



City of Glendale Comments Draft Non-standard permit 2019

Amber Williams <AWilliams@glendale.co.us>
To: "mary.welch@state.co.us" <mary.welch@state.co.us>
Cc: Josh Bertrand <jbertrand@glendale.co.us>

Thu, Sep 12, 2019 at 10:14 AM

Good Morning Mary,

The City of Glendale comments related to the draft Non-standard MS4 Permit (COR70000) are attached.

Please let me know if there are any questions.

Thank you,



Amber Williams

Stormwater Specialist

City of Glendale

950 South Birch Street

Glendale, CO 80246

Direct: (303) 639-4616

Cell: (303) 356-0231

Email: awilliams@glendale.co.us

Hours: Tuesday-Thursday 6:30 a.m – 3:00 p.m.

3 attachments



COR070000 Overarching General Comments.pdf
228K



2019 9-12 final nonstrd cover letter.pdf
104K



Glendale NonStd Permit comments final.pdf
1216K

09/12/2019

Mary Welch (via email)
Permits Unit
Colorado Department of Health and Environment
Water Quality Control Division
4300 Cherry Creek Dr. S.
Denver, CO 80246-1530

RE: City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Dear Ms. Welch:

Thank you for the opportunity to provide comment on the proposed draft Colorado Discharge Permit System Stormwater Discharges associated with Phase II Non-Standard Municipal Separate Storm Sewer Systems (MS4) General Permit, COR070000. We appreciate the Division holding Question and Answer sessions and taking our feedback under consideration. Attached is a document with a few overarching comments and a comment table with more specific comments.

Thank you for your consideration of these comments. Should you have any questions, need clarification on the intent or would like to discuss the enclosed comments, please contact me at 303-639-4616 or awilliams@glendale.co.us.

Sincerely,

Amber Williams
Stormwater Specialist
City of Glendale

Overarching comments on draft COR070000 MS4 Permit

1) Please consider a second public notice of the draft permit and fact sheet. New permittees have not been identified/contacted by the Division, which means they have not been involved in the stakeholder process. Additionally, there are numerous incorrect citations throughout the permit.

A second public notice of the draft permit and fact sheet is needed to:

- ensure new permittees have the opportunity to review and comment on the proposed permit language;
- ensure new permittees can meet the compliance schedules outlined in the permit; and
- provide an opportunity to review and comment on permit conditions with corrected citations.

2) Due to the significant differences between types of permit holders under this permit, please consider separate permits for the different categories of non-standard MS4 permit holders (school district, metropolitan districts, stadiums, recreation districts, etc.). As an alternative, providing a permit that is less prescriptive would address this problem.

3) This permit is similar to the Phase II MS4 permit issued in 2016. The compliance deadline for construction and post construction programs were July 1, 2019- before this permit was issued. To use that permit as MEP without evaluation of effectiveness of the new programs has a very real possible outcome of non-std permit holders developing and implementing programs that are not found to be effective. Only permit conditions that are established as effective should be included in the permit. Permit conditions that are implemented and effective would be considered the “average of the best programs.” Without actually implementing a program, it is impossible to determine that these permit conditions/effluent limitations are actually the average of the best programs.

4) Compared to current COR080000 and COR090000 MS4 permit holders, non-standard MS4 permit holders typically do not have similar staff or resources to devote solely to MS4 permit development and implementation. As such, non-standard permit holders need to be able to rely on current COR080000 and COR090000 MS4 permit holders either for full program implementation, or at least program development. With the discrepancies between the two permits, the possibility that a non-standard MS4 permit holder can be covered by, let alone, adopt procedures, policies and programs of current COR080000 and COR090000 MS4 permit holders is not possible. Of the approximately 61 current Non-standard MS4 permit holders, only 10 have their own program established. Of those 10, many reference existing county or city manuals. The other 51 rely on an existing city or county to implement this program. This requirement would effectively make it impossible for any non-standard permit holder to rely on existing current COR080000 and COR090000 MS4 programs. This means that in one permit term the Non-Standards would be required to develop new programs from scratch and to increase staffing and resources to a level that is beyond what the Standards were required to develop, in a longer period, over multiple permit terms.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Contents

General Comments..... 1

Coverage Under This Section..... 2

Public Education and Outreach..... 4

Illicit Discharge Detection and Elimination..... 4

Construction Sites..... 8

Post Construction18

Pollution Prevention/ Good Housekeeping for Permittee Operations.....24

Other Terms and Conditions.....25

Compliance Schedule.....26

Reporting Requirements29

Definitions31

Part II.....33

Part III.....33

Permit Reference	Existing Language	Proposed Concept or comment	Rationale
General Comments			
		Please consider developing permits that are specific to each type of non-standard permit holder. For example: Schools, Stadiums, Metropolitan Districts, Water and Sanitary Districts, Recreational Districts, Transportation, etc.	Due to the significant differences between types of permit holders under this permit, separate permits for the different categories of non-standard MS4 permit holders is necessary. As an alternative, providing a permit that is less prescriptive would address this problem.
		<p>Please consider permit conditions more in line with recent non-standard MS4 individual permits issued and/or out for public comment from EPA Region 8.</p> <p>Please remove permit conditions that are inconsistent with the conditions in the current COR080000 and COR090000 MS4 permits.</p> <p>Please provide basis for including permit conditions that are significantly more prescriptive and complex than the most recent EPA Region 8 issued non-standard MS4 permits.</p>	<p>The Fact Sheet (page 9), states: <i>“Individual vs. General Permits</i> <i>This permit is a general permit. Section 61.9(2) of Regulation 61 states that “the division may issue a general permit to cover a category of discharges, except those covered by individual permits, within a geographic area which shall correspond to existing geographic or political boundaries.” The section also states that general permits shall be written to regulate stormwater point sources. A general permit must set the MEP for all of permittees, regardless of size, number of outfalls, number of active construction sites, number of staff, stormwater budget, etc.”</i></p> <p>Regulation 61.9(2) does not state that <i>“general permits shall be written to regulate stormwater point sources. A general permit must set the MEP for all of permittees, regardless of size, number of outfalls, number of active construction sites, number of staff, stormwater budget, etc.”</i></p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

			<p>Due to the nature and size of the majority of non-standard permit holders, robust programs and documented procedures for each program as outlined in the draft permit is unreasonable. An evaluation of pollutant sources that an MS4 permit holder will generate and determining permit conditions to address those specific concerns is necessary and not prohibited in Regulation 61.</p> <p>EPA Region 8 issues NPDES permits to federally owned facilities in Colorado and has issued the following MS4 permits recently: The U.S Department of Veterans Affairs, VA Hospital, draft for public comment 7/5/19; The U.S. Department of Energy, South Table Mountain, issued 12/01/2018.</p> <p>Both include permit conditions that are general in nature to allow the MS4 to develop and implement individual programs to meet the requirements based on the pollutant sources that are more likely to be found within the MS4 permit holder’s jurisdiction. Both permits are 18 pages long and do not reflect the prescriptive nature of this draft permit. There are no monitoring requirements. Dry weather screening requirements allow for easy, quick field testing without establishing a monitoring program. There is no requirement in the EPA issued permits to submit the Stormwater Management Plan or Program Description Document for review and approval.</p> <p>These permits seem relevant to the discussion of MEP for non-standard permit holders and should be considered in the development of this non-standard general MS4 permit. Justification is not provided in the Fact Sheet to validate the Division issuing a permit with such significantly more prescriptive permit conditions than similar federal facilities in Colorado. Nor is there justification for a permit inconsistent with the current COR080000 and COR090000 permit. In fact, as of the issuance of the non-standard draft, the current COR080000 and COR090000 permit had not yet been fully implemented, let alone evaluated, and is therefore not reflective of the Division’s iterative approach to MEP.</p> <p>Based on comments from the Division at the Water Quality Forum MS4 Issues Workgroup Meeting held on 7/24/19, the Division does not feel EPA is the bar to set ME, although EPA permits are cited as a reference that informs the Division’s iterative approach to MEP in the Fact Sheet. To have similar type facilities have significant differences in permit requirements based only on ownership/operation of the land is not a level playing field and creates a burden on local MS4s.</p>
		<p>Please provide a second draft of the permit and fact sheet for public notice.</p>	<p>New permittees have not been identified/contacted by the Division. At the Water Quality Forum MS4 Issues Workgroup Meeting on 7/24/19 and at the Non-standard MS4 meeting 7/30/19, the MS4 Community heard from the Division that it is has been busy with drafting the permit and they would work to identify new permittees once the permit was final. To wait until after the permit is final to undertake identifying new permittees, sidesteps the public input process for those who will likely be the most significantly impacted by this permit.</p> <p>There are numerous incorrect citations throughout the permit.</p> <p>A second public notice of the draft permit is needed to: 1) ensure new permittees have the opportunity to review and comment on the proposed permit language (incorrect citations/intent of permit conditions not clear); 2) ensure new permittees can meet the compliance schedules outlined in the permit; and 3) provide an opportunity to review and comment on permit conditions with corrected citations.</p>

Coverage Under This Section

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

<p>Part I.A.1 Discharges Authorized Under This Permit</p>	<p>This permit authorizes discharges from the permittee’s regulated small municipal separate storm sewer system (MS4) located within the jurisdictional boundary.</p>	<p>Please remove expansion of permit area for areas that are not designed for a maximum daily user population (residents and individuals who come there to work or use the MS4's facilities) of at least 1,000 and are located in an urbanized area if they are not on state lands.</p> <p>Or</p> <p>Please provide a wavier process for requesting removal of specific areas based on no substantial contribution of pollutants.</p>	<p>Based on the added definition to small municipal separate storm sewer system (Part I.J.65.), the scope of an MS4 permit holder’s jurisdiction, in many cases, increases by 10 to 20 times the area currently covered. Renewal applicants/permittees received no notice of permit coverage expansion based on applications submitted to the Division in 2012.</p> <p>Regulation 61.3(2)f(v)(A)(III)(b) allows the Division to designate new permit areas if an evaluation of the MS4 results in or have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.</p> <p>Without an assessment of the additional facility’s potential pollutants, the Division does not have a clear basis to add facilities to the permit area.</p> <p>The Fact Sheet states (page 10): <i>Public schools are typically located on state lands, and as such, are usually not under the jurisdiction of city or county MS4 programs. While many schools work cooperatively with cities and counties, there is a gap in regulation of construction and post construction stormwater control measures at school facilities that serve populations of less than 1,000. These ancillary locations provide opportunity to prevent stormwater pollution through implementation of stormwater management programs and installation of permanent stormwater control measures. Construction at these less populated facilities, without proper oversight, creates a potential for pollutants to be discharged to state waters. In addition, these locations often have large impervious surfaces such as parking lots, basketball courts, stadiums and/or they have activities where there is a higher potential for pollutants to become entrained in runoff (e.g., vehicle maintenance).</i></p> <p>This expansion is from a perceived permit gap due to state land ownership and lack of authority for current COR080000 and COR090000 MS4 permit holders to implement oversight programs. Many schools are not on state lands and are required to follow land use processes in which the city/county the school is located. Permit coverage should not be expanded to all campuses/facilities. It should only be expanded to those campuses/facilities that 1) are not under the jurisdiction of the city/county and 2) an evaluation of the pollutant sources and likelihood of substantial pollutant sources causing exceedance of water quality standards have been considered (actual facilities with vehicle maintenance).</p>
<p>Part I.A.3. Application for New and Renewal Applicants</p>	<p>The applicant shall apply for certification under this general permit by submitting an application with the content required by the division at least 180 days before the anticipated date of required permit coverage.</p>	<p>Please provide a second draft of the permit and fact sheet for public notice.</p>	<p>New permittees have not been identified/contacted by the Division. At the Water Quality Forum MS4 Issues Workgroup Meeting on 7/24/19 and at the Non-standard MS4 meeting 7/30/19, the MS4 Community heard from the Division that it is has been busy with drafting the permit and they would work to identify new permittees once the permit was final. To wait until after the permit is final to undertake identifying new permittees, sidesteps the public input process for those who will likely be the most significantly impacted by this permit.</p> <p>A second public notice of the draft permit and fact sheet is needed to: 1) ensure new permittees have the opportunity to review and comment on the proposed permit language; and 2) ensure new permittees can meet the compliance schedules outlined in the permit.</p>
<p>Part I.C.2. Availability</p>	<p>The PDDs must be available to the public at reasonable times during regular business hours. The current PDDs must also be available on the permittee’s web site.</p>	<p>Please remove the requirement to maintain a copy of the current PDD on the permittee’s web site.</p> <p>The permit condition in Part I.D.1.b. Public Involvement and Participation Process is adequate to ensure the public is able to obtain the PDD:</p>	<p>The nature of a PDD is to be updated with current operational procedures. Keeping the most up to date version on the website is not a reasonable requirement. Many non-standard MS4 permit holders do not maintain their own websites. It also adds an extra burden to post revisions to the PDD to a website. The PDD is intended to be a current document that can and should be updated anytime a change is identified. To add an additional step, and one that likely includes additional staff to complete, is unnecessary and provides no environmental benefit.</p> <p>To provide a level of service to the public who express interest in the PDD, the MS4 permit holders want an opportunity to interact with the public and provide the information they seek.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

		<i>“The permittee shall provide a mechanism that allows for review of the PDD by the public without charge, which may be met by providing electronic copies via electronic mail or posting it on a public website for download. The permittee must also provide the public the opportunity to provide input on the PDD.”</i>	This requirement also contradicts the requirement in I.D.1.b which allows alternative mechanisms to making the PDD available on a website.
Part I.D.1.b Public Involvement and Participation Process	The permittee shall provide a mechanism that allows for review of the PDD by the public without charge, which may be met by providing electronic copies via electronic mail or posting it on a public website for download. The permittee must also provide the public the opportunity to provide input on the PDD.	This contradicts the requirement in I.C.2, providing an alternative to making available on a website.	Alternative mechanisms should be allowed to provide flexibility for the Permittee to determine which method is most effective, attainable and enables the most effective communication.

Public Education and Outreach

Part I.E.1.a.i. Public Education and Outreach	Illicit Discharges: The permittee must provide information to the targeted user population, vendors, concessionaires, tenants, and contractors regarding the permittee’s prohibitions of, and the water quality impacts associated with, illicit discharges as part of the public education program.	For clarification, please revise to: Illicit Discharges: The permittee must provide information to the targeted user population, vendors, concessionaires, tenants, <u>or</u> contractors regarding the permittee’s prohibitions of, and the water quality impacts associated with, illicit discharges as part of the public education program.	Using limited resources to address activities that may not be a priority to target pollutant sources is an inefficient use of limited resources without environmental benefit. By listing specific user populations to target in the permit, entities will be forced to focus resources on a source that may or may not be relevant. Permittee’s should maintain the flexibility to identify the pollutants of concern/user populations and maintain the ability to address the sources determined to be priorities.
---	--	--	---

Illicit Discharge Detection and Elimination

Part I.E.2.a.ii.Regulatory Mechanism	(C) Provide the permittee the legal ability to cease or require to be ceased and remove, or require and ensure the removal of, and impose penalties for all illicit discharges for the period from when the illicit discharge is identified until removed.	Please remove: “or require and ensure the removal of, and impose penalties for all illicit discharges for the period from when the illicit discharge is identified until removed.”	Non-standard MS4 permit holders do not have typical enforcement capabilities and in many cases, it may not be practicable for them to remove ALL illicit discharges for activities that they do not own or operate. This permit should focus on preventing/removing discharges from activities conducted by the permittee or their contractor that could result in an illicit discharge, not ALL illicit discharges. Non-standard MS4 permit holders typically rely on the authority of the appropriate city or county for all other illicit discharges. Similar to the CDOT non-standard permit, the permit should require that the permittee notify the Division when the permittee’s authority to require the removal of an illicit discharge is inadequate. CDOT Fact Sheet (page 28): <i>The Division understands that the permittee does not have typical enforcement capabilities and in many cases it may not be practicable for the permittee to remove an illicit discharge for activities that they do not own or operate. The permit therefore requires that the permittee notify the Division when the permittee’s authority to require the removal of an illicit discharge is inadequate.”</i> Almost all non-standard MS4 permit holders rely on outside agencies for enforcement, but have no control over the response by these outside agencies. Regulation 61.8(11)(a)(ii)(C)(I)(b) requires, “To the extent allowable under State or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into the storm sewer system, and implement appropriate enforcement procedures and actions;”
--------------------------------------	---	---	--

