



**CITY OF DURANGO**  
Stormwater Quality  
**PERMIT APPLICATION INFORMATION**

**Community Development  
Department**  
949 E 2<sup>nd</sup> Ave  
Durango, CO 81301  
(970) 375-4850

*Revised July/2019*

**Contact Information**

City of Durango  
Engineering Division  
949 East Second Avenue (mailing address)  
1235 Camino Del Rio (office location)  
Durango, CO 81301  
Web Page: <http://www.durangogov.org/stormwater>

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**Applicability**

This application is for use by all entities in construction activities to obtain coverage under the City of Durango Stormwater Quality Permit for stormwater dischargers associated with construction activities. Construction **activity** refers to ground surface disturbing activities, which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

Stormwater Quality Permit coverage is required by City, State and Federal regulations for stormwater discharged from any construction activity that disturbs at least 1 acre of land (or is part of a larger common plan of development or sale that will disturb at least 1 acre). A “**common plan of development or sale**” is a site where multiple separate and distinct construction activities may be taking place at difference times on different schedules, but still under a single plan. This includes phased projects, projects with multiple filings or lots, and projects in a contiguous area that may be unrelated but still under the same contract. If the project is part of a common plan of development or sale, the disturbed area of the entire plan must be used in determining permit requirements, and all portions of the project must be covered.

**NOTES:**

**Additional Guidance** – Additional information, including further discussion on owner and operator liability, can be found in the City of Durango Stormwater Quality Permit Fact Sheet, available from the City’s website at <http://www.durangogov.org/stormwater>. If you have questions on completing this application, you may contact the City at [jeni.nicovich@durangogov.org](mailto:jeni.nicovich@durangogov.org) or [kathryn.phillips@durangogov.org](mailto:kathryn.phillips@durangogov.org) or call (970) 375-4850.

## **Instructions for Completing the Application**

### ***A) Submitting the Application***

**Application Due Date:** At least **ten days** prior to the anticipated start of construction, the owner and operator of the construction activity must submit an application as provided by the City of Durango. This form may be reproduced and is also available from the City's website (see previous page for address/contact information). Applications received by the City are processed, and a permit certification and other relevant materials will be sent to the attention of the legally responsible person (Item 9 on the application form).

**Permit Fee:** Initial applications are subject to a major Stormwater Permit Fee of \$250. Significant modifications to existing permits may be subject to a minor fee of \$100 (contact City Engineering Division to determine if modification is subject to a minor fee). In addition, a performance security is required based upon the estimated cost of work required to ensure compliance with the permit's terms and conditions, including final stabilization.

**Application Completeness:** The application must be completed accurately and, in their entirety, or the application will be deemed incomplete, and processing of the permit will not begin until all information is received. One original copy of the completed application (**no faxes or emails**) and a copy of the Stormwater Management Plan (SWMP) shall be submitted to the City to initiate the application process (see page 1 above for address/contact information).

**Permit Issuance/Denial:** The City shall have up to 10 working days after receipt of the application to request additional information and/or deny the permit. Upon receipt of the additional information, the City shall have an additional 10 working days to issue or deny the permit. If a permit is denied, the applicant shall be notified of such in writing. The notification shall set forth the grounds for denial and inform the applicant of what corrective actions must be taken to obtain a permit. An applicant may appeal the denial in writing to the City Manager no later than thirty calendar days from the date of issuance of denial. The appeal must set forth the grounds for the appeal and include any documents in support of the applicant's appeal. The City Manager shall, within thirty calendar days of receipt of an appeal, rule on the matter based solely upon review of the application, denial, appeal, and all documents related thereto. The parties shall receive written notice of the City Manager's decision.

**NOTE:** The City of Durango stormwater quality permit is separate from any permits required by the CDPHE-WQCD under the Colorado Discharge Permit System, with the following exception for small construction sites.

For **small construction sites (ground surface disturbance less than 5 acres)**, the operator of the construction activity is authorized to discharge stormwater associated with small construction activity under the Colorado Discharge Permit System (CDPS) general permit for stormwater discharges associated with construction activity without the submittal of an application to the Colorado Department of Public Health and Environment – Water Quality Control Division (CDPHE-WQCD). The CDPHE-WQCD may require any operator within the jurisdiction the City of Durango's stormwater quality permit system to apply for and obtain coverage under the full requirements of the CDPS general permit for stormwater discharges associated with construction activity.

