UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. § 1251 et seq; "the Act"),

United States Department of Space Force

is authorized to discharge from all portions of the municipal separate storm sewer system within the exterior boundaries of the Buckley Space Force Base,

to, **East Toll Gate Creek, Granby Ditch, Murphy Creek and Sand Creek, all tributaries of the South Platte River**, and other associated waters of the United States within the exterior boundaries of Buckley Space Force Base in the City of Buckley Space Force Base, Arapahoe County, Colorado, latitude 39.708º N and longitude -104.758º W

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This Permit shall become effective November 1, 2023

This Permit and the authorization to discharge shall expire at midnight, October 31, 2028

DARCY OCONNOR Digitally signed by DARCY OCONNOR Date: 2023.09.01 08:53:18 -06'00'

Authorized Permitting Official

Darcy O'Connor, Director
Water Division

MUNICIPAL STORMWATER (Rev.11/2020)

1. BACKGROUND AND FACILITY INFORMATION

1.1. Definitions.

The *7-day (and weekly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.

The *30-day (and monthly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

Composite samples shall be flow proportioned. The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, nor more than twenty-four (24) hours. Acceptable methods for the preparation of composite samples are as follows:

a) Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;

b) Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;

c) Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every “X” gallons of flow); and,

d) Continuous collection of sample with sample collection rate proportional to flow rate.

CWA means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4. In this Permit the CWA may be referred to as “the Act”.

Daily Maximum (Daily Max.) is the maximum measured value for a pollutant discharged during a calendar day or any 24-hour period that reasonably represents a calendar day for purposes of sampling. For pollutants with daily maximum limitations expressed in units of mass (e.g., kilograms, pounds), the daily maximum is calculated as the total mass of pollutant discharged over the calendar day or representative 24-hour period. For pollutants with limitations expressed in other units of measurement (e.g., milligrams/liter, parts per billion), the daily maximum is calculated as the average of all measurements of the pollutant over the calendar day or representative 24-hour period.

If only one measurement or sample is taken during a calendar day or representative 24-hour period, the single measured value for a pollutant will be considered the daily maximum measurement for that calendar day or representative 24-hour period.

Daily Minimum (Daily Min.) is the minimum value allowable in any single sample or instantaneous measurement collected during the course of a day.

EPA means the United States Environmental Protection Agency, the Regional Administrator of the EPA Region 8 or an authorized representative.

E. coli means Escherichia coli.

Grab sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

Instantaneous measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

Permit means this NPDES permit upon finalization. (40 CFR § 122.2)

Permittee means the "person" as defined by either section 502(5) of the Act or 40 CFR § 122.2, including an agent or employee thereof, authorized to discharge under this Permit. (Section 502(5) of the Act, 40 CFR § 122.2)

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Stormwater means storm water runoff, snow melt runoff, and surface runoff and drainage.

Sufficiently Sensitive – An analytical chemical-specific test method is sufficiently sensitive when:

- The method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or

- The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter.

1.2. Permit Area.

This Permit covers all areas of the municipal separate storm sewer system (MS4) within the exterior boundary of the Buckley Space Force Base (BSFB).

1.3. Description of Discharge Point(s):

During the Effective Dates of this Permit, the Permittee is authorized to discharge stormwater from all portions of the MS4 within the exterior boundaries of the BSFB.

This Permit also authorizes the discharge of stormwater commingled with those discharges (allowable non-stormwater discharges) set forth in Part 1.4.2 of this Permit.

1.4. Limitations on Permit Coverage

1.4.1. The Permittee must prohibit all types of non-stormwater discharges into its MS4, except for allowable non-stormwater discharges described in Part 1.4.2.

1.4.2. Allowable Non-Stormwater Discharges:

The following sources of non-stormwater discharges are allowed to be discharged into the MS4 unless the Permittee determines they are significant contributors of pollutants. If the Permittee identifies any of the following categories as a significant contributor of pollutants, the Permittee must include the category as an illicit discharge (see Part 2.3).

- Discharges authorized by a separate NPDES permit;
- Discharges in compliance with instructions of an On-Scene-Coordinator pursuant to 40 CFR Part 300 or 33 CFR 153.10(e);
- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated groundwater infiltration;
- Uncontaminated pumped groundwater;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps;
- Footing drains;
- Lawn watering;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Street wash water;
- Power washing where no chemicals are used;
- Individual residential car washing;
- Roof drains; and
- Discharges or flows from emergency firefighting required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges.

1.4.3. Stormwater Discharges Associated with Industrial Activity.

This Permit does not authorize stormwater discharges associated with industrial activity as defined in 40 CFR § 122.26(b)(14)(i)-(ix) and (xi).

1.4.4. Stormwater Discharges Associated with Construction Activity.

This Permit does not authorize stormwater discharges associated with construction activity as defined in 40 CFR § 122.26(b)(14)(x) or 40 CFR § 122.26(b)(15).

2. STORMWATER MANAGEMENT PROGRAM (SWMP)

2.1. General Requirements:

2.1.1. The Permittee must continue to develop, implement, and enforce a stormwater management plan (SWMP). The SWMP must include management practices, control techniques, system design, engineering methods, and other provisions appropriate for the control of pollutants discharged from the MS4. The Permittee must update their existing SWMP to comply with the new requirements of this Permit within one year after the effective date of this Permit.

2.1.2. The SWMP must specifically describe how the Permittee is complying with each of the elements required by this Permit. The SWMP does not need to be a comprehensive document which describes all procedures. However, the plan should reference policies, procedures, or other documents which provide additional details used to comply with the terms of this Permit.

2.1.3. The Permittee must fully implement the SWMP, including meeting its measurable goals. Progress must be tracked in the annual report (see Part 5.2).

2.1.4. The SWMP must include each of the minimum control measures of Parts 2.2-2.7.

2.1.5. The Permittee must conduct an annual review of the SWMP in conjunction with preparation of the annual report required under Part 5.2.

2.1.6. The EPA may request documentation of the minimum control measures as required by the SWMP. The EPA may review and subsequently notify the Permittee that changes to the SWMP are necessary to:

- Address discharges from the MS4 that are causing or contributing to water quality impacts;
- Include more stringent requirements deemed necessary by the EPA to comply with water quality standards, Endangered Species Act (ESA) related requirements, and/or other goals and requirements of the Clean Water Act; and/or
- Address the SWMP requirements of this Permit, if the EPA determines that the Permittee's current SWMP does not meet Permit requirements.

2.1.6.1. The EPA may request changes in writing and can require including a schedule to develop and implement the changes. The request will offer the Permittee the opportunity to propose alternative program changes to meet the objectives of the requested modification.

2.1.7. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation. The Permittee must implement the SWMP on all new areas added to the Permittee's MS4 (or for which the Permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

2.1.8. If the EPA notifies the Permittee that changes are necessary to ensure that stormwater discharges are not causing or contributing to a violation of water quality standards, the notification will offer the Permittee an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the Permittee must implement any required changes according to the schedule set by the EPA.

2.2. Public Education and Outreach on Stormwater Impacts.

The Permittee must:

2.2.1. Define target audiences to be reached by the Public Education and Outreach Program which include but are not limited to grounds maintenance personnel, facility managers, tenants, residents, project managers, contract managers, and workers engaging in industrial activities.

2.2.2. At a minimum, disseminate informational material to the defined target audiences on both the general water quality goals of the Permit and provide education specific to the target audiences defined in Part 2.2.1 which addresses their potential pollutant sources, impacts of stormwater discharges on water bodies and the steps that the target audience can take to reduce pollutants in stormwater runoff, inform the target audience of the impacts associated with illegal discharges and improper disposal of waste, and any policies and/or procedures that should be implemented to minimize the discharge of the defined pollutants in stormwater runoff. Informational materials shall be updated and distributed as necessary throughout the duration of this Permit, and should provide a location where all annual reports and/or SWMP updates as required by this Permit may be viewed.

