

## MS4 Permit Renewal Process Update



PROGRESS ON  
PERMIT REQUIREMENTS AND  
SCHEDULE FOR RENEWAL

MARCH 2013

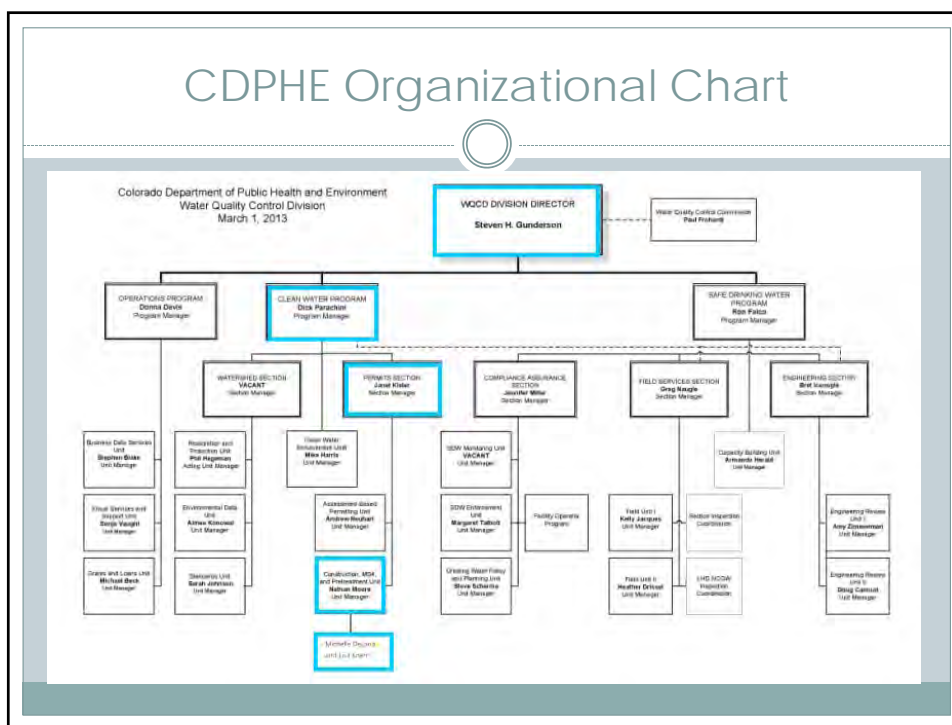
## Permit Renewal Summary

All Division General Permits have a requirement to be reviewed once every 5 years per Regulation 61

- MS4 Permit was to expire March 10, 2013, but was administratively extended for 1 year
- Division identified problems with the enforceability of the Permit during audits past 4 years
- Concluded that audits were not the place to determine the intent of the Permit so they want clear and concise performance standards and audit to "non-numeric effluent limits", a type of measureable goal
- This is not part of the EPA Rulemaking (in process) & the efforts of the Colorado Clean Water Coalition (Ed Tauer)
- EPA Rulemaking elements (retrofits, "flow as surrogate") will not be part of our Permit requirements this term

Anticipated Dates	Proposed Action by the Division
December 2012 to March 2013	<u>Stakeholder Meetings</u>
March 2013	<u>Begin drafting Permit language</u>
May 2013	<u>Pre-Public Notice Meeting (if deemed necessary)</u>
July 2013	<u>Public Notice- 60 day comment period on permit conditions (typical is 30 day comment period for permits)</u>
August 2013	<u>Public Meeting</u>
September 2013	<u>End Public Notice</u>
October 2013 to December 2013	<u>Draft Response to Comments</u>
January 2014	<u>Issue Permit and Permit Certifications</u>
February 2014	<u>Appeal process for Permit (30 day process)</u>
March 10, 2014	<u>Permit Effective</u>

## CDPHE Organizational Chart



Division requested dialogue with Stakeholder to establish 'non-numeric effluent limits' for:

