

AUTHORIZATION TO DISCHARGE UNDER THE  
COLORADO DISCHARGE PERMIT SYSTEM

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), the

**CITY OF LAKEWOOD**

is authorized to discharge stormwater from the municipal separate storm sewer system owned and operated by the City of Lakewood. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

The applicant may demand an adjudicatory hearing within thirty (30) days of the issuance of the final permit determination, per the Regulations for the State Discharge Permit System, 61.7. Should the applicant choose to contest any of the terms or conditions contained herein, the applicant must comply with Section 24-4-104 CRS 1973 and the Regulations for the State Discharge Permit System. Failure to contest such terms and conditions constitutes consent to the condition by the applicant.

This permit and the authorization to discharge shall expire at midnight, **February 28, 2014.**

Issued and signed this 30<sup>th</sup> day of January 2009

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Janet S. Kieler  
Permits Section Manager  
Water Quality Control Division

**ISSUED AND SIGNED JANUARY 30, 2009**  
**EFFECTIVE MARCH 1, 2009**

**TABLE OF CONTENTS**

**PART I**

- A. COVERAGE UNDER THIS PERMIT ..... 4
  - 1. Authority to Discharge..... 4
  - 2. Discharges Covered Under this Permit..... 4
  - 3. Permit Area..... 4
  - 4. Local Agency Authority..... 4
  
- B. TERMS AND CONDITIONS ..... 4
  - 1. Stormwater Management Program Requirements ..... 4
    - a. Commercial/Residential Management Program..... 5
    - b. Illicit Discharges Management Program ..... 6
    - c. Industrial Facilities Program ..... 9
    - d. Construction Sites Program..... 9
    - e. Pollution Prevention/Good Housekeeping for Municipal Operations..... 10
  - 2. Legal Authority..... 12
  - 3. Resources ..... 12
  - 4. TMDLs ..... 13
  
- C. PROGRAM REVIEW AND MODIFICATION..... 13
  - 1. Review and Approval of Plans and Reports ..... 13
  - 2. Annual Program Review..... 13
  - 3. Program Modification..... 13
  
- D. WET WEATHER MONITORING..... 13
  - 1. Monitoring Plan..... 14
  - 2. Reporting and Evaluation ..... 14
  
- E. COMPLIANCE SCHEDULE..... 14
  
- F. REPORTING REQUIREMENTS - ANNUAL REPORT ..... 16
  
- G. CERTIFICATION AND SIGNATURE OF REPORTS..... 16
  - 1. Signatory Requirements..... 16
  - 2. Certification..... 17
  
- H. REPORTING: WHERE TO SUBMIT ..... 17
  
- I. ADDITIONAL SUBMITTAL..... 17
  
- J. RETENTION OF RECORDS ..... 17
  
- K. DEFINITIONS ..... 17

**TABLE OF CONTENTS (continued)**

**PART II**

A. PERMITTEE RESPONSIBILITIES ..... 19

    1. Duty To Comply ..... 19

    2. Minimization of Adverse Impact ..... 19

    3. Proper Operation and Maintenance ..... 19

    4. Reduction, Loss, or Failure of Water Quality Controls ..... 19

    5. Upset ..... 19

    6. Inspections and Right to Entry ..... 20

    7. Duty to Reapply ..... 20

    8. Duty to Provide Information ..... 20

B. NOTIFICATION, REPORTING AND ADMINISTRATIVE REQUIREMENTS ..... 20

    1. Noncompliance Notification ..... 20

    2. Availability of Reports ..... 21

    3. Submission of Incorrect or Incomplete Information ..... 21

    4. Monitoring and Records ..... 21

C. MODIFICATION, OR TERMINATION OF PERMITS ..... 22

D. CONSISTENCY WITH OTHER LAWS AND REGULATIONS ..... 23

    1. State Laws ..... 23

    2. Property Rights ..... 23

    3. Oil and Hazardous Substance Liability ..... 23

    4. Removed Substances ..... 23

E. OTHER STANDARD CONDITIONS ..... 23

    1. Severability ..... 23

    2. Fees ..... 23

**LIST OF TABLES**

TABLE 1 Compliance Schedule ..... 15

**PART I****A. COVERAGE UNDER THIS PERMIT****1. Authority to Discharge**

Under this permit, beginning immediately and lasting through **February 28, 2014**, the City of Lakewood ('Lakewood') is authorized to discharge stormwater and allowable non-stormwater discharges from all portions of its municipal separate storm sewer system (MS4) to State Waters in accordance with the approved Stormwater Management Program, and other provisions set forth herein.

**2. Discharges Covered Under this Permit**

This permit authorizes new or existing discharges composed entirely of stormwater from Lakewood's municipal separate storm sewer system (MS4).

The permit also authorizes discharges from emergency firefighting activities.

Non-stormwater discharges into the MS4 from the sources listed in Parts I.B.1(b)(1)(b), (c), and (d) of this permit, as per the requirements in those sections, do not need to be addressed by the MS4 under the Illicit Discharge Detection and Elimination program requirements in Part I.B.1 (b) of this permit.

**3. Permit Area**

This permit covers all areas within the corporate boundary of Lakewood served by, or otherwise contributing to discharges to state waters from, municipal separate storm sewers owned or operated by Lakewood.