2.2.3. Provide annual training to building managers, maintenance workers, and tenants on how to minimize, report, and recognize spills and illicit discharges. This training may be incorporated into a larger program to educate tenants and building managers related to environmental compliance or environmental awareness.

2.2.4. Provide the grounds contractors or other parties responsible for pesticide and herbicide application with training related to the requirements for NPDES permitting and in the area of chemical disposal and stormwater runoff at least once during the effective term of this Permit or within one year of beginning a new contract, whichever is sooner.

2.2.5. Nutrients: As part of their public education program, the Permittee must specifically address the reduction of water quality impacts associated with nitrogen and phosphorus in discharges from the MS4. This program component must address both pollutants: nitrogen and phosphorus.

- For both nitrogen and phosphorus, the Permittee must determine the targeted sources (e.g., residential, industrial, agricultural, or commercial) that are contributing to, or have the potential to contribute these constituents to the waters receiving the discharge authorized under this Permit. Targeted sources may include but are not limited to the use of deicers containing phosphorus, application of fertilizers, and pet waste.

- The Permittee must prioritize which targeted sources are likely to obtain a reduction in nutrient discharges through education and outreach. The Permittee must distribute educational materials or equivalent outreach to the prioritized targeted sources. Educational materials or equivalent outreach, individually or as a whole, must describe stormwater quality impacts associated with nitrogen and phosphorus in stormwater runoff and illicit discharges, the behaviors of concern, and actions that the target source can take to reduce nutrients. Examples of education efforts includes encouraging responsible fertilizer application, encouraging xeriscaping, proper disposal of leaves and lawn waste, and evaluating alternatives to deicers containing phosphorus.

2.2.6. The annual report (See Part 5.2) must document the following information related to public education and outreach:

2.2.6.1. A schedule for meeting the requirements in Parts 2.2.1.-2.2.5;

2.2.6.2. A description of the target audiences from Part 2.2.1;

2.2.6.3. A copy or representation of public outreach materials provided to the target audience(s); and

2.2.6.4. The name or title of the person(s) responsible for coordination and implementation of the stormwater public education and outreach program.

2.3. Illicit Discharge Detection and Elimination.

An illicit discharge is any discharge to a MS4 that is not composed entirely of stormwater. Exceptions are described in Part 1.4.2. The Permittee must:

2.3.1. Implement a program to detect and eliminate illicit discharges into its MS4. The program shall include procedures for detection, identification of sources, and removal of non-stormwater discharges from the storm sewer system. This program shall address dry weather discharges and illegal dumping into the storm sewer system and include training for staff on how to respond to reports of illicit discharges.

2.3.2. Maintain an enforcement policy which effectively prohibits, through ordinance or other regulatory or contractual mechanism available under the legal authorities of the MS4, non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions. The enforcement policy should include a description of the range of actions to be taken by the Permittee in response to an illicit discharge.

2.3.3. Provide a mechanism for reporting of illicit discharges and provide the contact information on any outreach materials as appropriate. For each of the illicit discharges identified, the Permittee shall provide a brief description that outlines how that illicit discharge was identified and the procedures taken to characterize and/or eliminate the illicit discharge.

2.3.4. Provide emergency spill contact information to all building managers, project managers, and tenants.

2.3.5. Investigate any illicit discharge within two (2) business days of its detection, and take action to eliminate the source of the discharge within fifteen (15) business days of its detection (or obtain permission from the EPA for such longer periods as may be necessary in particular instances). If illicit discharges can be determined through sampling and analysis to be allowable non-stormwater discharges as defined in Part 1.4.2 of the Permit (e.g., uncontaminated groundwater, foundation drains), then elimination of the source of the discharge may not be appropriate.

2.3.6. Maintain an information system which tracks dry weather screening efforts, illicit discharge reports, and the location and any remediation efforts to address identified illicit discharges.

2.3.7. If an illicit discharge is detected, an assessment of that discharge shall be made. The assessment should first be used to determine the source of the dry weather discharge and if it can be readily remedied (e.g., landscape watering). Field sampling should be used when it is not possible to eliminate a dry weather discharge. Sampling could include field tests of selected chemical parameters as indicators of discharge sources where dry weather flows are detected. 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.

2.3.8. Develop and maintain an updated map of the stormwater drainage system within the Buckley Space Force Base (BSFB) property showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls.

2.3.9. The annual report (See Part 5.2) must document the following information related to illicit discharge detection and elimination:

2.3.9.1. A description of the program used to detect and eliminate illicit discharges into the MS4; including procedures for detection, identification of sources, and removal of non-stormwater discharges from the storm sewer system;

2.3.9.2. A description of the location and method of dry weather screening performed;

2.3.9.3. A description of illicit discharges abated and all actions taken to eliminate sources of illicit discharges;

2.3.9.4. A description or citation of the established ordinance or other regulatory mechanism used to prohibit illicit discharges into the MS4;

2.3.9.5. A copy or excerpt from the information management system used to track illicit discharges;

2.3.9.6. A description of the categories of non-stormwater discharges evaluated as potentially being significant contributors of pollutants to the MS4 and any local controls placed on these discharges; and

2.3.9.7. A description of the schedule and/or progress in creating a complete storm sewer map.

2.4.<u>Construction Site Stormwater Runoff Control.</u>

The Permittee must:

2.4.1. The Permittee must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

2.4.2. Provide and document training to staff which perform inspections regarding the maintenance and installation of best management practices (BMPs) for construction stormwater control and the terms of the EPA General Permit for Discharges from Construction Activities. This training is required at least once during the term of this Permit or within one year of hiring new inspectors, whichever is sooner, and shall include procedures for how inspectors will document and submit findings to the appropriate Permittee staff.

2.4.3. Maintain a list of policies and/or procedures which can be used to enforce construction site compliance within the BSFB. Implement procedures for documenting deficiencies in contract performance based on compliance with construction stormwater regulations. This may include

working with other cities, drainage districts, and/or utilizing the EPA for enforcement of construction stormwater violations and shall address enforcement mechanisms for non-BSFB construction projects (e.g., county road construction). The policies and/or procedures shall incorporate an escalation protocol (e.g., a warning for first-time violators, followed by escalated actions for subsequent violations.

2.4.4. The program must be developed and implemented to assure adequate design, implementation, and maintenance of BMPs at construction sites within the MS4 to reduce pollutant discharges and protect water quality.

2.4.5. Appropriate control measures must be selected, designed, installed, implemented, and maintained to minimize all potential pollutants, such as but not limited to sediment, construction site waste, trash, discarded building materials, concrete truck washout, chemicals, sanitary waste, and contaminated soils in discharges to the MS4. Specific control measures must meet the requirements listed below. At a minimum, pollutant sources associated with the following activities (if part of the applicable construction activity) must be addressed:

2.4.5.1. Control Measures for Erosion and Sediment Control

2.4.5.2. 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);

2.4.5.2.1. Vehicle tracking controls shall be implemented to minimize vehicle tracking of sediment from disturbed areas;

2.4.5.2.2. Outlets that withdraw water from or near the surface shall be installed when discharging from basins and impoundments, unless not technologically possible, or not economically practicable and achievable in light of best industry practices;

2.4.5.2.3. Maintain pre-existing vegetation or equivalent control measures for areas within 50 horizontal feet of receiving waters as described in the EPA General Permit for Discharges from Construction Activities, unless infeasible;

2.4.5.2.4. Soil compaction must be minimized for areas where infiltration control measures will occur or where final stabilization will be achieved through vegetative cover;

2.4.5.2.5. Unless not technologically possible, or not economically practicable and achievable in light of best industry practices, topsoil shall be preserved for those areas of a site that will utilize vegetative final stabilization; and

2.4.5.2.6. Minimize the amount of soil exposed during construction activity, including the disturbance of steep slopes.

2.4.5.3. Practices for Other Common Pollutants

2.4.5.3.1. Bulk storage, 55 gallons or greater, for petroleum products and other liquid chemicals must have secondary containment, or equivalent protection, in order to contain spills and to prevent spilled material from entering receiving waters.