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

			It does not specify “impose penalties for all illicit discharges for the period from when the illicit discharge is identified until removed.” This permit condition is not appropriate for a non-standard permit.
Part I.E.2.a.iv. Tracing an Illicit Discharge	The permittee must implement procedures as soon as possible, but within 72 hours, to respond to reports/identification of illicit discharges.	Revise to: The permittee must implement procedures as soon as possible, but within 72 work hours... (address throughout including I.E.2.a.vii. and I.E.2.a.viii(B))	The permit condition also states, “All reported /known illicit discharges must be investigated; however investigation is only required to take place during normal work hours.” By including work hours in the permit condition(s), it clarifies that investigations are only expected during working hours.
Part I.E.2.a.iv. Tracing an Illicit Discharge	This may include identifying unpermitted discharges of groundwater that that do not meet water quality standards.	Please remove requirements for the MS4 to perform an analysis and determine if discharges that should have a state permit meet water quality standards.	From Fact Sheet (page 9): [Section 61.9(2) of Regulation 61] also states that general permits shall be written to regulate stormwater point sources. A general permit must set the MEP for all of permittees, regardless of size, number of outfalls, number of active construction sites, number of staff, stormwater budget, etc. If a discharge is a point source, it should have a permit issued by the Division. The Division is responsible for permitting discharges and compliance with the permitted discharges. If an MS4 permit holder identifies a discharge that should have a permit, the appropriate step is to notify the discharger that a permit is required. Requiring MS4 permit holders to perform an analysis of the discharge to determine if it meets water quality standards is not a reasonable permit condition. Doing so would shift the responsibility from the discharger and from the Division to the MS4 for whom it would be a significant cost and burden.
Part I.E.2.a.iv. Tracing an Illicit Discharge	(A) Written procedures and tools for identifying/screening the point of entry or outfall of an illicit discharge.	Please remove this permit condition.	Part of <i>tracing</i> an illicit discharge is identifying the point of entry or outfall. The distinction between procedures and tools for identifying/screening the point of entry or outfall versus tracing the illicit discharge is unclear. Permittees must have tools for tracing and implement procedures for tracing. Details on how to backtrack or identify the potential inlets as a source for an illicit discharge is captured by the requirement to trace illicit discharges. The very definition of the word trace: To go along or follow. To follow the course or trail of- provides enough explanation of the requirement.
Part I.E.2.a.v. Discharges that Could be Excluded from Being Effectively Prohibited		Please add the following discharges as allowed non-stormwater discharges to the permit. <ul style="list-style-type: none"> • Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits sources of pollutants associated with industrial activities (see Part 5.2.3), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent 	These non-stormwater discharges are listed in the EPA MSGP as allowed and should be considered as MEP.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

		<p>materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention; settlement);</p> <ul style="list-style-type: none"> • Routine external building washdown / power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols); • Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown; drains). 	
<p>Part I.E.2.a.v. Discharges that Could be Excluded from Being Effectively Prohibited</p>	<p>G. Uncontaminated pumped groundwater 1) Note: Discharges containing groundwater that comes into contact with construction activity is not considered “uncontaminated” due to the potential for sediment content. The permittee must verify that any pumped groundwater into the MS4 from a commercial or multi-family property without a CDPS or NPDES permit would meet the water quality standards for the receiving stream.</p> <p>(L) Foundation drains where the discharge meets water quality standards or is authorized by a CDPS or NPDES permit.</p> <p>(N) Water from crawl space pumps The permittee must verify that any new discharges from crawl space pumps into the MS4 from a commercial or multi-family property without a CDPS or NPDES permit would meet the water quality standards for the receiving stream.</p> <p>(O) Footing drains The permittee must verify that any new discharges from footing drains into the MS4 from a commercial or multi-family property without a CDPS or NPDES permit would meet the water quality standards for the receiving stream.</p>	<p>Please remove the requirement to verify that any new discharge meets water quality standards.</p> <p>Alternative proposed permit language: Any new discharge from crawl space pumps into the MS4 from a commercial or multi-family property must be notified that a CDPS Permit may be required.</p> <p>Any new discharges from crawl space pumps into the MS4 from a commercial or multi-family property must be notified that a CDPS Permit may be required.</p> <p>Any new discharges from footing drains into the MS4 from a commercial or multi-family property must be notified that a CDPS Permit may be required.</p>	<p>A CDPS permit (Subterranean Dewatering or Well Development COG603000) is required whether the discharge meets water quality standards or not. MS4 permit holders do not have the authority to decide a discharge does not need a CDPS permit. See Fact Sheet (page 9): <i>“The division does not have the authority to exempt any responsible party for a point source discharge from the requirement to obtain permit coverage or the authority to modify the definitions of point source or discharge. Therefore, the determination in the permit of whether a discharge to the MS4 is an illicit discharge has no bearing on the statutory and regulatory requirements for point source discharge permitting and for reporting unpermitted discharges. The division has intentionally not required permittees to prohibit, detect, and eliminate certain discharges that are covered by the division’s Low Risk Policies. This allows the permittee to focus on discharges that have the greatest potential to cause water quality impacts. This will also promote transparency and consistency between permittees and the division in how these discharges are addressed on a day-to-day basis.”</i></p> <p>MS4 permit holders do not have the legal authority to conduct compliance assurance activities for permit issued by the Division. See Fact Sheet (page 37): <i>Permittees should understand that they do not have the legal authority to conduct compliance assurance activities for the Stormwater Discharges Associated with Construction Activity general permit. The division conducts all compliance assurance activities associated with this statewide general permit.</i></p> <p>If a discharge is a point source, it should have a permit issued by the Division. The Division is responsible for permitting discharges and compliance with the permitted discharges. If an MS4 permit holder identifies a discharge that should have a permit, the appropriate step is to notify the discharger that a permit is required. Requiring MS4 permit holders to perform an analysis of the discharge to determine if it meets water quality standards is not a reasonable permit condition. Doing so would shift the responsibility from the discharger and from the Division to the MS4 for whom it would be a significant cost and burden.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

<p>Part I.E.2.a.</p>	<p>vi. Removing an Illicit Discharge: When an illicit discharge is identified, the permittee must remove or require the removal of the source of the illicit discharge. The permittee must also cease or require the cessation of the illicit discharge. After the illicit discharge has been ceased, the permittee must also minimize surface contamination by removing or requiring the removal of surface residue or other type of pollutant source. The removal requirement can be met by notifying the division and the operator responsible for the discharge through a written report when CDPS or NPDES general permit coverage is available for a discharge and the discharge is not subject to prohibitions against issuance of a permit in regulation 61.8(1). The permittee must also have written procedures for requiring cleanup from the operator and procedures for cleanup conducted by the permittee, when necessary, to remove materials associated with the illicit discharge.</p>	<p>Please change to: After the illicit discharge has been ceased, the permittee must also minimize surface contamination by removing or requiring the removal of surface residue or other type of pollutant source, <i>if feasible</i>.</p>	<p>Based on the Fact Sheet, MS4 permit holders believe the intent was to include language addressing feasibility.</p> <p>Fact Sheet (page 31): <i>This section of the permit requires the permittee to remove the source of the discharge. The division has clarified that the source of an illicit discharge is the source from which the illicit discharge originates and the spilled material, if feasible. As discussed above, this permit only requires the permittee to respond to illicit discharges in the MS4. The source must be stopped. However, the spilled material itself, if any portion of the source of the illicit discharge or the spilled material are in the MS4, must be cleaned up only if feasible.</i></p>
<p>Part I.E.2.a.</p>	<p>vii. Coordination with Surrounding MS4 Permittees: If illicit discharges are observed related to another operator’s municipal storm sewer system, then the permittee must notify the other operator within 72 hours of discovery. If another operator notifies the permittee of an illegal discharge to the MS4 then the permittee must meet the requirements of Part I.E.2.a.</p>	<p>Please clarify that this permit condition is not a requirement to report illicit discharges observed in another MS4, but to notify when an illicit discharge is discharging into the non-standard’s MS4 and is determined to originate from another MS4.</p>	<p>Section 61.8(11)(a)(ii)(C) of Regulation 61 states that “the permittee must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at 61.2) into the permittee’s small MS4.</p> <p>Observation and reporting of illicit discharges outside of the MS4 permit holder’s jurisdiction is outside of the scope of this permit.</p>
<p>Part I.E.2.a.viii.</p>	<p>(B) If the permittee lacks the authority under state or local law to eliminate the source of an illicit discharge when identified/reported, stop responsible parties from willfully or negligently repeating or continuing illicit discharges, and discourage future illicit discharges from occurring; the permittee must notify the MS4 permittee that has such authority within 72 hours of discovery.</p>	<p>Please add that where the permittee lacks the authority to eliminate the source of an illicit discharge, once the permittee has notified the MS4 permittee that has such authority that the requirement for removal and enforcement has been met.</p> <p>Please clarify: within 72 working hours of discovery</p>	<p>Non-standard MS4 permit holders do not have control of enforcement actions taken by other agencies, including cities and counties.</p> <p>Current Fact Sheet (page 32): <i>This is a new requirement in the renewal permit. The permittee must determine all of the applicable informal, formal, and judicial enforcement mechanisms that will be used to enforce the IDDE program. The division is also clarifying that similar violations should be responded to in a uniform manner by the permittee and enforcement procedures should be transparent. The renewal permit does not pair violations with required responses. The permit requires that permittees address findings of a similar nature consistently.</i></p> <p><i>Permittees must prohibit illicit discharges and must have the ability to enforce against them immediately. This gives the permittee enforcement discretion to immediately enforce on a responsible party at any time. Permittees, however, can require the responsible party to immediately remove an illicit discharge and re-inspect at some later time. In addition, if the responsible party does not remove the illicit discharge, then the permittee can legally enforce on the responsible party and potentially assess a penalty starting from the date of the inspection.</i></p> <p>The current Fact Sheet does not support this permit condition and should be revised similar to the Previous Non-standard Fact Sheet (page 2): <i>Non-Standard MS4s covered under this permit may rely on the authority of the appropriate city or county. Because most activities that could result in an illicit discharge would be conducted by the permittee or their contractor, the requirements in this permit focus on preventing/removing discharges from those sources.</i></p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

<p>Part I.E.2.b.ix. Training</p>	<p>A list of staff titles and departments/agencies that must be trained and the frequency of training.</p>	<p>Please remove “staff titles.” Please remove the word “agencies”.</p>	<p>Job titles are often not specific, such as “Maintenance Worker 1” and do not provide valuable information regarding which work groups are being targeted with the training. The term “Department” is more relevant.</p> <p>Permit holders should only responsible for training those that are under the jurisdiction that is issued the MS4 permit. An MS4 permit holder can call other agencies and try to train them, but MS4 permit holders have no control or authority over outside agencies to make them attend a training.</p>
<p>Construction Sites</p>			
<p>Part I.E.3 Construction Sites</p>	<p>Entire section.</p>	<p>Please remove requirements that are beyond the current COR080000 and COR090000 MS4 permit requirements issued in April 2016, effective July 1, 2016.</p>	<p>Many permit conditions in this section are beyond the current COR080000 and COR090000 MS4 permit.</p> <p>1) Current COR080000 and COR090000 MS4 permit compliance deadlines followed public notice of this draft permit. There has been no opportunity to evaluate the effectiveness of the permit requirements; the impediments to implementation; or to establish MEP through the iterative process.</p> <p>2) Compared to current COR080000 and COR090000 MS4 permit holders, non-standard MS4 permit holders typically do not have similar staff or resources to devote solely to MS4 permit development and implementation. As such, non-standard permit holders need to be able to rely on current COR080000 and COR090000 MS4 permit holders either for full program implementation, or at least program development. With the discrepancies between the two permits, the possibility that a non-standard MS4 permit holder can be covered by, let alone, adopt procedures, policies and programs of current COR080000 and COR090000 MS4 permit holders is not possible.</p> <p>Of the approximately 61 current Non-standard MS4 permit holders, only 10 have their own program established. Of those 10, many reference existing county or city manuals. The other 51 rely on an existing city or county to implement this program. This requirement would effectively make it impossible for any non-standard permit holder to rely on existing current COR080000 and COR090000 MS4 programs.</p> <p>Due to the nature and size of the typical non-standard permit holder, robust programs and documented procedures for construction programs is unreasonable. For many MS4 permit holders, this would entail developing a robust program for applicable construction projects that occur less than every 10 years on their property. Specific design standards should not be included in the permit without the public process and standardized criteria. Adding new criteria each time an MS4 Permit is issued drives inconstant programs and creates confusion for contractors.</p>
<p>Part I.E.3.b. Excluded Sites</p>	<p>i. Construction activities within the jurisdictional boundary for which the permittee does not own or operate or have implementation authority over, are excluded from the requirements of this section (Part I.E.3).</p>	<p>Permit condition is unclear. Please clarify that it is only sites owned/operated by the MS4 permit holder that must meet the requirements in Part I.E.3.</p>	<p>Please clarify that it is only sites owned/operated by the MS4 permit holder that must meet the requirements in Part I.E.3.</p> <p>The authority of non-standard MS4 permit holders has not changed since the last permit term and the previous Non-standard Fact Sheet (page 2) is clear on applicability of the programs: <i>Non-standard permittees covered under this permit typically own or operate facilities and activities that discharge to their MS4s, and therefore would typically be the owners or operators of construction activities occurring in those areas. For areas not under the ownership or control of the permittee, a city or county would have full authority over any construction activities. Therefore, the requirements of this section are limited to controlling sources under the ownership or operational control of the permittee.</i></p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

<p>Part I.E.3.c.iii.B.1</p>	<p>(a) Stormwater runoff from all disturbed areas and soil storage areas for which permanent or temporary stabilization is not implemented, must flow to at least one control measure to minimize sediment in the discharge. This may be accomplished through filtering, settling, or straining. The control measure must be selected, designed, installed and adequately sized in accordance with good engineering, hydrologic and pollution control practices. 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 (i.e., sheet or concentrated flow).</p> <p>(b) Vehicle tracking controls shall either be implemented to minimize vehicle tracking of sediment from disturbed areas, or the areas where vehicle tracking occurs shall meet subsection (a);</p>	<p>Please remove this condition.</p>	<p>Design criteria is already required by I.B. <i>Control Measures must be selected, designed, installed, implemented, and maintained in accordance with good engineering, hydrologic and pollution control practices and the manufacturer’s specifications, when applicable.</i></p> <p>In the majority of cases, the requirement for runoff to flow to at least one Control Measure is appropriate. However, in some cases, materials management, site management and other control measures are more appropriate and reduce or prevent the discharge of pollutants as effectively, or more so (i.e. by providing source control) than a requirement that runoff flow to at least one Control Measure.</p> <p>The existing language fails to acknowledge other methods of source control, materials management, and specific site considerations, and may actually impede the potential effectiveness of other methods. Specifically, vehicle tracking pads are often used at site exits. A vehicle tracking pad does not filter, settle, or strain runoff from a site. An additional control measure is not feasible or necessary.</p> <p>The program requires Control Measures for construction activities, Control Measures for addressing pollutant sources on plans, and initial plan review. These are sufficient to reduce or prevent the discharge of pollutants to the MS4.</p> <p>Dictating specific design criteria in the permit may necessitate changes to existing, adequate design criteria for the sole purpose of consistency with the permit, without actual basis for enhanced pollutant removal performance.</p>
<p>Part I.E.3.c.iii.B.2.</p>	<p>(b) Control measures designed for concrete washout must be implemented. 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.</p>	<p>Please remove this condition.</p>	<p>This requirement is already addressed through the requirements in Part I.E.3.iv.A.5.d.x and I.B. <i>Control Measures must be selected, designed, installed, implemented, and maintained in accordance with good engineering, hydrologic and pollution control practices and the manufacturer’s specifications, when applicable.</i></p>
<p>Part I.E.3.c.iii.B.2.</p>	<p>(b) Control measures designed for concrete washout must be implemented. 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.</p>	<p>Unable to comment on this permit condition due to incorrect citation. Please clarify why this section is referenced (Part I.A.1.b.ii.) if it is the correct citation. If it is not the correct citation, please correct and provide a second draft of the permit for public notice.</p>	<p>The section referenced is: “A permittee has the option to exclude from coverage under this permit portions of the MS4 where the flow is a combination of stormwater and irrigation return flow, and the majority of the flow is irrigation return flow or agricultural stormwater runoff. To exclude these portions of the MS4 from coverage under this permit, the permittee must identify in the permittee’s application or a subsequent application supplement the portions of the MS4 for which the flow is a combination of stormwater and irrigation return flow, and the majority of the flow is irrigation return flow or agricultural stormwater runoff. These portions of the MS4 must also be listed in the permit certification issued by the division.”</p> <p>This section of the permit does not appear to be the correct one for this permit condition.</p>
<p>3) Practices for Other Activities</p>	<p>At a minimum pollutant sources associated with the following activities (if reasonably expected to be part of the applicable construction activity) must be addressed by requirements in Part I.E.c.iii.(A) and (B):</p>	<p>Unable to provide comment on this permit condition due to incorrect citation. The section referenced (Part I.E.c.iii.(A) and (B) does not exist. Please correct the citation or remove requirement and provide a second draft of the permit for public notice.</p>	<p>Without knowing the section the Division intended to cite, commenting is difficult. Please fix the citation and provide a second draft of the permit for public comment.</p> <p>Activities listed are already addressed through the requirements in Part I.E.3.iv.A.5.d.x</p>
<p>Part I.E.3.c.iii.B</p>	<p>4) Stabilization Requirements The division may approve alternative final stabilization criteria for specific operations.</p>	<p>Please remove specific final stabilization criteria in the permit. Or Add: Schedules for requiring stabilization and revegetation may be modified by the permittee to allow for physical considerations, including,</p>	<p>MS4 permit holders should have authority and ability to approve alternative final stabilization criteria for specific operations.</p> <p>There is no process included for obtaining approval from the Division for an alternative final stabilization criterion.</p> <p>The suggested language is from Part I.E.3.c.xi. Cherry Creek Reservoir Basin Requirements.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

		but not limited to constraints on establishing vegetation due to weather, such as temporary excessive soil moisture conditions, adverse to stabilization or revegetation goals.	
Part I.E.3.c.iii.B	5) Maintenance All control measures must remain in effective operating condition and be protected from activities that would reduce their effectiveness. Control measures must be maintained in accordance with good engineering, hydrologic and pollution control practices. The necessary repairs or modifications to a Error! Reference source not found. must be conducted to maintain an effective operating condition.	Please fix citation. Permit is unclear. Unable to comment on permit condition. Please fix citation and provide a second draft of the permit for public notice.	Without knowing what the Division intended to reference here, we are unable to determine if this is an appropriate control measure/permit condition. Please fix and provide a second draft permit for comment.
Part I.E.3.c. iv. Site Plans	The permittee must require that a Site Plan be maintained to reflect current conditions. This means, among other actions, the permittee must take all documentation and enforcement steps necessary at each site in order to ensure that the Site Plan is maintained to reflect all current conditions.	Please remove this requirement.	<p>The Fact Sheet does not provide adequate basis for this permit condition. The Fact Sheet states that <i>“all applicable construction sites need site plans (also known as stormwater management plans) under the Stormwater Discharges Associated with Construction Activity general permit....Site plans are an important control measure and it helps the construction operator budget for the control measures that will be needed to comply with this renewal permit and helps the construction operator and staff locate, install, and maintain control measures to protect water quality.”</i></p> <p>The basis provided in the Fact Sheet speaks to the benefit to the construction site operator, including how the plan is not a burden to them, since they are already required to have a plan for a CDPS Permit and the plan helps them budget.</p> <p>The basis does not address the significant burden to the non-standard MS4 permit holder, who, unlike the Division, performs an initial plan review and acceptance as well as performs multiple inspections in an oversight role on ALL applicable construction sites. The review of plans during inspections does not correlate to increased compliance.</p> <p>Currently, the Division performs oversight inspections and reviews SWMPs, including site maps on every inspection they conduct. It takes between 1 to 2 hours for the Division inspectors to perform the paperwork review.</p> <p>It is not economically practicable to have an inspector provide oversight of Site Plan updates to reflect current site conditions. Having an inspector provide oversight at the level in the draft permit is not economically practicable or achievable in light of best industry practices.</p> <p>This is not the average of the best programs. MS4 permit holders are not currently performing oversight inspections on site maps and SWMPs at every inspection. This is not considered MEP as defined by the Division in the Fact Sheet. MS4 permit holder oversight of applicable construction sites is not the same as the requirements as an owner/operator of a site, nor is it the same as the Division’s oversight.</p> <p>MS4 permit holders require site plans be maintained; MS4 permit holders don’t typically review or enforce, as initial site plan review, inspection frequencies and enforcement mechanisms available to and required of MS4 permit holders are more effective.</p> <p>Oversight of site plan updates is not an effective undertaking for an MS4 whose Construction Site programs are results based. Inspections are conducted to monitor BMPs. Enforcement is based upon potential discharges to the</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