**4. Local Agency Authority**

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

**B. TERMS AND CONDITIONS**

The permittee must develop, implement, and enforce a CDPS Stormwater Management Program, in accordance with Part I.B of this permit, designed to reduce the discharge of pollutants from the MS4 to the "maximum extent practicable" (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act (25-8-101 et seq., C.R.S.) and the Colorado Discharge Permit Regulations (61). Implementation of Best Management Practices (BMPs) consistent with the provisions of the CDPS Stormwater Management Program and the other requirements in this permit constitutes compliance with the standard of reducing pollutants to the MEP.

**1. Stormwater Management Program Requirements**

The permittee shall operate the following Stormwater Management Program. The Program and program areas as submitted by the permittee, and all approved updates, are hereby incorporated by reference, including any additions or changes made by the Division.

**B. TERMS AND CONDITIONS (cont.)****a. Commercial/Residential Management Program**

The permittee shall continue to implement the Commercial/Residential Management Program. It shall include the following program areas.

- 1) **Maintenance of Structural Controls.** The permittee shall continue to implement a program of routine maintenance activities for municipally-owned structural controls to reduce pollutants (including floatables) in discharges from the MS4. In accordance with this program area:
  - a) Sediment, trash and debris shall be periodically removed from municipally-owned detention facilities. The frequency of removal shall be based upon visual inspection by City personnel.
  - b) Trash and debris shall be periodically removed from municipally-owned open-channel major drainageways.
  - c) Trash and debris shall be periodically removed from municipally-owned storm sewer inlets on an as-needed basis at locations known to accumulate these materials. Other municipally-owned inlets, catch basins, siphons and storm sewers shall be cleaned of debris as determined necessary by City personnel.
- 2) **New Development Planning Procedures.** The permittee must implement and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The permittee must:
  - a) Implement and document strategies which include the use of structural and/or non-structural BMPs appropriate for the community, that address the discharge of pollutants from new development and redevelopment projects, or that follow principles of low-impact development to mimic natural (i.e., pre-development) hydrologic conditions at sites to minimize the discharge of pollutants and prevent or minimize adverse in-channel impacts associated with increased imperviousness. Strategies must include specific consideration to require BMPs that address specific pollutant sources associated with development and redevelopment for industrial and commercial land uses determined to have an increased potential to cause an impact on stormwater runoff quality;
  - b) Use an ordinance or other regulatory mechanism to address post- construction runoff from new development and redevelopment projects to the extent allowable under State or local law;
  - c) Implement and document procedures to determine if the BMPs required under Item (a), above, are being installed according to specifications;
  - d) Implement and document procedures to ensure adequate long-term operation and maintenance of BMPs, including procedures to enforce the requirements for other parties to maintain BMPs when necessary;
  - e) Implement and document an enforcement program, which addresses appropriate responses to common noncompliance issues, including those associated with both installation (subparagraph (c), above) and long term operation and maintenance (subparagraph (d), above) of the required control measures;
  - f) Implement procedures and mechanisms to track the location of BMPs required under Item (a), above, and determine whether the BMPs are constructed and operating consistent with their original design, and in accordance with the program.

**B. TERMS AND CONDITIONS (cont.)**

- 3) **Assess Impacts of Flood Management Projects.** The permittee shall continue to implement procedures to assure that the impact on water quality is assessed for proposed flood management projects. The following water quality impact assessment shall be ongoing.
- a) Proposed channel improvements shall be evaluated as to their stability and need for grade control structures and bank protection. Where warranted to ensure stability, such grade control structures and bank protection shall be implemented as part of the project.
  - b) Proposed municipally-owned regional detention facilities shall be evaluated as to the feasibility and potential effectiveness of installing stormwater quality features. Where determined to be feasible and effective, such stormwater quality features shall be implemented as part of the project.
  - c) Lakewood shall perform an assessment and report to the Division by March 31, 2010 to update its prior evaluation of the feasibility and water quality benefits of improvements to the City Pond at 14th and Lamar and the Benton Avenue Pond. Any and all improvements, re-scoped improvements, and alternative improvements determined to be feasible shall be completed by August , 2013.

The status of the improvements, and a list of all new flood management project facility reviews required by subparagraphs (3)( a) and (b) above, and whether water quality improvements were incorporated in these new projects, shall be included in each Annual Report.

**b. Illicit Discharges Management Program**

The permittee shall continue to implement the Illicit Discharges Management Program. This program shall include the following program areas.

- 1) **Prevention of Illicit Discharges and Improper Disposal.** The permittee shall continue to implement an ongoing program to detect and remove (or require the discharger to the MS4 to obtain a separate CDPS permit for) illicit discharges and improperly disposed materials into the MS4 in accordance with this program area.
  - a) The permittee shall effectively prohibit non-stormwater discharges (except those identified in b), c), and d) below), to the MS4, by enforcement of city codes and regulations.
  - b) Unless identified by either the permittee or the Division as significant sources of pollutants to the waters of the state, the following non-stormwater discharges are excluded from the prohibition against non-stormwater discharges in subsection (a): landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, individual residential swimming pool and hot tub discharges, individual residential street washing, water-line flushing, and flows from riparian habitats and wetlands.
  - c) The permittee may develop a list of occasional and/or incidental non-stormwater discharges similar to those in paragraph b), above (e.g., non commercial or charity car washes, etc.), that are excluded from the prohibition against non-stormwater discharges in subsection (a). These non-stormwater discharges must not be reasonably expected (based on information available to the permittee) to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs, etc.). The permittee must document in its program any local controls or conditions placed on the discharges. The permittee must include a provision prohibiting any individual non-stormwater discharges that are determined to be contributing significant amounts of pollutants to the MS4. Additions or

**B. TERMS AND CONDITIONS (cont.)**

modifications to the list must be approved in accordance with Part I.C.3 of the Permit.

