

### Why is a City Construction Stormwater Permit Required from the City?

The Colorado Department of Public Health and Environment (CDPHE) regulates stormwater discharges from municipalities through a municipal separate storm sewer system permit (MS4 Permit). The requirement is intended to reduce the amount of pollutants entering streams, rivers, lakes, and wetlands as a result of runoff from residential, commercial and industrial areas. The MS4 Permit requires the City to implement a construction stormwater program regulating stormwater runoff from “applicable construction activities.” As part of this program operators of applicable construction sites are required to obtain coverage under the City of Steamboat Springs, Construction Stormwater Permit.

This requirement does not exempt applicable construction sites from acquiring coverage under the CDPHE General Permit for Stormwater Discharges Associated with Construction Activity (CDPHE General Permit).

### When is a Construction Stormwater Permit Required from the City?

A Construction Stormwater Permit is required prior to the issuance of a building permit or grade and fill permit where the area of land disturbance is greater than or equal to one acre or is less than one acre, but is part of a larger common plan of development or sale that would disturb one acre or more, unless the disturbed areas have been finally stabilized.

A “common plan of development” includes sites that may be less than one acre where multiple, separate and distinct construction activities may be taking place at different times, on different schedules, or under separate ownership, but under a single plan. This includes, but is not limited to, phased projects with multiple filings or lots, and projects in a contiguous area that may be unrelated but still under the same contract.

### What is Necessary to Obtain a City Construction Stormwater Permit?

Applicants must submit a Construction Stormwater Permit Application along with a Stormwater Management Plan (SWMP) to the Routt County Building Department prior to the issuance of a building permit or grade and fill permit from the City.

- **Permit Application:** The application forms include the owner, contractor, Qualified Stormwater Manager, and other project details and available at the Building Department and the City’s website.
- **Large site SWMP:** Required for projects disturbing one acre or more. The SWMP is required to meet the requirements outlined in the Large Site SWMP Checklist (see attached). The checklist is available at the Routt County Building Department and on the City’s website.
- **Small site SWMP:** Required for projects disturbing less than one acre and part of a common plan of development. Project operators have the option to utilize a Small Site SWMP form that the City has developed (see attached). The Small Site SWMP is provided by the City to assist smaller private developments in complying with the City’s stormwater regulations. The Small Site SWMP is not to be used for larger sites (over one acre) where a more comprehensive site specific SWMP is required.

## **What are the City's Stormwater Management Plan (SWMP) requirements?**

The SWMP must describe the implementation of control measures that will be used to reduce the pollutants in stormwater discharges associated with construction activity and post-construction runoff. The SWMP must contain installation and implementation specifications from CDOT, Urban Drainage and Flood Control District or other reputable resource. A narrative description of non-structural control measures must be included in the SWMP. The SWMP shall be prepared in accordance with good engineering, hydrologic and pollution control practices. The SWMP does not need to be prepared by a registered engineer.

Prescribed control measures must be implemented prior to the start of construction activity, control potential pollutants during each phase of construction, and continued to be implemented until final stabilization is achieved. Control measure(s) must be adequate to 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).

The SWMP must be updated as needed to reflect current site conditions and maintained on site. Possible modifications may include replacing and adding control measures, and identifying additional pollution sources. Hand-written notations, initialed and dated, are adequate for most plan updates.

## **Stormwater Inspections**

### **▪ Permittee Inspections**

It is recommended that permittees perform routine inspections to effectively address maintenance and repair of control measures. The following minimum procedures are suggested by the City. Additional inspection requirements are required by the CDPHE and should be followed to insure compliance with the CDPHE General Permit.

#### **a. Inspections**

1. At least one inspection every 7 calendar days. Or
2. At least one inspection every 14 calendar days, if post-storm event inspections are conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. Post-storm inspections may be used to fulfill the 14-day routine inspection requirement.
3. During each inspection, observe all disturbed areas, the site perimeter, material storage areas, where stormwater has the potential to leave the site, where vehicles/equipment exit the site, and all prescribed control measures.
4. Determine adequacy of all control measures at the site.
5. Complete an inspection report for each inspection performed.
6. Maintain inspection reports on site.

#### **b. Maintenance**

1. If a control measure is in need of maintenance or is determined to be inadequate, maintenance or replacement of that control measure should be completed immediately.