			MS4, which is not necessarily dependent on if paperwork is current or if the concrete washout is in the exact location indicated on the site plan. If needed, the Plan can be referred to and deficiencies in the Plan have been included in an enforcement action. Therefore, oversight of the maintenance of a site plan, is unnecessary to meet the requirements of Regulation 61 and the Construction Sites program to reduce or prevent the discharge of pollutants to the MS4, and takes away resources from performing more frequent oversight of measures that will help meet those requirements.
Part I.E.3.c.iv.B.2. Site Plans		Please add an exclusion for site plan requirement and site plan review for emergency type projects to allow a delay of up to 14 days in developing and reviewing a site plan.	<p>This exclusion is not intended to allow work without control measures, but to allow work to start on emergency projects without a site plan requirement and site plan review. This is MEP and consistent with Part I.A.3.b.v of the CDPS General Permit Stormwater Discharges Associated with Construction Activity permit issued by the Division.</p> <p>Occasionally, emergency work is necessary to address issues such as flooding. During such instances, the focus is to address life safety issues and it may be necessary to begin land disturbance and/or construction activities immediately and prior to development of a site plan. Control measures and inspection of control measures would still be required.</p>
Part I.E.3.c.iv.B.2. Site Plans	Site Plan Revisions: 2) The permittee must review these revisions during inspections, determine if the permittee approves, and show in some way (like initialing the map or through an electronic log) that the permittee approves of the minor modifications.	Please remove this requirement.	<p>Oversight of site plan updates is not an efficient or effective use of staff time and resources. Unlike Division oversight of the State General Stormwater Construction Permit, MS4 permit holders review and approve site plans for ALL applicable construction sites. Inspectors are familiar with sites and keep their own notes on control measures, as needed.</p> <p>Compliance and enforcement for MS4 permit holders is based upon actual performance in reducing or preventing the discharge of pollutants (i.e. mud tracking), not documentation and paperwork. Although the Division's oversight program for the General Stormwater Permit for Construction Activities relies heavily on review and assessment of paperwork, even the best MS4 programs implemented in the state do not ensure paperwork and plans have been updated at every inspection. As MEP is defined as an average of the best of the programs, this requirement is beyond MEP.</p> <p>The MS4 draft permit requirements for Plan Review, design criteria and the frequency at which oversight inspections are performed by the MS4 permit holder enables a level of familiarity that negates the need for plan review during every inspection.</p> <p>In addition, obtaining a copy of the updated plan for review at the time of inspection is not always possible. MS4 inspectors do not always have access to site personnel or their record-keeping systems. Further complicating access to plans, is the common practice among MS4 permit holders to perform unscheduled inspections.</p> <p>As mentioned above, MS4 Construction Site programs are results based. Inspections are conducted to monitor control measures. Enforcement is based upon discharges to the MS4, not whether paperwork is current, or if a specific control measure is in the exact location indicated on the site plan. If MS4 permit holders believed this was an effective practice, we would support it. MS4 permit holders are certain it is not, and request the requirement be removed from the draft permit as it will only take resources away from the ultimate objective of reducing the discharge of pollutants to the maximum extent practicable.</p>
Part I.E.3.c.v. Site Inspections	Site Inspections: Permittees shall inspect applicable construction sites at a frequency determined necessary to ensure compliance with the site plan, however, permittees shall inspect the applicable construction site at a minimum inspection frequency listed below.	Please remove "at a frequency determined necessary to ensure compliance with the site plan."	The permit condition is not clear nor is it measurable.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

<p>Part I.E.3.c.v.C. Initial Site Inspection</p>	<p>(a) Current Site Plan: Evaluate whether the approved site plan accurately reflects site conditions, includes all existing control measures and potential pollution sources. Evaluate the adequacy of any changes, including new onsite control measures, and determine if the inspector will: 1) approve or deny the changes as minor modifications, and document these decisions on the site plan; or 2) require the owner or operator of the site to re-submit the site plan for review by the permittee because it includes major changes.</p>	<p>Please remove the requirement: and determine if the inspector will: 1) approve or deny the changes as minor modifications, and document these decisions on the site plan; or 2) require the owner or operator of the site to re-submit the site plan for review by the permittee because it includes major changes.</p>	<p>Oversight of site plan updates is not an efficient or effective use of staff time and resources during inspections. Unlike Division oversight of the State General Stormwater Construction Permit, MS4 permit holders review and approve site plans for ALL applicable construction sites. Inspectors are familiar with sites and keep their own notes on control measures.</p> <p>Compliance and enforcement for MS4 permit holders is based upon actual performance in reducing or preventing the discharge of pollutants (i.e. mud tracking), not documentation and paperwork. Although the Division's oversight program for the General Stormwater Permit for Construction Activities relies heavily on review and assessment of paperwork, even the best MS4 programs implemented in the state do not ensure paperwork and plans have been updated at every inspection. As MEP is defined as an average of the best of the programs, this requirement is beyond MEP.</p> <p>The MS4 draft permit requirements for Plan Review, design criteria and the frequency at which oversight inspections are performed by the MS4 permit holder enables a level of familiarity that negates the need for plan review during every inspection.</p> <p>In addition, obtaining a copy of the updated plan for review at the time of inspection is not always possible. MS4 inspectors do not always have access to site personnel or their record-keeping systems. Further complicating access to plans, is the common practice among MS4 permit holders to perform unscheduled inspections.</p> <p>As mentioned above, MS4 Construction Site programs are results based. Inspections are conducted to monitor control measures. Enforcement is based upon discharges to the MS4, not whether paperwork is current, or if a specific control measure is in the exact location indicated on the site plan. If MS4 permit holders believed this was an effective practice, we would support it. MS4 permit holders are certain it is not, and request the requirement be removed from the draft permit as it will only take resources away from the ultimate objective of reducing the discharge of pollutants to the maximum extent practicable.</p>
<p>Part I.E.3.c.v.D. Routine Inspection</p>	<p>(1) Current Site Plan: Evaluate whether the Site Plan accurately reflects site conditions, includes all existing control measures and potential pollution sources. Evaluate the adequacy of any changes, including new onsite control measures, and determine if the inspector will: 1) approve or deny the changes as minor modifications, and document these decisions on the onsite Site Plan; or 2) require the owner or operator of the site to re-submit the Site Plan for review by the permittee because it includes major changes.</p>	<p>Please remove the requirement: (1) Current Site Plan: Evaluate whether the Site Plan accurately reflects site conditions, includes all existing control measures and potential pollution sources. Evaluate the adequacy of any changes, including new onsite control measures, and determine if the inspector will: 1) approve or deny the changes as minor modifications, and document these decisions on the onsite Site Plan; or 2) require the owner or operator of the site to re-submit the Site Plan for review by the permittee because it includes major changes.</p>	<p>Oversight of site plan updates is not an efficient or effective use of staff time and resources. Unlike Division oversight of the State General Stormwater Construction Permit, MS4 permit holders review and approve site plans for applicable construction sites. Inspectors are familiar with sites and keep their own site plan notes.</p> <p>Compliance and enforcement for MS4 permit holders is based upon actual performance in reducing or preventing the discharge of pollutants (i.e. mud tracking), not documentation and paperwork. Although the Division's oversight program for the General Stormwater Permit for Construction Activities relies heavily on review and assessment of paperwork, even the best MS4 programs implemented in the state do not ensure paperwork and plans have been updated at every inspection. As MEP is defined as an average of the best of the programs, this requirement is beyond MEP.</p> <p>The MS4 draft permit requirements for Plan Review, design criteria and the frequency at which oversight inspections are performed by the MS4 permit holder enables a level of familiarity that negates the need for plan review during every inspection.</p> <p>In addition, obtaining a copy of the updated plan for review at the time of inspection is not always possible. MS4 inspectors do not always have access to site personnel or their record-keeping systems. Further complicating access to plans, is the common practice among MS4 permit holders to perform unscheduled inspections.</p> <p>As mentioned above, MS4 Construction Site programs are results based. Inspections are conducted to monitor control measures. Enforcement is based upon discharges to the MS4, not whether paperwork is current, or if a specific control measure is in the exact location indicated on the site plan. If MS4 permit holders believed this was an effective practice, we would support it. MS4 permit holders are certain it is not, and request the requirement</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

			be removed from the draft permit as it will only take resources away from the ultimate objective of reducing the discharge of pollutants to the maximum extent practicable.
Part I.E.3.c.v.F. Compliance Inspection	1) Frequency: Conduct within at least 14 days from the time the permittee documents an illicit discharge or identifies that there is a failure to implement a control measure or an inadequate control measure, unless corrections were made and observed by the inspector during the initial inspection .	Please clarify that the corrections were made during the same inspection in which the inspector observed the failure/inadequate control measure.	Using the term “initial inspection” is confusing since there is an “Initial Inspection” inspection type required.
Part I.E.3.c.v.F. Compliance Inspection	2) Scope: A compliance inspection, or alternative inspection listed below, must identify if corrections have been completed on sites where the permittee has documented an illicit discharge or failure to implement a control measure or an inadequate control measure during the previous inspection.	There appears to be a section missing. Please add the following alternative inspections: (i) Routine inspection in accordance with I.E.3.c.v.D.); (ii) Indicator Inspection in accordance with I.E.3.c.v.E.4; or (iii) Operator Compliance Inspection: Require the operator to inspect and report that the control measure has been implemented or corrected as necessary to meet the requirements of Part I.E.3. The operator report must include photographs of the new/adequate control measure(s).	There are no alternative inspections “listed below” in the permit. These alternative inspections should be allowed as they are in the COR 090000 and COR 080000 permits.
Part I.E.3.c.v.	(G) Recalcitrant Compliance Inspection: A recalcitrant compliance inspection must occur after the permittee conducts three compliance inspections within 6 months (evaluated on a rolling basis) that identifies an inadequate control measure or an illicit discharger. 1) Frequency: Conduct at least every 14 days. 2) Scope: The recalcitrant compliance inspection must evaluate the following (a) Current site plan: Evaluate whether site plan accurately reflects site conditions, includes all existing control measures and potential pollution sources. Evaluate the adequacy of any changes, including new onsite control measures, and determine if the inspector will: 1) approve or deny the changes as minor modifications, and document these decisions on the onsite site plan; or 2) require the owner or operator of the site to re-submit the site plan for review by the permittee because it includes major changes.	Please remove this requirement or consider the following proposed change to be added under the Enforcement Response section of the permit: C) The permittee must escalate enforcement procedures at a construction site if significant non-compliance for one or more priority violations for the same condition has continued at the site for more than three consecutive inspections. The permittee must escalate enforcement beyond a compliance advisory if the non-compliance is significant and becomes recalcitrant. The permittee must escalate enforcement to prevent chronic and recalcitrant sites. Per Part I.E.3.c.v(F), the MS4 must perform a Compliance Inspection to confirm the identified non-compliance condition was addressed.	Recalcitrance should be addressed through the enforcement process, not the MS4 Inspection process. Recalcitrance is typically a clear lack of action to correct or bring a site into compliance. To address this through minimum inspection frequencies required of the MS4, places a burden that should be borne by the [contractor/site operator], onto the MS4. Conducting more inspections does not correlate with compliance, and performing additional recalcitrance compliance inspections instead of shifting resources toward enforcement does not gain compliance. Further, non-compliance can result from an inadequate control measure. An inadequate control measure can be a result of forces that are not necessarily reflective of a site operator’s ability or willingness to comply. Therefore, a response to non-compliance should consider the severity of the finding(s), along with the overall compliance history, the risk to water quality, and if an illicit discharge has occurred or has the potential to occur. MS4 permit holders should have the ability to put resources to escalating enforcement rather than spend staff resources on performing inspection types dictated by the MS4 permit on non-compliant sites. A finding of an inadequate control measure doesn’t necessarily indicate a site is recalcitrant. Nor would three compliance inspections within six months. To correlate these with recalcitrant overlook what can be indicative of an effective oversight program. This requirement fails to consider that this requirement would be triggered when: <ul style="list-style-type: none"> • Inspection 1 finds a silt fence that needs to be re-secured to a post as a result of a materials delivery an hour ago, • Inspection 2 finds a vehicle tracking pad for a temporarily closed access that needs to be replaced following a utility tie-in. Rock is on order for delivery that afternoon, and • Inspection 3 finds a concrete washout that is more than 2’ deep (half full) because it was used to (successfully) contain excess material resulting from a pumper truck failure that morning as corrective actions on a construction site.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

	<p>(b) Control measures: Identify failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance.</p> <p>(c) Pollutant sources: Evaluate all pollutant sources, including trash, to determine if an illegal discharge has occurred.</p> <p>(d) Discharge points: Evaluate discharge points to the MS4, or beyond the limits of the construction site as necessary to determine if an illicit discharge has occurred. The permittee must require the removal of the pollutants, when feasible, from the MS4 when the permittee identifies a failure to implement a control measure or an inadequate control measure resulting in pollutants discharging to the MS4 or beyond the limits of the construction site.</p>		<p>Basis in the Fact Sheet (page 37), states, “The division determined that recalcitrant inspections were necessary to prevent chronic non-compliance.”</p> <p>Please provide additional basis for the division’s determination.</p>
Part I.E.3.c.vi. Enforcement Response	<p>(B) The permittee must use the following types of enforcement mechanisms:</p> <ol style="list-style-type: none"> 1) Verbal warning 2) Compliance advisory 3) Notice of violation with corrective order 4) Notice of violation with stop work order 5) Notice of violation with referral 	<p>Please remove the requirement to have specific types of enforcement mechanisms. If specific enforcement types are needed, they should reflect broader categories such as verbal warning, written warning, and enforcement referrals.</p>	<p>Requiring MS4 permit holders to have enforcement mechanisms is appropriate, but listing specific types of enforcement mechanisms that must be used is not beneficial.</p> <p>Requiring a permit holder to use compliance advisories or other specific types of enforcement restricts the permit holder’s ability to employ tools they feel are most effective with the staff resources they have.</p> <p>For example, enforcement actions take significant staff time. An MS4 permit holder may not find these specific tools are effective on sites in their jurisdiction. To develop these tools and use them when an MS4 permit holder knows that tool is not effective is not cost effective and does not provide an environmental benefit.</p>
Part I.E.3.c.vi. Enforcement Response	<p>(C) The permittee must escalate enforcement procedures at a construction site if non-compliance has continued at the site for more than two inspections. If the permittee does not escalate enforcement at that time, permittee will write and submit to the division a report justifying why the permittee did not choose to take enforcement actions under the enforcement escalation policy.</p>	<p>Please consider the proposed language:</p> <p>C) The permittee must escalate enforcement procedures at a construction site if the site’s non-compliance is determined to be recalcitrant. If the permittee does not escalate enforcement at that time, the permittee must require the operator to take all necessary steps to prevent the discharge of pollutants and document and submit to the MS4, the following:</p> <ol style="list-style-type: none"> a. Why the correction of condition causing the illicit discharge cannot begin immediately; b. A schedule for the installation or repair to mitigate the illicit discharge as soon as possible. <p>Per I.E.3.c.v(F) the MS4 must perform a Compliance Inspection to confirm the installation or repair was made.</p>	<p>Non-compliance can be caused by many factors, some of which are within an operator’s control (management, resources, priorities, training, etc.) and some that are not (delivery driver, disgruntled neighbors, personnel changes, etc.). The intent, circumstances and typical responsiveness of that operator are factors considered when determining whether escalating enforcement is necessary or effective.</p> <p>This requirement fails to consider that this requirement would be triggered when:</p> <ul style="list-style-type: none"> • Inspection 1 finds a silt fence that needs to be re-secured to a post as a result of a materials delivery an hour ago, • Inspection 2 finds a vehicle tracking pad for a temporarily closed access that needs to be replaced following a utility tie-in. Rock is on order for delivery that afternoon, and <p>It places a burden on the MS4 permit holder to prepare a report instead of performing inspections or escalating enforcement at other sites where such action is deemed necessary and effective.</p> <p>It also places additional resource burden on the Division to review the report and add it to the electronic records database.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

