule. The alternative inspection schedule must not be implemented prior to written approval by the division and incorporation into the SWMP.

3. Inspection Frequency for Discharges to Outstanding Waters

Permittees must conduct site inspections at least once every 7 calendar days for sites that discharge to a water body designated as an Outstanding Water by the Water Quality Control Commission.

4. Reduced Inspection Frequency

The permittee may perform site inspections at the following reduced frequencies when one of the following conditions exists:

a. Post-Storm Inspections at Temporarily Idle Sites

For permittees choosing an inspection frequency pursuant to [Part I.D.2.b](#) and if no construction activities will occur following a storm event, post-storm event inspections must be conducted prior to re-commencing construction activities, and no later than 72 hours following the storm event. If the post-storm event inspection qualifies under this section, the inspection delay must be documented in the inspection record per [Part I.D.5.c](#). Routine inspections must still be conducted at least every 14 calendar days.

b. Inspections at Completed Sites/Areas

When the site, or portions of a site, are awaiting establishment of a vegetative ground cover and final stabilization, the permittee must conduct a thorough inspection of the stormwater management system at least once every 30 days. Post-storm event inspections are not required under this schedule. This reduced inspection schedule is allowed if all of the following criteria are met:

- i. All construction activities resulting in ground disturbance are complete;
- ii. All activities required for final stabilization, in accordance with [Part I.B.1.a.iii\(b\) & \(c\)](#) and 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 locate those areas to be inspected in accordance with the reduced schedule allowed for in this paragraph.

c. Winter Conditions Inspections Exclusion

Inspections are not required for sites that meet all of the following conditions: 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 inspection exception is applicable only during the period where melting conditions do not exist, and applies to the routine 7-day, 14-day and monthly inspections, as well as the post-storm-event inspections. When this inspection exclusion is implemented, the following information must be documented in accordance with the requirements in [Part I.C.3](#) and [Part I.D.5.c](#):

- i. Dates when snow cover existed;
- ii. Date when construction activities ceased; and
- iii. Date melting conditions began.

5. Inspection Scope

a. Areas to Be Inspected

When conducting a site inspection the following areas, if applicable, must 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:

- i. Construction site perimeter;
- ii. All disturbed areas;
- iii. Locations of installed control measures;
- iv. Designated haul routes;
- v. Material and waste storage areas exposed to precipitation;
- vi. Locations where stormwater has the potential to discharge offsite; and
- vii. Locations where vehicles exit the site.

b. Inspection Requirements

- i. Visually verify whether all implemented control measures are in effective operational condition and are working as designed in their specifications to minimize pollutant discharges.
- ii. Determine if there are new potential sources of pollutants.
- iii. Assess the adequacy of control measures at the site to identify areas requiring new or modified control measures to minimize pollutant discharges.
- iv. Identify all areas of non-compliance with the permit requirements and, if necessary, implement corrective action(s) in accordance with [Part I.B.1.c.](#)

c. Inspection Reports

The permittee must keep a record of all inspections conducted for each permitted site. Inspection reports must identify any incidents of noncompliance with the terms and conditions of this permit. All inspection reports must be signed and dated in accordance with [Part I.A.3.f.](#) Inspection records must be retained in accordance with [Part II.O.](#) At a minimum, the inspection report must include:

- i. The inspection date;
- ii. Name(s) and title(s) of personnel conducting the inspection;
- iii. Weather conditions at the time of inspection;
- iv. Phase of construction at the time of inspection;
- v. Estimated acreage of disturbance at the time of inspection;
- vi. Location(s) and identification of control measures requiring routine maintenance;
- vii. Location(s) and identification of discharges of sediment or other pollutants from the site;
- viii. Location(s) and identification of inadequate control measures;
- ix. Location(s) and identification of additional control measures needed that were not in place at the time of inspection;

- x. Description of corrective action(s) for items vii, viii, ix, above, dates corrective action(s) were completed, including requisite changes to the SWMP, as necessary;
- xi. Description of the minimum inspection frequency (either in accordance with [Part I.D.2](#), [Part I.D.3](#) or [Part I.D.4.](#)) utilized when conducting each inspection.
- xii. Deviations from the minimum inspection schedule as required in [Part I.D.2](#). This would include documentation of division approval for an alternate inspection schedule outlined in [Part I.D.2.c](#);
- xiii. After adequate corrective action(s) have been taken, or where a report does not identify any incidents requiring corrective action, the report shall contain a statement as required in [Part I.A.3.f](#).

E. DEFINITIONS

For the purposes of this permit:

- (1) Bypass the intentional diversion of waste streams from any portion of a treatment facility in accordance with 40 CFR 122.41(m)(1)(i) and Regulation 61.2(12).
- (2) 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, but remain related. The division has determined that "contiguous" means construction activities located in close proximity to each other (within ¼ mile). Construction activities are considered to be "related" if they share the same development plan, builder or contractor, equipment, storage areas, etc. "Common plan of development or sale" includes construction activities that are associated with the construction of field wide oil and gas permits for facilities that are related.
- (3) Construction Activity - Ground surface disturbing and associated activities (land disturbance), 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 the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of routine maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is exposed as part of the repaving operation are considered construction activities. Construction activity is from initial ground breaking to final stabilization regardless of ownership of the construction activities.
- (4) Control Measure - Any best management practice or other method used to prevent or reduce the discharge of pollutants to state waters. Control measures include, but are not limited to, best management practices. Control measures can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices.
- (5) Control Measure Requiring Routine Maintenance - Any control measure that is still operating in accordance with its design and the requirements of this permit, but requires maintenance to prevent a breach of the control measure. See also inadequate control measure.
- (6) Dedicated Asphalt, Concrete Batch Plants and Masonry Mixing Stations - Are batch plants or mixing stations located on, or within ¼ mile of, a construction site and that provide materials only to that specific construction site.
- (7) Diversion - Discharges of state waters that are temporarily routed through channels or structures (e.g. in-stream, uncontaminated springs, non-pumped groundwater, temporary rerouting of surface waters).
- (8) Final Stabilization - The condition reached when construction activities at the site have been

- completed, permanent stabilization methods are complete, and temporary control measures are removed. Areas being stabilized with a vegetative cover must have evenly distributed perennial vegetation. The vegetation coverage must be, at a minimum, equal to 70 percent of what would have been provided by native vegetation in a local, undisturbed area or adequate reference site.
- (9) Good Engineering, Hydrologic and Pollution Control Practices: are methods, procedures, and practices that:
- a. Are based on basic scientific fact(s).
 - b. Reflect best industry practices and standards.
 - c. Are appropriate for the conditions and pollutant sources.
 - d. Provide appropriate solutions to meet the associated permit requirements, including practice based effluent limits.
- (10) Inadequate Control Measure - Any control measure that is not designed or implemented in accordance with the requirements of the permit and/or any control measure that is not implemented to operate in accordance with its design. See also Control Measure Requiring Routine Maintenance.
- (11) Infeasible - Not technologically possible, or not economically practicable and achievable in light of best industry practices.
- (12) Minimize - reduce or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.
- (13) Municipality - A city, town, county, district, association, or other public body created by, or under, State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of CWA (1987).
- (14) Municipal Separate Storm Sewer System (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
- a. Owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to state waters;
 - i. Designed or used for collecting or conveying stormwater;
 - ii. Are not a combined sewer; and
 - iii. Are not part of a Publicly Owned Treatment Works (POTW). See 5 CCR 1002-61.2(62).
- (15) Municipal Stormwater Management Program - A stormwater program operated by a municipality, typically to meet the requirements of the municipalities MS4 discharge certification.
- (16) Operator - The party that has operational control over day-to-day activities at a project site which are necessary to ensure compliance with the permit. This party is authorized to direct individuals at a site to carry out activities required by the permit (i.e. the general contractor).

- (17) Outstanding Waters - Waters designated as outstanding waters pursuant to Regulation 31, Section 31.8(2)(a). The highest level of water quality protection applies to certain waters that constitute an outstanding state or national resource.
- (18) Owner - The party that has overall control of the activities and that has funded the implementation of the construction plans and specifications. This is the party that may have ownership of, a long term lease of, or easements on the property on which the construction activity is occurring (e.g. the developer).
- (19) Permittee(s) - The owner and operator named in the discharge certification issued under this permit for the construction site specified in the certification.
- (20) Point Source - Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include irrigation return flow. See 5 CCR 102-61.2(75).
- (21) 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. See 5 CCR 1002-61.2(76).
- (22) Presentation of credentials - a government issued form of identification, if in person; or (ii) providing name, position and purpose of inspection if request to enter is made via telephone, email or other form of electronic communication. A Permittee's non-response to a request to enter upon presentation of credentials constitutes a denial to such request, and may result in violation of the Permit.
- (23) 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.
- (24) Public Emergency Related Site - a project initiated in response to an unanticipated emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.
- (25) Qualified Stormwater Manager - An individual knowledgeable in the principles and practices of erosion and sediment control and pollution prevention, and with the skills to assess conditions at construction sites that could impact stormwater quality and to assess the effectiveness of stormwater controls implemented to meet the requirements of this permit.
- (26) Qualifying Local Program - A municipal program for stormwater discharges associated with small construction activity that was formally approved by the division as a qualifying local program.
- (27) Receiving Water - Any classified or unclassified surface water segment (including tributaries) in the State of Colorado into which stormwater associated with construction activities discharges. This definition includes all water courses, even if they are usually dry, such as borrow ditches, arroyos, and other unnamed waterways.
- (28) Severe Property Damage - substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41(m)(1)(ii).
- (29) Significant Materials - Include, but 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 permittee is required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.
- (30) Small Construction Activity - 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 ultimately disturbs equal to, or greater than, one acre and less than five acres.
- (31) Spill - An unintentional release of solid or liquid material which may pollute state waters.
- (32) State Waters - means any and all surface and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.
- (33) Steep Slopes: where a local government, or industry technical manual (e.g. stormwater BMP manual) has defined what is to be considered a "steep slope", this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 3:1 or greater.
- (34) Stormwater - Precipitation runoff, snow melt runoff, and surface runoff and drainage. See 5 CCR 1002-61.2(103).
- (35) Total Maximum Daily Loads (TMDLs) -The sum of the individual wasteload allocations (WLA) for point sources and load allocations (LA) for nonpoint sources and natural background. For the purposes of this permit, a TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes WLAs, LAs, and must include a margin of safety (MOS), and account for seasonal variations. See section 303(d) of the CWA and 40 C.F.R. 130.2 and 130.7.
- (36) Upset - an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent 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 in accordance with 40 CFR 122.41(n) and Regulation 61.2(114).

F. MONITORING

The division may require sampling and testing, on a case-by-case basis. If the division requires sampling and testing, the division will send a notification to the permittee. Reporting procedures for any monitoring data collected will be included in the notification.

If monitoring is required, the following applies:

1. The thirty (30) day average must be determined by the arithmetic mean of all samples collected during a thirty (30) consecutive-day period; and
2. A grab sample, for monitoring requirements, is a single "dip and take" sample.

G. 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 (5 CCR 1002-61), and require coverage under this permit in accordance with that regulation. However, references in this permit to specific authority under the 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.

Part II: Standard Permit Conditions

A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Water Quality Control Act and is grounds for:

1. Enforcement action;
2. Permit termination, revocation and reissuance, or modification; or
3. Denial of a permit renewal application.

B. DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain authorization as required by Part I.A.3.k. of the permit.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. DUTY TO MITIGATE

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

E. PROPER OPERATION AND MAINTENANCE

A permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit. This requirement can be met by meeting the requirements for Part I.B., I.C., and I.D. above. See also 40 C.F.R. § 122.41(e).

F. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. The permittee request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. Any request for modification, revocation, reissuance, or termination under this permit must comply with all terms and conditions of Regulation 61.8(8).

G. PROPERTY RIGHTS

In accordance with 40 CFR 122.41(g) and 5 CCR 1002-61, 61.8(9):

1. The issuance of a permit does not convey any property or water rights in either real or personal property, or stream flows or any exclusive privilege.
2. The issuance of a permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.
3. Except for any toxic effluent standard or prohibition imposed under Section 307 of the Federal act or any standard for sewage sludge use or disposal under Section 405(d) of the Federal act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301,

302, 306, 318, 403, and 405(a) and (b) of the Federal act. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in Section 61.8(8) of the Colorado Discharge Permit System Regulations.

H. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the division, within a reasonable time, any information which the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the division, upon request, copies of records required to be kept by this permit in accordance with 40 CFR 122.41(h) and/or Regulation 61.8(3)(q).

I. INSPECTION AND ENTRY

The permittee shall allow the division and the authorized representative, upon the [presentation of credentials](#) as required by law, to allow for inspections to be conducted in accordance with 40 CFR 122.41(i), Regulation 61.8(3), and Regulation 61.8(4):

1. 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;
2. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit;
3. At reasonable times, inspect any monitoring equipment or monitoring method required in the permit; and
4. To enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect or investigate, any actual, suspected, or potential source of water pollution, or any violation of the Colorado Water Quality Control Act. The investigation may include: sampling of any discharges, stormwater or [process water](#), taking of photographs, interviewing site staff on alleged violations and other matters related to the permit, and assessing any and all facilities or areas within the site that may affect discharges, the permit, or an alleged violation.

The permittee shall provide access to the division or other authorized representatives upon presentation of proper credentials. A permittee's non-response to a request to enter upon presentation of credentials constitutes a denial of such request, and may result in a violation of the permit.

J. MONITORING AND RECORDS

1. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
2. The permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of the division at any time.
3. Records of monitoring information must include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed

- d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
4. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

K. SIGNATORY REQUIREMENTS

1. Authorization to Sign:

All documents required to be submitted to the division by the permit must be signed in accordance with the following criteria:

- a. For a corporation: by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- c. For a [municipality](#), state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes
 - i. The chief executive officer of the agency, or
 - ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. (e.g. Regional Administrator of EPA)

2. Electronic Signatures

For persons signing applications for coverage under this permit electronically, in addition to meeting other applicable requirements stated above, such signatures must meet the same signature, authentication, and identity-proofing standards set forth at 40 CFR § 3.2000(b) for electronic reports (including robust second-factor authentication). Compliance with this requirement can be achieved by submitting the application using the Colorado Environmental Online Service (CEOS) system.