For **large construction sites, ground surface disturbance of at least 5 acres of land** (or that is part of a larger common plan of development or sale that will disturb at least 5 acres – see page 1 above for addition information on a common plan of development or sale), a CDPS general permit for stormwater discharges associated with construction activity is required. For such sites, submittal of a copy of the CDPS general permit application to the City is required prior to approval of the City of Durango stormwater quality permit application. Additional information and application forms are available from the CDPHE-WQCD website at [www.cdphe.state.co.us/wq/PermitsUnit](http://www.cdphe.state.co.us/wq/PermitsUnit).

## ***B) Who May Apply For and Maintain Permit Coverage***

For projects permitted after April 1, 2019, both the Owner and Operator of a construction project must be listed on a permit application and obtain permit coverage. It is possible for the project owner to also be the operator in some cases and only one entity will be permitted, but in all cases the owner must be an applicant and listed on the permit certification.. Examples of acceptable applicants include:

- **Owner or Developer** – The party that has overall control of the activities and that has funded the implementation of the construction plans and specifications. The owner is the entity that owns the construction activity that is occurring.

- **Operator** – The party that has operational control over day-to-day activities at a project site which are necessary to ensure compliance with the permit, including the implementation of the stormwater management plan. This party is authorized to direct individuals at a site to carry out activities required by the permit (e.g. general contractor). A subcontractor can be the operator as long as they are granted the

- **Other Designated Agents/Contractors** - Other agents, such as a consultant acting as construction manager under contract with the owner or developer, with contractual responsibility and operational control (including SWMP implementation) to address the impacts construction activities may have on stormwater quality.

An entity conducting construction activities at a site may be held liable for operating without the necessary permit coverage if the site does not have a permit certification in place that is issued to an owner and/or operator. For example, if a site (or portion of a site) is sold or the contractor conducting construction activities changes, the site's permit certification may end up being held by a permittee (e.g., the previous owner or contractor) who is no longer the current owner and/or operator. In this case, the existing permit certification will no longer cover the new operator's activities, and a new certification must be issued, or the current certification transferred.

**Utilities, Other Subcontractors, etc.:** A separate permit certification is not needed for subcontractors, such as utility service line installers, where the permittee or their contractor is identified as having the operational control to address any impacts the subcontractor's activities may have on stormwater quality. Although separate permit coverage may not be needed in some cases, these entities are not exempt from the stormwater regulations for all of their projects and may still be held liable if their activities result in the discharge of pollutants.

**Leases:** When dealing with leased land or facilities, the lessee shall be considered the "owner" for the purposes of stormwater permitting if they are responsible for the activities occurring at the site.

## ***C) Permitting for Developments with Multiple Owners and/or Operators***

For situations where multiple entities meet the definition of owners and/or operators for different portions of a development (e.g., a single development with multiple lots owned and operated by separate entities), it is essential that the permittees, owners, and operators at the site correctly follow the guidance on who may apply for coverage under the Stormwater Quality Permit (see Part B, above).

When a portion of a permitted site is sold to a new owner, a permit certification must be in place that is held by an entity meeting the definition of owner and/or operator of that sold lot. This may be accomplished in one of the following ways:

- **Coverage Under the Existing Certification** – Activities at the sold area may continue to be covered under an existing permit certification for the project if the current permittee meets the definition of operator for the sold area. To meet the definition of operator, the current permittee must have contractual responsibility and operational control to address the impacts that construction activities at the sold area may have on stormwater runoff (including implementation of the SWMP for the sold area). Therefore, a legally binding agreement must exist assigning this responsibility to the current permit holder on behalf of the new owner and/or operator for the sold area. It is not necessary to notify the City in such case. However, documentation of the agreement

must be available upon request, and the SWMP must be maintained to include all activities covered by the Stormwater Quality Permit

• **New Certification Issued – Reassignment** – A new permit certification may be issued to the new owner and/or operator of the sold area. The existing permittee and the new owner and/or operator must complete the Reassignment Form (available from the City’s web page, see page 1) to remove the sold area from the existing permit certification and cover it under a certification issued to the owner and/or operator of the sold area. Both entities must have SWMPs in place that accurately reflect their current covered areas and activities.