		If the condition was not corrected, the permittee must escalate enforcement.	
Part I.E.3.c.	vii. State or EPA Inspection Notifications: The permittee will review state and EPA inspection reports for construction sites where the state or EPA has found noncompliance with the CDPS general permit authorizing stormwater discharges associated with construction activities (CDPS stormwater construction permit, currently General Permit COR400000). The permittee will read and review the state or EPA inspection report against at least the 2 most recent inspections conducted by the permittee. The permittee will determine whether the evidence of noncompliance with the CDPS stormwater construction permit identified by the state or EPA is also grounds for noncompliance with the permittee’s construction program. The permittee will maintain a documented summary of this review. The summary must describe whether the city’s oversight failed to identify noncompliance, and must describe corrective actions that will prevent future oversight failures.	Please remove this requirement.	<p>MS4 permit holders do not have the legal authority to conduct compliance assurance activities for permit issued by the Division. See Fact Sheet (page 37): <i>Permittees should understand that they do not have the legal authority to conduct compliance assurance activities for the Stormwater Discharges Associated with Construction Activity general permit. The division conducts all compliance assurance activities associated with this statewide general permit.</i></p> <p>Typically, MS4 inspections reflect a more thorough review of site conditions and control measures, because the frequency at which MS4 permit holders inspect achieves a level of familiarity not available to Division or EPA inspectors. As a result, MS4 inspections oftentimes include more instances of non-compliance than Division inspections.</p> <p>Without thorough training for MS4 Inspectors on the CDPS stormwater construction permit to identify what the Division considers non-compliance with the CDPS stormwater construction permit, it is not reasonable to ask an MS4 permit holder to review reports on a different permit than the one they are required to implement.</p> <p>Last, until the Division has a consistent process for informing the MS4 permit holder of these inspections, especially in the non-standard permit areas, it is not an appropriate permit condition.</p>
Part I.E.3.c. Training	viii. Training: The permittee shall provide information to staff and operators of applicable construction activities as necessary to ensure that the necessary staff and each operator is aware of the permittee’s requirements including controlling pollutants such as trash. (A) The permittee shall provide information to operators of applicable construction activities as necessary to ensure that each operator is aware of the permittee’s requirements. (B) The permittee shall require that all operators of applicable construction activities have at least one individual responsible for implementing control measures that is 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.	Please revise permit condition to: The permittee must provide information to staff and operators of applicable construction activities as necessary to ensure that each operator is aware of the permittee’s applicable requirements, including controlling pollutants such as trash. The training must also include information on trash as pollutant source.	The suggested language is from the COR080000 and COR090000 permits. The additional level of specificity proposed by the Division is beyond MEP and is not consistent with other permits issued by the Division and EPA.
Part I.E.3.c.viii.C . Training	(C) The permittee shall require all existing and newly hired permittee staff or contractors who are involved in applicable construction activities design, oversight and/or maintenance related to stormwater drainage and quality to attend a stormwater training	Please remove this permit condition.	<p>These permit conditions are already required in Part I.E.3.c.viii., I.E.3.c.viii.A and I.E.3.c.viii.B.</p> <p>This level of specificity is beyond MEP and is not consistent with other permits issued by the Division or EPA.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

	<p>course, or demonstrate other equivalent training, education, or experience, that includes, but is not limited to the following:</p> <p>1) Control measure design and overall stormwater management into a project’s construction design and planning phase.</p> <p>2) Implementation of control measures during different phases of construction and the maintenance of a system/series of pollution controls throughout the life of a project and as a project evolves through those different phases.</p>		
Part I.E.3.c.viii.C. Training	<p>3) Specific guidance on appropriate, functional, and effective control measures to implement when working in and adjacent to state waters and how those control measures can and should be incorporated into the design of a project.</p>	Please remove this permit condition.	<p>There is no basis in the Fact Sheet for this new requirement.</p> <p>It is not necessary to be trained on control measures for working in and adjacent to waterways if 1) the permit holder does not have waterways in or adjacent to their jurisdiction, 2) if the applicable construction site does not include working adjacent to or in a waterway.</p> <p>The proposed language provided as concept/comment for Part I.E.3.c.viii Training is inclusive enough to address working in and adjacent to waterways.</p>
Part I.E.3.c.viii.C. Training	<p>4) The proper use of, and necessary modifications to, permanent flood control structures that are used as temporary construction control measures.</p>	Please remove this permit condition.	<p>There is no basis in the Fact Sheet for this new requirement.</p> <p>It is not necessary to be trained on the proper use of, and necessary modifications to, permanent flood control structures that are used as temporary construction control measures if the applicable construction site does not have permanent flood control structures that are used as temporary construction control measures.</p> <p>Engineering plans and details provide necessary, site specific information. Training on the topic is not necessary.</p>
Part I.E.3.c.viii.C. Training	<p>5) Detailed instruction on final stabilization and the implementation and maintenance of control measures at projects once construction operations have ceased, including a discussion of who will be responsible for maintaining those control measures and how final stabilization will generally be monitored and achieved.</p>	Please remove this permit condition.	<p>Final stabilization requirements are already specified in Part I.E.3.a.</p> <p>Establishing responsibility for achieving final stabilization is a function of plans and contracts, not a general training requirement in the MS4 permit.</p>
Part I.E.3.c.viii.C. Training	<p>6) Information on control measure technology advancements.</p>	Please remove this requirement.	<p>It is not necessary to require to be trained on information on control measure technology advancements for an industry/application that is not rapidly changing as a result of technology or advancement.</p>
Part I.E.3.c.xi. Cherry Creek Reservoir Drainage Basin Requirements	<p>For permittees within the Cherry Creek Watershed the following requirements apply in addition to the requirements in Part I.E.3.c.i through x:</p>	<p>Please clarify that for sites within the Cherry Creek Basin under an acre, only the requirements in Part I.E.3.c.xi apply, not the site plan (Part I.E.3.c.iii), site plan review (Part I.E.3.c.iii), and inspections requirements (Part I.E.3.c.iv).</p>	<p>The scope of documenting all land disturbances under an acre at the level of detail in the permit is not economically feasible. Since there is no threshold for amount of land disturbed, every project in these categories, no matter how small would have to be inspected at the permit frequencies under this permit condition. It is not reasonable to expect an MS4 permit holder to document inspections on projects that disturb a shovel full of dirt.</p>
Part I.E.3.c.xi. Cherry Creek Reservoir Drainage	<p>The following definitions apply to the requirements in Part I.E.3.xi only.</p>	<p>Part I.E.3.xi does not exist in this permit.</p>	<p>Unable to comment. Citation does not exist in the permit.</p> <p>Please provide a second draft of the permit with corrected citations for public notice.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Basin Requirements			
Part I.E.3.c.xi. Cherry Creek Reservoir Drainage Basin Requirements	(C) Individual Homes. For individual home construction, including any Land Disturbance or Development for a single home that disturbs less than once acre of land, where the Owner of the single home holds a permit for construction of only one dwelling within the subdivision, if any, the permittee must meet the requirements of Part I.E.a.xii.(F)(c)(i), but does not have to meet other requirements under Part I.E.a.xii. This exception does not apply to activities of land disturbance	Part I.E.a.xii.(F)(c)(i), and Part I.E.a.xii don't exist in this permit.	Unable to comment. Citation does not exist in the permit. Please provide a second draft of the permit with corrected citations for public notice.
Part I.E.3.c.xi.F.a.	In order to authorize such exemptions, the permittee must establish criteria and procedures for considering whether the 40 acre limit is impracticable. The procedures must be approved by the division prior to granting any exemptions.	Please remove this permit condition.	The Cherry Creek Basin Water Quality Authority is the appropriate entity to review these procedures and oversee variances to the 40 acre limit. At a minimum, please provide a process and timeline for the Division to review and respond to submitted procedures.
Part I.E.3.d.vii.E. Compliance Inspection	6) Count of compliance inspections conducted during previous 365 days.	Please remove this permit condition.	Inspection counts are generated for annual reporting. To have an ongoing count of number of inspections conducted in the previous 365 days does not provide useful information and would require implementing new systems for tracking without environmental benefit.
Part I.E.3.d.vii	(F) Recalcitrant Inspection: Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency: 1) Inspection date 2) Name of inspector 3) Site identification 4) Inspection results including any inadequate control measures that have not been resolved from the previous inspection. 5) Type of Inspection	Please remove this permit condition or adjust according to the comment on Part I.E.3.c.v.	Please refer to the comment on Part I.E.3.c.v. Recalcitrant Inspection above, inspecting chronic and recalcitrant sites at a greater frequency should not be a permit condition. Additional MS4 oversight using staff time is not the only method to address non-compliance on a construction site.
Part I.E.3.d.viii. Enforcement Response	The applicable specifications, contracts, codes, resolutions, ordinances and other documents used to meet the permit requirements. Maintain records of the escalation policy and enforcement response. The document(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place, including as a minimum: (B) SWMPs not maintained and modified in accordance with the permittee's requirements.	Please remove this permit condition.	Please refer to the comment on Part I.E.3.c.iv.B.2. Site Plans above.
Part I.E.3.d.viii. Enforcement Response	The applicable specifications, contracts, codes, resolutions, ordinances and other documents used to meet the permit requirements. Maintain records	Please remove this permit condition.	It appears MS4 permit holders are to maintain records of the escalation policy and include response to a "failure to take corrective actions required by the permittee's enforcement response plan." It is unclear why an MS4

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

	of the escalation policy and enforcement response. The document(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place, including as a minimum: (F) Failure to take corrective actions required by the permittee’s enforcement response plan.		permit holder would develop a policy on what to do if they fail to take corrective actions per their plan. The Fact Sheet did not discuss this change or give basis on why this would be a requirement.
Part I.E.3.d.ix. State or EPA Inspection Notifications	The applicable specifications, contracts, standards; operating procedures, and other documents used to meet the permit requirements. Maintain records of the analysis of the comparison between permittee inspections and state or EPA inspections	Please remove this requirement.	As commented above on Part I.E.3.c.ix. State or EPA Inspection Notification: MS4 permit holders do not have the legal authority to conduct compliance assurance activities for permit issued by the Division. See Fact Sheet (page 37): <i>Permittees should understand that they do not have the legal authority to conduct compliance assurance activities for the Stormwater Discharges Associated with Construction Activity general permit. The division conducts all compliance assurance activities associated with this statewide general permit.</i> Typically, MS4 inspections actually reflect a more thorough review of site conditions and control measures, because the frequency at which MS4 permit holders inspect achieves a level of familiarity not available to Division or EPA inspectors. As a result, MS4 inspections oftentimes include more instances of non-compliance than Division inspections. One instance of MS4 inspections not sufficiently aligned with Division and EPA inspection results, does not provide ample basis for this draft permit requirement. Without thorough training for MS4 Inspectors on the CDPS stormwater construction permit to identify what the Division considers non-compliance with the CDPS stormwater construction permit, it is not reasonable to ask an MS4 permit holder to review reports on a different permit than the one they are required to implement. Last, until the Division has a consistent process for informing the MS4 permit holder of these inspections, especially in the non-standard permit areas, it is not an appropriate permit condition.
Part I.E.3.d.x. Training:	The applicable mechanism or program documents used to train construction operators.	Please change to: Training: The applicable mechanism or program documents used to inform construction operators of requirements.	Change provides clarification that the requirement is to inform operators of the permittees requirements.
Part I.E.3.d. xiii. Cherry Creek Reservoir Drainage Basin Requirements	(B)Exclusions and Variances: Maintain records for activities covered under Part I.E.3.c.xi(C), (D)(3), (F)(1) (a), and (F)(2)(c). Records must include the site name, owner name, location, completion date, planned disturbed acreage for the site, and reason for exclusion.	Unsure what needs to be tracked under Part I.E.3.c.xi(C) since the section references two other sections in the permit that do not exist. Unsure what activities or records for exclusion would be tracked for (F)(1) (a), and (F)(2)(c). (F) is Required Construction Control Measures and does not include exclusions.	Unable to comment. Citation does not exist in the permit. Please provide a second draft of the permit with correct citations for public notice.

Post Construction

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Part I.E.4. Post-Construction Stormwater Management in New Development and Redevelopment		Please remove requirements that are beyond the Current COR080000 and COR090000 MS4 permit issued in April 2016, effective July 1, 2016.	<p>1) Of the approximately 61 current non-standard MS4 permit holders, only 10 have their own program established. Of those 10, many reference existing county or city manuals. The other 51 rely on an existing city or county to implement this program. This requirement would effectively make it impossible for any non-standard permit holder to rely on existing Phase II programs</p> <p>2) The reissue of the COR080000 and COR090000 permit is the appropriate place to start to raise the bar or establish new MEP. The current COR080000 and COR090000 MS4 permit holders are will have established programs, processes and resources from which to revise existing standards and implement a streamlined approach, and one upon which the Non-standard MS4 permit holders can rely. The changes in this draft exceed the current COR080000 and COR090000 requirements for Non-standard MS4 permit holders, who do not have staff and resources to develop this level of program in a few years.</p> <p>3) Specific design standards should not be included in the permit without the public process and standardized criteria. Adding new criteria each time an MS4 Permit is issued drives inconstant programs and creates confusion for design engineers.</p>
Part I.E.4	The permittee must implement a program to ensure that controls are in place that would prevent or minimize water quality impacts.	Please revise to reflect Regulation 61.8(11)(a)(ii)(E)(I). The permittee must implement a program to ensure that controls are in place that would prevent or minimize water quality impacts that discharge into the small MS4.	Permit language should be clear that it is the discharge into the MS4 that is regulated under the Post-Construction Stormwater Management in New Development and Redevelopment Program, not discharge from the applicable development sites.
Part I.E.4.a. Excluded Sites	i. Applicable development sites for which the permittee does not own or operate or have implementation authority over are excluded from the requirements of this section (Part I.E.4).	Permit condition is unclear. Please clarify that it is only sites owned/operated by the MS4 permit holder that must meet the requirements in Part I.E.4.	<p>Please clarify that it is only sites owned/operated by the MS4 permit holder that must meet the requirements in Part I.E.4.</p> <p>Ownership and operation for non-standard MS4 permit holders has not changed since the last permit term and the Previous Non-standard Fact Sheet (page 2) is clear on applicability of the programs: <i>“4. Construction Sites Non-standard permittees covered under this permit typically own or operate facilities and activities that discharge to their MS4s, and therefore would typically be the owners or operators of construction activities occurring in those areas. For areas not under the ownership or control of the permittee, a city or county would have full authority over any construction activities. Therefore, the requirements of this section are limited to controlling sources under the ownership or operational control of the permittee. 5. Post-Construction Stormwater Management in New Development and Redevelopment For the reasons discussed in subsection (4), above, the requirements of this section are limited to controlling sources under the ownership or operational control of the permittee.”</i></p>
Part I.E.4.d.i. WQCV Standard	(B) The minimum drain time shall be 12 hours.	Please change the permit condition to: Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the Control Measure implemented.	If the primary treatment process of the BMP is filtration, there is no minimum drain time. Including a minimum drain time is misleading and not necessary because the permit requires the evaluation of the drain time.
Part I.E.4.d.iii. Runoff Reduction Standard	“Infiltrate” is the act of stormwater runoff infiltrating into the ground without release to the MS4. Runoff that is directed to an underdrain that discharges to the MS4 or a water of the state cannot be used to meet the volume reduction target in this design standard. A separation distance of 3 feet is required	Please remove permit condition defining infiltrate and specific design requirements.	The basis in the Fact Sheet is unclear. Simply the fact that water is re-introduced to the MS4 does not equate to pollution. Infiltration is a method of treatment. Design parameters should be site specific details and must consider bedrock and groundwater table, but should not specify design details in a permit.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

	between the bottom of the infiltration control measure and the elevation of the top of bedrock or the expected seasonally high ground water table, including alluvial groundwater.		
Part I.E.4.d.v. Applicable Development Site Draining to a Regional WQCV Facility	5) The minimum drain time shall be 12 hours.	Please change the permit condition to: Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the Control Measure implemented.	If the primary treatment process of the BMP is filtration, there is no minimum drain time. Including a minimum drain time is misleading and not necessary because the permit requires the evaluation of the drain time.
Part I.E.4.d.v. Applicable Development Site Draining to a Regional WQCV Facility	8) Constrained Redevelopment Sites Standard:	Please correct the formatting to reflect this is design standard Part I.E.4.vi	This should be a design standard, not a subsection of Part I.E.4.d.v. Applicable Development Site Draining to a Regional WQCV Facility.
Part I.E.4.d.v.8.B. Constrained Redevelopment Sites Standard	1) Provide treatment of the WQCV for the area captured. The captured area shall be 50% or more of the impervious area of the applicable redevelopment site. The minimum drain time shall be 12 hours.	Please change the permit condition to: Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the Control Measure implemented.	If the primary treatment process of the BMP is filtration, there is no minimum drain time. Including a minimum drain time is misleading and not necessary because the permit requires the evaluation of the drain time.
		Please consider adding the Equivalent Area Design Standard attached to this document.	This proposed design standard is desired by Phase II MS4 owners and operators as a method of establishing limitations and requirements for applicable development sites to utilize an applicable treatment site that cannot meet the base design standards on site. This standard is desired to allow for greater flexibility, reduced cost, potentially improved maintenance accessibility and greater water quality benefit while providing an equivalent water quality treatment. The Douglas County Equivalent Area Study (Memo RE: Permanent Water Quality: 100% Water Quality Capture and Treatment Scenario) demonstrated that treating an equivalent area can cost significantly less while providing the same or potentially greater water quality benefit.
Part I.E.4.e.i. Post-Construction Site Plans	(A) First, the permittee must review the site for control measures that reduce runoff. The permittee’s review should include consideration of ways to minimize imperviousness and directly connected impervious areas. (B) Second, the permittee must review the site for procedural control measures that could reduce stormwater pollution, including covering storage and handling areas, spill containment and control, disposal of household waste, illicit discharge controls, good housekeeping, preventative maintenance, vehicle maintenance, fueling, and storage, use of pesticides, herbicides, and fertilizers, landscape maintenance, snow and ice management,	Please remove this permit condition.	This permit condition is beyond the current COR080000 and COR090000 MS4 permit. The non-standard MS4 permit should not be inconsistent with the current COR080000 and COR090000 MS4 permit. 1) Current COR080000 and COR090000 MS4 permit compliance deadlines followed public notice of this draft permit. There has been no opportunity to evaluate the effectiveness, the impediments to implementation, or to establish MEP. 2) Non-standards typically do not have similar staff or resources to devote solely to MS4 permit development and implementation. As such, non-standard MS4 permit holders need to be able to rely on current COR080000 and COR090000 MS4 permit holders either for full program implementation, or at least program development. With the discrepancies between the two permits, the possibility that a non-standard MS4 permit holder can be covered by, let alone, adopt procedures, policies and programs of current COR080000 and COR090000 MS4 permit holders is not possible.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