3. Change in Authorization to Sign

If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the division, prior to the re-authorization, or together with any reports, information, or applications to be signed by an authorized representative.

L. REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give advance notice to the division, in writing, of any planned physical alterations or additions to the permitted facility in accordance with 40 CFR 122.41(l) and Regulation 61.8(5)(a). Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.41(a)(1).

2. Anticipated Non-Compliance

The permittee shall give advance notice to the division, in writing, of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. The timing of notification requirements differs based on the type of non-compliance as described in subparagraphs 5, 6, 7, and 8 below.

3. Transfer of Ownership or Control

The permittee shall notify the division, in writing, ten (10) calendar days in advance of a proposed transfer of the permit. This permit is not transferable to any person except after notice is given to the division.

- a. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination.
- b. The new owner or operator must submit an application. See also signature requirements in Part II.K, above.
- c. A permit may be automatically transferred to a new permittee if:
 - i. The current permittee notifies the division in writing 30 calendar days in advance of the proposed transfer date; and
 - ii. The notice includes a written agreement between the existing and new permittee(s) containing a specific date for transfer of permit responsibility, coverage and liability between them; and
 - iii. The division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.
 - iv. Fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15, have been met.

4. Monitoring reports

Monitoring results must be reported at the intervals specified in this permit per the requirements of 40 CFR 122.41(l)(4).

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule in the permit, shall be submitted on the date listed

in the compliance schedule section. The fourteen (14) calendar day provision in Regulation 61.8(4)(n)(i) has been incorporated into the due date.

6. Twenty-four Hour Reporting

In addition to the reports required elsewhere in this permit, the permittee shall report the following circumstances orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances, and shall mail to the division a written report containing the information requested within five (5) working days after becoming aware of the following circumstances:

- a. Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;
- b. Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;
- c. Circumstances leading to any upset which causes an exceedance of any effluent limitation in the permit;
- d. Daily maximum violations for any of the pollutants limited by Part I of this permit. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.
- e. The division may waive the written report required under subparagraph 6 of this section if the oral report has been received within 24 hours.

7. Other Non-Compliance

A permittee must report all instances of noncompliance at the time monitoring reports are due. If no monitoring reports are required, these reports are due at least annually in accordance with Regulation 61.8(4)(p). The annual report must contain all instances of non-compliance required under either subparagraph 5 or subparagraph 6 of this subsection.

8. Other Information

Where a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Permitting Authority, it has a duty to promptly submit such facts or information.

M. BYPASS

1. Bypass Not Exceeding Limitations

The permittees may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II.M.2 of this permit. See 40 CFR 122.41(m)(2).

2. Notice of Bypass

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR §122.41(m)(3)(i) and/or Regulation 61.9(5)(c).
- b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass in accordance with Part II.L.6. See 40 CFR §122.41(m)(3)(ii).

3. Prohibition of Bypass

Bypasses are prohibited and the division may take enforcement action against the permittee for bypass, unless:

- a. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. Proper notices were submitted to the division.

N. UPSET

1. Effect of an upset

An upset constitutes an affirmative defense to an action brought for noncompliance with permit effluent limitations if the requirements of Part II.N.2. of this permit 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 in accordance with Regulation 61.8(3)(j).

2. Conditions Necessary for Demonstration of an 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:

- a. An upset occurred and the permittee can identify the specific cause(s) of the upset;
- b. The permitted facility was at the time being properly operated and maintained; and
- c. The permittee submitted proper notice of the upset as required in Part II.L.6.(24- hour notice); and
- d. The permittee complied with any remedial measure necessary to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. In addition to the demonstration required above, a permittee who wishes to establish the affirmative defense of upset for a violation of effluent limitations based upon water quality standards shall also demonstrate through monitoring, modeling or other methods that the relevant standards were achieved in the receiving water.

3. Burden of Proof

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

O. RETENTION OF RECORDS

1. Post-Expiration or Termination Retention

Copies of documentation required by this permit, including records of all data used to complete the application for permit coverage to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

2. On-site Retention

The permittee must retain an electronic version or hardcopy of the SWMP at the construction site from

the date of the initiation of construction activities to the date of expiration or inactivation of permit coverage; unless another location, specified by the permittee, is approved by the division.

P. REOPENER CLAUSE

1. Procedures for Modification or Revocation

Permit modification or revocation of this permit or coverage under this permit will be conducted according to Regulation 61.8(8).

2. Water Quality Protection

If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, the permittee may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.

Q. SEVERABILITY

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

R. NOTIFICATION REQUIREMENTS

1. Notification to Parties

All notification requirements, excluding information submitted using the CEOS portal, shall be directed as follows:

a. Oral Notifications, during normal business hours shall be to:
Clean Water Compliance Section
Water Quality Control Division
Telephone: (303) 692-3500

b. Written notification shall be to:
Clean Water Compliance Section
Water Quality Control Division
Colorado Department of Public Health and Environment
WQCD-WQP-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530

S. RESPONSIBILITIES

1. Reduction, Loss, or Failure of Treatment Facility

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the effluent limitations of the permit. 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.

T. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

U. EMERGENCY POWERS

Nothing in this permit shall be construed to prevent or limit application of any emergency power of the division.

V. CONFIDENTIALITY

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 Water Quality Control 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.

W. FEES

The permittee is required to submit payment of an annual fee as set forth in the 2016 amendments to the Water Quality Control Act. Section 25-8-502 (1.1) (b), and the Colorado Discharge Permit System Regulations 5 CCR 1002-61, Section 61.15 as amended. 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.

X. DURATION OF PERMIT

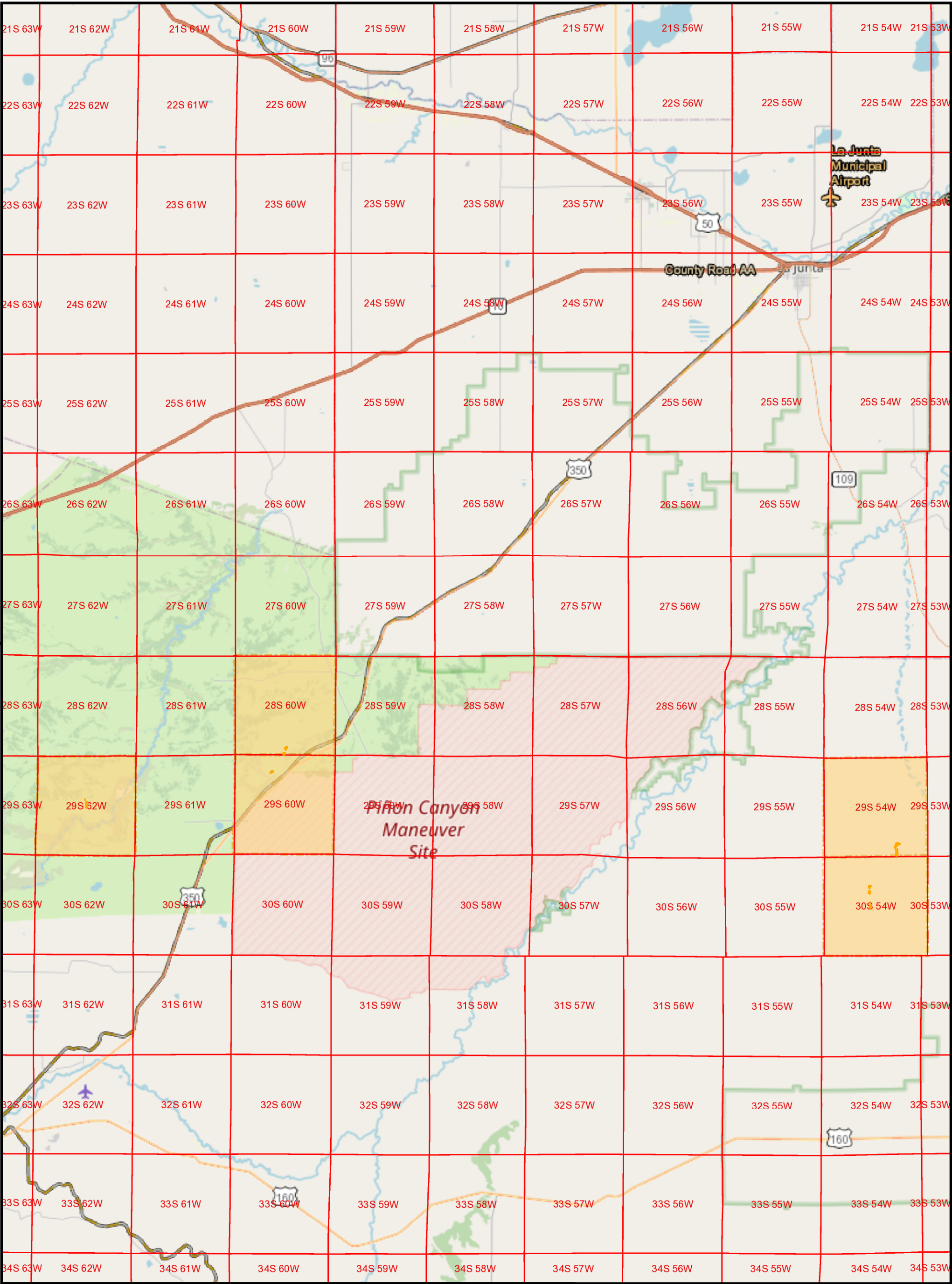
The duration of a permit shall be for a fixed term and shall not exceed five (5) years. If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least ninety (90) calendar days before this permit expires. Filing of a timely and complete application shall cause the expired permit to continue in force to the effective date of the new permit. The permit's duration may be extended only through administrative extensions and not through interim modifications. If the permittee anticipates there will be no discharge after the expiration date of this permit, the division should be promptly notified so that it can terminate the permit in accordance with Part I.A.3.i.

Y. SECTION 307 TOXICS




If a toxic effluent standard or prohibition, including any applicable schedule of compliance specified, is established by regulation pursuant to Section 307 of the Federal Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the discharge permit, the division shall institute proceedings to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition

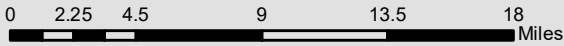
APPENDIX B

STORMWATER CONSTRUCTION PERMIT AREA MAP



MAP FEATURES

-  Boundary of Proposed Permitted Area
-  Township
-  Pad Access Roads



BNL (Enterprise) Inc.
Project Overview Map - Stormwater
Construction Activity Permit

Aquionix
EHS Services
5545 W. 56th Ave
Arvada, CO 80002
www.aquionix.com
303-289-7520

DRAWN BY: MT (Aquionix)
DATE DRAWN: 04/26/2022
MAP SCALE: 1:435,000
COORD. SYSTEM: WGS_1984_Web_Mercator_Auxiliary_Sphere

APPENDIX C

BBB 33 SESE 2860 PLATS

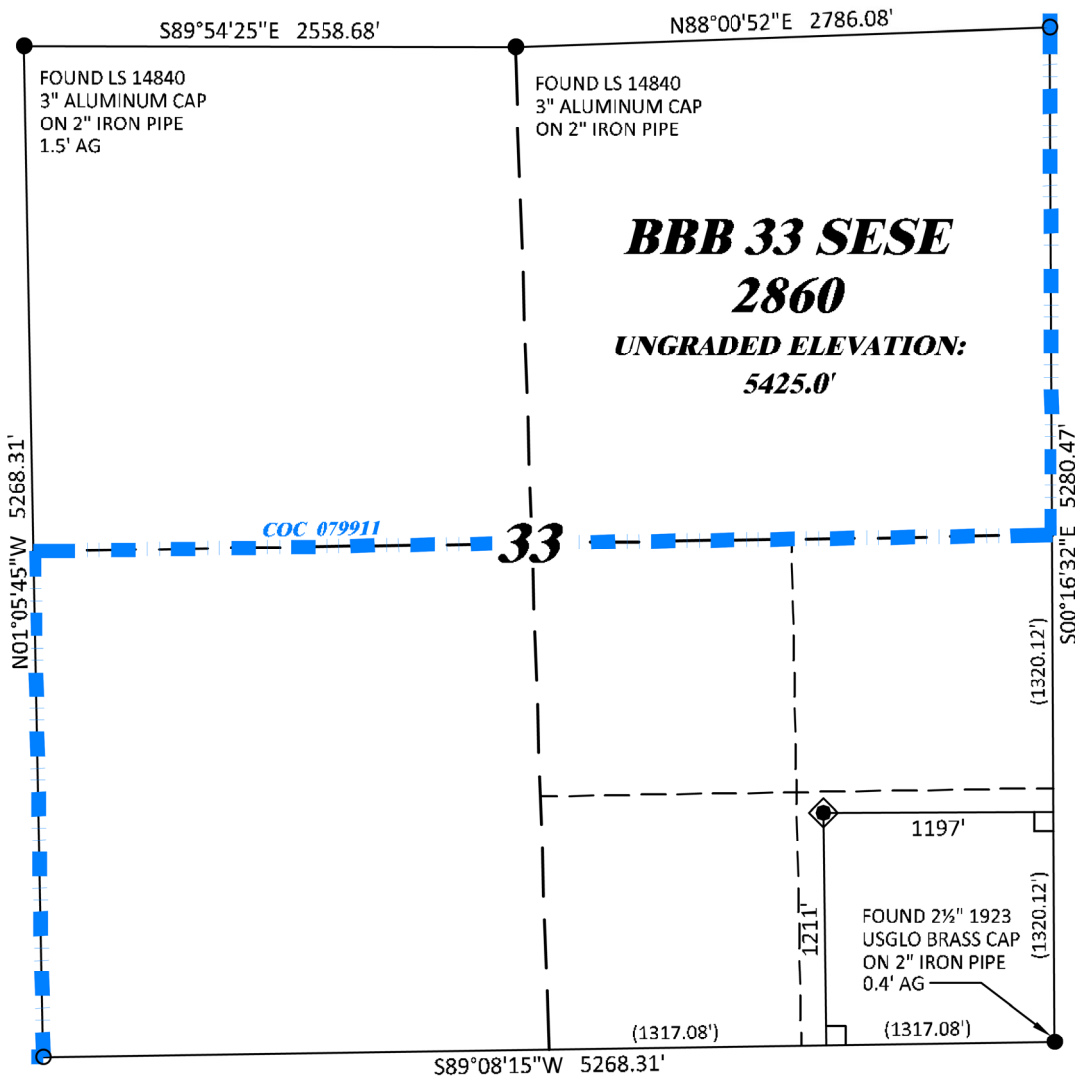
BNL (ENTERPRISE) INC.
BBB 33 SESE 2860
SESE, SECTION 33 T28S, R60W, 6th PM
DATE: 2/7/22 - J. BOSH