2.4.5.3.2. 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.

2.4.5.4. Practices for Other Activities

At a minimum pollutant sources associated with the following activities (if reasonably expected to be part of the applicable construction activity) must be addressed:

2.4.5.4.1. Loading and unloading operations;

2.4.5.4.2. Outdoor storage of construction site materials, building materials, fertilizers, and chemicals;

2.4.5.4.3. Bulk storage of materials;

2.4.5.4.4. Vehicle and equipment maintenance and fueling;

2.4.5.4.5. Significant dust or particulate generating processes;

2.4.5.4.6. Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, and oils;

2.4.5.4.7. Asphalt and concrete batch plants;

2.4.5.4.8. Other areas or operations where spills can occur;

2.4.5.4.9. Other non-stormwater discharges including construction dewatering not covered under the EPA General Permit for Discharges from Construction Activities and wash water that may contribute pollutants to the MS4; and

2.4.5.4.10. Construction waste control, material containment, and spill prevention.

2.4.5.5. Stabilization Requirements

The following requirements must be implemented for each site:

2.4.5.5.1. Temporary stabilization must be implemented for earth disturbing activities on any portion of the site where ground disturbing construction activity has permanently ceased, or temporarily ceased for more than 14 calendar days. Temporary stabilization methods may include, but are not limited to, tarps, soil tackifier, and hydroseed. The construction operator may exceed the 14-day schedule when either the function of the specific area of the site requires it to remain disturbed, or, physical characteristics of the terrain and climate prevent stabilization. The construction Stormwater Pollution Prevention Plan (SWPPP) must document the constraints necessitating the alternative schedule, provide the alternate stabilization schedule, and identify all locations where the alternative schedule is applicable on the site map;

2.4.5.5.2. Final stabilization must be implemented for all construction sites. Final stabilization is reached when all ground surface disturbing activities at the construction site are complete; and, for all areas of ground surface disturbing activities, establish uniform, perennial vegetation that provides 70% or more of the cover that is provided by vegetation native to the local undisturbed areas; and/or implement permanent non-vegetative stabilization measures to provide effective cover.

2.4.5.5.3. The exceptions to Part 2.4.5.5.2 include: arid, semi-arid or drought-stricken areas, disturbed areas on agricultural lands that are restored to their preconstruction agricultural use, and areas that need to remain disturbed as described in the EPA General Permit for Discharges from Construction Activities.

2.4.5.5.4. Final stabilization must be designed and installed as a permanent feature. Final stabilization measures for obtaining a vegetative cover and permanent non-vegetative measures include, but are not limited to, the following as appropriate:

2.4.5.5.4.1 Seed mix selection and application methods;

2.4.5.5.4.2 Soil preparation and amendments;

2.4.5.5.4.3 Soil stabilization methods (e.g., crimped straw, hydro mulch or rolled erosion control products);

2.4.5.5.4.4 Appropriate sediment control measures as needed until final stabilization is achieved;

2.4.5.5.4.5 Permanent pavement, hardscape, xeriscape, stabilized driving surfaces; or

2.4.5.5.4.6 Other alternative stabilization practices as applicable.

2.4.5.5.4.7 The Permittee must ensure all temporary control measures are removed from the construction site once final stabilization is achieved, except when the control measure specifications allow the control measure to be left in place (i.e., bio-degradable control measures).

2.4.5.6. 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 control measure requiring routine maintenance must be conducted to maintain an effective operating condition.

2.4.6. Review the SWPPP for construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre and part of a larger common plan of development or sale that would disturb one acre or more. A narrative description of non-structural control measures must be included in the construction SWPPP. The Permittee must require that the construction SWPPP 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 construction SWPPP is maintained to reflect all current conditions.

2.4.6.1. Initial SWPPP Review: The Permittee must review and approve site plans for **all** applicable construction activities prior to the start of construction activities. If a site plan does not meet the requirements in EPA General Permit for Discharges from Construction Activities, the Permittee will not approve the site plan and will notify the site plan contact that land disturbing activities may not be commenced at the site. The Permittee will only approve a construction SWPPP if the Permittee staff has confirmed that the SWPPP meets the following: Has been prepared in accordance with good engineering, hydrologic, and pollution control practices;

2.4.6.1.1. Includes appropriate control measures for all potential sources of pollution at all stages of construction, including final stabilization;

2.4.6.1.2. Meets the requirements in the EPA General Permit for Discharges from Construction Activities; and

2.4.6.1.3. Identifies all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the site.

2.4.6.1.4. Includes a site description which includes, at a minimum, the following:

2.4.6.1.4.1 Qualified Stormwater Manager. The construction SWPPP must list individual(s) by title and name who are designated as the site's qualified stormwater manager(s) responsible for implementing the construction SWPPP in its entirety. This role may be filled by more than one individual;

2.4.6.1.4.2 Spill Prevention and Response Plan. The construction SWPPP must have a spill prevention and response plan. The plan may incorporate by reference any part of a Spill Prevention Control and Countermeasure (SPCC) plan under section 311 of the Clean Water Act (CWA) or a Spill Prevention Plan required by a separate NPDES permit. The relevant sections of any referenced plans must be available as part of the construction SWPPP;

2.4.6.1.4.3 Materials Handling. The construction SWPPP must describe and locate all control measures implemented at the site to minimize impacts from handling significant materials that could contribute pollutants to runoff. These handling procedures can include control measures for pollutants and activities such as, exposed storage of building materials, paints and solvents, landscape materials, fertilizers or chemicals, sanitary waste material, trash and equipment maintenance, or fueling procedures;

2.4.6.1.4.4 Potential Sources of Pollution. The construction SWPPP must list all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the site. This shall include, but is not limited to, the following pollutant sources:

- Disturbed and stored soils;
- Vehicle tracking of sediments;
- Management of contaminated soils;
- Loading and unloading operations;
- Outdoor storage activities (erodible building materials, fertilizers, chemicals, etc.);
- Vehicle and equipment maintenance and fueling;
- Significant dust or particulate generating processes (e.g., saw cutting material, including dust);
- Routine maintenance activities involving fertilizers, pesticides, herbicides, detergents, fuels, solvents, oils, etc.;
- On-site waste management practices (waste piles, liquid wastes, dumpsters);
- Concrete truck/equipment washing, including washing of the concrete truck chute and associated fixtures and equipment;
- Dedicated asphalt, concrete batch plants, and masonry stations; and
- Non-industrial waste sources such as worker trash and portable toilets.

2.4.6.1.5. Implementation of Control Measures. The construction SWPPP must include design specifications that contain information on the implementation of the control measure in accordance with good engineering, hydrologic, and pollution control practices; including as applicable drawings, dimensions, installation information, materials, implementation processes, control measure-specific inspection expectations, and maintenance requirements.

2.4.6.1.5.1 The construction SWPPP must include a documented use agreement between the applicable construction site owner or operator and the owner or operator of any control measures located outside of the construction site boundaries that are used by the applicable construction site for compliance with the construction SWPPP, but not under the direct control of the applicable construction site owner or operator. The applicable construction site owner or operator is responsible for ensuring that all control measures located outside of the construction site boundaries, that are being used by the applicable construction site, are properly maintained. The construction SWPPP must include all information required of and relevant to any such control measures located outside the construction site boundaries, including location, installation specifications, design specifications and maintenance requirements.