	street sweeping and cleaning, and storm sewer system cleaning.		
Part I.E.4.e.ii. Site Plan Requirements	(A) Analysis from evaluation of runoff reduction and procedural control measures from Part I.E.4.e.i.	Please remove this permit condition.	This permit condition is beyond the current standard MS4 permit. As such, this permit condition results in non-standard permit holders being unable to rely on existing city and/or county programs for compliance with the MS4 permit.
Part I.E.4.e.iii. Site Plan Review	The plan review shall include the following minimum requirements designed to prevent inadequate control measures from being implemented or modified :	Please revise the permit condition to: The plan review shall include the following minimum requirements designed to prevent inadequate control measures from being implemented.	MS4 permit holders believe the intent was to prevent inadequate control measures from being implemented, not to prevent inadequate control measures from being modified.
Part I.E.4.e.iii.(C) Post Construction Site Plan Revisions	1) Major Modifications. Changes to the original site plan that removes or adds additional area to the project, modifies the final hydrology or drainage of the final design, replaces an approved Site Plan, changes the control measure, or otherwise expand or contract the scope of the original project shall require the submission of plans to the permittee for review and approval.	Please remove this requirement.	The permit states, <i>“The plan review shall include the following minimum requirements designed to prevent inadequate control measures from being implemented or modified:”</i> MS4 permit holders should define the process for approving major modifications to site plans based on their staffing and knowledge. Part I.E.4.f. Construction Inspection and Acceptance adequately ensures plans are updated and approved before control measures are accepted. Whether minor or major changes occur, they will need to be approved before the control measure is accepted. The permit condition in Part I.E.4.f.i. <i>“Confirmation that the completed control measure operates in accordance with the approved site plan.”</i> adequately and clearly addresses major and minor modifications of control measures.
Part I.E.4.e.iii.(C) Post Construction Site Plan Revisions	2) Minor Modifications. Modifications to the original site plan that does NOT increase the scope or change hydrology of the project but modifies/improves specific control measures used or specifies the relocation of previously approved control measures within the project shall be made in the field by the construction site owner/operator and thoroughly documented in the Site Plan narrative and drawings. The permittee must review these revisions during inspections, determine if the permittee approves, and show in some way (like initialing the map or through an electronic log) that the permittee approves of the minor modifications.	Please remove this requirement.	The permit states, <i>“The plan review shall include the following minimum requirements designed to prevent inadequate control measures from being implemented or modified:”</i> Minor changes that do not change the scope or hydrology should not need to be approved during inspection. This permit requirement is unnecessary. Part I.E.4.f. Construction Inspection and Acceptance adequately ensures plans are updated and approved before control measures are accepted. Whether minor or major changes occur, they will need to be approved before the control measure is accepted. Part I.E.4.f.i. <i>“Confirmation that the completed control measure operates in accordance with the approved site plan.”</i> adequately and clearly addresses major and minor modifications of control measures.
Part I.E.4.e.iii.(C) Post Construction Site Plan Revisions	3) The permittee will only approve a major and minor modification if the modification meets the applicable requirements of Part I.E.4.d and e.	Move to Part I.E.4.f. Construction Inspection and Acceptance.	This requirement is redundant. As part of control measure acceptance, the MS4 permit holder must already provide <i>“Confirmation that the completed control measure operates in accordance with the approved site plan.”</i> (Part I. E.4.f. Construction Inspection and Acceptance).
Part I.E.4.g. Long-Term Operation and Maintenance and Post Acceptance Oversight:	The permittee must implement written procedures which include the following minimum requirements to ensure adequate long-term operation and maintenance of control measures installed under previous and current permits, including those owned by the permittee and by other entities to ensure that they are functioning as designed:	Please remove the permit condition that requires owner/operator inspections on post construction control measures implemented under the previous permit term.	Control measures implemented under the previous permit term would already have contracts, maintenance agreements, and site plans approved and should be grandfathered in under the previous permit term. New maintenance agreements or other mechanisms to require owners/operators inspect the control measure is not feasible. To put the burden on the MS4 permit holder to conduct inspections of previous permit control measures at a frequency of every 12 months on behalf of the owner/operator creates a significant increase in resources needed.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Part I.E.4.g. Long-Term Operation and Maintenance and Post Acceptance Oversight	iii. The permittees shall perform oversight inspections and inspect all control measures installed under previous permits and this permit at a frequency that it determines to ensure that the control measure is functioning as designed and is in compliance with the Stormwater Quality Control Plan, however, the permittee shall inspect the control measure at least once every 36 months.	Please remove “at a frequency that it determines to ensure that the control measure is functioning as designed.”	The permit condition is not clear, specific and measurable. The frequency is already specified in the permit condition by the Division.
Part I.E.4.g. Long-Term Operation and Maintenance and Post Acceptance Oversight	iii. The permittees shall perform oversight inspections and inspect all control measures installed under previous permits and this permit at a frequency that it determines to ensure that the control measure is functioning as designed and is in compliance with the Stormwater Quality Control Plan.	Please use the term “site plan” instead of Stormwater Quality Control Plan.	This is a new term and is not defined in the permit or used anywhere in the permit.
Part I.E.4.g. Long-Term Operation and Maintenance and Post Acceptance Oversight	iii. ... the permittee shall inspect the control measure at least once every 36 months.	Please change the permit condition to: Oversight shall include inspections of field conditions and control measures to confirm conformity with the site plan, identify any inadequate control measures, and identify control measures requiring routine maintenance, such as trash removal. Inspections of each control measure shall occur at least once during the permit term.	This permit condition is beyond the current COR080000 and COR090000 MS4 permit. As such, this permit condition results in non-standard permit holders being unable to rely on existing city and/or county programs for compliance with the MS4 permit. Suggested permit condition is from the current COR080000 and COR090000 MS4 Permit. Basis for increased oversight inspections is not included in the Fact Sheet.
Part I.E.4.g. Long-Term Operation and Maintenance and Post Acceptance Oversight	iii.... control measure installed under this permit must also perform an operation and maintenance inspection at a frequency that the permittee determines will ensure that the control measure is functioning as designed or at a minimum, once every 12 months (unless specified below).	Please remove this requirement.	This permit condition is beyond the current COR080000 and COR090000 MS4 permit. As such, this permit condition results in non-standard permit holders being unable to rely on existing city and/or county programs for compliance with the MS4 permit. There is no basis for increased oversight inspections in the Fact Sheet.
Part I.E.4.g. Long-Term Operation and Maintenance and Post Acceptance Oversight	iii...The following minimum inspection requirements and frequencies apply to new and specific control measures (A) Grass Buffers and Swales (B) Bioretention (C) Green Roofs (D) Extended Detention Basins (E) Sand Filters (F) Retention Ponds and Constructed Wetland Ponds (G) Permeable Pavement Systems (H) Underground Control Measures	Please remove specific details regarding inspection scope and frequency for each control measure.	This permit condition is beyond the current COR080000 and COR090000 MS4 permit. As such, this permit condition results in non-standard permit holders being unable to rely on existing city and/or county programs for compliance with the MS4 permit. This level of specificity belongs in a design criteria manual, not an MS4 permit. MS4 permit holders are responsible for ensuring long-term operation of control measures and have established minimum maintenance requirements. There is no basis provided in the Fact Sheet on this requirement. Specific design standards should not be included in the permit without the public process and standardized criteria. Adding new criteria each time an MS4 Permit is issued drives inconstant programs and creates confusion for design engineers. In addition, the permit already provides adequate requirements to ensure functionality of the control measures are inspected. Part I.E.4.g.iii requires “ <i>Oversight inspections shall include the inspection of field conditions and control measures to confirm conformity with the site plan, identify any inadequate control measures, and identify control measures requiring routine maintenance, such as trash removal. All functional elements of control measures shall be inspected.</i> ”

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

			<p>Inspecting control measures is not a one size fits all approach. Some need a once a year inspection and some do not. Once vegetation is established, many control measures do not need multiple inspections in a year.</p> <p>Industry practice for inspections of control measures can be found in USDCM: Volume 3 Stormwater Quality. This manual is updated frequently as new control measures and industry practices change.</p> <p>It should also be noted that the presence of sediment does not always mean maintenance of a control measure is required. Some sediment presence is expected. Control measures are designed to continue to operate effectively with some sediment within the system.</p>
Part I.E.4.g.iii.(B) Bioretention	1) Frequency: Conduct at least twice a year following precipitation events with a minimum of 90 days between inspections.	<p>Please remove this permit condition.</p> <p>If the permit condition is not removed, please add percolation tests as an acceptable method of inspecting instead of precipitation.</p>	<p>This specificity is not necessary. The permit already provides adequate requirements to ensure functionality of the control measures are inspected. Part I.E.4.g.iii requires <i>“Oversight inspections shall include the inspection of field conditions and control measures to confirm conformity with the site plan, identify any inadequate control measures, and identify control measures requiring routine maintenance, such as trash removal. All functional elements of control measures shall be inspected.”</i></p> <p>Percolation tests are a standard method of evaluating functionality of infiltration control measures.</p>
Part I.E.4.g.iii.(H)2. Underground Control Measures	(c) Filter Cartridges. The inspection shall evaluate the need to replace the filter cartridges. Filter cartridges must be replaced as often as necessary, but at least once every three years.	Remove minimum cartridge replacement requirement.	Maintenance must be conducted when necessary. Maintenance when not needed is not economically feasible. MS4 permit holders do not require owners/operators to maintain something when it does not need maintenance. Particularly with proprietary control measures, the manufacturer’s specification for inspection and maintenance should be adhered to.
Part I.E.4.g.iii.(H)2. Underground Control Measures	(d) Hydrodynamic Separators. The inspection shall evaluate the need to vacuum the hydrodynamic separator. Hydrodynamic separator must be vacuumed as often as necessary, but at least once a year.	Remove minimum vacuum requirement.	Maintenance must be conducted when necessary. Maintenance when not needed is not economically feasible. MS4 permit holders do not require owners/operators to maintain something when it does not need maintenance. Particularly with proprietary control measures, the manufacturer’s specification for inspection and maintenance should be adhered to.
Part I.E.4.g.iv.	All maintenance identified during either a permittee or an owner/operator inspection shall be completed within 6 months of the inspection.	<p>Please revise to:</p> <p>Routine maintenance identified during either a permittee or an owner/operator inspection shall be completed within 6 months of the inspection.</p>	A complete reconstruction or a large maintenance project will likely take more than 6 months. New site plans may have to be developed, reviewed and approved prior to modification. Extensive maintenance items also generally require a bid process to complete and will typically take longer to complete than 6 months following the inspection.
Part I.E.4.h.ii	The permittee must escalate enforcement procedures if non-compliance has continued at the applicable development project for more than two inspections. If the permittee does not escalate enforcement at that time, they must document the reason why they did not take enforcement actions.	Please clarify that “non-compliance has continued at the applicable development project for more than two inspections.” means the same compliance item identified in consecutive inspections.	Inspection 1 might identify non-compliance items (abc) and Inspection 2 may identify non-compliance items (xyz) that are not related to the previous inspection. This should not cause a trigger for enforcement escalation.
Part I.E.4.l.iii Individual Homes	Individual homes, however, are required to meet the requirements of Parts I.E.4.a through k and m	Please remove this permit condition.	<p>The individual homes referenced in this section are under one acre of disturbance and should not be required to meet the requirements for post construction control measures in Parts I.E.4.a through k and m.</p> <p>In addition, individual home building does not apply to non-standard permit holders.</p>
Part I.E.4.l.iv.	(B) Authorized Exclusions.	Please add: Rural road construction and maintenance, provided that the permittee requires construction BMPs specific to this activity;	Regulation 72 exempts rural road construction and maintenance from the requirements. Although it would be uncommon to encounter this for a non-standard MS4 permit holder, it should still be listed as an authorized exclusion.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Part I.E.4.I.iv(C) Additional Exclusions	The permittee may allow for additional automatic and/or authorized exclusions, with written of the division , when it can be reasonably shown that excluding the activity will not pose an increased threat to water quality, or that the cost of administering the program for a specific activity with low risk of stormwater pollution outweighs the benefits to water quality. The division reserves the right to not allow any additional exclusions.	Please add “with written approval ”.	Sentence is missing a word.
Part I.E.4.I.xi.A.3)	For all Tier 1 development and redevelopment, the permittee need not require installation of post-construction control measures.	Please clarify in the Fact Sheet that Tier 1 does not require installation of post-construction control measures.	Fact sheet states, “Tier 1 must comply with Part I.E.4.d Control Measure Requirements: The permittee’s requirements and oversight for applicable development sites must be implemented to address the selection, installation, implementation, and maintenance of control measures in accordance with requirements in Part I.B. The “base design standards” are listed below and are the minimum design standards for new development and redevelopment sites. Tier 1 does not require control measures.
Part I.E.4.m. Recordkeeping		Please correct formatting in this entire section. Section should be Part I.E.4.m.i., Part I.E.4.m.ii., Part I.E.4.m.iii., etc.	Incorrect formatting makes it confusing when reading and referencing permit conditions.
Part I.E.4.m.ix.	For exclusions under Part I.E.4.a.i the permittee must document locations where its lacks implementation authority and must identify the entities that do have implementation authority for these locations.	Please remove this requirement.	To track everything that discharges to a non-standard MS4, but that was covered under a City or County’s MS4 permit is not feasible. Many projects occur on land on the boarder of the non-standard jurisdiction where the non-standard permit holder does not have land use authority. Non-standard permit holders are not able to track projects that do not and are not required to go through the non-standard permit holder’s review process.
Part I.E.4.m.xvi. Long Term Operation and Maintenance and Post Acceptance Oversight	Permittees only have to keep the inspection records for the annual inspection. Permittees do not have to keep records for inspections conducted more frequently than required by this permit.	Please correct to reflect inspection requirement in the permit, which is not annual.	Part I.E.4.g.iii. of the permit states, “ <i>The permittees shall perform oversight inspections and inspect all control measures installed under previous permits and this permit at a frequency that it determines to ensure that the control measure is functioning as designed and is in compliance with the Stormwater Quality Control Plan, however, the permittee shall inspect the control measure at least once every 36 months.</i> ” The requirement is not to perform annual inspections so a recordkeeping requirement for annual inspections is incorrect.
Part I.E.4.m.xviii. Tracking for Control Measures Installed in Accordance with this Permit and Previous Permits	Maintain records of the required control measure and regional WQCV control measure information, including the type of control measure, the location of the control measure, the date it was installed, if it met a previous design standard (if applicable), if it meets the permittee’s current design standard, the amount of acreage within the permittee’s jurisdictional boundary that drains to the control measure , the dates of inspections, the dates of maintenance, and the dates of scheduled maintenance.	Please revise to require only the following information for recordkeeping: Tracking for Control Measures Installed in Accordance with this Permit and Previous Permits: Maintain records of the required control measure and regional WQCV control measure information, including the type of control measure, the location of the control measure, the date it was installed, if it met a previous design standard (if applicable), if it meets the permittee’s current design standard, and the dates of inspections.	Requiring MS4 permit holders to track the amount of acreage within the jurisdictional boundary on control measures installed under a previous permit term would create a significant burden. Plan review and approval has already occurred, and this permit condition would require non-standard MS4 permit holders to obtain information from control measure owners/operators or to develop the information through a comprehensive study, neither of which is feasible or has environmental benefit. MS4 permit holders require control measures to be maintained. Obtaining records of maintenance from control measure owner/operators is not a typical practice and is not necessary.