DISTANCE FROM WORKING PAD SURFACE <u>304b(3)A</u>																		
	BUILDING		RESIDENTIAL BUILDING UNIT		HIGH OCCUPANCY BUILDING UNIT		SCHOOL FACILITY		DOAA		PUBLIC ROAD		ABOVE GROUND UTILITY		RAILROAD		PROPERTY LINE	
	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH
WPS	S	2085'	S	2085'	SW	5280'	SW	5280'	SW	5280'	SE	1522'	S	2322'	SE	5280'	S	1117'
DISTANCE FROM WORKING PAD SURFACE - DISPROPORTIONATELY IMPACTED COMMUNITY																		
							RESIDENTIAL BUILDING UNIT		HIGH OCCUPANCY BUILDING UNIT		SCHOOL FACILITY							
WPS							DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH						
							SW	5280'	SW	5280'	SW	5280'						

CULTURAL FEATURE INFORMATION <u>304b(3)B</u>			
CULTURAL FEATURE	0-500 FEET	501 - 1,000 FEET	1,001 - 2,000 FEET
	NUMBER	NUMBER	NUMBER
BUILDING UNIT	0	0	0
RESIDENTIAL BUILDING UNIT	0	0	0
HIGH OCCUPANCY BUILDING UNIT	0	0	0
SCHOOL PROPERTIES	0	0	0
SCHOOL FACILITIES	0	0	0
DESIGNATED OUTDOOR ACTIVITY AREA	0	0	0
SCHOOL WITHIN DISPROPORTIONALLY IMPACTED COMMUNITY	0	0	0

DISTANCE FROM WELL HEAD																		
	BUILDING		RESIDENTIAL BUILDING		HIGH OCCUPANCY		SCHOOL FACILITY		DOAA		PUBLIC ROAD		ABOVE GROUND UTILITY		RAILROAD		PROPERTY LINE	
	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH	DIRECTION	LENGTH
WPS	S	2175'	S	2175'	SW	5280'	SW	5280'	SW	5280'	SE	1671'	S	2414'	SE	5280'	S	1203'

R. 60 W.



GRID NORTH
SCALE' 1" = 1000'
500' 0 1000'

T. 28 S.

SHL

LATITUDE (NAD 83)

NORTH 37.560784 DEG.

LONGITUDE (NAD 83)

WEST 104.118327 DEG.

NORTHING (NAD 83)

1328526.48

EASTING (NAD 83)

3400478.79

**BASIS OF BEARINGS,
ELEVATIONS & DATUM**

SPCS COLORADO SOUTH NAD 27
BASED ON GPS OBSERVATIONS AND
OPUS SOLUTION BEING A No. 5
REBAR DRG CONTROL POINT
"CP 33 2860" HAVING A NAD83(2011)
POSITION OF:
LAT 37° 33' 26.87" NORTH
LONG 104° 06' 51.81" WEST
NAVD88 ELEVATION: 5441.08'

NOTES

1. GPS OPERATOR J. MONTOYA OBSERVED A PDOP OF 2.2.
2. ALL GPS OBSERVATIONS ARE IN COMPLIANCE WITH COGCC RULE No.215.
3. EXISTING IMPROVEMENTS WITHIN 2000' OF LOCATION. SEE LOC. DRAWING.
4. SURROUNDING SURFACE USE IS NATIVE BRUSH, NON CROP RANGELAND.

LEGEND

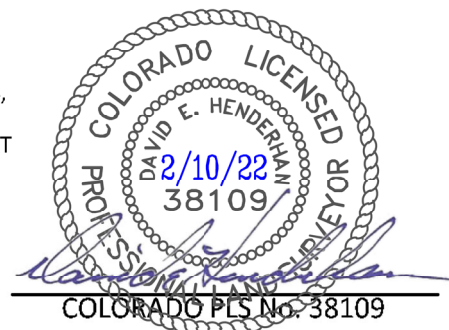
- ◆ WELL LOCATION
- └ DENOTES 90° TIE
- FOUND MONUMENT AS NOTED
- CALCULATED LOCATION
- BLM LEASE LINE

THE NORTH LINE OF THE NW¼ OF
SECTION 33, MONUMENTED BY 3"
AC'S AND BEARING S 89°54'25" E.

SURVEYOR'S STATEMENT

I, DAVID E. HENDERHAN, AN EMPLOYEE AND AGENT ON BEHALF OF D.R. GRIFFIN & ASSOCIATES, INC. STATE THE PLAT HEREON IS A CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION ON THE 11th DAY OF JANUARY, 2022 OF THE SHOWN BBB 33 SESE 2860 AND THAT THE LOCATION HAS BEEN STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

Notice: In accordance with Colorado State Law, any legal action based upon any defect in this survey plat must commence within three (3) years after first discovery of such defect. In no event, may any action based upon any defect in this survey plat be commenced more than ten (10) years from the date of certification shown hereon.



BBB 33 SESE 2860

COLORADO PLS No. 38109

DRG **DAVID E. HENDERHAN**
DAVID E. HENDERHAN
(307) 362-5028 1414 ELK ST., ROCK SPRINGS, WY 82901

**PLAT OF DRILLING LOCATION IN SESE,
SECTION 33, FOR
BNL (ENTERPRISE) INC.**

**1211' F/SL, & 1197' F/EL, SECTION 33,
T. 28 S., R. 60 W., 6TH P.M.,
LAS ANIMAS COUNTY, COLORADO**

DRAWN: 2/7/22 - JMB

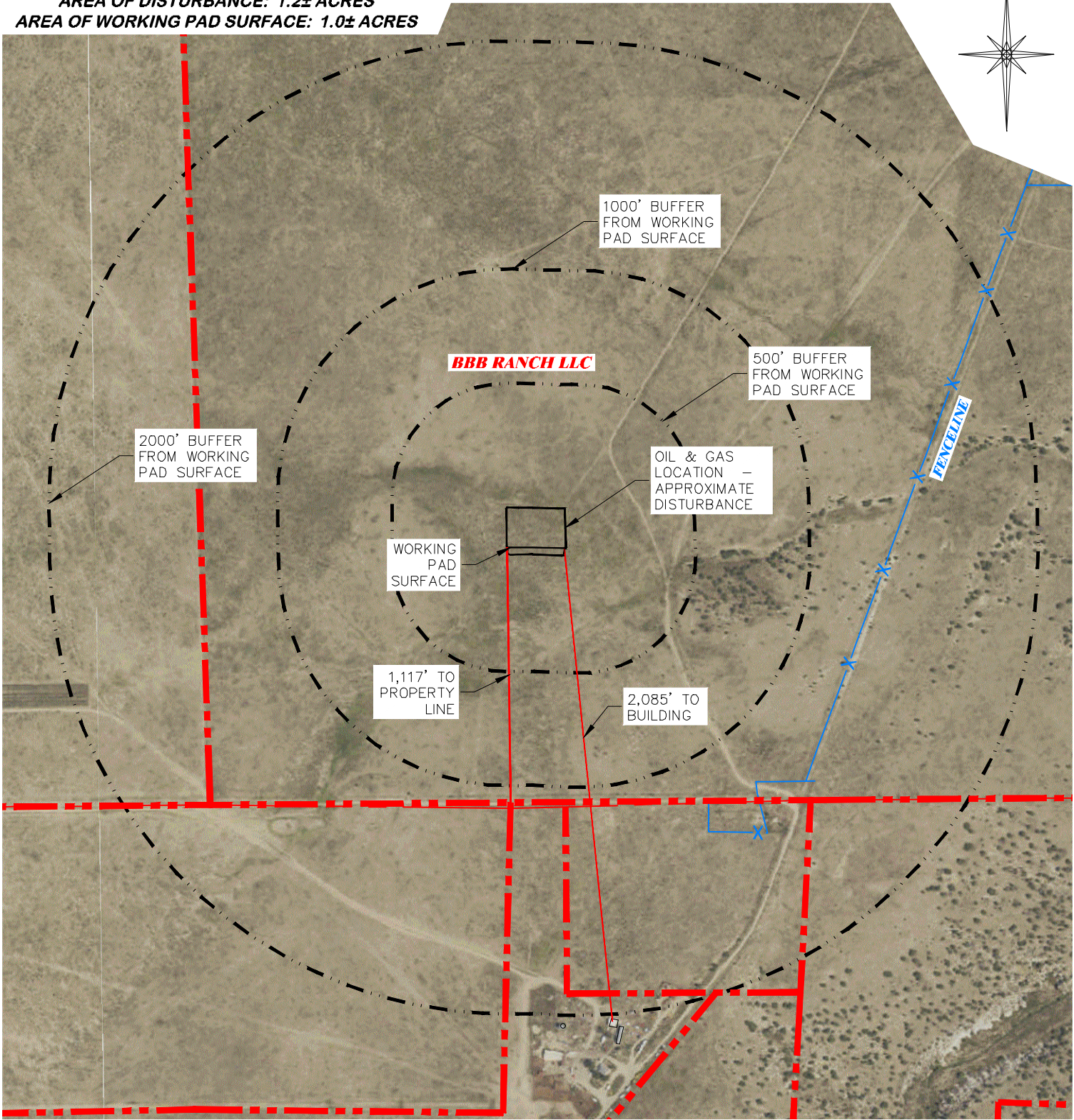
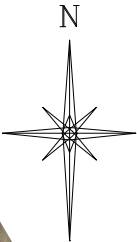
SCALE: 1" = 1000'

REVISED: NA

DRG JOB No. 22197

EXHIBIT A

UNGRADED ELEVATION: 5425.0'
FINAL ELEVATION: 5424.2'
AREA OF DISTURBANCE: 1.2± ACRES
AREA OF WORKING PAD SURFACE: 1.0± ACRES




CULTURAL ITEMS	
MEASURED FROM NEAREST EDGE OF THE PROPOSED WORKING PAD SURFACE	
BUILDING	2085+S
RESIDENTIAL BUILDING	2085+S
HIGH OCCUPANCY BUILDING	5280+
SCHOOL PROPERTIES	5280+
DOAA	5280+
PUBLIC ROAD	1522+SE
ABOVE GROUND UTILITY	2322+S
RAILROAD	5280+
PROPERTY LINE	1117+S
SCHOOL FACILITIES	5280+
SCHOOL PROPERTY LINE	5280+
CHILDCARE FACILITY	5280+
CHILD CARE FACILITY P PROPERTY LINE	5280+
DI COMMUNITY	5280+

CULTURAL FEATURE INFORMATION			
PRODUCTION FEATURE	0-500 FEET	501 - 1,000 FEET	1,001 - 2,000 FEET
	NUMBER	NUMBER	NUMBER
BUILDING	0	0	0
RESIDENTIAL BUILDING	0	0	0
HIGH OCCUPANCY BUILDING	0	0	0
SCHOOL PROPERTIES	0	0	0
SCHOOL FACILITIES	0	0	0
DOAA	0	0	0



BBB 33 SESE 2860



DRG

RIFFIN & ASSOCIATES, INC.

(307) 362-5028

1414 ELK ST., ROCK SPRINGS, WY 82901

DRAWN: 2/7/22 - JMB	SCALE: 1" = 600'
REVISED: 3/9/2022 - MCL	DRG JOB No. 22197
ADDED PAD BUFFERS	304b(3)C CULTURAL

CULTURAL DISTANCES DRAWING

CULTURAL DISTANCES

BNL (ENTERPRISE) INC.

BBB 33 SESE 2860

SESE , SECTION 33 , T. 28 S. , R. 60 W. , 6th P.M. ,

LAS ANIMAS COUNTY, COLORADO


An aerial photograph of a desert landscape, likely in the Mojave Desert, showing a large, flat, sandy area with sparse, low-lying vegetation. A central circular diagram is overlaid on the image, divided into four quadrants by two intersecting lines. The quadrants are labeled: "VIEW NORTH" at the top, "VIEW SOUTH" at the bottom, "VIEW WEST" on the left, and "VIEW EAST" on the right. A small rectangular box is centered within the circle, at the intersection of the two lines. In the top left corner, there is a scale bar and a north arrow. The scale bar is marked from 0 to 400 feet. The north arrow points towards the top of the image.

LAT: N 37.560784
LONG: W 104.118327

A photograph of a red and white flag on a wooden pole in a dry, open field. The flag is attached to a dark wooden pole and is partially unfurled, showing a red top half and a white bottom half. The field is covered in dry, yellowish-brown grass and small shrubs. In the background, there are rolling hills and a clear blue sky with scattered white clouds.

A photograph of a red and white flag on a pole in a dry, open field. The flag is positioned in the center-left of the frame. The ground is covered in dry, yellowish-brown grass and small shrubs. In the background, there is a flat horizon line under a sky filled with white and grey clouds. A small, light-colored vehicle is visible on the right side of the horizon.

A photograph of a red flag on a black pole, standing in a dry, open field. The flag is red with a white vertical stripe. The field is covered in dry, yellowish-brown grass and small shrubs. In the background, there is a flat horizon line under a bright blue sky with scattered white clouds.



DRG

RIFFIN & ASSOCIATES, INC.