- d) The following sources are excluded from the prohibition against non-stormwater discharges in subsection (a) and the requirements of subsection (c), above:
  - i) Discharges resulting from emergency fire fighting activities within the City. Such discharges are specifically authorized under this permit (see Part I.A.2).
  - ii) Discharges specifically authorized by a separate CDPS permit.
- 2) **Illicit Discharge Detection and Elimination.** The permittee shall continue to implement a program to detect and eliminate illicit discharges, illegal dumping, sanitary sewer overflows, and illicit connections. The program shall include ongoing field observation and investigation of suspected illicit discharges.
  - a) The permittee shall continue to maintain a current storm sewer system inventory, with the location of all existing and new municipal storm sewer outfalls and the names and locations of all state waters that receive discharges from those outfalls, within Lakewood's jurisdiction, portrayed on a map. The inventory shall be updated to include new outfalls, and the determination of whether the new outfall is a "major" or "minor" outfall. If field work is performed as part of the inventory update, occurrences of high levels of pollutants observed during the field work shall be investigated.
  - b) The permittee shall continue to implement and document a plan to detect and address non-stormwater discharges, including illicit discharges and illegal dumping, to the system. The plan must include procedures for tracing the source of an illicit discharge, and procedures for elimination of the source of the discharge.
  - c) The permittee shall continue to implement a program to train municipal staff to recognize and appropriately respond to illicit discharges observed during typical duties. The program must address who will be likely to make such observation and therefore receive training, and how staff will report observed suspected illicit discharges.
  - d) All reports of illicit discharges (including dumping) from citizens, staff, and other information made available to the city, shall be evaluated and receive follow-up in accordance with the plan required in subsection (b), above. A record of all reported illicit discharges reported and the permittee's response shall be maintained.
- 3) **Procedures to Prevent, Contain and Respond to Spills.** The permittee shall continue to implement a program to prevent, contain and respond to spills that may discharge into the MS4 in accordance with this program area.
- 4) **Educational Activities to Promote Public Reporting of Illicit Discharges and Improper Disposal.** The permittee shall continue to implement a plan to promote and facilitate public reporting of the presence of illicit discharges or improper disposal of materials into the MS4, including from construction sites. The program shall include the following:
  - a) goal statement and identification of the target audience;
  - b) operation of a central phone number (i.e., a 'hotline') for public reporting of illicit discharges; and
  - c) strategy for continuing to promote public reporting of illicit discharges, illegal dumping, and illicit connections through brochures and other means.

**B. TERMS AND CONDITIONS (cont.)**

- 5) **Public Educational Activities to Promote Proper Management and Disposal of Potential Pollutants.** The permittee shall continue to implement a plan to promote the proper management and disposal of used motor vehicle fluids and household chemical wastes, and to reduce or eliminate the discharge of other pollutants to the MS4. The plan must be reviewed for compliance and effectiveness, and any changes made as necessary. If changes are needed, items a, b, c, d, and e, below, of this plan shall be updated and shall be submitted to the Division by **August 31, 2010**, and implemented by **November 30, 2010**. The updated program must promote behavior change by the public to reduce water quality impacts associated with pollutants in stormwater runoff and illicit discharges, and shall include the following:
- a) any changes to the target audience;
  - b) strategy to inform and educate the public on proper management and disposal of used oil, other automotive fluids, and household chemicals. This shall include distribution of educational materials to the public on pollution prevention procedures for storage, disposal and application of pesticides, herbicides, and fertilizers;
  - c) Lakewood shall inform new residents of the availability of its community-based collection and recycling programs and the proper disposal methods for used oil, automotive fluids, and other household chemicals. Copies of any new educational materials shall be submitted to the Division with the following Annual Report. The stormwater sections of Lakewood's website shall be reviewed semi-annually to confirm they have been maintained and updated as needed;
  - d) conducting outreach activities about the impacts of stormwater discharges and the steps that can be taken to reduce stormwater pollution. Such outreach activities can include educational programs for school-age children, participation at water or river festivals, storm drain stenciling, tributary signage, using a speaker's bureau or volunteer citizen educators, and other means. The plan shall include specific tasks to measure program compliance; and
  - e) strategy for targeting commercial sites with a high potential for contributing to stormwater pollution. In addition to addressing sources of stormwater pollution (e.g., outdoor storage), such sites could include those with illicit non-stormwater discharges from pavement cutting, concrete chute washout, and power washing fueling aprons and other washing operations where detergents are used.
- 6) **Household Chemical Waste Collection Programs.** The permittee shall continue its participation in Jefferson County's HHW collection program or substitute an equivalent program that has the same result of making reasonably available to Lakewood residents the means to recycle/properly dispose of the more common household chemical wastes. The status of this program shall be reported as a part of the Annual Report. The following items shall be included:
- a) dates of collection
  - b) what kinds of materials were accepted
  - c) what measures were taken to publicize the event
  - d) amount or volume of collected materials, by category
  - e) number of vehicles or citizens that contributed waste
  - f) ultimate disposal of the waste
  - g) plans for the next year
- 7) **Control of Sanitary Sewer Seepage into the Municipal Storm Sewer System.** The permittee shall continue the existing program to detect and eliminate sources of sanitary sewer seepage into the MS4.