2. Perform maintenance per the specifications provided in the projects SWMP.

An efficient record-keeping system is a helpful tool in managing inspection and maintenance reports. It is strongly recommended that a logbook be maintained for inspection reports, maintenance records, spill response, weather conditions, training, correspondence, etc. The documents must be kept on site when construction activities are occurring (site office, trailer, box or truck) and be made available to City stormwater inspectors.

▪ **City Inspections**

Once the development has been approved, and construction commences, routine inspections will be conducted by the City stormwater inspector at least every 45 days. Inspection frequencies may increase at the discretion of the inspector if non-compliance issues are noted or if the site is considered a high risk for pollutant discharges. A twenty-four-hour notification will generally be given to the qualified stormwater manager prior to inspection, however, City staff reserve the right to enter the property anytime during operating hours if conditions are warranted.

City staff will provide an inspection report to the qualified stormwater manager via email within 7 working days from the date of the inspection. The inspection report will note any findings observed during the inspection, and the corrective actions to be completed. City staff may request a response from the qualified stormwater manager or other project representative concerning the inspection findings. The response shall occur within the allotted time period given. The form of response or non-response from the project representative will serve to inform city staff on the appropriate enforcement steps necessary to achieve compliance.

**Permit Compliance**

Permittees are required to comply with the Terms and Conditions of the City Construction Stormwater Permit. When compliance issues are noted during an inspection concerning maintenance, repair, or installation of control measures, corrections shall occur immediately. The following outlines typical non-compliance issues and possible enforcement actions:

- Construction commencing without an approved SWMP, building permit or grade and fill permit
- Control measures not adequate or maintained in operational condition at time of inspection
- Uncorrected finding(s) from previous inspections.
- Failure to implement a control measure for a pollutant source
- Inadequate control measure resulting in a discharge of pollutants from the applicable construction site to the MS4
- Inadequate management of dust, trash and debris

**Permit Enforcement**

Permittees are required to comply with the Terms and Conditions of the Construction Stormwater Permit. In the event of non-compliance, enforcement responses will be assessed dependent on the severity of the violation. Enforcement responses may include:

- Verbal or Email Notification

- Notification of Violation
- Stop Work Order
- Municipal Court Citation

### **Property Ownership Transfer**

In a common plan of development scenario, the primary permittee is responsible for implementing the SWMP provisions for the entire site until those areas have reached final stabilization. When a discrete portion of the development applies for and is issued a building permit to conduct construction activities, the new owner and operator would be required to obtain a City Construction Stormwater Permit for that portion of the development. If that portion of the development had not reached final stabilization it would be the responsibility of the new owner to achieve final stabilization on the property. The sale or transfer of a lot does not relieve the original, primary permittee from its obligations to achieve final stabilization of the permitted activity.

### **Project Operator/Contractor Transfer**

If the primary permittee needs to transfer City Construction Stormwater Permit coverage to a new contractor or owner of the development, they will need to contact the City and request the existing permit coverage be terminated. The new responsible party would then submit a new City Construction Stormwater Permit application, in addition to a SWMP containing the new responsible party's information.

### **Permit Termination**

Once final stabilization has been established, the project representative must request an inspection for final approval in writing and include a Completion Letter from the project engineer. The Completion Letter shall indicate that all ground surface disturbing activities at the site have been completed, and for all areas of ground surface disturbing activities a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. The plant density shall consist of the vegetation prescribed in the seed mix included in the SWMP.

Upon receipt of the Completion Letter, City staff will accompany the project representative to verify the project has reached final stabilization. Once verified, City staff will close the permit.

A Certificate of Occupancy (CO) will not be issued until final stabilization is met unless an improvements agreement is established according to the provisions defined in the City Community Development Code to allow issuance of CO absent completion of work.

### **Revegetation Collateral for Large (5 acres) Land Disturbance Areas**

As a condition for the issuance of a building permit, or grade and fill permit, for any applicable construction activities resulting in land disturbance of five (5) acres or greater, the applicant shall enter into an Improvements Agreement with the City requiring the applicant to furnish the City with collateral in an amount equal to \$5,000 per acre of proposed disturbance in addition to the costs for maintenance of sediment and erosion control measures necessary for the purpose of implementation of the

revegetation and stormwater management plan. For additional information see City Steamboat Community Development Code Article 4, Section 404.D.