- Roadway Projects – post-construction WQ BMPs
- Design Standards and standards for Operations and Maintenance for Post-Construction WQ BMPs
- Construction Site Controls: plan review, checklists, inspection frequency, enforcement, and training
- Municipal Operations: inspection, bulk storage, training
- Enforcement Response procedures for IDDE, Construction Site and Post-construction controls
- Education and Outreach
- Program Description Document
- Regulation 85 nutrient education and outreach.
- MS4 monitoring/sampling of outfalls to stream segments on the 303d list of impaired waters
- Coal-tar based Asphalt Sealant

## Post Construction BMP, including Roadways

- SEMSWA items for discussion with Division :
  - Reasonable New Development & Redevelopment definitions
  - Pavement Management (routine maintenance) exclusion
  - Design Standard of WQCV (Urban Drainage Vol 3 BMPs and SEMSWA SWMM) for *new* development and *new* roadway
  - Tiered design standard of some % of WQCV for redevelopment including lane additions or reconfiguration/realignment
  - Exemptions for utility, emergency, sidewalk, driveways, trails
  - Alternate BMPs, non-WQCV standards where comparable to WQCV treatment outcomes
  - Template Long term operations and maintenance plan, simple as-built

## Construction Site Control (GESC)

- SEMSWA's proposal for minimum, but effective GESC:
  - Accepted Site Plan, established standards and a review checklist
  - Inspection Frequency of 30 days for full site inspections, with some exclusions for phases of work and frozen conditions, and 'forgiveness' for 31 days
  - A "toolbox" approach to enforcement that allows each jurisdiction to optimize its resources and political will to ensure compliance with Permit
  - Provide training *availability* and appropriate syllabus of topics to external Contractors

## Nutrients: new Regulation 85

- Can be readily incorporated into existing materials:
  - Nutrient (P and NO<sup>4</sup>) message, including existing SOPs for Municipal Operations and facilities – CCBWQA outreach will assist in Cherry Creek basin
  - Target those commercial entities selling fertilizer, applying fertilizer, contracting for application: hardware stores, golf courses, HOAs, etc.
    - ✦ Preferably target through industry associations, like GreenCo for the landscaping industry, National Golf Course Superintendents Association of America; Colorado Horse Council; Chamber of Commerce business committees

## Monitoring State's 303d List outfalls

- Only Dry Weather outfall monitoring (no flow unless raining), with a Q of 5gpm
- Conduct one-time segment screening to identify outfalls of concern
- Monitor for e-Coli and Selenium
- Only 36" outfalls or greater
- Minimum of 1 sample/year
- Minimum of 4 sampling events in 5 year term
- CSC will be opposing with NO monitoring for MS4 Phase II entities
- SEMSWA will investigate what this means for our resources, and believes we have very limited outfalls to monitor, but will follow CSC's lead.

## Other Dialogue Topics

- Municipal Operations
  - Annual inspection of all facilities that have a Runoff Control Plan
  - Facility SPCC Plan to address bulk storage requirements
- IDDE
  - Only allow permitted or Low Risk non-stormwater discharges
  - *Accessible* database to track IDDE (access for all IDDE personnel)
  - Maintain ability to identify *incidental* discharges specific to MS4
- Public Outreach
  - Select # from list of activities that 'fit' your jurisdiction
- Program Description document
  - Enough detail to allow confirmation that permit can be implemented
- Coal-tar based Asphalt Sealant
  - CSC to assist Division with State-wide ban, so not in Permit

## Next Steps

- Work with CSC Committees to draft comments/language to provide to State by April 3<sup>rd</sup>
- Send SEMSWA comments/language to State by April 3<sup>rd</sup>
- Attend April 17<sup>th</sup> "Listening Session", if scheduled
- Attend Pre-Public Notice Meeting, if scheduled
- Comment on Permit when Public-Noticed in July

## Questions?