1414 ELK ST., ROCK SPRINGS, WY 82901

362-5028

<i>DRAWN: 2/7/22 - JMB</i>	<i>SCALE: NONE</i>
<i>REVISED: NA</i>	<i>DRG JOB No. 22197</i>
	<i>304b(4) LOC PIC</i>

**BNL (ENTERPRISE) INC.
BBB 33 SESE 2860
SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO**

UNGRADED ELEVATION: 5425.0'
FINAL ELEVATION: 5424.2'
AREA OF DISTURBANCE: 1.2± ACRES
AREA OF WORKING PAD SURFACE: 1.0± ACRES

BBB 33 SESE 2860

N

500

0

500

SCALE FEET

BEFORE DIGGING
CALL FOR
UTILITY LINE LOCATION

PAD LOCATION:
LAT: N 37.560784
LONG: W 104.118327

CHIVO INC A TEXAS CORPORATION

BBB RANCH LLC

GUTIERREZ PEDRO & AMANDA IN LIVING TRUST (QCD)

HALL WALTER M & LYNDAL

ARCHAEOLOGICAL CONSERVANCY (THE) A NON-PROFIT CORP (SWD)

WORKING PAD SURFACE

2000' WORKING PAD SURFACE BUFFER

OIL AND GAS LOCATION DISTURBANCE

EXISTING COUNTY ROAD

EXISTING 2-TRACK ROAD

EXISTING PROPERTY LINE

FEDERAL LEASE BOUNDARY

LOCATION DRAWING FEATURES 304b(7)A	
FEATURE	DISTANCE
i BUILDING	2085'
i BUILDING UNITS	2085'
ii PUBLICLY MAINTAINED ROADS AND TRAILS	1522'
iii FENCES	AS NOTED
iv ABOVE GROUND UTILITIES	2322'
v RAILROADS	5280'
vi PIPELINES	5280'
vii MINES	5280'
viii OIL AND GAS WELLS AND PRODUCTION FACILITIES	5280'
ix INJECTION WELLS	5280'
x PLUGGED OIL AND GAS WELLS	5280'
xi KNOWN WATER WELLS	4080'
xii KNOWN SEWERS WITH MANHOLES	5280'

DRG

RIFFIN & ASSOCIATES, INC.

1414 ELK ST., ROCK SPRINGS, WY 82901

(307) 362-6028

DRAWN: 2/7/22 - JMB

REVISD: 3/9/2022 - MCL

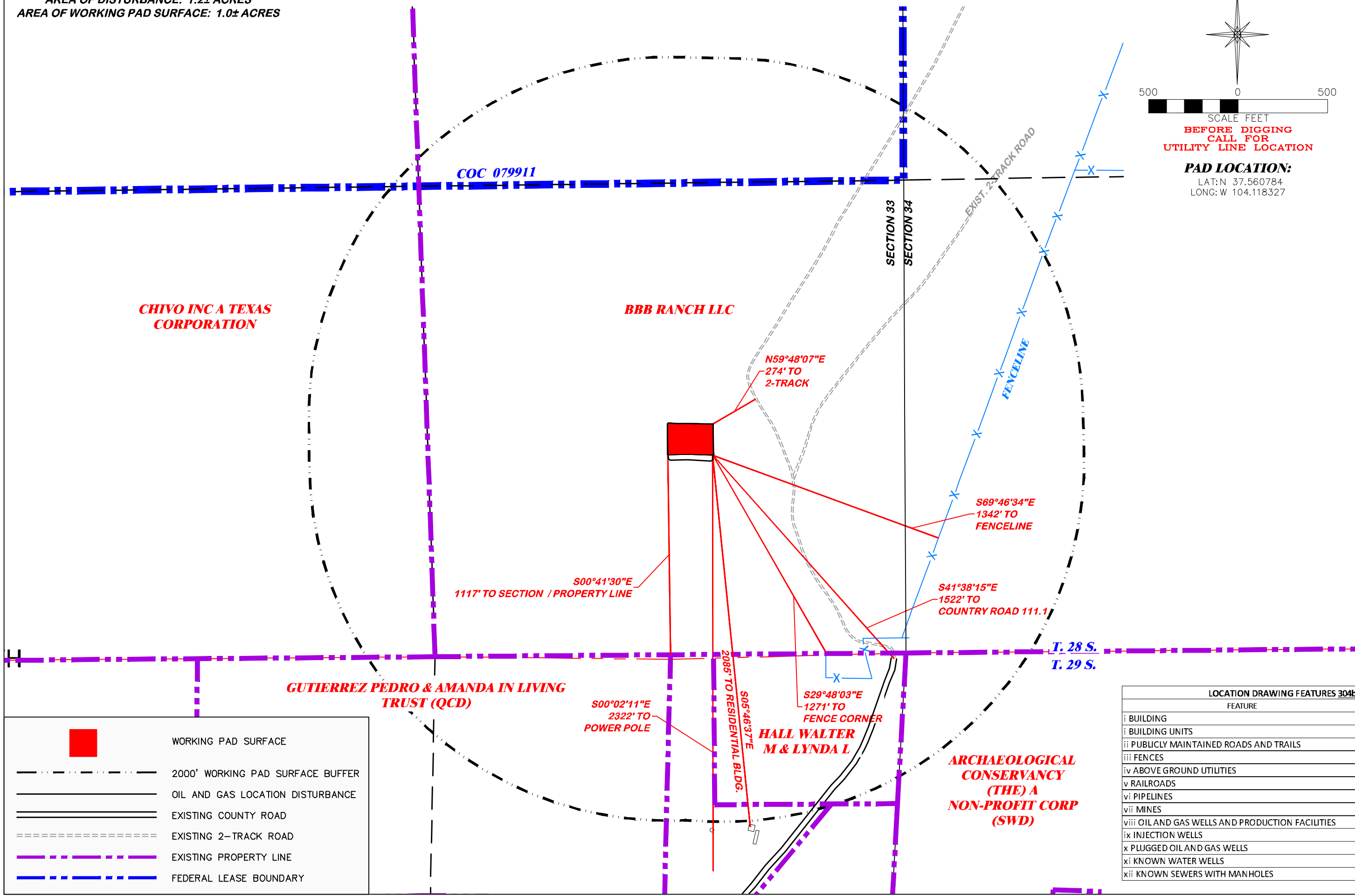
SCALE: 1" = 500'

DRG JOB No. 22197

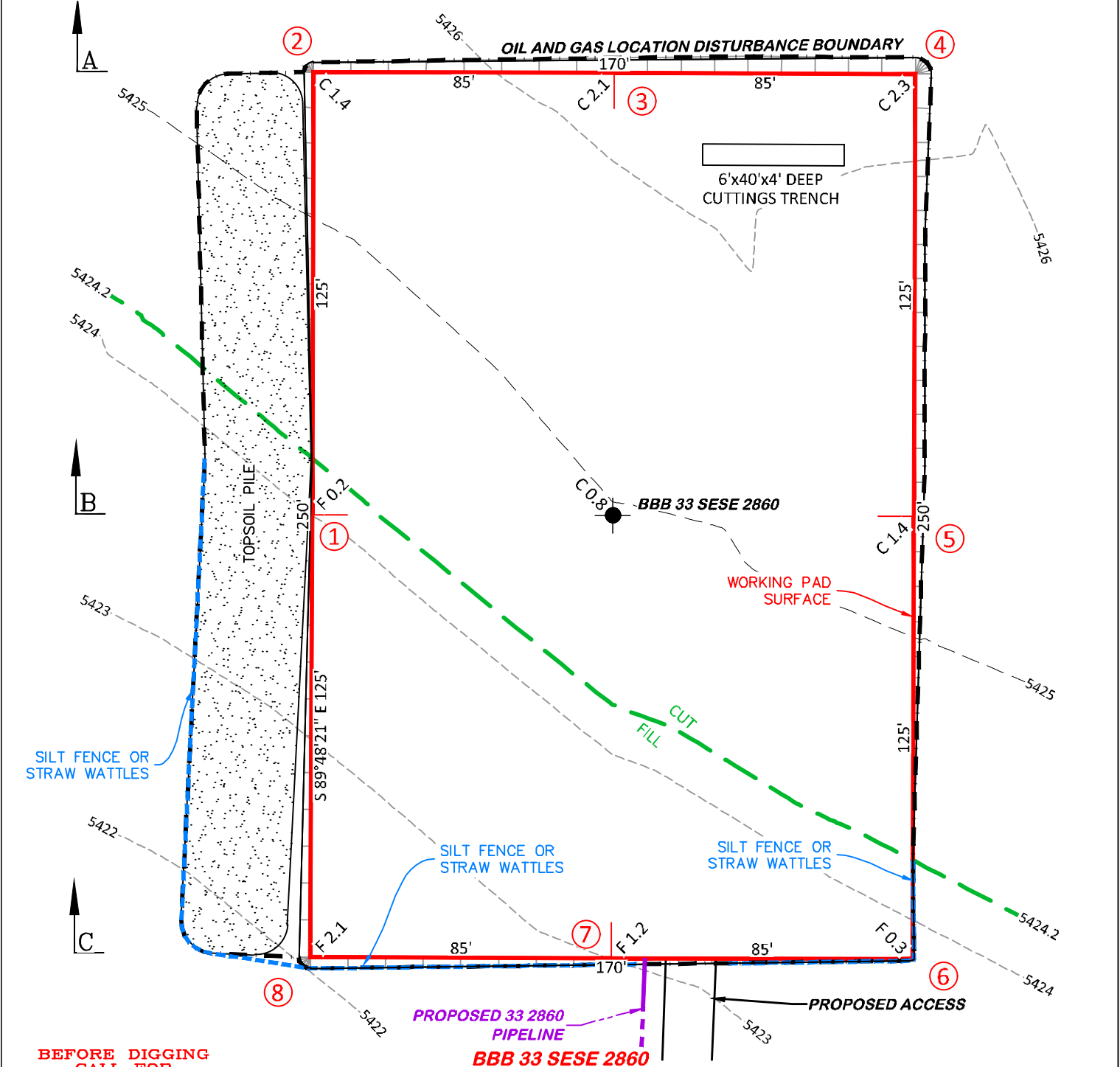
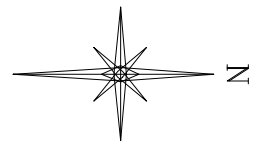
304b(7) LOC DWG

LOCATION DRAWING

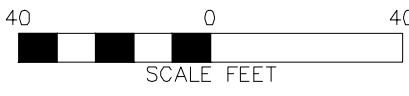
BNL (ENTERPRISE) INC.
BBB 33 SESE 2860
SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO



UNGRADED ELEVATION: 5425.0'
 FINAL ELEVATION: 5424.2'
 PROPOSED AREA OF DISTURBANCE: 1.2± ACRES
 DRAINS SOUTHEASTERLY TO TIMPAS CREEK
 AREA OF WORKING PAD SURFACE: 1.0± ACRES
 ROAD DISTURBANCE: 2.1± ACRES



**BEFORE DIGGING
CALL FOR
UTILITY LINE LOCATION**
 NOTE: THE EARTH QUANTITIES ON
THIS DRAWING ARE ESTIMATED AND
THE USE OF SAID QUANTITIES IS AT
THE RESPONSIBILITY OF THE USER.