Pollution Prevention/ Good Housekeeping for Permittee Operations

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Part I.E5.a.ii. Permittee-owned facility runoff control measures.	1) Vehicle maintenance and washing facilities, motor pools with vehicle maintenance and washing, and loading and unloading areas.	Please revise the permit condition to: 1) Outdoor vehicle maintenance and outdoor washing facilities, outdoor motor pools with outdoor vehicle maintenance and outdoor washing, and loading and unloading areas which occur outdoors.	Activities that take place under cover and do not have exposure to stormwater runoff should not require additional control measures or documentation.
Part I.E5.a.ii. Permittee-owned facility runoff control measures.	5) Equipment storage yards.	Please revise the permit condition to: 5) Outdoor equipment storage yards	Activities that take place under cover and do not have exposure to stormwater runoff should not require additional control measures or documentation.
Part I.E.5.a.iv.A.2.	If the deicer used contains phosphorus in concentrations greater than 25 parts per million (specifications adopted by the Colorado Department of Transportation) then permittee must document the name of the deicer used, the approximate quantity of phosphorus present in the deicers, and an estimate of the amount of phosphorus applied through deicers.	Please remove this permit condition.	Tracking amount of deicer used that contains phosphorus in concentrations greater than 25 parts per million does not provide a benefit to water quality. It is difficult to accurately track the amount of deicer applied and investing in a system for simply tracking the amount of one product used is not economically practical. Most MS4 permit holders use a variety of deicing products to address different weather and road conditions. Furthermore, the amount of deicer applied by a nonstandard MS4 permit holder that is not a transportation nonstandard, is minimal. Documentation of how much deicer is used does not minimize or prevent pollution and places no limit or condition on use. The Data Gap Analysis conducted for Regulation 85 in 2013 (https://udfcd.org/wp-content/uploads/uploads/resources/technical%20papers/Regulation%2085%20Data%20Gap%20Report_Final.pdf) shows adequate data collection for phosphorus.
Part I.E.5.a.vi. Use of Fire Fighting Foam in Training Activities and Emergencies Part I.E.5.c.iv.	a.vi. The permittee must prohibit the use of Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances for training or testing purposes. For emergency use, the permittee shall evaluate whether a Class B fluorine-free foam can provide the required performance for the specific hazard. Fluorinated Class B foams should only be used in situations of significant flammable liquid hazard with risk for public safety or significant property loss, where the performance of other foams has not been demonstrated to date. c.iv. Documentation of whether Class B firefighting foams containing perfluoroalkyl substances are used, the locations of that use, and, if used, an evaluation of whether alternatives are available.	Please remove this permit condition.	The State of Colorado has already prohibited the use of Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances for training or testing purposes. Non-standard permit holders do not have authority over the fire departments or the products they use. Generally, Non-standard MS4 permit holders do not have the knowledge/expertise to evaluate whether a Class B fluorine-free foam can provide the required performance or evaluate whether alternatives are available.
Part I.E.5.b.iii. Training	The program must inform public employees responsible for operations with the potential to result in an illicit discharge about the permittee’s prohibitions against, and potential impacts associated with, illicit discharges from permittee operations. The training must also include information on trash and its effects on water quality	Revise to permittee staff for consistency with other sections.	Provides consistency of terminology with Part I.E.5.b.i. and Part I.E.5.b.ii.

Other Terms and Conditions

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Part I.F.	5. Identification of Receiving Waters and Impairment Status	Please remove this permit condition.	<p>EPA Region 8 issues NPDES permits to federally owned facilities in Colorado and has issued the following MS4 permits recently: The U.S Department of Veterans Affairs, VA Hospital, draft for public comment 7/5/19; The U.S. Department of Energy, South Table Mountain, issued 12/01/2018.</p> <p>Both include permit conditions that are general in nature to allow the MS4 to develop and implement individual programs to meet the requirements based on the pollutant sources that are more likely to be found within the MS4 permit holder’s jurisdiction. Both permits are 18 pages long and do not require monitoring. Dry weather screening requirements are included that allow for easy, quick field testing without establishing a monitoring program.</p> <p>These permits seem relevant to the discussion of MEP for non-standard permit holders and should be considered in the development of this non-standard general MS4 permit.</p> <p>Justification is not provided in the Fact Sheet to validate the Division issuing a permit with such significantly more prescriptive permit conditions than similar federal facilities in Colorado.</p> <p>Based on comments from the Division at the Water Quality Forum MS4 Issues Workgroup Meeting held on 7/24/19, the Division does not feel EPA is the bar to set MEP, although EPA permits are cited as a reference that informs the Division’s iterative approach to MEP in the Fact Sheet. To have similar type facilities have significant differences in permit requirements based only on ownership/operation of the land is not a level playing field and creates a burden on local MS4s.</p> <p>This is not an appropriate permit condition for small non-standard MS4 permit holders</p> <p>Fact Sheet (page 53): <i>In a September 24, 2018 Permit Quality Review, EPA Region 8 recommended adding a requirements to the Stormwater Discharges from Municipal Separate Storm Sewer Systems (COR090000) that would require the identification of receiving water bodies or water quality status (impaired, TMDLs). In response, the renewal permit includes a new requirement for permittees to identify and report discharges through the permittees’ outfalls to impaired waters or water where TMDLs apply. Part III of the permit establishes new requirements to address impairments and TMDL requirements. The permittee must therefore be aware of Part III requirements that may apply.</i></p> <p>This is not the COR-090000 permit. If permit conditions are the same for both permittees, there is no reason to have COR-070000 permit and a COR090000 permit.</p>
-----------	---	--------------------------------------	---

Compliance Schedule

H.1. Compliance Schedule	TABLE 2 Compliance Schedule - Renewal Permittees (Example from permit: Deliverable: Notification in annual report Due March 10, 2023 Deadline: Completed January 1, 2022	Please correct deliverable dates to be the annual report following the compliance deadline.	The dates for deliverables are 1 year and 3 months after the compliance deadline. It makes more sense to report in the annual report following the compliance deadline.
H.1. Compliance Schedule	Part I.E.5.a.vii. Part III.A.2.a.i(A)	These citations do not exist in the permit.	Unable to comment. Citation does not exist in the permit.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

	Part III.A.2.a.i(B) Part III.A.2.b.i(A) Part III.A.2.b.i(B) Part III.A.2.c.i(B) Part III.A.4.a. Part III.A.4.b.		Please provide a second draft of the permit with correct citations for public notice.
	TABLE 2 Compliance Schedule - Renewal Permittees	For the following sections referenced in the compliance schedule, please allow for 24 months from effective date (actual date to be determined based on effective date of the permit): Part I.E.1.a.i Part I.E.1.a.ii Part I.E.2.a.ix Part I.E.3.c.x	The compliance schedule is too tight to enable program development and/or adjustments and modifications to tracking systems to incorporate new requirements into existing programs.
H.1. Compliance Schedule	TABLE 2 Compliance Schedule - Renewal Permittees	For the following sections referenced in the compliance schedule, please allow for 36 months from effective date (actual date to be determined based on effective date of the permit): Part I.E.1.a.iii(A) Part I.E.1.a.iii(B) Part I.E.1.a.iv(A)2) dischargers in Cherry Creek Reservoir drainage basin only Part I.E.2.a.iv (A) and (B) Part I.E.2.a.vi through viii Part I.E.2.b Part I.E.2.c.vi through x Part I.E.3.c.viii Part I.E.4.j Part I.E.5.a.ii (A) through (C) Part I.E.5.a.ii(D) Part I.E.5.a.iii Part I.E.5.b.i	The compliance schedule is too tight to enable program development, adjustments, changes to documents, contracts, legal mechanisms requiring public notice requirements, and modifications to tracking systems to incorporate new requirements into existing programs.
H.1. Compliance Schedule	TABLE 2 Compliance Schedule - Renewal Permittees	For the following sections referenced in the compliance schedule, please allow for 48 months from effective date (actual date to be determined based on effective date of the permit): Part I.C.1, PDD content requirements in Parts I.D and E Part I.E.2.a.ii Part I.E.2.a.iii Part I.E.2.a.v (if applicable) Part I.E.3.c.i Part I.E.3.c.ii Part I.E.4.b Part I.E.4.c Part I.E.4.h	The compliance schedule is too tight to enable program development, adjustments, changes to documents, contracts, legal mechanisms requiring public notice requirements, and modifications to tracking systems to incorporate new requirements into existing programs.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

		Part I.E.5.a.iv Part I.E.5.c.i	
	TABLE 2 Compliance Schedule - Renewal Permittees	For the following sections referenced in the compliance schedule, please allow for 60 months from effective date (actual date to be determined based on effective date of the permit): Part I.E.3.c.iii Part I.E.3.c.iv Part I.E.3.c.v Part I.E.3.c.xi Part I.E.3.d.viii Part I.E.4.a Part I.E.4.d Part I.E.4.e Parts I.E.4.f and g Part I.E.4.l Part I.E.5.a.v. Part I.E.5.a.vi.	The compliance schedule is too tight to enable program development, adjustments, changes to documents, contracts, legal mechanisms requiring public notice requirements, and modifications to tracking systems to incorporate new requirements into existing programs. In addition, this compliance schedule allows for non-standard permit holders to work with cities and counties on updating their established programs. All permit conditions in the Cherry Creek Basin require complete develop of programs for the non-standard MS4 permit holders. The previous permit term required non-standard permit holders in the Cherry Creek Basin to follow the city or counties construction and post construction programs or obtain the COR080000 permit. Previous non-standard MS4 permit Fact Sheet (page 3): <i>(i) Comply with the requirements of Option 1 in Parts I.B.4 and I.B.5 of the permit for all areas discharging to the Cherry Creek Reservoir Drainage Basin. These requirements direct the permittee to comply with the construction and new development/redevelopment program of the appropriate city or county. Cities and counties are already required to address the specific provisions of the Creek Reservoir Control Regulation in their programs for all areas where a Non-Standard MS4 would discharge to the Cherry Creek Reservoir drainage basin. Therefore, compliance with such a city or county program would also result in the permittee’s compliance with the Creek Reservoir Control Regulation provisions. –OR</i> <i>ii) Obtain coverage under the CDPS General Permit Stormwater Discharges Associated with Cherry Creek Reservoir Drainage Basin Municipal Separate Storm Sewer Systems (COR-080000). This separate general permit includes specific requirements for compliance with the Creek Reservoir Control Regulation’s construction and new development/redevelopment provisions.</i>
	TABLE 2 Compliance Schedule - Renewal Permittees	Please add a compliance schedule for the following Recordkeeping sections to reflect the compliance schedule for the permit condition: Part I.E.1.b Part I.E.2.c.iii Part I.E.2.c.iv(B) Part I.E.3.d.i through vii; and ix through xiii Part I.E.4.m Part I.E.5.c	These are new permit conditions and recordkeeping should not be expected to occur for activities until the compliance deadline for development and implementation.
H.1. Compliance Schedule	TABLE 2 Compliance Schedule - Renewal Permittees	Please add a compliance schedule of 24 months for the following permit conditions: Part I.E.2.a.i. Storm Sewer System Map Part I.E.5.b.ii and Pare I.E.5.b.iii Training	There is no compliance schedule in the permit for these conditions, but the previous non-standard MS4 permit did not require these clear, specific, measurable conditions. Part I.E.2.a.i. Storm Sewer System Map: <i>The permittee shall maintain a current map of the location of all MS4 outfalls within the jurisdictional boundary, interconnections with other MS4s, and the names and location of all state waters that receive discharges from those outfalls.</i> The previous permit did not require interconnections with other MS4s to be mapped. The previous permit required, <i>“Develop and maintain a current storm sewer system map, showing the location of all of the permittee’s storm sewer outfalls and the names and location of all state waters that receive discharges from those outfalls.</i> Part I.E.5.b.ii Training: <i>ii. The permittee must identify those who will be likely to inspect the control measures and provide training to those individuals that will conduct inspections in accordance with Part I.E.5.a.ii(D).</i>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

			<p>iii. The program must inform public employees responsible for operations with the potential to result in an illicit discharge about the permittee's prohibitions against, and potential impacts associated with, illicit discharges from permittee operations. The training must also include information on trash and its effects on water quality. The previous permit did not require identifying those likely to inspect and training them. It also did not require training on trash. The previous permit required, "develop and implement procedures to provide training to employees and contractors as necessary to implement the program under Item 1, above."</p>
H.1. Compliance Schedule	TABLE 2 Compliance Schedule - Renewal Permittees	Please add a compliance schedule for Part III.A.1.a and Part III.A.1.b.	There is no compliance schedule in the permit for these conditions.
H.1. Compliance Schedule	All compliance deadlines for Part I.F.5	Please remove permit condition and associated compliance deadline.	<p>EPA Region 8 issues NPDES permits to federally owned facilities in Colorado and has issued the following MS4 permits recently: The U.S Department of Veterans Affairs, VA Hospital, draft for public comment 7/5/19; The U.S. Department of Energy, South Table Mountain, issued 12/01/2018.</p> <p>Both include permit conditions that are general in nature to allow the MS4 to develop and implement individual programs to meet the requirements based on the pollutant sources that are more likely to be found within the MS4 permit holder's jurisdiction. Both permits are 18 pages long and do not require monitoring. Dry weather screening requirements are included that allow for easy, quick field testing without establishing a monitoring program.</p> <p>These permits seem relevant to the discussion of MEP for non-standard permit holders and should be considered in the development of this non-standard general MS4 permit.</p> <p>Justification is not provided in the Fact Sheet to validate the Division issuing a permit with such significantly more prescriptive permit conditions than similar federal facilities in Colorado.</p> <p>This is not an appropriate permit condition for small non-standard MS4 permit holders</p> <p>Fact Sheet (page 53): <i>In a September 24, 2018 Permit Quality Review, EPA Region 8 recommended adding a requirements to the Stormwater Discharges from Municipal Separate Storm Sewer Systems (COR090000) that would require the identification of receiving water bodies or water quality status (impaired, TMDLs). In response, the renewal permit includes a new requirement for permittees to identify and report discharges through the permittees' outfalls to impaired waters or water where TMDLs apply. Part III of the permit establishes new requirements to address impairments and TMDL requirements. The permittee must therefore be aware of Part III requirements that may apply.</i></p> <p>This is not the COR-090000 permit. If permit conditions are the same for both permittees, there is no reason to have COR-070000 permit and a COR090000 permit.</p>
H.2. Compliance Schedule	TABLE 3 Schedule of Interim Milestones and Compliance Deadlines For New Permittees – To Be Adjusted	Please identify new permittees and public a second draft of the permit for adequate opportunity for new permittees to review compliance deadlines.	<p>New permittees have not been identified/contacted by the Division.</p> <p>A second draft public noticed is needed to 1) ensure new permittees have the opportunity to review and comment on the proposed permit language and 2) ensure they can meet the compliance schedules outlined in the permit.</p>

Reporting Requirements

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Part I.I. Annual Report	For renewal permittees, the first report shall include the annual report items from the previous permit for January 1, 2019 to July 1, 2019. In addition, for renewal permittees, the first report shall include information below on all activities conducted from July 1, 2019, to December 31, 2019.	Please adjust first reporting period to reflect an end date of the effective date of the renewal permit.	MS4 permit holders cannot track and report on items they have not implemented or items they have not been tracking under the previous permit.
Part I.I.f.ii. Annual Report	4) Recalcitrant Inspections: Inspections (to assess whether the control measure has been implemented or corrected) of applicable construction activities that meet the inspection scope requirements in Part I.E.3.c.v(G) and for which documentation is recorded in accordance with in Part I.E.3.d.vii.	Please remove this permit condition.	See comment on Part I.E.3.c.v. for rationale on removing Recalcitrant Inspection types.
Part I.I.f.iii. Annual Report	(D) Provide the total number of sites excluded from Cherry Creek Reservoir Drainage Basin requirements in accordance with Parts I.E.3.c.xi(D).	Please remove the requirement to track sites excluded from the Cherry Creek Reservoir Drainage Basin requirements.	<p>The scope of tracking the following exclusions is not economically feasible. Since there is no threshold for amount of land disturbed, every project in these categories, no matter how small would have to be tracked under this permit condition. It is not reasonable to expect an MS4 permit holder to track and exemption down to a shovel full of dirt. In addition, only a site less than one acre is excluded. In addition, activities such as agricultural activities, emergency/routine repair of utilities, and routine maintenance activities do not require a land use process to trigger this type of tracking.</p> <p>(a) Agricultural Activities; (i.e., agricultural and silvicultural activities generating nonpoint source discharges, including runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not CAFOs. This exclusion does not extend to the construction of facilities or other activities generating stormwater runoff associated with industrial (i.e., construction) activity);</p> <p>(b) Emergency and routine repair and maintenance operations for all underground utilities;</p> <p>(c) Land Disturbances at residential or commercial subdivisions that already have adequate Construction Control Measures and Post-construction Control Measures installed and operating for the entire subdivision, approved in compliance with Regulation 72, and where the original owner who obtained approval retains legal authority; and</p> <p>(d) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility (maintenance operations performed by the permittee may still be covered under the Municipal Operations minimum control measure).</p> <p>(e) Emergency operations related to flood, fire, or other force majeure.</p>
Part I.I. Annual Report	g. Where the permittee uses deicer containing phosphorus in concentrations greater than 25 ppm, the permittee shall report the name of the deicer, its phosphorus concentration, and the amount (pounds or kilograms) of phosphorus applied through deicer within the MS4 jurisdictional boundary for that year. The permittee shall briefly describe the method used to estimate the phosphorus amount.	Please remove this permit condition.	<p>Tracking associated with deicers (Part I.E.5.a.iv.A.2.)</p> <p>It will be difficult for many MS4 permit holders to accurately track the amount <i>applied</i> without sophisticated tracking systems not widely employed. Additionally, MS4 permit holders use a variety of deicing products to address different weather and road conditions.</p> <p>Most current COR080000 and COR090000 MS4 permit holders can probably track the amount purchased vs remaining each season. However, given the variability among non-standard MS4 permit holders, it's likely the majority rely upon contractors to perform snow and ice control with little ability to track data required by the proposed requirement.</p> <p>Finally, the assumption that deicing products contain phosphorus needs to be confirmed, prior to considering any tracking requirements. This doesn't seem to be a common ingredient of deicer.</p>
Part I.I. Annual Report	h. Identification of receiving waters and water quality status. The permittee shall identify and report receiving water bodies that receive discharges from the permittees' MS4, either directly or	Please remove this permit condition.	<p>EPA Region 8 issues NPDES permits to federally owned facilities in Colorado and has issued the following MS4 permits recently:</p> <p>The U.S Department of Veterans Affairs, VA Hospital, draft for public comment 7/5/19;</p> <p>The U.S. Department of Energy, South Table Mountain, issued 12/01/2018.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