2.4.6.1.6. Site Description. The construction SWPPP must include a site description which includes, at a minimum, the following:

2.4.6.1.6.1 The nature of the construction activity at the site;

2.4.6.1.6.2 The proposed schedule for the sequence for major construction activities and the planned implementation of control measures for each phase. (e.g., clearing, grading, utilities, vertical, etc.);

2.4.6.1.6.3 Estimates of the total acreage of the site, and the acreage expected to be disturbed by clearing, excavation, grading, or any other construction activities;

2.4.6.1.6.4 A summary of any existing data used in the development of the construction site plans or construction SWPPP that describe the soil or existing potential for soil erosion;

2.4.6.1.6.5 A description of the percent of existing vegetative ground cover relative to the entire site and the method for determining the percentage;

2.4.6.1.6.6 A description of any allowable non-stormwater discharges at the site;

2.4.6.1.6.7 A description of areas receiving discharge from the site. Including a description of the immediate source receiving the discharge. If the stormwater discharge is to another municipal separate storm sewer system, the location of the storm sewer discharge and the ultimate receiving water(s); and

2.4.6.1.6.8 A description of all stream crossings located within the construction site boundary.

2.4.6.1.7. Site Map. The construction SWPPP must include a site map which includes, at a minimum, the following:

2.4.6.1.7.1 Construction site boundaries;

2.4.6.1.7.2 Flow arrows that depict stormwater flow directions on-site and runoff direction;

2.4.6.1.7.3 All areas of ground disturbance including areas of borrow and fill;

2.4.6.1.7.4 Areas used for storage of soil;

2.4.6.1.7.5 Locations of all waste accumulation areas, including areas for liquid, concrete, masonry, and asphalt;

2.4.6.1.7.6 Locations of asphalt, concrete batch plants and masonry mixing stations;

2.4.6.1.7.7 Locations of all structural control measures;

2.4.6.1.7.8 Locations of all non-structural control measures;

2.4.6.1.7.9 Locations of springs, streams, wetlands and other receiving waters, including areas that require pre-existing vegetation be maintained within 50 feet of a receiving water, where determined feasible in accordance with Erosion and Sediment Control Requirements in the EPA General Permit for Discharges from Construction Activities; and

2.4.6.1.7.10 Locations of all stream crossings located within the construction site boundary.

2.4.6.1.8. Final Stabilization and Long-Term Stormwater Management. The construction SWPPP must describe the practices used to achieve final stabilization of all disturbed areas at the site and any planned practices to control pollutants in stormwater discharges that will occur after construction operations are completed. Including but not limited to, detention/retention ponds, rain gardens, stormwater vaults, etc.

2.4.6.2. Construction SWPPP Revisions: The construction SWPPP must reflect current site conditions. The Permittee will implement procedures and deadlines for the following construction SWPPP modifications:

2.4.6.2.1. Major Modifications. Changes to the original site plan that remove or add additional area to the project, modify the final hydrology or drainage of the final design, replace approved site plans, or otherwise expand or contract the scope of the original project shall require the submission of plans to Permittee for review and approval.

2.4.6.2.2. Minor Modifications. Modifications to the original site plan that do NOT increase the scope or change hydrology of the project but modify/improve specific control measures in use at site, indicate progression in phasing of the project, or specify 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 the minor modifications.

2.4.6.2.3. The Permittee will only approve a major and minor modification if the modification meets the applicable requirements of Part 2.4.6.2.1 and 2.4.6.2.2.

2.4.6.3. Routine Inspections:

2.4.6.3.1. Frequency: Conduct at least every 45 days. A routine inspection must be conducted at least once before final stabilization if the period of construction activity is less than 45 days in length.

2.4.6.3.2. Scope: The inspection must assess the following:

2.4.6.3.2.1 Whether the construction SWPPP 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 construction SWPPP; or 2) require the owner or operator of the site to re-submit the construction SWPPP for review by the Permittee because it includes major changes;

2.4.6.3.2.2 Control measures: Identify failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance;

2.4.6.3.2.3 Pollutant sources: Evaluate all pollutant sources, including trash, to determine if an illegal discharge has occurred; and

2.4.6.3.2.4 Discharge points: Visually inspect each discharge point 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.

2.4.6.4. Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:

2.4.6.4.1. Inspection date;

2.4.6.4.2. Name of inspector;

2.4.6.4.3. Site identification;

2.4.6.4.4. Inspection results including the location of any illicit discharges, failure to implement control measures, and inadequate control measures. The inspection results should also list (not locate) any control measures requiring routine maintenance;

2.4.6.4.5. Identification of any inadequate control measures that have not been resolved from the previous inspection; and

2.4.6.4.6. Type of inspection (initial, routine, final, compliant-related, etc.).

2.4.7. Maintain and utilize a closure process whereby a BSFB construction inspector or BSFB project managers evaluate whether 70 % vegetative cover (or another final stabilization measure described in Parts 2.4.5.4-2.4.5.3) has been met at all areas of the site prior to closing out construction stormwater permits.

2.4.8. The annual report (See Part 5.2) must document the following information related to construction

site stormwater runoff control:

2.4.8.1. A description of construction activities which disturbed greater than or equal to one acre of land;

2.4.8.2. A description or citation of the established ordinance or other regulatory mechanism used to require erosion and sediment controls;

2.4.8.3. A description of the compliance mechanisms the Permittee uses to ensure that construction activities disturbing equal to or greater than one acre of land are in compliance with the terms of the EPA General Permit for Discharges from Construction Activities.

2.4.8.4. A description of the procedures for site plan review, including the review of pre-construction site plans;

2.4.8.5. A description of the procedures for site inspection;

2.4.8.6. Documentation of training provided to a BSFB construction inspector or BSFB project managers regarding the maintenance and installation of BMPs for construction stormwater control and the terms of the EPA General Permit for Discharges from Construction Activities; and

2.4.8.7. The name or title of the person(s) responsible for coordination and implementation of the construction site runoff control program.

2.5. Post-Construction Stormwater Management for New Development and Redevelopment.

Post-construction Stormwater Management for New Development and Redevelopment.

The Permittee must:

2.5.1. As part of the design review process for new construction projects disturbing equal to or greater than one acre, including projects less than one acre that are part of a larger common plan of development or sale, review contracts to ensure that they meet the Control Measure Design Standards defined in Part 2.5.8. See Part 2.5.14. Compliance Schedule for existing projects.

2.5.2. Invite the appropriate city, county, and/or drainage district staff to meet at least annually to discuss recently constructed or proposed new developments and how they may impact the water quality downstream.

2.5.3. Within two (2) years of the effective date of this Permit, provide and document training to appropriate permittee staff with construction planning and/or oversight duties, and other staff as deemed appropriate, to provide education on stormwater runoff, and to communicate the expectations for meeting the Control Measure Design Standards defined in Part 2.5.8.

2.5.4. Implement a closeout procedure such that newly installed post-construction stormwater control measures can be cleaned and are in working order as designed prior to closing out contracts.

2.5.5. Upon closeout of new construction projects, include maintenance requirements and as-built specifications for newly installed permanent post-construction stormwater control measures into a plan or system which integrates into existing facility management procedures for the BSFB.

2.5.6. Retain construction as-built designs and maintenance requirements for all Control Measures installed for the purpose of meeting the Control Measure Design Standards defined in Part 2.5.8. and New Development Planning Procedures for Specific Industrial Activities defined in Part 2.5.15. for the life of the Control Measures. This requirement applies to vegetative and soil management requirements, minimization of directly connected impervious areas, and other green infrastructure practices designed to meet the requirements in Part 2.5.8.

2.5.7. Inspect at a minimum, annually, all Control Measures installed for the purpose of meeting the Control Measure Design Standards defined in Part 2.5.8. and Newly Development Planning Procedures for Specific Industrial Activities defined in Part 2.5.15. to ensure that they are being maintained in a manner which meets their intended design. This requirement applies to vegetative and soil management requirements, minimization of directly connected impervious areas, and other green infrastructure practices designed to meet the requirements in Part 2.5.8.

2.5.8. Control Measure Design Standards. The Permittee's requirements and oversight must be implemented to address selection, installation, implementation, and maintenance of Control Measures using one of the following design standards:

2.5.8.1. Water Quality Capture Volume (WQCV) Standard: The Control Measure is designed to provide treatment and/or infiltration of the water quality capture volume (WQCV), and:

• 100 % of the covered development project is captured, except the Permittee may exclude an area not to exceed the lesser of 1 acre or 20% of the covered development project when the Permittee has determined that it is not practicable to capture runoff from portions of the site that will not drain towards Control Measures, and implementation of a separate Control Measure for that portion of the site is not practicable (e.g., stabilized driveway access that drains directly to the street).