CONSTRUCTION LAYOUT DRAWING 1 OF 5

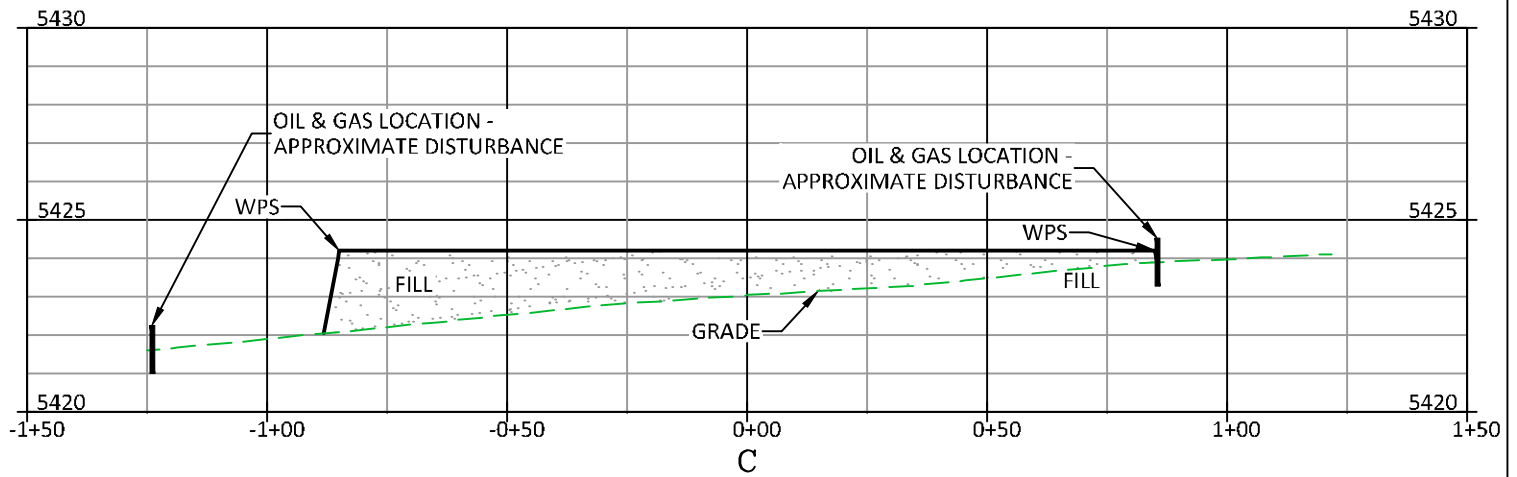
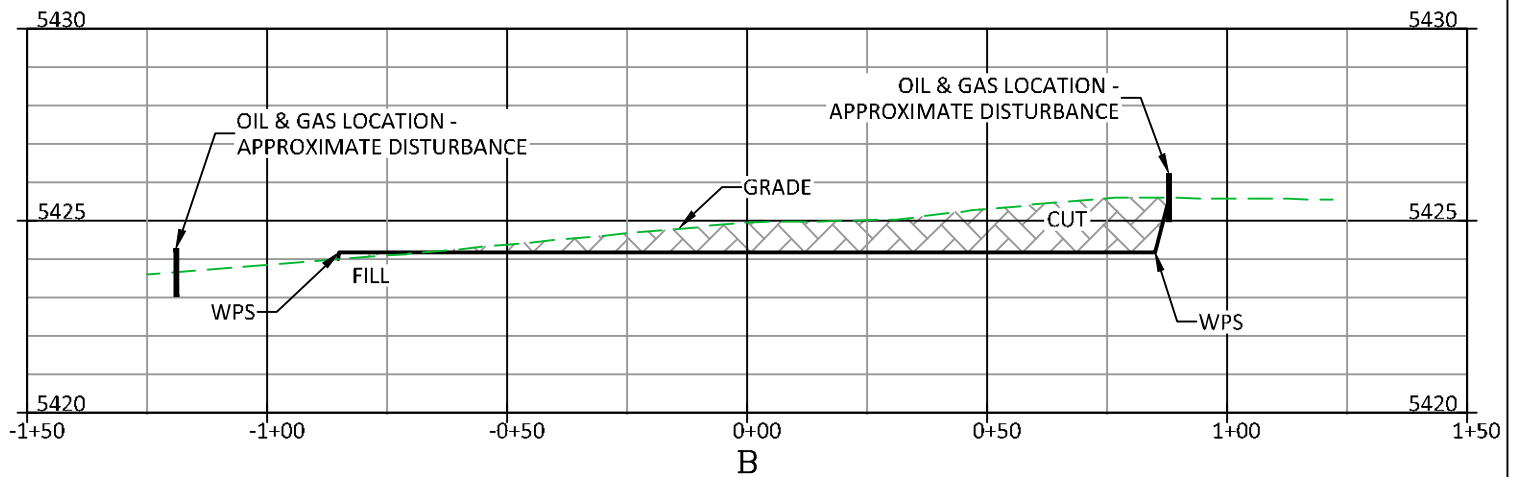
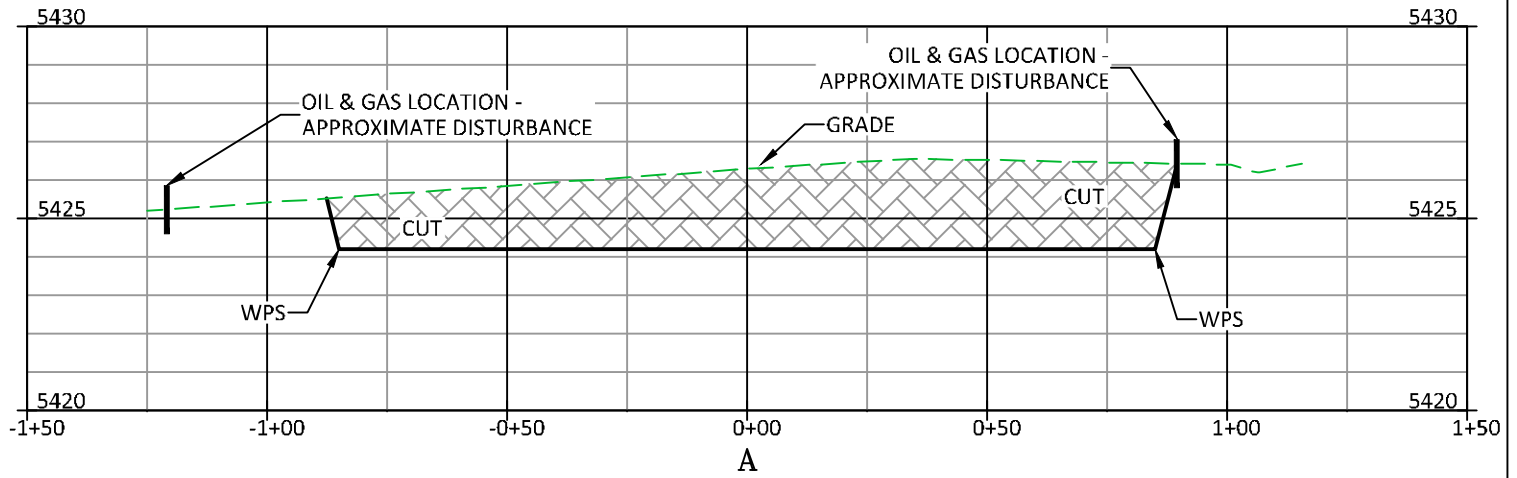
PLAN
BNL (ENTERPRISE) INC.
BBB 33 SESE 2860
SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO

ESTIMATED EARTHWORK

DRG **RIFFIN & ASSOCIATES, INC.**
 (307) 362-5028 1414 ELK ST., ROCK SPRINGS, WY 82901

DRAWN: 2/7/22 - JMB	SCALE: 1" = 40'
REVISED: 8/24/22 - JMB	DRG JOB No. 22197
REVISED CUTTINGS / RIG LAYOUT	304 B(7)BI CONST

ITEM	CUT	FILL	TOPSOIL	EXCESS
PAD	1,199 CY	361 CY	834 CY	4 CY
PIT	NONE			NONE
TOTALS	1,199 CY	361 CY	834 CY	4 CY



CUT SLOPES - 2:1

FILL SLOPES - 1.5:1

BBB 33 SESE 2860

DRG **RIFFIN & ASSOCIATES, INC.**
 (307) 362-5028 1414 ELK ST., ROCK SPRINGS, WY 82901

DRAWN: 2/7/22 - JMB	SCALE: H - 1" = 40' V - 1" = 5'
REVISED: 3/15/22 MCL	DRG JOB No. 22197
MISC	304 B(7)BI XSEC

CONSTRUCTION LAYOUT DRAWING 2 OF 5

**CONSTRUCTION LAYOUT DRAWING
CROSS-SECTIONS**

BNL (ENTERPRISE) INC.

BBB 33 SESE 2860

**SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO**

UNGRADED ELEVATION: 5425.0'

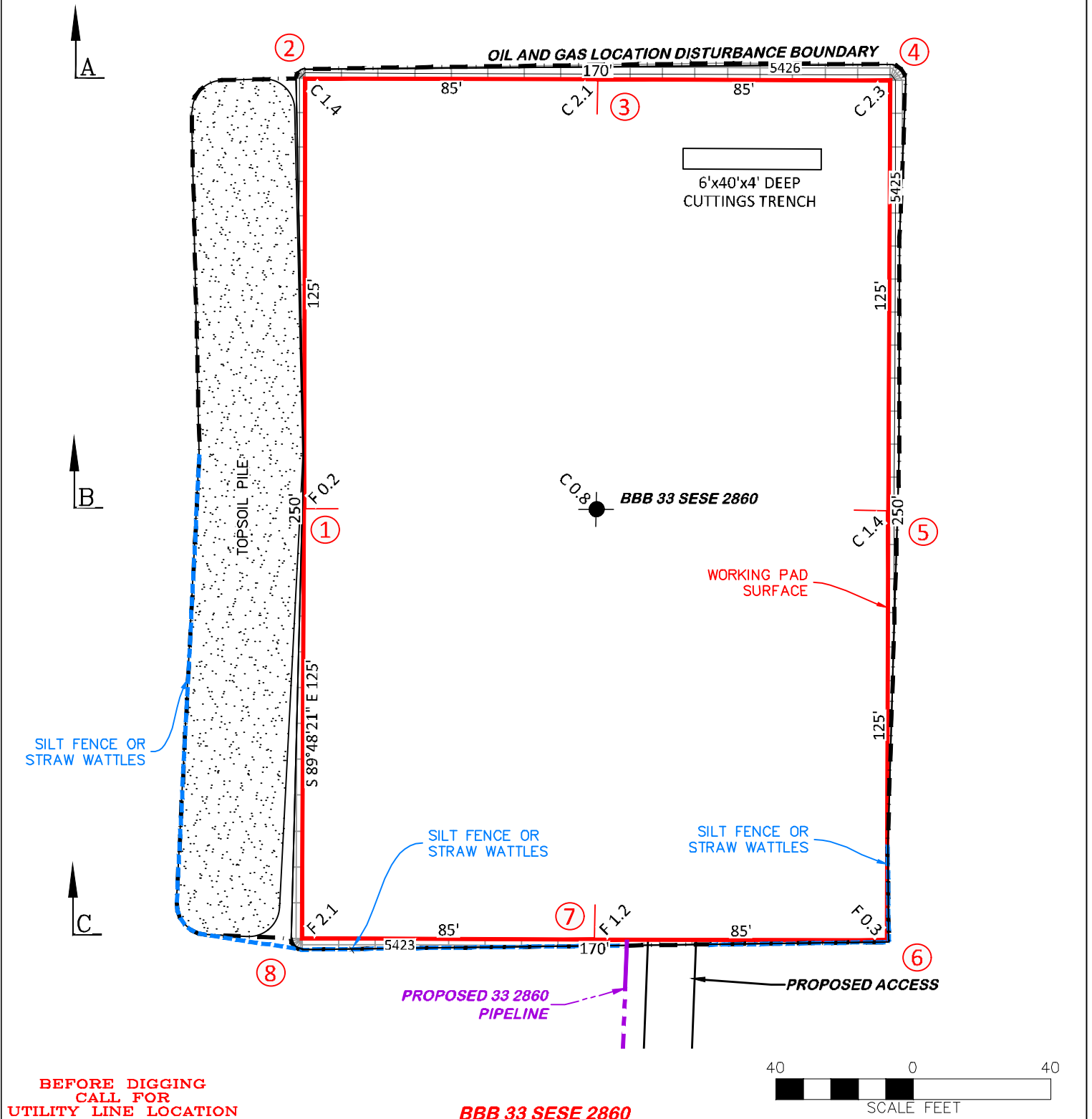
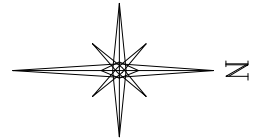
FINAL ELEVATION: 5424.2'

PROPOSED AREA OF DISTURBANCE: 1.2± ACRES

DRAINS SOUTHEASTERLY TO TIMPAS CREEK

AREA OF WORKING PAD SURFACE: 1.0± ACRES

ROAD DISTURBANCE: 2.1± ACRES



BEFORE DIGGING
CALL FOR
UTILITY LINE LOCATION

BBB 33 SESE 2860



DRG RIFFIN & ASSOCIATES, INC.
(307) 362-5028 1414 ELK ST., ROCK SPRINGS, WY 82901

DRAWN: 2/7/22 - JMB

SCALE: 1" = 40'

REVISED: 8/24/22 - JMB

DRG JOB No. 22197

REVISED CUTTINGS / RIG LAYOUT

304 B(7)Bi DSGN CONT

CONSTRUCTION LAYOUT DRAWING 3 OF 5

CONSTRUCTION LAYOUT DRAWING
PLANNED CUT-FILL CONTOURS

BNL (ENTERPRISE) INC.

BBB 33 SESE 2860

SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO

UNGRADED ELEVATION: 5425.0'

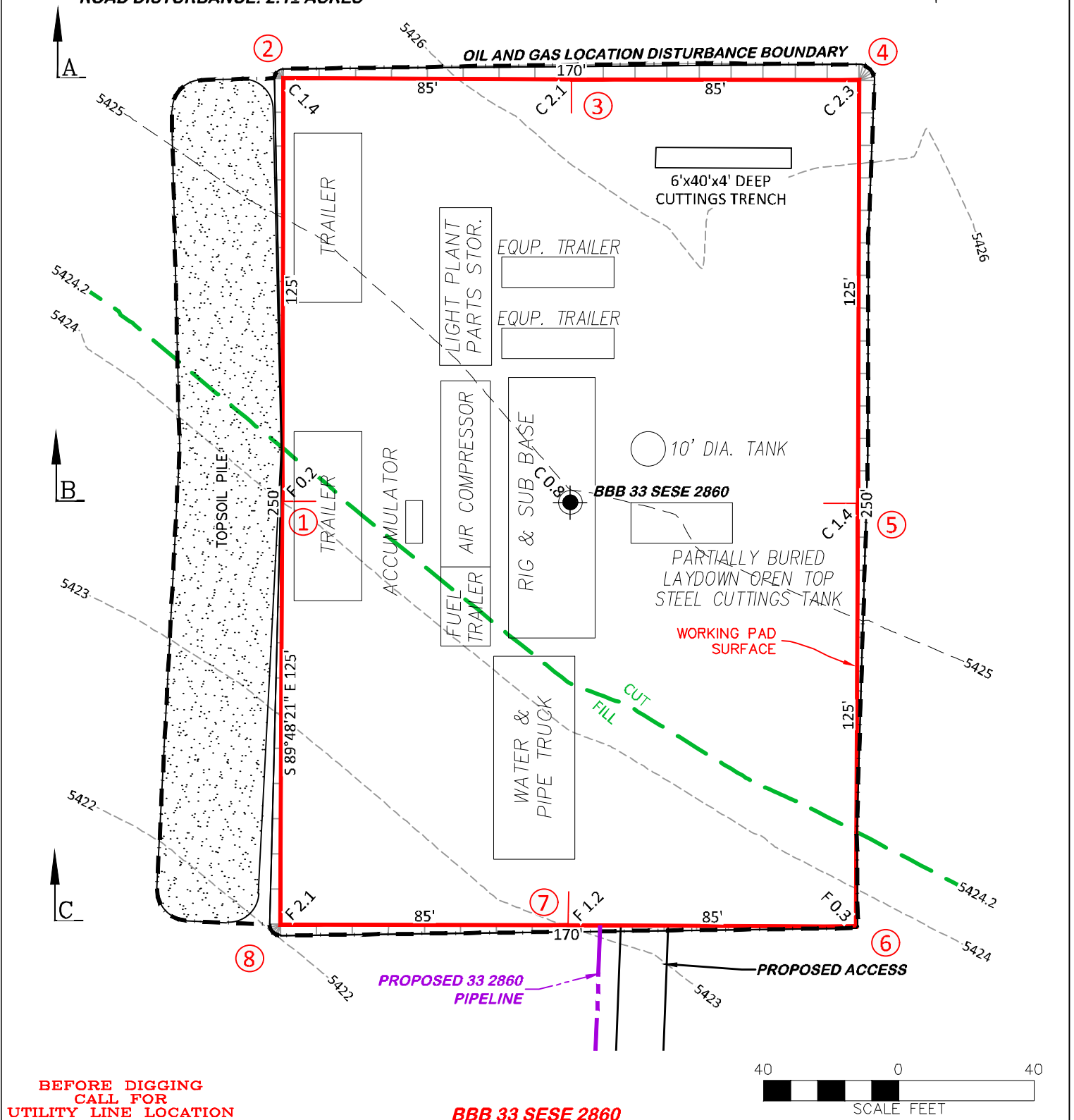
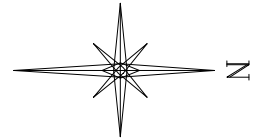
FINAL ELEVATION: 5424.2'

PROPOSED AREA OF DISTURBANCE: 1.2± ACRES

DRAINS SOUTHEASTERLY TO TIMPAS CREEK

AREA OF WORKING PAD SURFACE: 1.0± ACRES

ROAD DISTURBANCE: 2.1± ACRES



BEFORE DIGGING
CALL FOR
UTILITY LINE LOCATION

BBB 33 SESE 2860

40 0 40
SCALE FEET



RIFFIN & ASSOCIATES, INC.