### Requirements for Large (20 Acres) Area Disturbance

Areas of land disturbance equal to 20 acres or greater must not be exposed for more than 30 consecutive days without temporary or permanent stabilization. The City may allow authorized exemptions to the 20-acre limit for removal and storage of cut material where geotechnical limitations restrict the use of temporary or permanent stabilization of the stored material (e.g. swelling soils, rock). The City may allow authorized exemptions to the 20-acre limit when the Owner can demonstrate that the 20-acre limit is physically and/or financially impracticable. For sites granted this exemption, a phasing and earthwork quantities plan shall be submitted, following adequate review, approved by the City prior to the commencement of land disturbance activities. Submittal requirements include: (I) Phasing Plan/Earthwork Quantity Plan showing cut and fill volumes and locations for each Phase and project totals. (II) Erosion Control Plan showing specific erosion and sediment controls for each phase.

### Definition of Terms:

- **"Applicable construction activities"** includes construction activities that result in a land disturbance of greater than or equal to one acre or that is less than one acre, but is part of a larger common plan of development or sale that would disturb, or has disturbed since March 2, 2001, one acre or more, unless the disturbed areas have been finally stabilized.
- **"Construction activity"** refers to ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Activities that include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility are not considered construction activities. Activities to conduct repairs that are not part of regular maintenance and activities that are for replacement are considered construction activities and are not considered routine maintenance. Repaving activities where underlying or surrounding soil is cleared, graded, or excavated as part of the repaving operation are construction activities. Construction activity occurs from initial ground breaking to final stabilization regardless of ownership of the construction activities.
- **"Common plan of development or sale"** is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. "Contiguous" means construction activities located in close proximity to each other (within ¼ mile).
- **"Control measures"** are best management practice or other methods used to prevent or reduce the discharge of pollutants to state waters. Control measures can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices.

- **"Final stabilization"** is the condition reached when all ground surface disturbing activities at the site have been completed, and for all areas of ground surface disturbing activities a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.
- **"Good Engineering Hydrologic and Pollution Control Practices"** Are methods, procedures, and practices that are based on basic scientific fact(s), reflect best industry practices and standards, are appropriate for the conditions and pollutant sources, and provide appropriate solutions to minimize pollutant discharges to the City's MS4 and watercourses.
- **"Land disturbing activity"** is any activity that results in a change in the existing land (both vegetative and non-vegetative). Land disturbing activities include, but are not limited to clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Compaction that is associated with stabilization of structures and road construction must also be considered a land disturbing activity.
- **"Pollutant"** is any substance that is harmful to humans, animals, public health, the environment, or that can degrade the quality of receiving waters, cause the receiving waters to violate the stream standards established by the State of Colorado, or affect beneficial uses of water. The term includes, but is not limited to, sediment, trash, dredged spoil, rock, sand, silt, incinerator residue, ash; solid waste; sewage; wastes from industrial, commercial, domestic or agricultural sources; litter, garbage or food waste; landscaping materials, lawn clippings, leaves, branches or other landscaping and yard debris; medical waste; wrecked or discarded equipment; radioactive materials; wastes that contain bacteria, viruses and other pathogens that pose a threat to human health; pet wastes; heat, surfactants, soaps, and cleaning products and wastes and residues from washing operations, including those that are biodegradable; oil and grease, petroleum hydrocarbons and antifreeze; metals; and toxic or hazardous wastes as defined by federal, state, or local laws and regulations, including biocides and pesticides.
- **"Qualified Stormwater Manager"** The individual responsible for implementing the SWMP who 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.
- **"Stormwater"** is precipitation runoff, snow melt runoff, and surface runoff and drainage.

### Duty to Comply

Violations are subject to the penalties outlined in Section 20-117 *Violations, enforcement, and penalties* and include, but are not limited to, criminal penalties as set forth in Section 1-15 of the Municipal Code. Violations are subject to potential penalties beginning at the specific time of the violation, not to exceed \$999.00 per day.

**Links and Resources:**

**City Engineering Documents:**

<http://steamboatsprings.net/354/Engineering-Documents>

**City Municipal Code:**

[https://library.municode.com/co/steamboat\\_springs/codes/code\\_of\\_ordinances?nodeId=PTIISTSPREM\\_UCO\\_CH5BUBURE\\_ARTIINGE](https://library.municode.com/co/steamboat_springs/codes/code_of_ordinances?nodeId=PTIISTSPREM_UCO_CH5BUBURE_ARTIINGE)

**City Stormwater Page:** <http://steamboatsprings.net/408/Stormwater-Quality>

**Routt County Building Department:** <http://www.co.routt.co.us/118/Building>

**CDPHE:** <https://www.colorado.gov/pacific/cdphe/clean-water-construction-compliance-assistance-and-guidance>