**B. TERMS AND CONDITIONS (cont.)**c. Industrial Facilities Program

The permittee shall continue to implement a program to promote proper management of industrial sites regarding stormwater quality and industrial best management practices. The program shall provide education and outreach on pollutants in stormwater discharges to municipal systems from industrial facilities that the permittee determines are contributing or have the potential to contribute a substantial pollutant loading to the municipal storm sewer system. The program shall include:

- 1) goal statement and identification of the target audience;
- 2) coordination with personnel conducting inspections, on inspections of industrial sites to be sure stormwater issues are addressed and used as a means to deliver information; and
- 3) at a minimum, an informational booklet or booklets on industrial activity and resources available to improve quality of stormwater runoff from industrial sites within the City. The booklet(s) shall be distributed to the targeted industrial facilities.

When industrial facility stormwater runoff having a negative water quality impact on the discharge from the MS4 is identified by permittee staff, the permittee shall take measures to require compliance with the permittee's requirements implemented in accordance with Part I.B.2.a of the permit. If, after implementing its authority to the extent allowable under State or local law, stormwater discharges from the industrial activity continue to have a negative water quality impact on the discharge from the MS4, the permittee shall provide a written report to the Division identifying the location of the discharge and any information obtained by the permittee pertaining to the operator and water quality concerns. The report shall be provided to the Division within 15-days of the determination by the permittee that it cannot control the discharge as required above.

d. Construction Sites Program

The permittee shall continue to implement and enforce the Construction Sites Program to reduce the discharge of pollutants from public and private construction sites.

- 1) **Procedures for Site Planning.** The permittee shall continue to implement procedures for site planning that incorporate consideration of potential water quality impacts from construction sites within Lakewood.
  - a) Lakewood shall use city codes and regulations to integrate into the development review process the requirements for stormwater quality control plans, which include erosion and sediment control, construction waste control, and material containment and spill prevention. Construction site operators must be required to implement BMPs to control the discharge of pollutants associated with waste at the construction site such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste, and other non-stormwater discharges including construction dewatering and wash water, that may cause adverse water quality impacts to State Waters.

Lakewood's Codes and Regulations shall include procedures for site plan review which incorporate consideration of potential water quality impacts for construction sites that disturb at least one acre of ground, or are part of a larger common plan of development that will ultimately disturb one or more acres.

- b) Stormwater quality control plans for construction sites shall be subject to review and approval by the permittee. For projects that disturb between one and five acres, not all submitted plans need to be reviewed and/or approved. However, the permittee must provide adequate project oversight to prevent inadequate stormwater control site plans from being implemented and resulting in degradation of state waters.

**B. TERMS AND CONDITIONS (cont.)**

- c) Project Review and Approval Procedures shall be used by Lakewood personnel. The procedures shall include:
  - i) written criteria and standards for site plan approval;
  - ii) description of the site plan review and approval process; and
  - iii) plans for staff training on implementation of the procedure.
- 2) **Structural and Non-Structural Best Management Practices (BMPs).** The permittee shall continue to implement requirements for the selection, implementation, installation, and maintenance of appropriate BMPs at construction sites.
  - a) BMP requirements and procedures shall include:
    - i) minimum BMP requirements for construction sites; and
    - ii) criteria for BMP selection which shall consider such factors as project type, size, duration, soil type, site slope and proximity to state waters.
  - b) Minimum technical requirements for all required BMPs shall be based on those specified in the UDFCD Urban Storm Drainage Criteria Manual, Volume 3 - Best Management Practices.
- 3) **Procedures for Site Inspection and Enforcement.** The permittee shall continue to implement procedures for inspection and enforcement of control measures at construction sites.

Procedures for conducting site inspections and enforcement shall include the following, implemented to the extent allowable under State and local law:

- a) procedures to ensure that BMPs are being installed and maintained in accordance with the approved plan, and that sediment sources, materials, equipment maintenance areas (including fueling) and other significant sources of pollution have been addressed;
  - b) plans for training the staff responsible for inspections and enforcement; and
  - c) enforcement provisions to ensure compliance with requirements as defined in the city codes and regulations and approved plans, and to ensure effective operation and maintenance of BMPs. Procedures must include specific processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measures.
- 4) **Training and Education for Construction Site Operators.** The permittee shall continue to implement an education and training program for permittee staff and construction contractors. At a minimum, the program must include an information program for construction site operators unfamiliar with the reviewing authority's regulatory requirements.
- e. Pollution Prevention/Good Housekeeping for Municipal Operations

The permittee shall implement a program for Pollution Prevention/Good Housekeeping for Municipal Operations, with the ultimate goal of preventing or reducing pollutants in runoff from municipal operations. The program must also inform public employees of impacts associated with illegal discharges and improper disposal of waste from municipal operations.

If any program changes are needed, based on the new requirements in subsection (1) and (3), below, they shall be completed by **December 31, 2011**, and reported to the Division in the following Annual Report.

- 1) The program must include a list of industrial facilities the permittee owns or operates that are subject to separate coverage under CDPS stormwater permits for discharges of stormwater associated with industrial activity. The requirements of subsection 2 and 3, below, do not apply to stormwater discharges authorized by these separate permits.