• Detention of the WQCV shall be a minimum of 12 hours but shall be extended as needed to meet the Control Measure requirements of this Permit. This does not apply to stormwater runoff that is treated with filtration (e.g., bioretention) or is infiltrated (e.g., permeable pavement, etc.). Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the Control Measure implemented. Consideration of drain time shall include maintaining vegetation necessary for operation of the Control Measure (e.g., wetland vegetation).

2.5.8.2. Pollutant Removal Standard: The control measure(s) is designed to treat at a minimum the 80th percentile runoff-storm event for 100% of the applicable development site. The control measure(s) shall be designed to treat stormwater runoff in a manner expected to reduce the event mean concentration of total suspended solids (TSS) to a median value of 30 mg/L or less. The permittee may determine this based on design specifications and proper installation, operation and maintenance of the control measure. The permittee is not required to confirm performance through effluent monitoring.

2.5.8.3. If the permittee determines and documents that it is not practicable to capture runoff from portions of the site that will not drain towards control measures, then the permittee can exclude up to 20%, not to exceed 1 acre of the applicable development site area. At a minimum, the permittee must document the following if excluding any parts of the applicable development site from treatment:

2.5.8.3.1 Why capturing additional runoff from the applicable development site is not practicable; and

2.5.8.3.2 Why an additional control measure(s) to treat additional runoff from the applicable development site is not practicable (e.g., driveway access that drains directly to street).

2.5.8.4. Runoff Reduction Standard: The control measure(s) is designed to infiltrate into the ground where site geology permits, evaporate, or evapotranspire a quantity of water equal to 60% of what the calculated WQCV would be if all impervious area for the applicable development site discharged without infiltration. This base design standard can be met through practices such as green infrastructure. “Infiltrate” is the act of stormwater runoff infiltrating into the ground without release to the MS4. An underdrain can be used for runoff in excess of the 60% standard, provided that the 60% of the calculated WQCV has infiltrated. A separation distance of 2 feet is required 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, unless a site specific design has determined that a reduced depth would allow for necessary infiltration rates, structure stability associated with expanding bedrock, and prevent contamination of groundwater associated with pollutants present at the site.

2.5.9. Applicable Development Site Draining to a Regional WQCV Control Measure: The regional WQCV control measure must be designed to accept the drainage from the applicable development site. Stormwater from the site must not discharge to a water of the United States before being discharged to the regional WQCV control measure. The regional WQCV control measure must meet the requirements of the WQCV in Part 2.5.8.1. and must be designed and maintained for 100% WQCV for its entire drainage area.

2.5.10. Applicable Development Site Draining to a Regional WQCV Facility: The regional WQCV facility is designed to accept drainage from the applicable development site. Stormwater from the site may discharge to a water of the United States before being discharged to the regional WQCV facility. Before discharging to a water of the United States, at least 20% of the impervious area of the applicable development site must drain through a receiving pervious area control measure comprising a footprint of at least 10% of the impervious area draining to it. The control measure must be designed in accordance with a design manual identified by the permittee. In addition, the stream channel between the discharge point of the applicable development site and the regional WQCV facility must be stabilized.

2.5.11. The regional WQCV facility must meet the following requirements:

2.5.11.1. The regional WQCV facility must be implemented, functional, and maintained following good engineering, hydrologic and pollution control practices.

2.5.11.2. The regional WQCV facility must be designed and maintained for 100% WQCV for its entire drainage area.

2.5.11.3. The regional WQCV facility must have capacity to accommodate the drainage from the applicable development site.

2.5.11.4. The regional WQCV facility be designed and built to comply with all assumptions for the development activities planned by the permittee within its drainage area, including the imperviousness of its drainage area and the applicable development site.

2.5.11.5 The minimum drain time shall be 12 hours. This does not apply to stormwater runoff that is treated with filtration or is infiltrated.

2.5.11.6. The regional WQCV facility must be subject to the Permittee's authority consistent with requirements and actions for a control measure in accordance with all other requirements in Part 2.5.8.

2.5.11.7. Regional Facilities must be designed and implemented with flood control or water quality as the primary use. Recreational ponds and reservoirs may not be considered Regional Facilities. Water bodies listed by name in Colorado surface water quality classifications and standards regulations (5 CCR 1002-32 through 5 CCR 1002-38) may not be considered regional facilities.

2.5.12. Constrained Redevelopment Sites Standard:

2.5.12.1 Applicability: The constrained redevelopment sites standard applies to redevelopment sites meeting the following criteria:

2.5.12.2 The applicable redevelopment site is for a site that has greater than 75% impervious area, and

2.5.12.3. The Permittee has determined and documented that it is not practicable to meet any of the design standards in Parts 2.5.8.1 – 2.5.8.3. The Permittee's determination shall include an evaluation of the applicable redevelopment site's ability to install a control measure without reducing surface area covered with the structures.

2.5.12.4. Constrained Redevelopment Sites Design Standard: The control measure(s) is designed to meet one of the following:

2.5.12.4.1. 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 WQCV for the control measure(s) must be sized for the drainage area, even if it extends beyond the applicable development site. The minimum drain time shall be 12 hours. This drain time does not apply to stormwater runoff that is treated through filtration or infiltration.

2.5.12.4.2. The control measure(s) is designed to provide for treatment of the 80th percentile runoff storm event. The control measure(s) shall be designed to treat stormwater runoff in a manner expected to reduce the event mean concentration of total suspended solids (TSS) to a median value of 30 mg/L or less. A minimum of 50% of the applicable development area including 50% or more of the impervious area of the applicable development area shall drain to the control measure(s). This standard does not require that 100% of the applicable redevelopment site area be directed to control measure(s) as long as the overall removal goal is met or exceeded (e.g., providing increased removal for a smaller area), or

2.5.12.4.3. Infiltrate, evaporate, or evapotranspiration, through practices such as green

infrastructure, a quantity of water equal to 30% of what the calculated WQCV would be if all impervious area for the applicable redevelopment site discharged without infiltration.

2.5.13. Exclusions: The Permittee may exclude the following from the requirements of an applicable development site.

2.5.13.1. Pavement Management Sites: Sites, or portions of sites, for the rehabilitation, maintenance, and reconstruction of roadway pavement, which includes roadway resurfacing, mill and overlay, white topping, black topping, curb and gutter replacement, concrete panel replacement, and pothole repair. The purpose of the site must be to provide additional years of service life and optimize service and safety. The site also must be limited to the repair and replacement of pavement in a manner that does not result in an increased impervious area and the infrastructure must not substantially change. The types of sites covered under this exclusion include day-to-day maintenance activities, rehabilitation, and reconstruction of pavement. “Roadways” include roads and bridges that are improved, designed or ordinarily used for vehicular travel and contiguous areas improved, designed or ordinarily used for pedestrian or bicycle traffic, drainage for the roadway, and/or parking along the roadway. Areas primarily used for parking or access to parking are not roadways.

2.5.13.2. Excluded Roadway Redevelopment: Redevelopment sites for existing roadways, when one of the following criteria is met:

2.5.13.2.1. The site adds less than 1 acre of paved area per mile of roadway to an existing roadway, or

2.5.13.2.2. The site does not add more than 8.25 feet of paved width at any location to the existing roadway.

2.5.13.3. Excluded Existing Roadway Areas: For redevelopment sites for existing roadways, only the area of the existing roadway is excluded from the requirements of an applicable development site when the site does not increase the width by two times or more, on average, of the original roadway area. The entire site is not excluded from being considered an applicable development site for this exclusion. The area of the site that is part of the added new roadway area is still an applicable development site.

2.5.13.4. Aboveground and Underground Utilities: Activities for installation or maintenance of underground utilities or infrastructure that does not permanently alter the terrain, ground cover, or drainage patterns from those present prior to the construction activity. This exclusion includes, but is not limited to, activities to install, replace, or maintain utilities under roadways or other paved areas that return the surface to the same condition.