	<p>indirectly through another MS4. For each receiving water body the permittee must report:</p> <ul style="list-style-type: none"> i. Pollutants causing an impairment (category 4 or 5) and ii. TMDLs that have been developed for the segment 		<p>Both include permit conditions that are general in nature to allow the MS4 to develop and implement individual programs to meet the requirements based on the pollutant sources that are more likely to be found within the MS4 permit holder’s jurisdiction. Both permits are 18 pages long and do not require monitoring. Dry weather screening requirements are included that allow for easy, quick field testing without establishing a monitoring program.</p> <p>These permits seem relevant to the discussion of MEP for non-standard permit holders and should be considered in the development of this non-standard general MS4 permit.</p> <p>Justification is not provided in the Fact Sheet to validate the Division issuing a permit with such significantly more prescriptive permit conditions than similar federal facilities in Colorado.</p> <p>This is not an appropriate permit condition for small non-standard MS4 permit holders</p> <p>Fact Sheet (page 53): <i>In a September 24, 2018 Permit Quality Review, EPA Region 8 recommended adding a requirement to the Stormwater Discharges from Municipal Separate Storm Sewer Systems (COR090000) that would require the identification of receiving water bodies or water quality status (impaired, TMDLs). In response, the renewal permit includes a new requirement for permittees to identify and report discharges through the permittees’ outfalls to impaired waters or water where TMDLs apply. Part III of the permit establishes new requirements to address impairments and TMDL requirements. The permittee must therefore be aware of Part III requirements that may apply.</i></p>
--	---	--	---

Definitions

<p>Part I.J. Definitions</p>	<p>16. Daily Maximum limitation: For all parameters (except temperature, pH, dissolved oxygen, and WET) means the limitation for this parameter shall be applied as an average of all samples collected in one calendar day. For these parameters the DMR shall include the highest of the daily averages. For pH and dissolved oxygen, this means an instantaneous maximum (and/or instantaneous minimum) value. For WET, this means an instantaneous minimum value. The instantaneous value is defined as the analytical result of any individual sample. For pH and dissolved oxygen, DMRs shall include the maximum (and/or minimum) of all instantaneous values within the calendar month. For WET, DMRs shall include the minimum of all instantaneous values within the reporting period. For pH and dissolved oxygen, the value beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit. For temperature, see Daily Maximum Temperature. For WET violation and failure descriptions, see Part I.B.5.</p>	<p>Please remove this definition</p>	<p>This term is not used in this permit.</p>
------------------------------	---	--------------------------------------	--

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Part I.J. Definitions	17. Daily Maximum Temperature (DM): is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as the highest two-hour average water temperature recorded during a given 24-hour period. This will be determined using a rolling 2-hour maximum temperature. If data is collected every 15 minutes, a 2 hour maximum can be determined on every data point after the initial 2 hours of collection. Note that the time periods that overlap days (Wednesday night to Thursday morning) do not matter as the reported value on the DMR is the greatest of all the 2-hour averages. This would continue throughout the course of a calendar day. The highest of these 2 hour averages over a month would be reported on the DMR as the daily maximum temperature. At the end/beginning of a month, the collected data should be used for the month that contains the greatest number of minutes in the 2-hour maximum.	Please remove this definition.	This term is not used in this permit.
Part I.J.17 Definitions	17. Daily Maximum Temperature (DM): is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as the highest two-hour average water temperature recorded during a given 24-hour period. This will be determined using a rolling 2-hour maximum temperature. If data is collected every 15 minutes, a 2 hour maximum can be determined on every data point after the initial 2 hours of collection. Note that the time periods that overlap days (Wednesday night to Thursday morning) do not matter as the reported value on the DMR is the greatest of all the 2-hour averages. This would continue throughout the course of a calendar day. The highest of these 2 hour averages over a month would be reported on the DMR as the daily maximum temperature. At the end/beginning of a month, the collected data should be used for the month that contains the greatest number of minutes in the 2-hour maximum. Discharge: The discharge of pollutants as defined in section 25-8-103(3) C.R.S. For the purposes of this permit, discharges do not include land application or discharges to the ground.	Please format <i>“Discharge: The discharge of pollutants as defined in section 25-8-103(3) C.R.S. For the purposes of this permit, discharges do not include land application or discharges to the ground.”</i> as its own definition. It should be not be part of the Daily Maximum Temperature (DM) definition.	Formatting needs to be corrected.
Part I.J.44 Municipal Separate Storm Sewer System (MS4)	b. Designed or used for collecting or conveying stormwater. For the purposes of this permit, stormwater conveyances also includes conveyances that are owned or operated by the permittee through agreement, contract, direct ownership, easement, or right-of-way and are for the purpose	Please remove this permit requirement.	Conveyances owned through easement for the purpose of “managing flood plains, stream banks, and channels” for conveyance – An MS4 permit holder may have easements for the purpose of “managing flood plains, stream banks, and channels” for conveyance, but have no legal authority do manage activities or perform anything other than maintenance on a channel.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

	of managing flood plains, stream banks, and channels for conveyance of stormwater flows in order for the discharges to be authorized by this permit.		
Part I.J.65 Small MS4	Where the owner of a small MS4 has multiple locations within an urbanized area, all locations are considered to be within the jurisdictional boundary if their combined design user population is at least 1,000.	Although the Division has the authority to require a permit be obtained for any point source discharge, please provide basis for including locations that do not meet the daily use population requirement in Regulation 61. Please provide a second draft for comment once basis has been documented in the Fact Sheet.	<p>This added definition to small municipal separate storm sewer system expands the scope of an MS4 permit holder’s jurisdiction in many cases by 10 to 20 times the area currently covered.</p> <p>The Fact Sheet does not discuss this change or the basis for requiring additional areas that are not designed for a maximum daily user population (residents and individuals who come to work or use the MS4’s facilities) of at least 1,000.</p> <p>The fact specifically states (page 6): <i>Discharges from the following are covered under this renewal permit:</i></p> <ul style="list-style-type: none"> • <i>Regulated small MS4s that are currently covered under the existing COR070000 permit (including those permittees in the Cherry Creek Reservoir Basin), and</i> • <i>Small MS4s that are required to obtain permit coverage in accordance with Regulation 61.3(2)(f)(v)(A)(II): “Publicly-owned systems similar to separate storm sewer systems in municipalities, such as systems at military bases, and large education, hospital or prison complexes, if they are designed for a maximum daily user population (residents and individuals who come there to work or use the MS4’s facilities) of at least 1000, and are located in an urbanized area.” Publicly owned systems can include systems owned by the federal government. 40 C.F.R. 122.26.b(16).</i>
Part I.J. Definitions	<p>72. Total Metals: means the concentration of metals determined on an unfiltered sample following vigorous digestion (Section 4.1.3), or the sum of the concentrations of metals in both the dissolved and suspended fractions, as described in Manual of Methods for Chemical Analysis of Water and Wastes, U.S. Environmental Protection Agency, March 1979, or its equivalent.</p> <p>73. Total Recoverable Metals: means that portion of a water and suspended sediment sample measured by the total recoverable analytical procedure described in Methods for Chemical Analysis of Water and Wastes, U.S. Environmental Protection Agency, March 1979 or its equivalent.</p>	Please remove this definition.	This term is not used in this permit.
Part II.			
Part II	Part II of the permit has been updated with new or revised standard language that is in all permits issued by the division.	Please provide guidance on how each section in Part II applies to this permit as many terms and conditions do not apply to this permit.	<p>The Fact Sheet (page 56): <i>Part II of the permit has been updated with new or revised standard language that is in all permits issued by the division.</i></p> <p>Many sections (A.2, A.6, A.13, and A.14) do not appear to apply to MS4 permit holders.</p>
Part III.			

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Part III - General		Please consider permit conditions in line with recent EPA Region 8 MS4 permits issued in Colorado.	<p>EPA Region 8 issues NPDES permits to federally owned facilities in Colorado and has issued the following MS4 permits recently: The U.S Department of Veterans Affairs, VA Hospital, draft for public comment 7/5/19; The U.S. Department of Energy, South Table Mountain, issued 12/01/2018.</p> <p>Both include permit conditions that are general in nature to allow the MS4 to develop and implement individual programs to meet the requirements based on the pollutant sources that are more likely to be found within the MS4 permit holder’s jurisdiction. Both permits are 18 pages long and do not reflect the prescriptive nature of this draft permit. There are no monitoring requirements. Dry weather screening requirements are included that allow for easy, quick field testing without establishing a monitoring program. There is no requirement in the EPA issued permits to submit the Stormwater Management Plan or Program Description Document for review and approval.</p> <p>These permits seem relevant to the discussion of MEP for non-standard permit holders and should be considered in the development of this non-standard general MS4 permit.</p> <p>Justification is not provided in the Fact Sheet to validate the Division issuing a permit with such significantly more prescriptive permit conditions than similar federal facilities in Colorado.</p>
Part III - General	Sections pertaining to monitoring, reporting, exclusions and DMRs.	Please rewrite and reorganize this section so that monitoring and reporting requirements are discussed in a more cohesive manner. We suggest including the relevant exclusion for each TMDL under the "Monitoring" section for each TMDL rather than cross-referencing to III.B.	Sections pertaining to monitoring, reporting, exclusions and DMRs are confusing and unclear. Most of the equations also have errors. DMR requirements are introduced in Section A for each TMDL, then monitoring is introduced in Section B with exclusions for each TMDL followed by dry weather monitoring requirements. This makes it very confusing to piece together what is actually required for each TMDL segment. See additional specific comments about these sections in the comments below.
Part III - General	Sections related to E. coli requirements.	See comment.	We suggest rethinking the E. coli TMDL related requirements in this draft permit. As discussed in the Colorado E. coli Toolbox, source identification is key to identifying actions to reduce controllable sources of E. coli. This general philosophy is absent in the draft permit. Instead of the intensive monitoring and prescriptive activities in the draft permit, we recommend a more adaptive, iterative approach to permit requirements for E. coli, or at least an option to 1) develop an E. coli source investigation plan and 2) prioritize actions tied to correcting the identified source(s), particularly those posing highest human health risks. (Note: a variety of source identification/IDDE tools are available ranging from relatively simple methods to advanced microbial source tracking using DNA methods.)
Part III - General	Sections related to E. coli equations and the 61-day rolling geometric mean.	See comment.	<p>Although the instream E. coli standard is based on a 61-day rolling geometric mean and the 303(d) Listing methodology targets 5 or more samples during each 61-day period, this is not an end-of-pipe numeric limit for stormwater MS4s, at least for the non-Segment 14 E. coli TMDLs. For the Segment 14 E. coli TMDL, although a density-based numeric target is included in the TMDL, the completion of that TMDL pre-dated the rolling 61-day assessment methodology. These considerations suggest that there are some opportunities for pragmatism in both the monitoring requirements and the equations used in this permit, which are significantly complicated by trying to apply the stream standard methodology at the end of pipe. We suggest reformulating most of the equations in the permit related to E. coli to simply focus on a seasonal geometric mean concentration (or load) of five or more samples at flowing outfalls (defined as >5 gpm) rather than trying to incorporate the 61-day rolling periods into these assessments, particularly given that the primary benefit of sampling is to help local governments identify which outfalls are "hot" for E. coli and then work on identifying and correcting these sources.</p> <p>For overall outfall system comparison to TMDL wasteload allocations, we suggest summing the seasonal geometric mean E.coli loads for the permittee's outfalls and comparing this value to the relevant WLA to assess whether progress toward reducing E. coli loading is made over the permit term. For South Platte Segment 14, this approach would be modified to focus on the flow-weighted average of the seasonal geometric means at the flowing outfalls.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Part III.A	<i>The requirements of this section are applicable only to permittees with MS4 discharges to state waters for which total maximum daily load (TMDL) requirements have been established for the permittee or state waters that are identified as impaired as per Part I.F.5.</i>	Please remove: " or state waters that are identified as impaired "	If a TMDL has not been developed, then it is unknown whether load reductions from MS4s are needed. Additionally, some impaired waters may be due to natural sources unrelated to the MS4.
Part III.A.1.a	Boulder Creek TMDL	Please revise the permit condition to: Boulder Creek COSPB02b from 13th Street to South Boulder Creek.	Only a limited portion of Boulder Creek is covered under the TMDL. More precise language should be used so that it is clear that these requirements only apply to a portion of the stream segment. This comment applies to all general references to "Boulder Creek" and "Segment COSPB02b" in the remainder of this section.
Part III.A.1.a.i. Part III.A.1.b.i. Part III.A.1.c.i.	(B) Storm Sewer Cleaning Program Plan: The permittee shall update (as needed) and implement a plan to clean the storm sewer system. The plan must describe how the permittee will clean storm sewer inlets, pipes, and control measures to remove sediment and debris. The plan must specify a minimum cleaning frequency for all inlets, pipes, and control measures of at least once per year.	Please remove this permit condition.	Non-standard MS4 permit holders in most cases do not have equipment to perform this work and question whether this requirement will affect E. coli levels in an effective manner. The E.coli Toolbox, cited in the Fact Sheet, actually speaks to biofilm/regrowth rather than MS4 sediment in the system. The specific requirement to clean out storm sewers may not help significantly reduce E.coli. Pipes and inlets are not mentioned in the Toolbox. While inspecting stormwater control measures on an annual basis may be realistic, cleaning pipes on an annual basis is not, depending on the size of the MS4's system. Most MS4s use a rotating schedule to clean a portion of pipes each year. Organizations such as school districts need to prioritize maintenance activities to those necessary to maintain proper functioning of the system, which does not necessarily include cleaning the entire system every year. MS4 permit holders should target their efforts where most needed.
Part III.A.1.a.i.	(C) An identification of all illicit discharges identified by the permittee determined or suspected by the permittee to contribute to discharges from the MS4 in exceedance of 126 colony forming units (cfu) of bacteria per 100 milliliters of water (the E. coli water quality standard).	Please revise the permit condition to: Identification of all illicit discharges the permittee suspects (based on visual inspection) to contain a known source of E. coli.	A single sample outfall concentration exceeding 126 cfu/100 mL is not an exceedance of a standard. The instream standard is based on a geometric mean of five or more samples over a 61 day period. There is so much specific detail in the original wording that we were unsure of intent.
Part III.A.1.a.iii.	(G) The first annual report shall include the results of all E. coli monitoring of stormwater discharges conducted prior to the effective date of the permit that have not been included in the TMDL.	Please revise the permit condition to: The first annual report shall include the results of all relevant and available <u>E. coli</u> monitoring of stormwater MS4 discharges conducted prior to the effective date of the permit that have not been included in the TMDL.	"All" is overly inclusive. Old data may not be relevant and sometimes older data sets are lost over time. "Stormwater" implies wet weather, whereas MS4 could include dry and/or wet weather.
Part III.A.1.a.iii.(G)(1)	(G) Where monitoring is required under Part III.B, the permittee must include the following results in subsequent annual reports: 1) Daily E. coli results for each outfall, for all sample dates within the calendar year, 2) The highest rolling 61-day geometric mean concentration for each outfall within the calendar year, and 3) The geometric mean concentration for each outfall for the period of May 1 through October 31 of the calendar year. a. If the geometric mean is calculated from samples collected over a period greater than 61 days, then the permittee must document the reason	Please rewrite and reorganize this section to incorporate E.coli Toolbox methodology and address the following edits: (A) Where monitoring is required under Part III.B, the permittee must include the following results in subsequent annual reports: 1) Daily E. coli results for <u>each sampling event at each sampled</u> outfall, for all sample dates within the calendar year, 2) 3 The geometric mean E. coli concentration for each outfall <u>sampled</u> for the period of May 1 through October 31 of the calendar year, and a. If the geometric mean is calculated from	This does not follow E.coli Toolbox methodology that recommends starting with simple methods to identify and prioritize reaches. The non-standard MS4 permit holders feel strongly that money will be spent on monitoring and not on finding and addressing causes. This appears to use a lot of resources for very little potential water quality improvement. This is confusing. Edits are intended to convey that the requirements apply only to sampled outfalls--many outfalls are dry so would not be sampled. Dry weather sampling events are typically single grab samples on a day. #3 does not make sense because by definition the period of May through October is more than 61 days. For #2, it is unrealistic that non-standard MS4s would have staff (or a consulting budget) needed to conduct sampling 2 to 3 times per month at each outfall. Suggest reordering #2 to #3.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