**B. TERMS AND CONDITIONS (cont.)****2) Municipal Facility Runoff Control Plans**

- a) The permittee shall continue to implement Municipal Facility Runoff Control Plans (MFRCPs) for the following city-owned and/or operated facilities that do not have independent CDPS Stormwater permits. New MFRCPs shall be developed for any new qualifying facilities. Facilities may be grouped together by type, and one MFRCP may be developed for each group.
  - i) vehicle maintenance facilities (maintenance includes equipment rehabilitation, mechanical repairs, painting, fueling and lubrication);
  - ii) asphalt and concrete batch plants which are not already individually permitted;
  - iii) solid-waste transfer stations;
  - iv) exposed stockpiles of materials, including stockpiles of road deicing salt, salt and sand, sand, rotomill material; and
- b) The permittee shall maintain a complete list of these facilities. The facility list shall include the address of the facility, type of operation, size of the facility, and receiving water drainage basin. This list shall indicate which sites are covered under grouped MFRCPs, and set out the reasons for the grouping.
- c) MFRCPs shall contain the following :
  - i) Activity description
  - ii) Description of potential pollutant sources including an evaluation of that potential.
  - iii) Stormwater Management Controls. The description of stormwater management controls shall address the following minimum components, including a schedule for implementing such controls:
    - Runoff control plan administrator
    - Preventive maintenance
    - Good housekeeping
    - Spill prevention and response procedures
    - Best management practices
    - Evaluation for non-stormwater discharges
    - Employee training
  - iv) Inspection procedures
- d) Facilities with MFRCPs shall be inspected by the permittee at least once each year, after the runoff control plan is completed.
- e) The permittee must implement the provisions of the MFRCPs required under this part as a condition of this MS4 permit. The Division reserves the right to review those MFRCPs, and to require additional measures to prevent and control pollution as needed.
- f) MFRCPs for new facilities shall be completed and implemented by the time the facility becomes operational. A list of any new (or newly identified) facilities shall be submitted to the Division with the following Annual Report.
- g) The permittee shall summarize the conformity of facilities with its MFRCPs in each year's Annual Report.

**B. TERMS AND CONDITIONS (cont.)****3) Operations and Maintenance Procedures**

The permittee must develop and implement written operation and maintenance procedures that include an employee training and have the ultimate goal of preventing or reducing pollutants in runoff from those municipal operations not already addressed by MFRCs required in subsection 2, above, and that do not have independent CDPS Stormwater permits. The program must specifically list the municipal operations (i.e., activities and facilities) that are impacted by this operation and maintenance program.

a) Implementation of the procedures must prevent or reduce stormwater pollution from the following facilities operated by the permittee:

- streets, roads, highways
- municipal parking lots
- maintenance and storage yards
- maintenance shops with outdoor storage areas
- snow dumps/snow disposal areas
- sites used for temporary storage of sweeper tailings or other waste piles

And from the following activities conducted by the permittee:

- park and open space maintenance
- building maintenance
- street maintenance
- new construction of municipal facilities
- application of pesticides, herbicides, and fertilizers
- large outdoor festivals and events

b) The procedures must include training to municipal employees as necessary to implement the program under Item a, above, and informing City employees of impacts associated with illegal discharges and improper disposal of waste from municipal operations.

**2. Legal Authority**

The permittee shall ensure legal authority exists and is maintained to control discharges to and from the MS4. This legal authority may be a combination of statute, ordinance, permit, contract, or order to:

- a. Control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity;
- b. Prohibit illicit discharges to the municipal separate storm sewer;
- c. Control the discharge of spills and the dumping or disposal of materials other than stormwater into the MS4;
- d. Require compliance with conditions in ordinances, permits, contracts or orders; and
- e. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions in this permit.

**3. Resources**

The permittee shall provide adequate finances, staff, equipment, and support capabilities to implement the Stormwater Management Program.

**B. TERMS AND CONDITIONS (cont.)****4. TMDLs**

If a TMDL has been approved for any waterbody into which the permittee discharges, and discharges requiring controls under this permit certification have been assigned a pollutant-specific Wasteload Allocation (WLA) under the TMDL, and if the Division determines that the conditions of this permit are not adequate to bring about compliance with the WLA, the Division may modify this permit in accordance with Part II.C.4 of the permit.

**C. PROGRAM REVIEW AND MODIFICATION****1. Review and Approval of Plans and Reports**

Any plans or reports that are prepared as a condition of this permit shall be submitted to the Division for review and approval, unless submittal is not a requirement of this permit.

- a. Within 90 days of the submittal, or a later date agreed to by the permittee, the Division shall notify the permittee that the plan or report is acceptable or that it does not meet one or more of the minimum requirements of this permit.
- b. Such notification shall identify which provisions of the submittal, if any, require modification.
- c. Within 30 days of such notification from the Division, or a later date agreed to by the Division, the permittee shall make the required changes and re-submit the plan or report.

**2. Annual Program Review**

The permittee shall conduct an annual review of the current Programs in conjunction with preparation of the Annual Report required under Part I.F. This annual review shall include:

- a. A review of Program implementation and compliance (or non-compliance) with all schedules of compliance contained in this permit;
- b. An assessment of the effectiveness of controls established by the Program;
- c. A review of dry-weather field screening results and wet weather monitoring data; and
- d. An assessment of any Program modifications needed.