2.5.13.5. Non-Residential and Non-Commercial Infiltration Conditions: This exclusion does not apply to residential or commercial sites for buildings. This exclusion applies to applicable development sites for which post-development surface conditions do not result in concentrated stormwater flow during the 80th percentile stormwater runoff event. In addition, post-development surface conditions must not be projected to result in a surface water discharge from the 80th percentile stormwater runoff events. Specifically, the 80th percentile event must be infiltrated and not discharged as concentrated flow. For this exclusion to apply, a study specific to the site, watershed and/or MS4 must be conducted. The study must show rainfall and soil conditions present within the permitted area; must include allowable slopes, surface conditions, and ratios of impervious area to pervious area; and the permittee must accept such study as applicable within its MS4 boundaries.

2.5.13.6. Land Disturbance to Undeveloped Land that will Remain Undeveloped: Permittees may exclude areas with land disturbance to undeveloped land (land with no human-made structures such as buildings or pavement) that will remain undeveloped after the site.

2.5.13.7. Stream Stabilization Sites: Permittees may exclude stream stabilization sites.

2.5.13.8. Trails: Permittees may exclude bike and pedestrian trails. Bike lanes for roadways are not included in this exclusion, unless attached to a roadway that qualifies under another exclusion in this section.

2.5.13.9. Stormwater Facilities: Permittees may exclude the installation or maintenance of stormwater facilities associated with flood control and water quality, including but not limited to, flood control ponds and post-construction control measures.

2.5.14. Compliance Schedule: Construction projects already planned prior to the permit effective date] are not subject to the Post-Construction Stormwater Control Measure Design Standards in the Part 2.5.8. These projects must still comply with the requirements of the previous permit issued in 2013. Projects planned after the effective date of the permit have a grace period of two years to comply with Part 2.5.8. to accommodate personnel training.

2.5.15. New Development Planning Procedures for Specific Industrial Activities. In addition to the Control Measure Design Standards specified in Part 2.5.8, Control Measures such as oil and grease sand filters, secondary containment structures, and/or segregation of flows around pollutant hot spot areas shall be installed and maintained as practicable to reduce pollutants discharged from:

- Retail gasoline outlets and fueling areas;
- Restaurants and food service preparation facilities;
- Automotive service and supply stores; and
- Vehicle maintenance facilities.

2.5.16. The annual report (See Part 5.2) must document the following information related to post-construction site stormwater runoff control:

2.5.16.1. A description of the process used to ensure that all BSFB contracts initiated after the effective date of this Permit contain language which requires the installation of permanent stormwater control measures and an excerpt of applicable contract language;

2.5.16.2. A description of the inspection and recordkeeping procedures and the assumptions provided to ensure the long-term operation and maintenance of permanent stormwater control measures;

2.5.16.3. A description of training provided to appropriate permittee staff with construction planning and/or oversight duties, and other staff as deemed appropriate, to provide education on stormwater runoff, and to communicate the expectations for meeting the Control Measure Design Standards defined in Part 2.5.8; and

2.5.16.4. The name or title of the person(s) responsible for coordination and implementation of the post-construction stormwater management program.

2.6. Pollution Prevention and Good Housekeeping for Municipal-type Federal Operations.

The Permittee must:

2.6.1. Develop and implement an operation and maintenance program that includes an employee training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal-type federal operations. The program must also inform federal employees and contractors of impacts associated with illegal discharges and improper disposal of waste from municipal-type federal operations. The program must prevent and/or reduce stormwater pollution from facilities such as streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by the Permittee, and waste transfer stations, and from activities such as park and open space maintenance, fleet and building maintenance, street maintenance, new construction of municipal-type federal operations facilities, and stormwater system maintenance, as applicable.

2.6.2. Nutrient Source Reductions: The Permittee must develop and implement a municipal-type federal operations program that has the ultimate goal of preventing or reducing nitrogen and phosphorus in stormwater runoff associated with the MS4 Permittee's operations. Written procedures for an operation and maintenance program to prevent or reduce nitrogen and phosphorus in stormwater runoff associated with the MS4 Permittee's operations shall be developed. The program must specifically list the municipal-type federal operations (i.e., activities and facilities) that are impacted by this operation and maintenance program. The Permittee can meet the requirements of this section through contribution to a collaborative program to evaluate, identify, and target sources state-wide or within the specific region or watershed that includes the receiving waters impacted by the Permittee's discharge.

2.6.2.1. The Permittee shall evaluate, identify, and document the municipal-type federal operations and facilities that are and/or have the potential to contribute nitrogen and phosphorus to the waters receiving the discharge authorized under this Permit (identified municipal-type federal operations nutrient sources). The Permittee is authorized to meet the requirements of this section through contribution to a collaborative program to evaluate, identify, and target sources state-wide or within the specific region or watershed that includes the receiving waters impacted by the Permittee's discharge. At a minimum:

2.6.2.1.1. If the Permittee has any operations that use fertilizers, then the Permittee shall include the storage and application of fertilizer, including subsequent stormwater or irrigation runoff from areas were fertilizer has been applied, as an identified municipal-type federal operations nutrient source if these operations were not covered under Part 2.6.2.

2.6.2.2. The Permittee shall implement control measures that prevent or reduce the nitrogen and phosphorus in stormwater runoff associated with identified municipal-type federal operations nutrient sources. The control measures shall be implemented and documented in accordance with Part 2.6.2.

2.6.3. Conduct an annual snow meeting each fall to discuss strategies to prevent the misuse and over-application of chemical deicers.

2.6.4. Develop and implement a schedule for cleanout of storm sewer inlets in a manner which prevents significant deposition of sediment or other debris to receiving waters.

2.6.5. Install and maintain control measures (structural or non-structural) which reduce the discharge of pollutants in stormwater runoff from electronic component recycling areas, herbicide and pesticide application areas, turf management areas, recycling/material storage areas, fuel storage and transfer areas, de-icer storage, lavatory waste transfer/disposal areas, industrial activities (e.g., welding), food service areas, and loading/unloading areas.

2.6.6. Municipal-Type Federal Facility Runoff Control Measures:

2.6.6.1. The Permittee shall maintain a list of all applicable municipal-type federal facilities. Applicable facilities include the following:

2.6.6.1.1. Vehicle maintenance and washing facilities, motor pools with vehicle maintenance and washing, and loading and unloading areas;

2.6.6.1.2. Asphalt and concrete batch plants that are not subject to a separate NPDES permit coverage;

2.6.6.1.3. Solid-waste transfer stations where waste and recyclables are briefly held before further transport;

2.6.6.1.4. Outdoor storage yards with exposed stockpiles of materials which may be reasonably expected to affect the quality of stormwater runoff, including stockpiles of road deicing salt, salt and sand, sand, and rotomill material, dirt, snow dumps, sweeper tailings and/or spoils, gravel; and

2.6.6.1.5. Equipment storage yards.

2.6.6.2. The Permittee shall implement control measures to prevent or reduce potential discharges of pollutants to the MS4 from the applicable Permittee facilities. New procedures shall be developed and implemented for any new applicable Permittee facilities before the facility becomes operational.

2.6.6.2.1. The Permittee shall implement the following categories of control measures as necessary to prevent or reduce the pollutant sources present:

2.6.6.2.1.1 Preventive maintenance;

2.6.6.2.1.2 Good housekeeping;

2.6.6.2.1.3 Spill prevention and response procedures;

2.6.6.2.1.4 Structural control measures;

2.6.6.2.1.5 Evaluation of non-stormwater discharges; and

2.6.6.2.1.6 Personnel training.

2.6.6.2.2. The Permittee shall implement written facility inspection procedures, which must at a minimum include the following:

2.6.6.2.2.1 An annual visual inspection of each applicable Permittee facility;

2.6.6.2.2.2 A verification that the written facility procedures, documentation, and site map are current;

2.6.6.2.2.3 Visual observation of locations and areas where stormwater from facilities is discharged off-site; or discharged to the receiving waters, or to a storm sewer system that drains to the receiving waters. The observations, as a minimum must include the following:

2.6.6.2.2.3.1 Observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in any stormwater discharge(s) and dry weather flows, if observed;

2.6.6.2.2.3.2 Observations of the condition of and around stormwater outfalls, including flow dissipation measures to prevent scouring;

2.6.6.2.2.3.3 Observations for the presence of illicit discharges or other non-permitted discharges; and

2.6.6.2.2.4 Visual observation of facility conditions, including pollutant sources and control measures, to identify inadequate control measure and control measure requiring maintenance.