(307) 362-5028

1414 ELK ST., ROCK SPRINGS, WY 82901

DRAWN: 2/7/22 - JMB

SCALE: 1" = 40'

REVISED: 8/24/22 - JMB

DRG JOB No. 22197

REVISED CUTTINGS / RIG LAYOUT

304 B(7)Bii RIG

CONSTRUCTION LAYOUT DRAWING 4 OF 5

PRELIMINARY RIG LAYOUT DRAWING
BNL (ENTERPRISE) INC.

BBB 33 SESE 2860

SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO

UNGRADED ELEVATION: 5425.0'

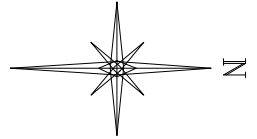
FINAL ELEVATION: 5424.2'

PROPOSED AREA OF DISTURBANCE: 1.2± ACRES

DRAINS SOUTHEASTERLY TO TIMPAS CREEK

AREA OF WORKING PAD SURFACE: 1.0± ACRES

ROAD DISTURBANCE: 2.1± ACRES



OIL AND GAS LOCATION DISTURBANCE BOUNDARY

RECLAIMED AREA
1.0 ACRES±

PRODUCTION PAD SURFACE

BBB 33 SESE 2860

10' DIA. TANK

SEPARATOR

PROPOSED FLOWLINE TO GATHERING

PROPOSED 33 2860
PIPELINE

PROPOSED ACCESS

BEFORE DIGGING
CALL FOR
UTILITY LINE LOCATION

BBB 33 SESE 2860



RIFFIN & ASSOCIATES, INC.

(307) 362-5028

1414 ELK ST., ROCK SPRINGS, WY 82901

DRAWN: 2/7/22 - JMB

SCALE: 1" = 40'

REVISED: 8/24/22 - JMB

DRG JOB No. 22197

REVISED CUTTINGS / RIG LAYOUT

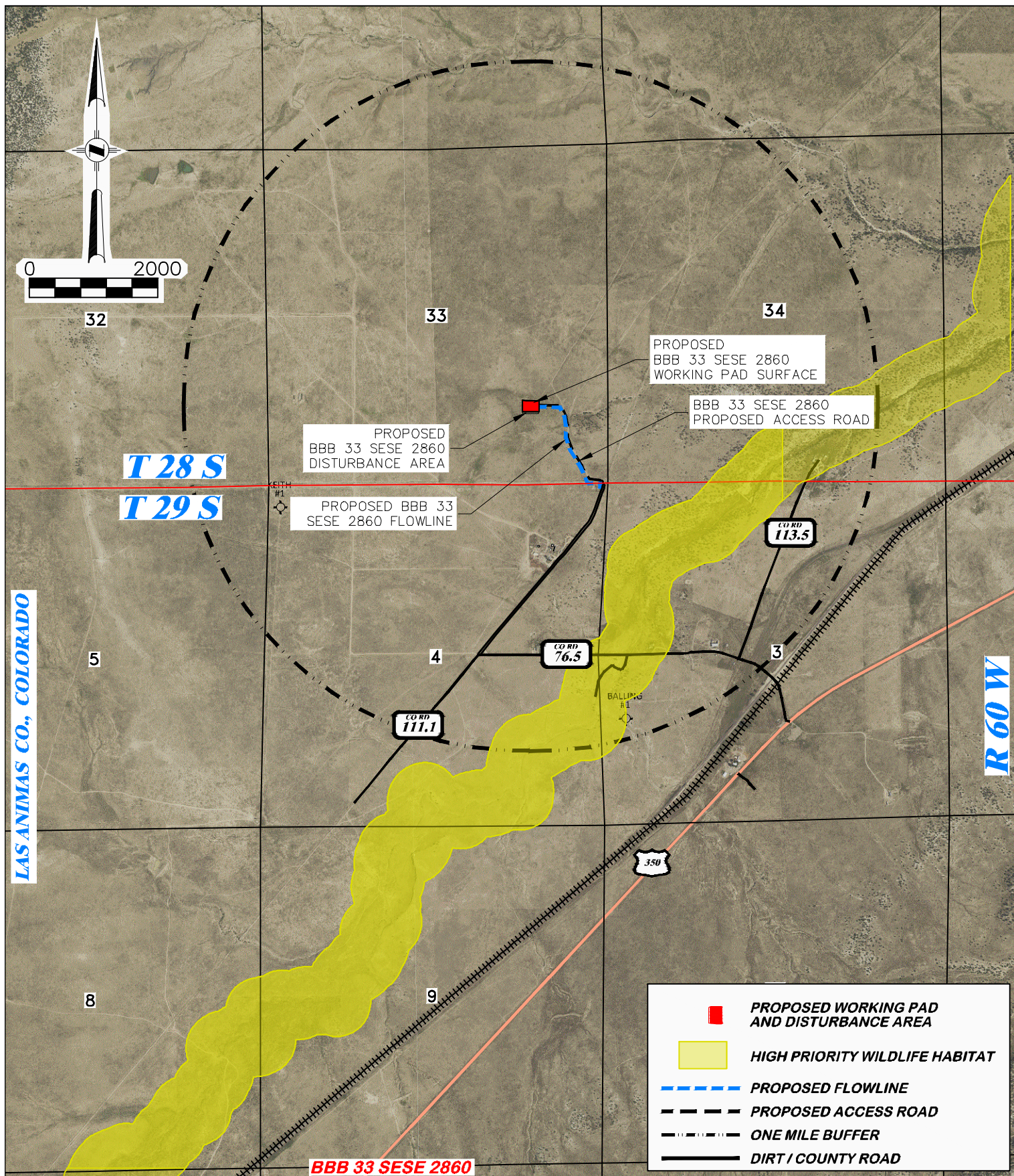
304 B(7)BII FACILITY


CONSTRUCTION LAYOUT DRAWING 5 OF 5

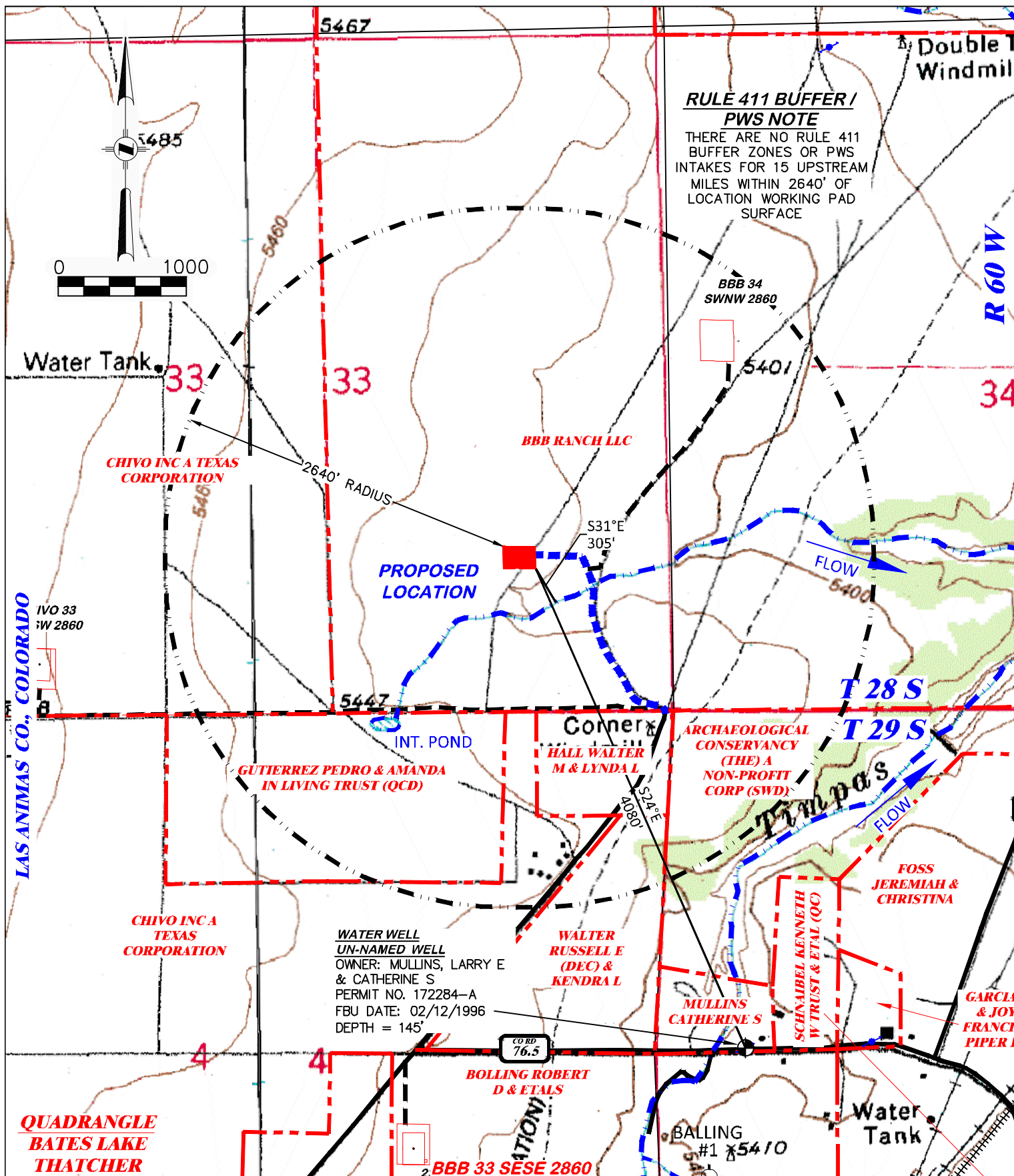
FACILITY LAYOUT DRAWING
BNL (ENTERPRISE) INC.

BBB 33 SESE 2860

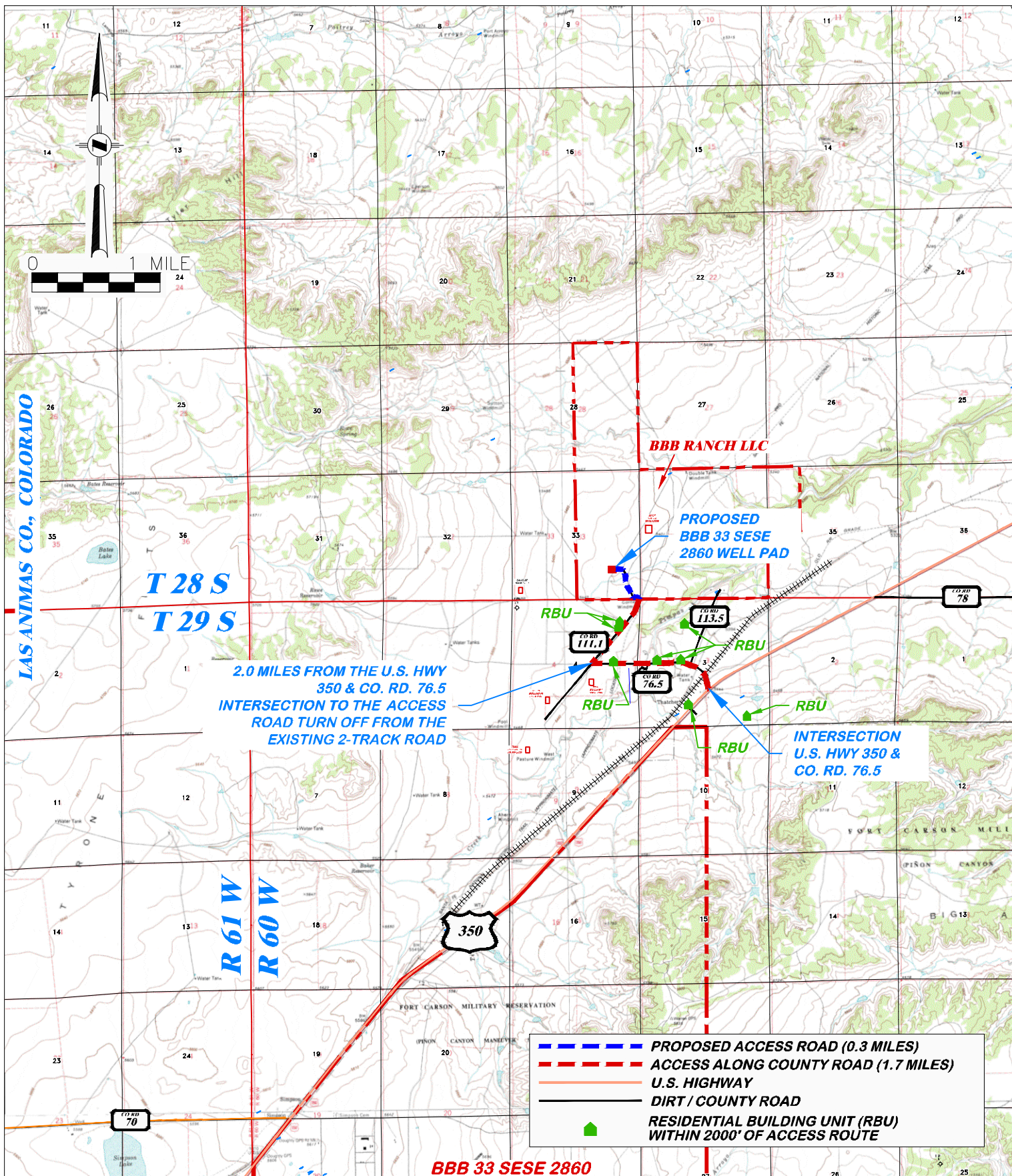
SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO



 DRG RIFFIN & ASSOCIATES, INC. (307) 362-5028 1414 ELK ST., ROCK SPRINGS, WY 82901		WILDLIFE HABITAT DRAWING	
DRAWN: 3/9/2022- MCL	SCALE: 1" = 500'	BNL (ENTERPRISE) INC. BBB 33 SESE 2860 SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M., LAS ANIMAS COUNTY, COLORADO	
REVISED: 7/5/22 - JMB	DRG JOB No. 22197		
COGCC REVIEW REVISIONS	304b(7)C WILDLIFE		



DRG RIFFIN & ASSOCIATES, INC. (307) 362-5028 1414 ELK ST., ROCK SPRINGS, WY 82901		HYDROLOGY MAP BNL (ENTERPRISE) INC. BBB 33 SESE 2860 SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M., LAS ANIMAS COUNTY, COLORADO	
DRAWN: 2/7/22 - JMB	SCALE: 1" = 1000'	HISTORIC SPRING	PERENNIAL FLOW
REVISED: 3/9/2022 - MCL	DRG JOB No. 22197	INTERMITTENT FLOW	EXISTING ROAD
MISC.	304b(7)E HYDRO		



DRG RIFFIN & ASSOCIATES, INC.
1414 ELK ST., ROCK SPRINGS, WY 82901

(307) 362-5028

DRAWN: 2/7/22 - JMB

SCALE: 1" = MILE

REVISED: 3/15/22 MCL

DRG JOB No. 22197

MISC

304b(7)F ACCESS

PROPOSED ACCESS ROAD MAP

HAUL ROUTE

BNL (ENTERPRISE) INC.

BBB 33 SESE 2860

**SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO**

PROPOSED ROUTE

EXISTING ROAD

**SESE, SECTION 33, T.28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO**

UNGRADED ELEVATION: 5425.0'

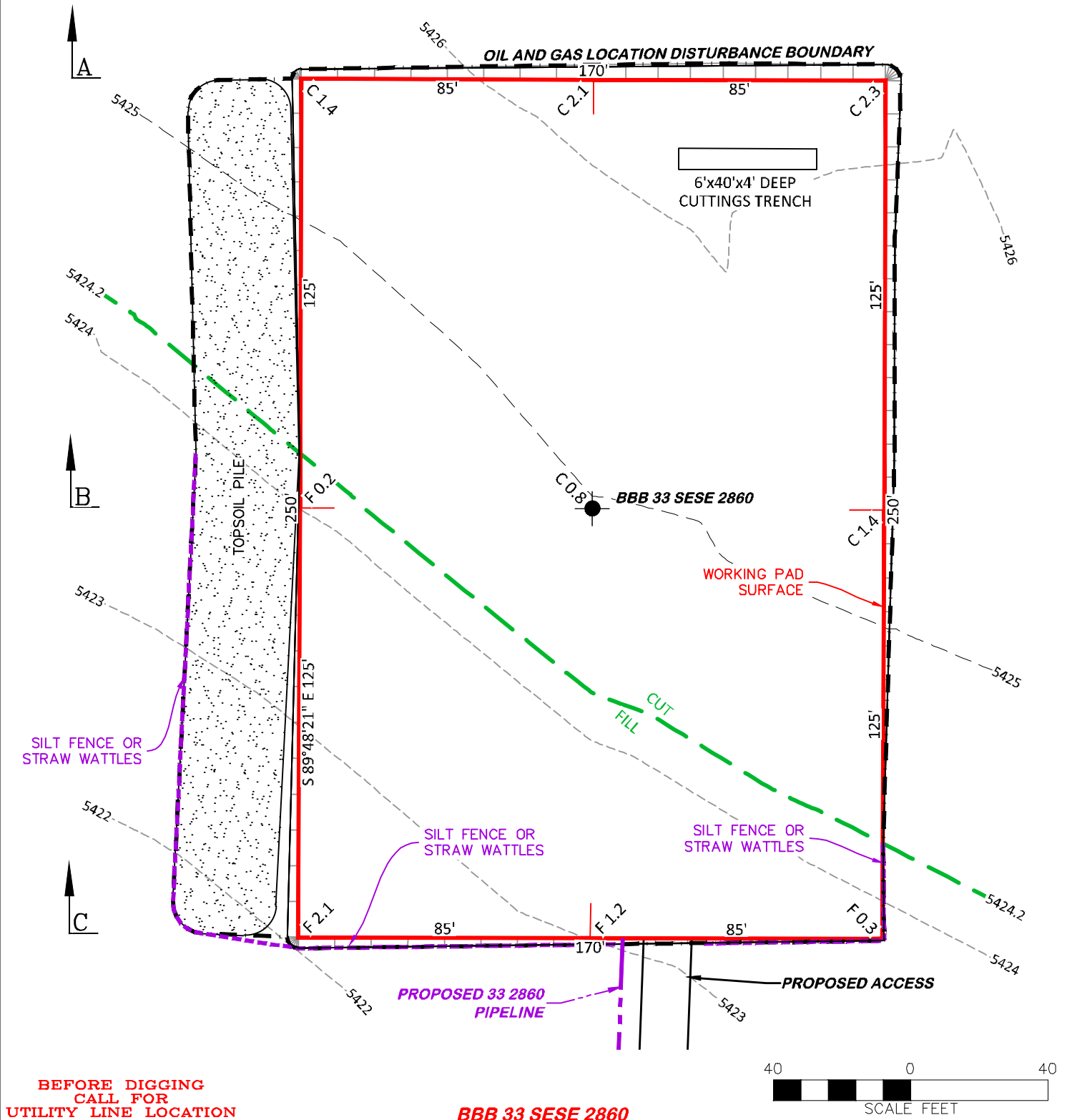
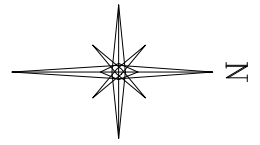
FINAL ELEVATION: 5424.2'

PROPOSED AREA OF DISTURBANCE: 1.2± ACRES

DRAINS NORTHERLY TO TIMPAS CREEK

AREA OF WORKING PAD SURFACE: 1.0± ACRES

ROAD DISTURBANCE: 2.1± ACRES



**BEFORE DIGGING
CALL FOR
UTILITY LINE LOCATION**

BBB 33 SESE 2860



RIFFIN & ASSOCIATES, INC.

(307) 362-5028

1414 ELK ST., ROCK SPRINGS, WY 82901

DRAWN: 2/7/22 - JMB

SCALE: 1" = 40'

REVISED: 8/24/22 - JMB

DRG JOB No. 22197

REVISED CUTTINGS / RIG LAYOUT

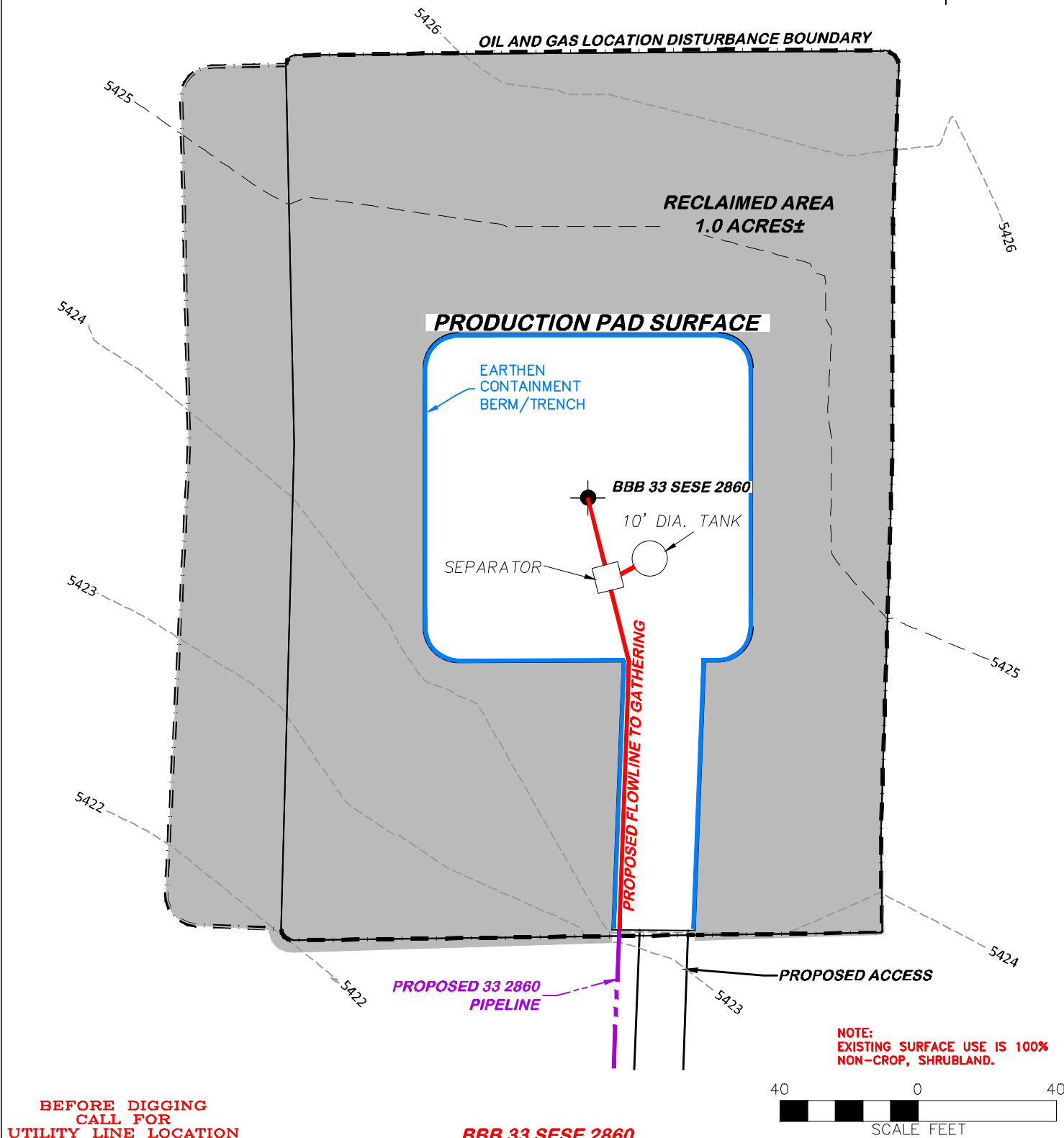
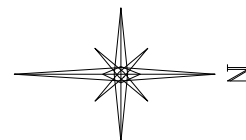
304C(15) BMP

**STORMWATER AND EROSION CONTROL PLAN
BNL (ENTERPRISE) INC.**

BBB 33 SESE 2860

**SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO**

APPROXIMATE DISTURBANCE AREA 1.2± ACRES
 PROPOSED RECLAMATED ON AREA: 1.0± ACRES
 INTERIM RECLAMATION DISTURBANCE: 0.2± ACRES
 AREA OF WORKING PAD SURFACE: 1.0± ACRES
 ROAD DISTURBANCE: 2.1± ACRES



BEFORE DIGGING
 CALL FOR
 UTILITY LINE LOCATION

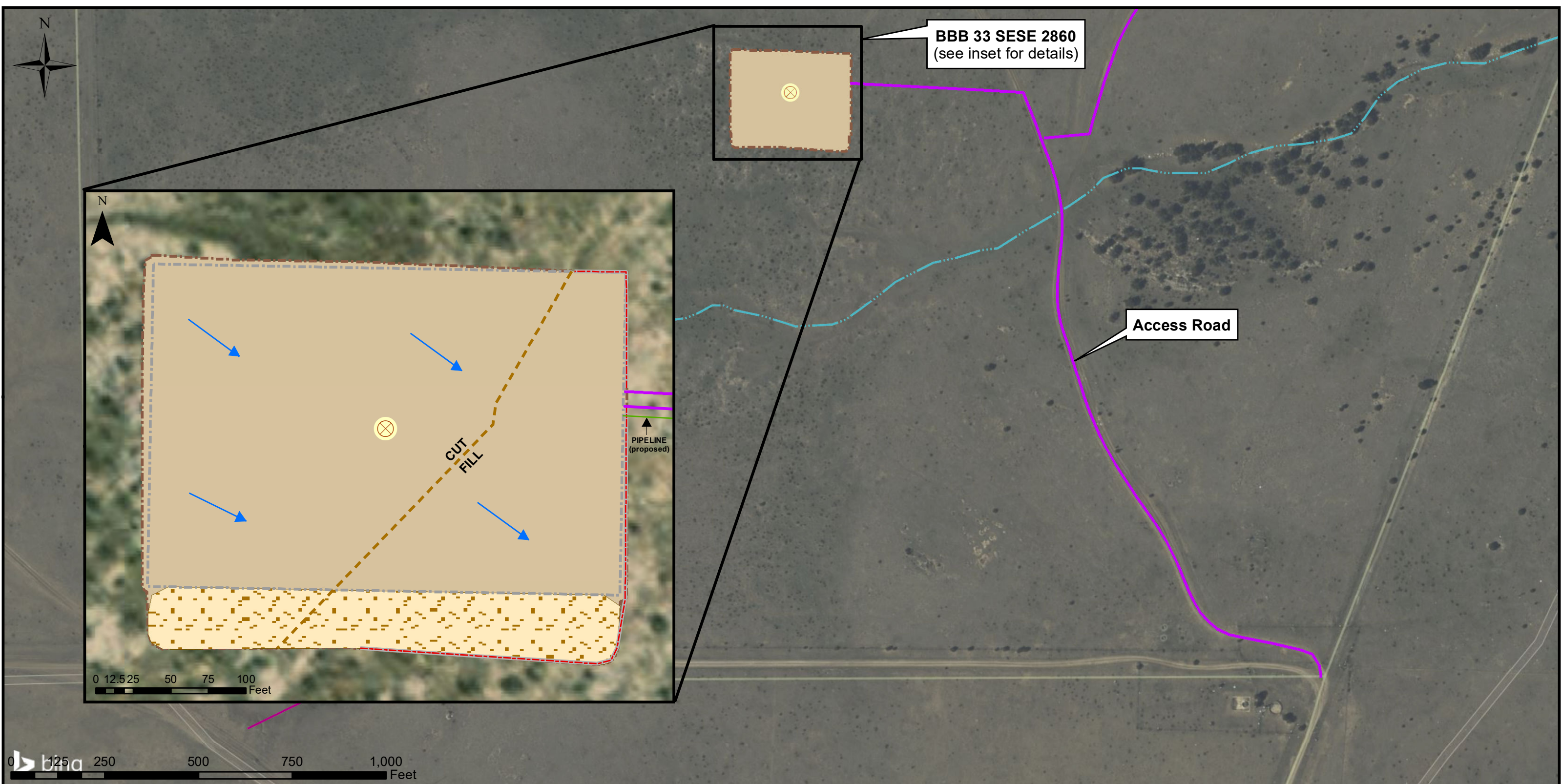
BBB 33 SESE 2860

DRG RIFFIN & ASSOCIATES, INC. (307) 362-5028 1414 ELK ST., ROCK SPRINGS, WY 82901	
DRAWN: 2/7/22 - JMB	SCALE: 1" = 60'
REVISED: 8/24/22 - JMB	DRG JOB No. 22197
REVISED CUTTINGS / RIG LAYOUT	304C(16) RECLAMATION