	in the annual report. If less than five samples are collected within the calendar year, the permittee shall report the individual results only.	samples collected over a period greater than 61 days, then the permittee must document the reason in the annual report. If less than five samples are collected within the calendar year, the permittee shall report the individual results only. 3)2) <u>If five or more samples are consistently collected from the outfall within 61-day periods</u> , then report the highest rolling 61-day geometric mean concentration for each outfall <u>sampled</u> within the calendar year.	
Part III.A.1.a. Part III.A.1.b	ii. Monitoring. The permittee shall monitor for E. coli in accordance with Part III.B		More data does not usually mean more solutions especially for the non-standard MS4 permit holders that do not have the means to manage a targeted monitoring program.
Part III.A.1.a.i(A)(3)	...requirements for waste collection and disposal, and penalties for non-compliance	Please revise the permit condition to: ...requirements for <u>trash and pet waste</u> collection and disposal, and penalties for non-compliance.	Need to be more specific about waste related to E. coli, presumably trash/garbage and pet waste. Penalties for non-compliance may not be within the control of non-standard MS4s like school districts and should be deleted.
Part III.A.1.a.iv	i. DMR Reports	Recommended Changes: 1) Eliminate DMR reporting for stormwater outfall sampling and instead include data in annual reports, consistent with BMP-based implementation of stormwater MS4 permit requirements. These annual reports can be submitted electronically to CDPHE as PDFs. 2) If DMR reporting is retained, consider only requiring reporting of sample concentrations, and allow the flow estimates and load calculations to be included, explained and interpreted in the annual report. Delete A.1.a.iv.b &c.	It appears that this section is written from a perspective that would apply to a municipal POTW or industrial permit where the permittee would have one or a few outfalls and a flow recording device installed. This is not the case for storm drain outfalls, where it would be unrealistic to install permanent flow recording devices at each stormwater outfall. Therefore, flow reporting needed to calculate the load will be based on estimation. In some cases, a bucket-stopwatch method can be used, but in many cases, best professional judgement by an experienced professional would be required to estimated flows needed to calculate loads. Access to outfalls may also be infeasible due to steep slopes, heavy brush, high stream flow safety hazards and other factors. For this reason, we recommend that DMR reporting not be required to include load calculations. Instead, context and interpretation of samples can be provided in an annual report. Data synthesis in an annual report is much more useful for the purpose of moving a program forward and documenting what is learned from dry weather investigations.
Part III.A.1.a.iv.(B)	Load formula.	Correct errors in load formula as described in Rationale.	This section is written using terminology that doesn't reflect how outfall sampling is conducted for storm drains. Sampling for dry weather flows is typically a single grab sample and a flow estimate at the time of sample collection. The mathematical form of the summation of loads equation is not written properly. There are multiple issues: The units for load are incorrect. L = the summation of the E. coli loads (cfu) for all outfalls on the sample date. The subscript for percent ownership is dropped and the value needs to be documented as a decimal fraction in the calculation. The flow measurement is not total outfall flow--it is an instantaneous flow estimate at the time of a grab sample that is then converted to a daily flow estimate with the conversion factor.
Part III.A.1.a.iv.(C)	Daily loadings must be calculated based on the daily outfall flow and the corresponding daily E. coli concentration.	See Rationale.	If A. 1. a.iv. is retained, then this section should be part of (B), not a separate item.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Table III-3, Footnote 2	This is an aggregate WLA that is assigned to all MS4 dischargers within the specified segment of the South Platte River.	Please revise the permit condition to: This is an aggregate WLA that is assigned to all MS4 dischargers within the specified segment of the South Platte River Big Dry Creek.	Correct footnote error.
Part III.A.1.b	Big Dry Creek TMDL	See Rationale.	All comments listed for the Boulder E. coli TMDL also apply to Big Dry Creek, but are not repeated. (Note: the expression of the TMDL for Boulder is in cfu/day and it is giga-cfu/day for Big Dry Creek; this does not need to change.)
Part III.A.1.c.i	South Platte E. coli TMDL	See Rationale.	Needs to be edited for typos and formatting/indentation. All comments listed for the Boulder Creek TMDL also apply and are not repeated, with the exception of the load-based comments. Items E. through I. are not formatted correctly E. should be split into E. & F., with F. through I. sub-items under the new F. (should be parallel format to the Boulder/Big Dry Creek sections).
Part III.A.1.c.iv	Flow weighted E. coli rolling geometric mean calculated using the equation below	Please revise the permit condition to: Flow weighted <i>E. coli</i> rolling geometric mean calculated using the equation below	This is not a rolling geometric mean. Equation comments: consider using a more standard form of the equation for summation of loads. (an example is provided at the bottom of this spreadsheet) Why is the "00" nomenclature being use for the Q and C parameters--would be more consistent to just use "n". The "n" parameter definition for the equation is repeated twice.
Part III.A.3.a	Public Education and Outreach	Please remove and replace with a broader, more applicable requirement.	The requirements are overly prescriptive for non-standard MS4s--most of the non-standard MS4s are school districts. Why would an example of a public education target include animal feeding operations? This section should be much more general and read through the lens of "should a public school district really be required to implement these activities?" As another example, what public education and outreach is appropriate for the department of corrections for educational materials related to common household sources of fertilizer? This section should be simplified to requirements more appropriate to the non-standard MS4s listed in Table III-8.
Part III.A.3.c.(E)-(H)	Monitoring sections.	Recommendation: 1) Delete these sections. These are far too prescriptive for non-standard MS4 stormwater discharges. 2) If sections are retained, then correct and clarify language: --change stormwater to MS4 or dry weather --make it clear that the data being reported is limited to actual sample dates where outfalls are flowing under dry weather conditions --specify antecedent dry weather condition to be used for dry weather sampling	This section refers to monitoring of "stormwater discharges"--is the intent actually dry weather flows from MS4 outfalls? Stormwater (wet weather) monitoring is expensive and requires advanced technical and engineering skills with specialized monitoring equipment. Stormwater monitoring would typically include flow-paced automated samplers to enable calculation of an event mean concentration (EMC). This is not reasonable for non-standard MS4s (or other MS4s)--this goes far beyond requirements implemented for Phase 1 and Phase 2 permittees.
Part III.A.4	Permittees Discharging Pollutants Identified as Causing Impairments.	Please remove these requirements.	Monitoring should not be required at stormwater outfalls for analytes without a TMDL. Many stream impairments are due to natural or non-MS4 sources, so this is a premature, burdensome requirement for MS4s. Outline format has errors.

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

<p>Part III.B. MONITORING FOR PARAMETERS CAUSING IMPAIRMENTS OR THAT ARE ADDRESSED IN TMDLS</p>	<p>1. Exclusions</p>	<p>Please remove all monitoring permit conditions.</p> <p>If not removed, please consider the below revisions on this section and add an exclusion for if the source of the discharge is identified and determined to not be a cause of impairment based on the source.</p>	<p>The Fact Sheet states (page 58): <i>“The objectives of the renewal permit approach is to establish quantifiable control measure requirements. The additional control measures are necessary for when the standard permit requirements are insufficient to achieve pollutant reductions.”</i></p> <p>Has the Division determined that the permit conditions found in this permit are insufficient to achieve pollutant reductions?</p>
<p>Part III.B. MONITORING FOR PARAMETERS CAUSING IMPAIRMENTS OR THAT ARE ADDRESSED IN TMDLS</p>		<p>Please revise the permit condition to be consistent with EPA’s permitting approach of non-standard MS4 permit holders in Colorado.</p>	<p>The EPA draft MS4 permit (released 7/5/19) simply requires: <i>“When a dry weather flow is observed at an outfall, a grab sample of the flow shall be collected and analyzed at a minimum for pH, ammonia, chlorine, temperature, and E. coli. All analyses with the exception of E. coli can be performed with field test kits or field instrumentation. Screening level tests may utilize less expensive “field test kits” using test methods not approved by the EPA under 40 CFR Part 136, provided the manufacturer’s published detection ranges are adequate for the illicit discharge detection purposes.”</i></p>
<p>Part III. B.1.a.i. and ii.</p>	<p>i. The permittee has identified and eliminated all sources of the dry weather discharge or the dry weather flow is less than 5 gpm. ii. The dry weather flow has ceased for at least three months, based on a minimum inspection frequency of once per 14 days, or the required sample frequency, whichever is more frequent and provided there are no additional reports indicating it is an illicit discharge.</p>	<p>Please revise the permit condition to: i. The permittee has identified and eliminated all sources of the dry weather discharge, or the dry weather flow is <u>consistently</u> less than 5 gpm <u>and</u> ii. The dry weather flow has ceased for at least three months, based on a minimum inspection frequency of once per 14 days, or the required sample frequency, whichever is more frequent and provided there are no indicators present of additional reports indicating it is an illicit discharge.</p>	<p>This is overly prescriptive. This can be stated more simply and allow some discretion by the permittee. There are many flowing outfalls in the state that are allowable non-stormwater discharges that should not require intensive inspection if indicators of illicit discharge are not present.</p>
<p>Part III. B.1.a.i. - iii.</p>	<p>For permittees subject to Boulder Creek and Big Dry Creek TMDLs the 61-day E. coli rolling geometric mean of daily loading must remain below the assigned wasteload allocation in Tables III-1 and III-3 for two consecutive dry weather collection periods (May 1-October 31). If the permittee has multiple outfalls with dry weather discharges, this determination shall be made by calculating a 61-day rolling geometric mean of daily loading among the outfalls using the equation below:</p> <p>{did not repeat equation}</p> <p>For any dry weather discharge that remains after 2 years, the permittees meeting this exclusion must continue to monitor E. coli at a frequency of once per year....</p>	<p>Please revise the permit condition to: For permittees subject to Boulder Creek and Big Dry Creek TMDLs the <u>sum of the seasonal 61-day E. coli rolling geometric mean of daily loading at flowing outfalls</u> must remain below the assigned wasteload allocation in Tables III-1 and III-3 for two consecutive dry weather collection periods (May 1-October 31). If the permittee has multiple outfalls with dry weather discharges, this determination shall be made by calculating a 61-day rolling geometric mean of daily loading among the outfalls using the equation below: {did not repeat equation}</p> <p>For any dry weather discharge that remains after 2 years, the permittees meeting this exclusion must continue to monitor E. coli at a frequency of once per year....</p>	<p>This is confusing and complicated to apply 61-day rolling geometric means to multiple outfalls for each individual sample date. Additionally the equation is incorrect.</p> <p>Given the errors in the equations, perhaps it may be better to simply omit them. If retained, the equation needs to be rewritten with correct units, subscripts (e.g., for p), differentiation between the two L variables, p needs to be defined, n isn't used in the equation, etc.</p> <p>Suggest deleting the requirement to monitor once per year for dry weather discharges. Single samples for E. coli can be notoriously misleading and episodic in nature, which is part of the reason that a geometric mean is used in the expression of the stream standard. The presence of a dry weather discharge is not an indication of an illicit discharge or pollution. A single sampling event should not trigger requirements for monitoring for the remainder of the permit term.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

Part III.B.1.a.iv.	Equation	Equation has major math errors.	Please check the math. Instead of this equation, we suggest using the flow-weighted average of the geometric means of the flowing outfalls during the May-October season.
Part III.B.1.a.iv.	Nitrate TMDL monitoring.	Please remove this permit condition.	<p>The nitrate TMDL clearly states that the nitrate issue on the South Platte is not due to stormwater. Nitrate monitoring at outfalls is not needed.</p> <p>The TMDL does not require proactive monitoring for nitrate and significantly downplays the significance of stormwater outfall contributions of nitrate--the nitrate issue on the South Platte is clearly communicated as a WWTP problem. If elevated nitrate is present due to sanitary sewer seepage, then E. coli will also be present. Given that Denver already monitors for E. coli due to the E. coli TMDL, the nitrate monitoring requirement is unnecessary. The reason that MS4s do not have a WLA is because they are not a significant source. The 2004 nitrate TMDL states:</p> <ul style="list-style-type: none"> --Low-flow modeling indicates that municipal wastewater treatment facilities are the primary point-source dischargers of nitrate to Segment 14. --Stormwater runoff from nonpoint sources does not contribute significantly to the nitrate impairment. --...stormwater dilutes rather than increases the concentrations of nitrate in Segment 14. --Stormwater - The stormwater contribution to nitrate in Segment 14 is not significant based on concentration. Stormwater runoff typically contains less than 1 mg/L nitrate (as nitrogen). The increase in stream flow during a storm event decreases the overall nitrate concentration in the river, thereby holding nitrate concentrations well below the stream standard. --Contaminated Groundwater Sites...As demonstrated by the monitoring data, these sources are small in volume and currently do not significantly influence the nitrate concentration at the points of attainment. <p>The reference to 20 mg/L nitrate in the TMDL is in the context of what to do if the outfall has a concentration over 20 mg/L--it doesn't imply that monitoring is needed to make that determination. "Stormwater outfalls that have nitrate concentrations exceeding 20 mg/L should be analyzed to assure that there are no illegal connections to a sanitary sewer or industrial source."</p> <p>If the text is retained, use of "daily maximum" is confusing, for outfall sampling, the value is simply the result for the grab sample on that date.</p>
Part III.B.iv	Barr Milton phosphorus monitoring.	Delete.	<p>Application of an in-lake standard of 0.04 mg/L as an exclusion threshold at stormwater outfalls during dry weather flows is not realistic for many reasons. For example, median effluent concentrations for stormwater treated by stormwater BMPs is in the range of 0.10-0.20 mg/L, based on data analysis posted on www.bmpdatabase.org. Median untreated stormwater runoff ranges from 0.22 to 0.45 mg/L, depending on the land use (from 2013 MS4 Data Gap Report). For comparison, current WWTP permit limits for Littleton Englewood's 34 MGD discharge are set at as report-only until 2023, then a running annual median of 1 mg/L would be the permit limit.</p> <p>This required monitoring triggered above 0.04 mg/L is disproportionate relative to the requirements set for WWTPs in the basin and in the context of Regulation 85 and the 10-year Water Quality Road Map delaying implementation of TP and TN limits below WWTPs until at least 2027. Phosphorus-related requirements in this permit should continue to be BMP based, as described earlier in the public education and IDDE sections of the permit.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

			<p>If this text is retained, the equation references nitrate instead of phosphorus and "daily maximum" is confusing in the context of single grab samples collected at stormwater outfalls. Additional discussion is needed to determine an appropriate screening threshold for total phosphorus, but 1 mg/L may be more reasonable for this permit term, given that existing WWTPs are allowed to discharge phosphorus at 1 mg/L.</p>
Part III.B.vii	Impaired waters (with no TMDL) required monitoring.	Delete.	<p>See comment above for III.A.4. This puts burden on MS4s before the WLAs and source of the pollutant have been developed. Waters exceeding stream standards may be due to natural or wastewater sources with no connection to the MS4.</p> <p>If retained, error in equation--it references nitrate.</p>
Part III.B.2	Dry Weather Outfall Inspection and Monitoring...{text not repeated in full}	<p>Please revise the permit condition to: Permittees that are subject to a TMDL (Part III.A.2 through 4 and in Tables III-1 and III-3) must prepare and maintain a written Dry Weather Outfall Inspection and Monitoring Plan. The plan shall describe the schedule, inspection locations, inspection methods, sampling methods, and steps necessary to meet the requirements below in III.A.2.a through d. below.</p> <p>a. b. The permittee must identify all outfalls that discharge to a state water that is addressed by a TMDL. For the purpose of monitoring and reporting, outfalls shall be designated as 001, 002, 003, etc. systematically in accordance with <u>existing outfall inventory identification codes (e.g., Asset IDs in GIS, labels assigned in previous studies).</u></p> <p>b. a. Each year, during the period of May 1 through October 31, the permittee must inspect each outfall that discharges to a water body segment for which a TMDL has been developed. If the permittee identifies more than six outfalls, then the permittee may limit inspection to 20 percent of the outfalls each year. Outfalls prioritized in accordance with Part I.E.2.a.ix shall be addressed first within the schedule. Submerged outfalls shall be included and observed at appropriate locations within the MS4. It is not necessary to make in-pipe observations for submerged Outfalls. Dry weather flows that are less than 5 gpm do not need to be identified. The inspection shall determine the presence or absence of dry weather discharges.</p> <p>c. b. All MS4 Outfalls shall be inspected for dry weather discharges a minimum frequency of</p>	<p>Suggest vastly simplifying and rewriting this section, stopping the section at c.</p> <p>We suggest that the outfall ID be consistent with an existing naming systems to avoid confusion relative to historical studies where the outfall had already been named. Ideally, MS4 permittees will have asset management systems with asset IDs. Use of such IDs can be useful in linking water quality data with basin conditions and more robust analysis in GIS. Again, this is a notable difference from industrial/WWTP permits with one or a few outfalls versus and entire system of assets managed by a Non-standard MS4, such as a Metro District.</p>

City of Glendale Comments on the Draft Phase II MS4 Non-Standard MS4 General Permit, COR070000

		<p>once per 5-year period.</p> <p>d. e. For all monitoring conducted in Part III.B.2.e the samples shall be grab samples. For monitoring conducted in Part III.B.2.f through h the sample type shall be grab, unless permission is granted by the division to collect composite samples.</p>	
Part III.B.2.d-g	Specific monitoring requirement triggered by dry weather flow.	Please remove Part III.B.2.d. through g.	<p>We suggest completely deleting this section. The text implies that existence of dry weather discharge indicates discharge of pollutants. This is not necessarily the case. Many sources of dry weather discharges come from identifiable sources that would not be a pollutant source concern such as air conditioning condensation and swimming pool discharges (in compliance with the low risk policy).</p> <p>If this section is retained, the 72-hour trigger should be deleted unless there is evidence of illicit discharge; otherwise, the permittee should follow their sampling plan for flowing outfalls described earlier in the permit.</p> <p>If the Division's intent is to use this requirement to develop a better baseline for dry weather pollutant discharges, then we suggest that this objective be accomplished through a regionally coordinated effort such as the MS4 Nutrient Data Gap Analysis in 2013, rather than burdening individual Non-standard MS4s.</p>
Part III – General	Outline numbering and formulas.		Many typos and formatting errors throughout Part III.
Part III - General		<p>Summation of Load equation format is more commonly presented using the form below, which can be adapted to include a conversion constant (k).</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Equation 7.7: Summation of Load: Mass Load</p> $M = \sum_{i=1}^n V_i C_i$ <p>where: <i>M</i> = total mass of pollutant <i>V_i</i> = discharge amount corresponding to sample <i>i</i> <i>C_i</i> = pollutant concentration in sample <i>i</i> <i>i</i> = sample number <i>n</i> = total number of samples collected</p> </div>	