2.6.6.2.2.4.1 All inadequate control measures shall be modified or replaced as necessary as soon as possible, but not later than 6 months from the visual inspection. If the Permittee is unable to modify or replace the inadequate control measure within 6 months, then the Permittee must complete the following:

2.6.6.2.2.4.1.1 Develop a plan to modify or replace the inadequate control measure;

2.6.6.2.2.4.1.2 Develop a frequent maintenance plan so that the control measure does not fail;

2.6.6.2.2.4.1.3 Install a temporary feature on the inadequate control measure to ensure that it does not fail; and

2.6.6.2.2.4.2 All control measures requiring routine maintenance shall be maintained as necessary to meet the control measure requirements in this permit as soon as possible, but not later than 6 months from the visual inspection.

2.6.7. Outdoor Bulk Storage: Outdoor bulk storage structures for petroleum products and any other liquid chemicals located at applicable Permittee facilities must have control measures implemented that provide secondary containment or equivalent protection that contains all spills and prevents any spilled material from entering receiving waters. For the scenario of a single containment system serving multiple tanks, the containment system must have sufficient capacity to contain 10% of the volume of containers, or the volume of the largest container plus 10%, whichever is greater. Outdoor bulk storage on mobile refuelers that are subject to the authority and control of the U.S. Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of EPA, dated November 24, 1971 are not subject to the requirements of this requirement. Before the implementation of such controls, the Permittee shall implement practices, such as spill prevention and response, to prevent or reduce pollutants in runoff associated with outdoor bulk storage structures.

2.6.8. Municipal-type Federal Facility Operations and Maintenance Procedures: At a minimum, implementation of the procedures must prevent or reduce stormwater pollution from the following operations conducted by the Permittee:

2.6.8.1. Operation and maintenance of the streets, roads, and highways;

2.6.8.2. Operation and maintenance of municipal parking lots;

2.6.8.3. Operations at maintenance and storage yards;

2.6.8.4. Operations at maintenance shops with outdoor storage areas;

2.6.8.5. Operation and maintenance of snow dumps/snow disposal areas;

2.6.8.6. Operation and maintenance of sites used for temporary storage of sweeper tailings or other waste piles;

2.6.8.7. Park and open space maintenance;

2.6.8.8. Building maintenance;

2.6.9. New construction of Permittee facilities;

2.6.9.1. Application of pesticides, herbicides, and fertilizers;

2.6.9.2. Large outdoor festivals and events;

2.6.9.3. Construction activities not subject to the requirements of Part 2.4;

2.6.9.4. Maintenance, replacement, and construction of utilities and the storm system, including operations, such as storage, dewatering, or disposal, associated with removal of sediment, debris, and other pollutant sources from the MS4, including removal of materials, such as trash, from control measures, unless covered by a separate NPDES permit; and

2.6.9.5. Firefighting training activities.

2.6.10. The annual report (See Part 5.2) must document the following information related to pollution prevention and good housekeeping for municipal-type federal facility operations:

2.6.10.1. A description of the contents and frequency of the training program for municipal personnel and a list of the personnel or positions trained during the term of the Permit;

2.6.10.2. A description of storm sewer inlet cleanout procedures and schedules, catch basin cleaning operations, and street sanding/salt practices, and any measures taken as a result of the evaluation to minimize negative impacts to water quality;

2.6.10.3. A description of any changes to control measures installed to prevent the discharge of pollutants from areas described in Part 2.6.1; and

2.6.10.4. A description of how maintenance activities are tracked for permanent stormwater control measures.

2.7. Public Participation/Involvement

2.7.1. The Permittee must implement and document a Public Involvement and Participation process that complies with public notice requirements for actions conducted, when applicable, to comply with this permit. The following requirements apply:

2.7.1.1. The Permittee must follow its own public notice requirements to provide opportunities for public involvement that reach a majority of the public and staff within the permittee's jurisdictional boundary through the notification process;

2.7.1.2. The Permittee shall provide a mechanism and process that allows for review of the SWMP 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. In addition, the Permittee's website must provide a statement that the SWMP is publicly available for review and comment. The SWMP available to the public must reflect all updates made prior to the previous 30 days; and

2.7.1.3. The Permittee must have the ability to accept and respond (in accordance with this Permit requirements) to information submitted by the public, including but not limited to information on illicit discharges or failure to implement or meet control measure requirements associated with applicable construction activities, applicable development sites, or Permittee operations.

2.7.2. The Permittee must maintain the following records for activities to meet the requirements of Part 2.7.1. and 6.1.

2.7.2.1. Copies of the documents used to provide public notice and any public comment received as part of the public notice process;

2.7.2.2. Documentation of the mechanism used to allow the public to provide input; and

2.7.2.3. Records of information submitted by the public in accordance with Part 2.7.1.3. and any actions the Permittee took to address the information.

3. TOTAL MAXIUMUM DAILY LOADS

Colorado's water quality standards are established to protect both aquatic life and human health (based on consumption of organisms and/or water). The state of Colorado also implements total maximum daily loads (TMDLs) to address waters that are impaired.

Per the state of Colorado, Toll Gate Creek, East Toll Gate Creek, and West Toll Gate Creek are meeting adopted ambient selenium standards. Therefore, Toll Gate Creek, East Toll Gate Creek, and West Toll Gate Creek have been de-listed from the CWA 303(d) impaired waters list for selenium. There are no other impaired listings for these waterbodies.

Currently, segment 16a (which includes Murphy Creek and Sand Creek) are on the 303(d) list as impaired for E. coli and dissolved selenium. These listings are both in category 5, which is defined as "impaired without a TMDL completed." Thus, there are no TMDLs developed for either Murphy Creek or Sand Creek at this time.

The receiving waters, East Toll Gate Creek, Granby Ditch, and Murphy Creek discharge to Sand Creek and Sand Creek discharges ultimately to the South Platte River 12 miles downstream.

3.1 Per the State of Colorado's CWA 401 Certification the following conditions apply:

3.1.1 The TMDL assessment for Barr Lake and Milton Reservoir, COSPMS04, pH (Barr Lake/Milton Reservoir TMDL) assigned MS4 permittees a 20 percent reduction in phosphorus loads. The TMDL did not identify specific MS4s, but instead included a single Wasteload Allocation (WLA) for all MS4 permittees within the datashed for three averaging periods, as shown in the below Table 1.

Table 1. Summary of Allowable MS4 Loads for Barr and Milton

Source Wasteload	Target Load (kg/yr)	Daily Mean Target Load (kg/day)	Total Max. Daily Load (kg/day)
Barr Lake	1,751	7.3	19.3
Milton Reservoir	362	2.2	4.8

3.1.1.1 The BSFB MS4 is located within the Barr - Milton datashed. To support the implementation of this TMDL, the Permittee is required to perform dry weather phosphorus monitoring at outfalls 1A, 1B, 1C, 2, 3, 6D, and 11. Dry weather outfall discharges are flows greater than 5 gallons per minute (gpm) and a discharge not resulting from surface runoff from stormwater. In the first year of the permit term, the Permittee must identify which outfalls contain dry weather flows greater than 5 gpm. Upon identification of dry weather flows at outfalls, the Permittee must begin semi-annual (twice per year) total phosphorus monitoring for a minimum of 8 semi-annual samples from each outfall with dry weather discharge. The samples must be analyzed using a 40 CFR Part 136 approved analytical method. The Permittee must submit the results of the quarterly monitoring with its annual report required in Part 6.2. The Permittee must either measure or estimate the outfall flow at the time the sample is collected. If flow is estimated the permittee must briefly document the method of estimation. The Permittee may remove the outfall from monitoring requirements if it meets one of the following requirements.