PROPOSED INTERIM RECLAMATION
BNL (ENTERPRISE) INC.
BBB 33 SESE 2860
SESE, SECTION 33, T. 28 S., R. 60 W., 6th P.M.,
LAS ANIMAS COUNTY, COLORADO

APPENDIX D

BBB 33 SESE 2860 CONTROL MEASURE MAP



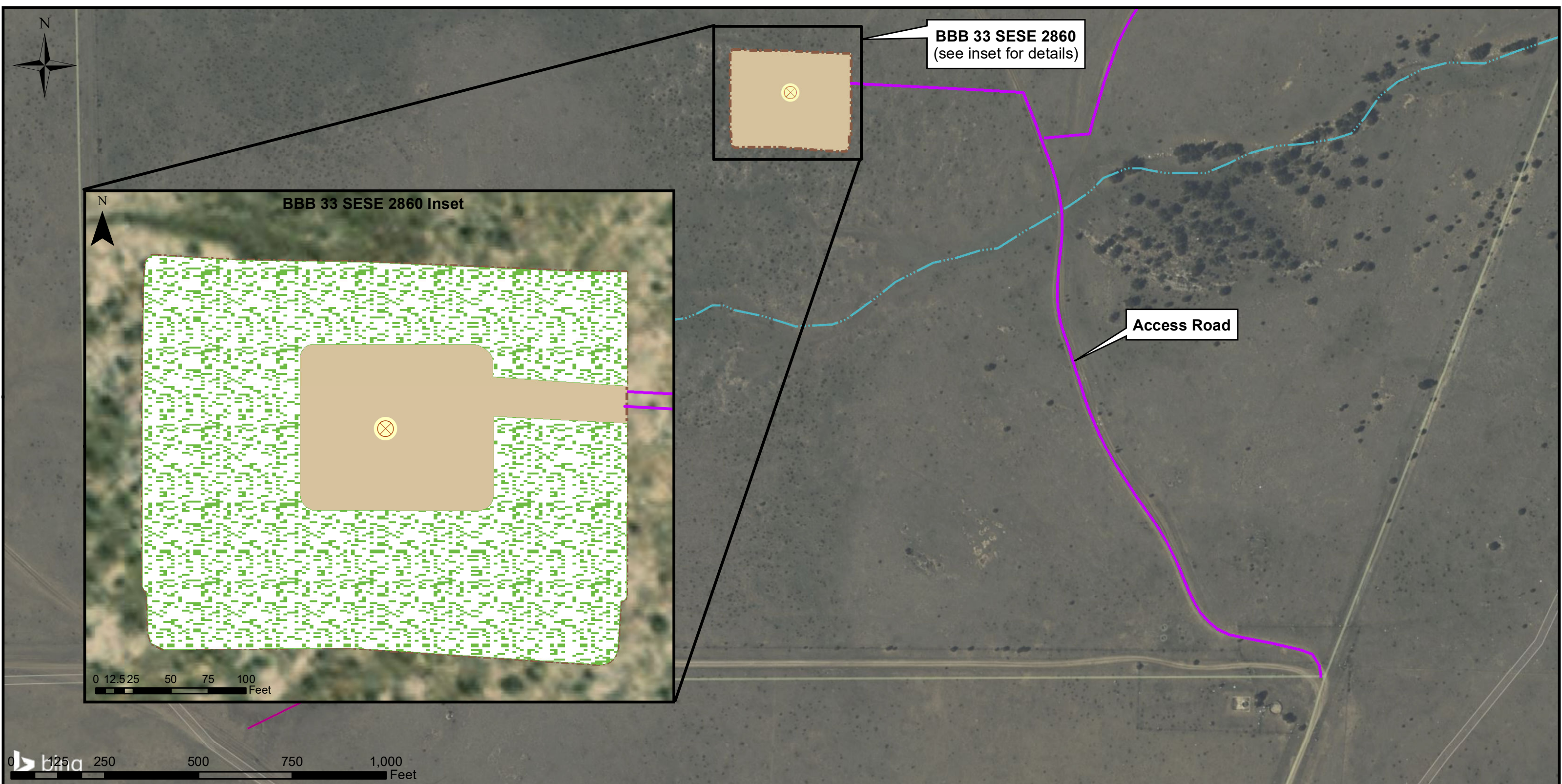
MAP FEATURES

- | | |
|----------------------------|-----------------------------|
| Disturbed Area | Intermittent Stream |
| Well Head Surface Location | Silt Fence or Straw Wattles |
| Surface Flow Direction | Topsoil Stockpile |
| Access Road | |
| Cut/Fill | |
| Production Area | |
| Perennial Stream | |

REVISION	DATE

BNL (Enterprise) Inc.	
BBB 33 SESE 2860 Stormwater Management Plan Site-Specific Diagram - Initial Construction <i>Section 33, Township 28S, Range 60W, Las Animas County</i>	
	DRAWN BY: MT (Aquionix) DATE DRAWN: 04/25/2022 MAP SCALE:1:3,000 COORD. SYSTEM: WGS_1984_Web_Mercator_Auxiliary_Sphere

Y:\BNL (Enterprise) Inc - 3913\GIS\mxds\BBB 33 SESE 2860



MAP FEATURES

- Disturbed Area
- Well Head Surface Location
- Access Road
- Perennial Stream
- Intermittent Stream
- Hydroseed

REVISION	DATE

BNL (Enterprise) Inc.

BBB 33 SESE 2860

Stormwater Management Plan

Site-Specific Diagram - Interim Reclamation

Section 33, Township 28S, Range 60W, Las Animas County

Aquionix
EHS Services

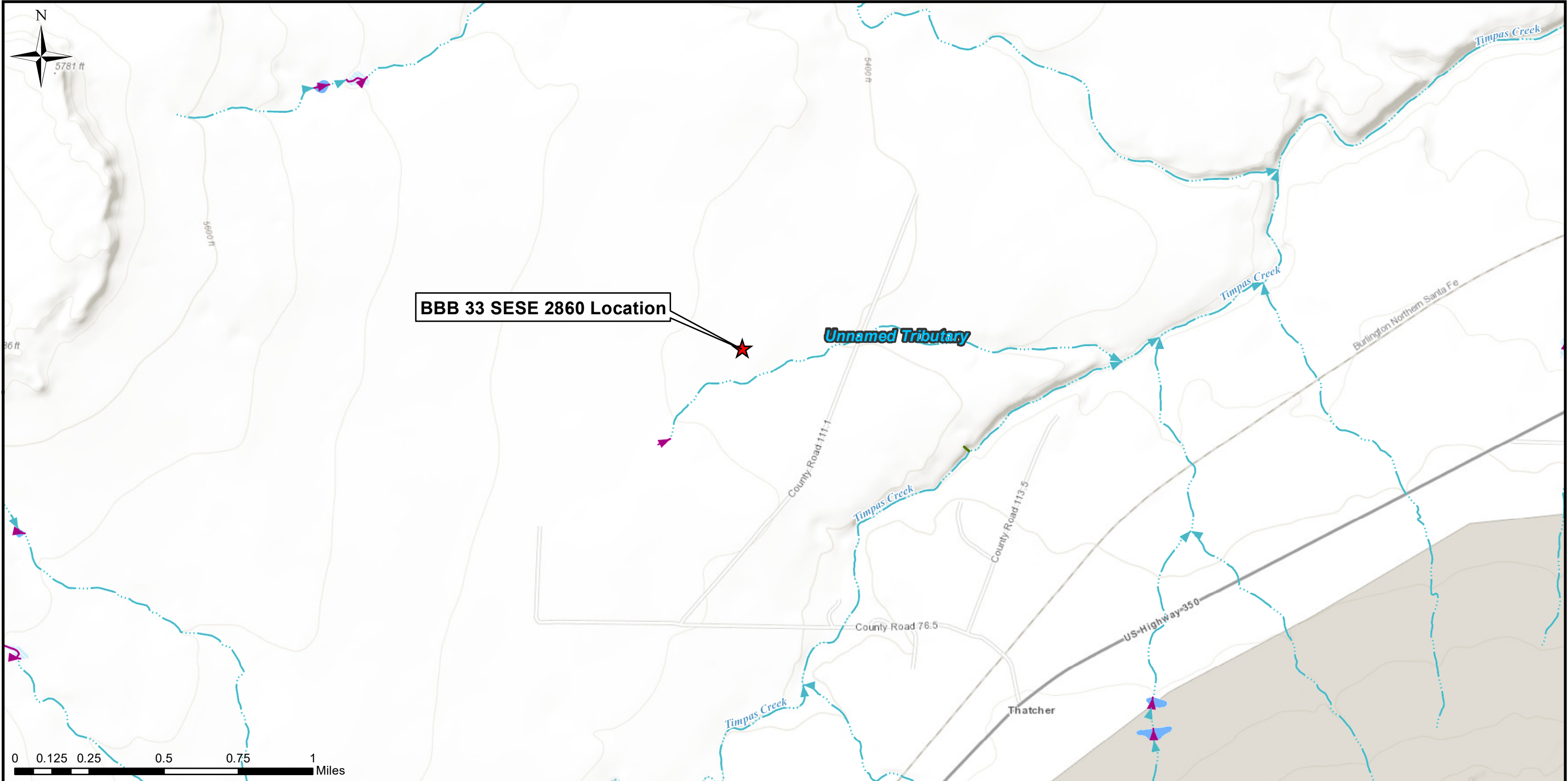
DRAWN BY: MT (Aquionix)

DATE DRAWN: 04/25/2022

MAP SCALE: 1:3,000

COORD. SYSTEM: WGS_1984_Web_Mercator_Auxiliary_Sphere

Y:\BNL (Enterprise) Inc - 3913\GIS\mxd\BBB 33 SESE 2860



MAP FEATURES

- ★ Pad Location
- Perennial Stream
- ... Intermittent Stream
- ... Ephemeral Stream
- Artificial Path
- Canal / Ditch
- Lake / Pond

REVISION	DATE

BNL (Enterprise) Inc.

BBB 33 SESE 2860

Stormwater Management Plan

Surrounding Waters Diagram

Section 33, Township 28S, Range 60W, Las Animas County

Aquionix
EHS Services

DRAWN BY: MT (Aquionix)

DATE DRAWN: 04/25/2022

MAP SCALE: 1:20,000

COORD. SYSTEM: WGS_1984_Web_Mercator_Auxiliary_Sphere

Y:\BNL (Enterprise) Inc - 3013\GIS\mxds\BBB 33 SESE 2860

APPENDIX E

ROUTINE STORMWATER INSPECTION FORM

BBB 33 SESE 2860
Routine Stormwater Inspection Form

FACILITY INFORMATION		
Facility Name:		
Date (MM/DD/YYYY):		
Inspector Name/Title:		
Weather:		
Inspection Frequency:	<input type="checkbox"/> 14-Day Inspection <input type="checkbox"/> Post-Storm Inspection <input type="checkbox"/> 7-Day Inspection <input type="checkbox"/> Monthly Inspection	
Construction Phase:		
Acreage of Disturbance (Est.)		
GENERAL QUESTIONS	YES / NO / NA	COMMENTS
Are there any location(s) of discharges of sediment or other pollutants from the site?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Are there any control measures that need to be maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Are there any control measures that failed to operate as designed or proved inadequate for a particular location?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Are any control measures needed that were not in place at the time of inspection?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Are there any deviations from the minimum inspection schedule?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
CORRECTIVE ACTION LOG		
Description of Corrective Action and Preventative Measure Taken <small>(If infeasible to install or repair control measure immediately, document (1) why it is infeasible and (2) provide a schedule to installation or repair of the control measure.</small>	Date Completed and Initials	
CERTIFICATION AND SIGNATURE		
Pursuant to Part I.A.3.f.i of the general permit, the following signature certifies that after adequate corrective action(s) has been taken or where an inspection does not identify any incidents requiring corrective action, <i>"I verify that, to the best of my knowledge and belief, all corrective action and maintenance items identified during the inspection are complete, and the site is currently in compliance with the permit".</i>		
Name /Title	Date	