**3. Program Modification**

- a. The approved Programs shall not be modified by the permittee without the prior approval of the Division.
- b. Modifications shall not become enforceable permit conditions until such time as the modifications are formally approved.
- c. Modification requests and/or notifications shall be signed in accordance with Part I.G.

**D. WET WEATHER MONITORING**

The permittee shall continue its commitment to implement a wet weather monitoring program to assess wet weather conditions, particularly urban stormwater effects on state waters.

**D. WET WEATHER MONITORING (cont.)****1. Monitoring Plan**

The plan must continue to meet the following minimum requirements:

- a. address wet weather conditions, particularly urban stormwater effects on state waters in the Lakewood metropolitan area, including urban tributaries;
- b. include a clear statement of goals and have components that address the goals of the monitoring program;
- c. be able to be expanded over time as inter-related municipal stormwater discharges are included as MS4 permittees; and
- d. commitment of a level of resource expenditure that is commensurate with the monitoring plan.

The Stormwater Quality Monitoring Plan for the Denver Metropolitan Area, dated February 26, 1997, as submitted, is hereby incorporated into the permit by reference.

**2. Reporting and Evaluation****a. Annual Reporting**

The permittee shall submit a report on the monitoring program to the Division, as a part of the Annual Report. The report shall include:

- 1) Summary of the cooperative efforts of the regional monitoring program.
- 2) Tabulated data generated from the monitoring program. In the report for year four, a trend analysis of the data collected to date for the Wet Weather Monitoring Program shall be included.
- 3) Summary of the monitoring program work to date, any problems with the protocol or selected sampling locations, and recommendations for any changes to the monitoring program.

**b. Reporting In Year Four**

The annual report submitted in year four of the permit (submitted by April 1, 2012, covering January through December 2011), shall include:

- 1) items a.1 through 3 above;
- 2) an assessment of the effects of wet weather discharges on the Denver metropolitan area's state waters and an assessment of the changes over time;
- 3) a proposal for a monitoring program for the next permit term.

**E. COMPLIANCE SCHEDULE**

Except as provided below, compliance with the terms and conditions of this permit, including the Stormwater Management Program, shall be required by the effective date of the permit. Where dates in the compliance schedule and in the text of the permit conflict, the dates in the compliance schedule are deemed to be correct. The compliance schedule detailed in Table 1, below, includes submittals of plans and implementation of permit conditions.

In the case of required plans, the permittee shall submit the plan to the Water Quality Control Division by the specified date. A schedule of dates to accomplish various tasks related to the plan, including implementation, should also be included. The Division shall review the plans and determine if the plan contents address all the requirements as outlined in the permit in accordance with Part I.C.1. Upon approval of the implementation plan by the Division, all terms and conditions of the implementation plan, including but not limited to the compliance schedule, shall automatically become conditions of this permit.

**TABLE 1  
Compliance Schedule**

<b>Permit Condition</b>	<b>Activity</b>	<b>Deliverable</b>	<b>Date Due</b>
Part I.B.1.a.4 - Assess Impacts of Flood Management Projects	Perform an assessment and report to the Division evaluation of the feasibility and water quality benefits of improvements to the City Pond at 14th and Lamar and the Benton Avenue Pond.	Annual Report	Completed March 31, 2010 Due April 1, 2010
	Complete any and all improvements, re-scoped improvements, and alternative improvements determined to be feasible.	Annual Report	-Completed August 31, 2013 -Due April 1, 2013
Part I.B.1.b.5 - Public Educational Activities to Promote Proper Management and Disposal of Potential Pollutants	Submit updated plan	Plan	August 31, 2010
	Implement plan	--	November 30, 2010
Part I.B.1.e(1) - Pollution Prevention/Good Housekeeping for Municipal Operations	List of permittee owned or operated industrial facilities developed	2011 Annual Report	Completed December 31, 2011
Part I.B.1.e(3) - Pollution Prevention/Good Housekeeping for Municipal Operations	Develop written operation and maintenance procedures for applicable facilities and activities.	2011 Annual Report	Completed December 31, 2011

**F. REPORTING REQUIREMENTS - ANNUAL REPORT**

The permittee shall prepare an annual system-wide report to be submitted by April 1 of each year, covering January 1 through December 31 of the previous year. The report shall include the following separate sections:

1. The implementation status of each the components of the Stormwater Management Program that are established as permit conditions (status of compliance with any schedules established under this permit shall be included in this section) and including specific quantitative measures wherever possible. For the Illicit Discharge program section, the report shall include the average staffing levels per program/agency used for observation and inspection of outfalls during the year.
2. Proposed changes to the Stormwater Management Program that are established as permit conditions, including an update on areas added to the MS4 due to annexation or other legal means. This shall include any proposed changes to the Stormwater Management Program based on the trend analysis described in item 4, below.
3. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under 61.4(3)(c)(ii)(E) and (F).
4. A summary of the data, including all numeric monitoring data (in a format to be agreed upon by the Division and the City), that is accumulated throughout the reporting year. In the report for year four, a trend analysis of the data collected to date for the Wet Weather Monitoring Program shall be included. A summary of the number and nature of sites/facilities addressed, enforcement actions, and inspections performed for the various program areas shall be included.
5. List of the facilities with runoff control plans as required under this permit at Part I.B.1.e., a summary of conformity with their plans, and a summary of any significant plan revisions.
6. Summary of educational activities, including specific quantitative measures.
7. Annual expenditures for the past reporting year, and budget for the next reporting year;
8. A summary of the number and nature of enforcement actions and inspections.
9. The wet weather reporting requirements as listed in Part I.D.
10. Identification of water quality improvements or degradation.