3.1.1.1.1 The Permittee has identified and eliminated all sources of the dry weather discharge such that the dry weather flow is less than 5 gpm.

3.1.1.1.2 The dry weather flow has ceased or decreased to below 5 gpm for at least 3 semi-annual samples and there are no indicators present of an illicit discharge.

3.1.1.1.3 The Permittee may use phosphorus data from previous permit terms to satisfy the requirement to collect and analyze 8 quarterly samples provided the previous samples are 10 years old or less, representative of the current dry weather discharge, and samples were analyzed in accordance with 40 CFR Part 136.

4. MONITORING REQUIREMENTS

In 2018, EPA Region 8 released BSFB from addition selenium and *E. coli* monitoring under their Multi-Sector General Permit (MSGP) coverage (COR05F004), Sector - Air Transportation for the 2015-2020 permit cycle. Annual outfall monitoring of selenium and *E. coli* will resume for the 2021 MSGP permit cycle as it is required for discharges to impaired waters without an EPA-approved or established TMDL in the first year and fourth year of 2021 MSGP coverage. Therefore, EPA will not be requiring any selenium and *E. coli* monitoring as a requirement of this MS4 permit. For more information on this, see Section 3.2 of the Fact Sheet.

Based upon the DoD's historic use of Aqueous Film Forming Foams containing per- and polyfluoroalkyl substances (PFAS), EPA will require PFAS monitoring as follows:

Table 2: PFAS Monitoring Requirements For: Outfalls 1A, 1B, 1C, 2, 3, 6D, 11 AND Industrial Detection Pond AND AASF Pond[c/]

Effluent Characteristic	Frequency	Sample Type [a/]
Per- and polyfluoroalkyl substances (PFAS) µg/L [b/]	Twice per year [b/]	Grab [a/]

a/ See Definitions, Part 1, for definition of terms.

b/ PFAS monitoring shall begin one year after the effective date of this Permit. The Permittee must report PFAS monitoring results with its Annual Report for each year of permit coverage.

c/ If the Permittee completes a Remedial Investigation (RI) under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in which PFAS sampling occurred, the Permittee may submit such sampling data in the Permittee's Annual Report. Such sampling data could be used to request a reduction in the number of PFAS sampling locations required under this Permit. The information contained in any RI will not be used for any other purpose in this Permit other than requesting a reduction in the number of PFAS sampling locations. A reduction in sampling locations may be approved by EPA and would not require additional public notice.

5. RECORDKEEPING AND ANNUAL REPORTS

5.1. Retention of Records:

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original data for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the EPA at any time.

5.1.1. The Permittee must submit the records referred to in Part 2 to the EPA only when specifically asked to do so. The Permittee must retain a description of the SWMP required by this Permit (including a copy of the Permit language) at a location accessible to the EPA. The Permittee must make records, including the application and the description of the SWMP, available to the public if requested to do so in writing.

5.2. Annual Report

5.2.1. The Permittee must submit an annual report to the EPA for each year of the Permit term. The first report is due April 1, 2024 and must cover the activities during the period beginning on the effective date of the Permit through December 31, 2023. Each subsequent annual report is due on April 1 of each year following 2024 for the remainder of the Permit term. Reports must be signed in accordance with the signatory requirements in Part 7.7**.** Reports may be posted on the EPA Region 8 web site. Therefore, parts of the annual report which cannot be publicly available should be marked as "confidential" or "for official use only." Reports must be submitted to the EPA at the following address:

U.S. EPA, Region 8
Attention: Stormwater Coordinator

1595 Wynkoop Street (Mail Code: 8WD-CWW)
Denver, Colorado 80202-1129

6. COMPLIANCE RESPONSIBILITIES

6.1. Duty to Comply:

The Permittee must comply with all conditions of this Permit. Any failure to comply with the Permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to termination, revocation and reissuance, modification, or denial of a permit renewal application. The Permittee shall give the EPA advanced notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions.

6.2. Penalties for Violations of Permit Conditions:

6.2.1. The Clean Water Act provides for statutory maximum and minimum civil and criminal monetary penalties for violations of its provisions. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires EPA to make adjustments of statutory civil penalties on an annual basis according to a prescribed formula to reflect inflation, beginning in 2016. EPA has adjusted its civil monetary penalties effective [December 23, 2020 (85 Fed. Reg. 83818-21]. Please note that the civil penalties described below are reflective of the most recent Civil Monetary Penalty Inflation Rule the year this permit was issued and that civil penalties will have been adjusted annually thereafter. Civil penalties that EPA issues will therefore be reflective of the minimum amounts adjusted for inflation at the time of the violation. The civil and criminal penalties for violations of the Act are as follows: Any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $56,460per day for each violation.

6.2.2. Any person who *negligently* violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or both.

6.2.3. Any person who *knowingly* violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment for not more than six years, or both.

6.2.4. Any person who *knowingly* violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under

Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

6.2.5. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed $22,584 per violation, with a maximum amount not to exceed $56,460. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed $22,584 per day for each day during which the violation continues, with the maximum amount not to exceed $282,293.

6.3. Need to Halt or Reduce Activity not a Defense:

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

6.4. Duty to Mitigate:

The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.

6.5. 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 also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the Permit. However, the Permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve Permit effluent compliance.

7. GENERAL REQUIREMENTS

7.1. Planned Changes:

The Permittee shall give notice to the EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

7.1.1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the Permit;

7.1.2. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.

7.2. Anticipated Noncompliance:

The Permittee shall give advance notice to the EPA of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.

7.3. Permit Actions:

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

7.4. Duty to Reapply:

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this Permit.

7.5. Duty to Provide Information:

The Permittee shall furnish to the EPA, within a reasonable time, any information which the EPA 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 EPA, upon request, copies of records required to be kept by this Permit.

7.6. Other Information:

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the EPA, it shall promptly submit such facts or information.

7.7. Signatory Requirements:

All applications, reports or information submitted to the EPA shall be signed and certified.

7.7.1. All permit applications shall be signed by either a principal executive officer or ranking elected official.

7.7.2. All reports required by the Permit and other information requested by the EPA shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

7.7.2.1. The authorization is made in writing by a person described above and submitted to the EPA; and,

7.7.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

7.7.3. Changes to authorization: If an authorization under section 7.7.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of section 7.7.2 must be submitted to the EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.

7.7.4. Certification: Any person signing a document under 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 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."

7.8. Penalties for Falsification of Reports:

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

7.9. Availability of Reports:

Except for data determined to be confidential under 40 C.F.R. Part 2, Subpart B, all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the offices of the EPA. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

7.10. 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 of the Act.

7.11. Property Rights:

The issuance of this Permit does not convey any property rights of any sort, 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.

7.12. Severability:

The provisions of this Permit are severable, and if any provision 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 remainder of this Permit, shall not be affected thereby.

7.13. Transfers:

This Permit may be automatically transferred to a new Permittee if:

7.13.1. The current Permittee notifies the EPA at least 30 days in advance of the proposed transfer date;

7.13.2. The notice includes a written agreement between the existing and new Permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,

7.13.3. The EPA does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify, or revoke and reissue the Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in section 7.13.2.

7.14. 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 preserved by Section 510 of the Act.

7.15. Reopener Provision:

This Permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

7.15.1. Water Quality Standards: The water quality standards of the receiving water(s) to which the Permittee discharges are modified in such a manner as to require different effluent limits than contained in this Permit.

7.15.2. Wasteload Allocation: A wasteload allocation is developed and approved by the state of Colorado and/or the EPA for incorporation in this Permit.

7.15.3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this Permit.