**G. CERTIFICATION AND SIGNATURE OF REPORTS**

1. **Signatory Requirements.** All reports required for submittal shall be signed and certified for accuracy by the permittee in accordance with the following criteria:
  - a. Principal executive officer, or ranking elected official; or
  - b. A duly authorized representative of that person. A person is a duly authorized representative only if:
    - 1) The authorizations made in writing by a person described above and submitted to the Division.
    - 2) The authorization specifies either an individual or a position as having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator superintendent, or position of equivalent responsibility for environmental matters for the City.

**G. CERTIFICATION AND SIGNATURE OF REPORTS (cont.)**

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

2. **Certification.** Any person signing documents under paragraph 1 of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, it is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**H. REPORTING: WHERE TO SUBMIT**

Annual reports and all other documents required by the terms and conditions of this permit shall be signed in accordance with Part I.G. of this permit and submitted to the following address:

Colorado Department of Public Health and Environment  
WQCD-P-B2  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Attention: Permits Unit

**I. ADDITIONAL SUBMITTAL**

A copy of the Annual Report required by Part I.F shall also be submitted upon request to:

U.S. EPA, Region 8  
Stormwater Program Coordinator (8P-W-WW)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**J. RETENTION OF RECORDS**

The permittee shall retain the latest approved version of the Stormwater Management Program developed in accordance with Part I of this permit until at least three years after coverage under this permit terminates. The permittee shall retain all records of all monitoring information, copies of all reports required by this permit, and records of all other data required by or used to demonstrate compliance with this permit, until at least three years after coverage under this permit terminates. This period may be explicitly modified by alternative provision of this permit or extended by request of the Division at any time.

**K. DEFINITIONS**

The definitions below are intended strictly for clarification purposes, and may not contain the full legal definition as per regulation. For the purposes of this permit:

1. **Best management practices (BMPs):** schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of State Waters. BMPs also include treatment, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage. BMPs include structural and nonstructural controls.

**K. DEFINITIONS (cont.)**

2. **Discharge:** the discharge of pollutants as defined in Section 25-8-103(3).
3. **Division:** the Water Quality Control Division of the Colorado Department of Public Health and Environment.
4. **Illicit discharge:** any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except the following: discharges specifically authorized by a CDPS permit and allowable non-stormwater discharges as discussed at Part I.B.1.b., above.
5. **Municipal separate storm sewer** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
  - a) owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to state waters;
  - b) designed or used for collecting or conveying stormwater;
  - c) which is not a combined sewer; and
  - d) which is not part of a Publicly Owned Treatment Works (POTW).
6. **MS4** means municipal separate storm sewer system.
7. **Operator:** the individual who has day to day supervision and control of activities occurring at the site.
8. **Point Source:** any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. "Point Source" does not include irrigation return flow.
9. **State Waters:** any and all surface and subsurface waters which are contained in or flow in or through this State, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. For the purposes of this permit, State Waters does not include subsurface waters.
10. **Stormwater** is precipitation-induced surface runoff.

**PART II****A. PERMITTEE RESPONSIBILITIES****1. Duty To Comply**

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance or modification; or denial of a permit renewal application. Violation of the terms and conditions specified in this permit may be subject to civil and criminal liability pursuant to C.R.S. 25-8-601 through 612 and the Federal Act.

**2. Minimization of Adverse Impact**

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

**3. Proper Operation and Maintenance**

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

**4. Reduction, Loss, or Failure of Water Quality Controls**

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

**5. Upset**

- a. Effect of an Upset: An upset constitutes an affirmative defense to an action brought for noncompliance with permit limitations and requirements if the requirements of paragraph b of this section are met. (No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.)
- b. Conditions Necessary for a Demonstration of Upset: A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:
  - 1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
  - 2) The CDPS Stormwater Management Program was at the time being properly implemented;
  - 3) The permittee submitted notice of the upset, if required by and in accordance with Part II.B.1(b) of this permit (24 hour notice); and
  - 4) The permittee complied with any remedial measures required under 40 CFR Section 122.41(d) of the federal regulations or Section 61.8(3)(h) of the Colorado Discharge Permit System Regulations.
- c. Burden of Proof: In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

**A. PERMITTEE RESPONSIBILITIES (cont.)****6. Inspections and Right to Entry**

The permittee shall allow the authorized representative of the Water Quality Control Division, upon the presentation of credentials:

- a. To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit, and to inspect any monitoring equipment or monitoring method required in the permit; and
- c. To enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect and/or investigate any actual, suspected, or potential source of water pollution, or to ascertain compliance or non-compliance with the Colorado Water Quality Control Act or any other applicable state or federal statute or regulation or any order promulgated by the Division. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing of any person having knowledge related to the discharge permit, Stormwater Management Program, or alleged violation, and access to any and all facilities or areas within the permittee's premises that may have any effect on the discharge, permit, or alleged violation.

The Division shall split samples taken by the Division during any investigation with the permittee if requested to do so by the permittee.

**7. Duty to Reapply**

The permittee shall submit a permit renewal application at least one hundred eighty (180) days before this permit expires.

**8. Duty to Provide Information**

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit.

**B. NOTIFICATION, REPORTING AND ADMINISTRATIVE REQUIREMENTS****1. Noncompliance Notification**

- a. If, for any reason, the permittee does not comply with or will be unable to comply with any permit limitations, standards or permit requirements specified in this permit, the permittee shall, at a minimum, provide the Water Quality Control Division with the following information:
  - 1) A description and cause of noncompliance;
  - 2) The period of noncompliance, including dates and/or the anticipated date when the permittee will return to compliance; and
  - 3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying activity.

**B. NOTIFICATION, REPORTING AND ADMINISTRATIVE REQUIREMENTS (cont.)**

- b. The permittee shall report the following instances of noncompliance orally within twenty four (24) hours from the time the permittee becomes aware of the noncompliance, and shall mail to the Division a written report within five (5) working days after becoming aware of the noncompliance (unless otherwise specified by the Division). The written reports shall contain the information listed in sub paragraph a of this section.
  - 1) Any instance of noncompliance, which may endanger health or the environment;
- c. The permittee shall report all other instances of noncompliance to the Division prior to or with the Annual Report required by Part I.F of the permit. The reports shall contain the information listed in sub paragraph a of this section.

**2. Availability of Reports**

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and Regulations for the State Discharge Permit System 61.5(4), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Water Quality Control Division. As required by the Federal Clean Water Act, monitoring data shall not be considered confidential.

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

- a. Where the permittee failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or report to the Division, the permittee shall promptly submit the relevant information which was not submitted or any additional information needed to correct any erroneous information previously submitted.
- b. Knowingly making false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Clean Water Act, and Section 25-8-610 C.R.S.

**4. Monitoring and Records**

- a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been approved by the Division (61.8(4)(j)).
- b. If the permittee monitors more frequently than required by the permit, using approved test procedures or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of data to the Division.
- c. Records of monitoring information shall include:
  - 1) The date, exact place, and time of sampling or measurements;
  - 2) The individual(s) who performed the sampling or measurements;
  - 3) The dates the analyses were performed;
  - 4) The individual(s) who performed the analyses;
  - 5) The analytical techniques or methods used; and
  - 6) The results of such analyses.
- d. The permittee shall retain, for a minimum of three years after coverage under this permit terminates, records of all monitoring information, including all strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested of the Division.

**C. MODIFICATION, OR TERMINATION OF PERMITS**

1. The filing of a request by the permittee for a permit modification, termination, revocation and reissuance, inactivation or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
2. All permit modification, termination or revocation and reissuance actions shall be subject to the requirements of the State Discharge Permit System Regulations, Sections 61.5(2), 61.5(3), 61.7 and 61.15, 5 C.C.R. 1002-61, except for minor modifications.
3. This permit may be modified, suspended, or terminated in whole or in part during its term for reasons determined by the Division including, but not limited to, the following:
  - a. Violation of any terms or conditions of the permit;
  - b. Obtaining a permit by misrepresentation or failing to disclose any fact which is material to the granting or denial of a permit or to the establishment of terms or conditions of the permit; or
  - c. Materially false or inaccurate statements or information in the permit application or the permit.
  - d. A determination that the permitted activity endangers human health or the classified or existing uses of state waters and can only be regulated to acceptable levels by permit modifications or termination.
4. This permit may be modified in whole or in part for the following causes, provided that such modification complies with the provisions of 5 CCR 1002-61 Sec. 61.10 regarding anti-backsliding:
  - a. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.
  - b. The Division has received new information which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance.
  - c. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:
    - 1) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a Commission action with respect to the water quality standard or effluent limitation on which the permit condition was based; or
    - 2) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concerns that portion of the regulations or guidelines on which the permit condition was based and a request is filed within ninety (90) days of judicial remand.
  - d. The Division determines that good cause exists to modify a permit condition because of events over which the permittee has no control and for which there is no reasonable available remedy.
  - e. When required to incorporate applicable toxic effluent limitation or standards adopted pursuant to Sec. 307(a) of the Federal act.
5. At the request of a permittee, the Division may modify or terminate a permit and issue a new permit if the following conditions are met:

**C. MODIFICATION, OR TERMINATION OF PERMITS (cont.)**

- a. The EPA has been notified of the proposed modification or termination and does not object in writing within thirty (30) days of receipt of notification;
- b. The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modification or termination;
- c. Fee requirements of Section 61.15 of State Discharge Permit System Regulations have been met; and
- d. Requirements of public notice have been met.

**D. CONSISTENCY WITH OTHER LAWS AND REGULATIONS****1. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority granted by Section 510 of the Clean Water Act.

**2. Property Rights**

The issuance of this permit does not convey any property or water rights in either real or personal property, or stream flows, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**3. Oil and Hazardous Substance Liability**

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

**4. Removed Substances**

Solids or other pollutants removed in the course of maintenance on a stormwater facility shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State.

**E. OTHER STANDARD CONDITIONS****1. Severability**

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

**2. Fees**

The permittee is required to submit payment of an annual fee as set forth in the 1983 amendments to the Water Quality Control Act, Section 25-8-502 (l) (b), and State Discharge Permit Regulations 5 CCR 1002-61, Section 61.15 as amended. Failure to submit the required fee when due and payable is a violation of the permit and shall result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. 1973 as amended.