A more detailed explanation is available in the Stormwater Quality Permit Fact Sheet, available from the City’s web site.

#### **D) Instructions for the Application Form**

##### **Section 1 – Contact Information:**

Provide the company name, address, phone number, email address for applicant, local contact, and billing contact (if applicable) information for the project. Indicate whether the applicant is the owner or a contractor.

##### **Section 2 – Permitted Facility Information:**

**Location of the Construction Site** – Provide the following information:

- **Project Name, Street Address** – Provide the address of the construction site. If an exact address is not available you may use an approximate address, the nearest intersection or boundary streets including directional identifiers (e.g., “S. of Park Ave. between 5th St. and 10th St.”, or other identifying information. A street name without an address, intersection, mile marker, or other identifying information describing the location of the project is not adequate. For linear projects, the route of the project should be described as best as possible with the location more accurately indicated by the SWMP site map (see Item 8).
- **Latitude/Longitude** – For the approximate center point of the property, to the nearest 15 seconds. The latitude and longitude must be provided as either degrees, minutes, and seconds, or in decimal degrees with three decimal places.

This information may be obtained from a variety of sources, including:

- **Surveyors or engineers** for the project should have, or be able to calculate, this information.
- City of Durango’s Web-Based GIS Maps (<https://gis.durangogov.org/DurangoJS/>) contains a tool which can be used to calculate this information.
- EPA maintains a web-based siting tool as part of their Toxic Release Inventory program that uses interactive maps and aerial photography to help users get latitude and longitude. The siting tool can be accessed at [www.epa.gov/tri/report/siting\\_tool/index.htm](http://www.epa.gov/tri/report/siting_tool/index.htm)
- **U.S. Geological Survey topographical map(s)**, available at area map stores.
- Using a **Global Positioning System (GPS)** unit to obtain a direct reading.

**Note:** *the latitude/longitude required above is not the directional degrees, minutes, and seconds provided on a site legal description to define property boundaries.*

##### **Section 3 – Legal Description:**

**Legal Description** of the entire site covered by the application. The description must include subdivision(s), block(s), and lot(s) (providing the metes and bounds or just the township/section/range, is not adequate). This information should be available for subdivided properties from documents submitted to or maintained by the city or county, such as the subdivision plat or deed. If this information is not available check not applicable – site has not been subdivided

#### Section 4 – Area of Construction Site:

Provide both the total area of the construction site, and the area that will undergo disturbance, in acres. **Note:** aside from clearing, grading and excavation activities, disturbed areas also include areas receiving overburden (e.g., stockpiles), demolition areas, and areas with heavy equipment/vehicle traffic and storage that disturb existing vegetative cover (see construction activity description under the APPLICABILITY section on page 1).

If the project is part of a **larger common plan of development or sale** (see the definition under the APPLICABILITY section on page 1), the disturbed area of the total plan must also be included.

#### Section 5 – Nature of Construction Activities:

Check the appropriate box or boxes, or if the descriptions provided do not fit the project, provide a brief description that indicates the general nature of the construction activities for which permit coverage is being requested. A more detailed description of the project must be included in the Stormwater Management Plan (see Item 8).

#### Section 6 – Anticipated Construction Schedule:

Provide the current estimated start and final stabilization dates for the construction project as follows:

- **Construction Start Date** – This is the day you expect to begin ground disturbing activities, including grubbing, stockpiling, excavating, demolition, and grading activities.
- **Final Stabilization Date** – in terms of permit coverage, this is when the site is finally stabilized. This means that all ground surface disturbing activities at the site have been completed, and all disturbed areas have been either built on, paved, or a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels. **Permit coverage must be maintained until the site is finally stabilized. Even if you are only doing one part of the project, the estimated final stabilization date must be for the overall project.** If permit coverage is still required once your part is completed, the permit certification may be transferred or reassigned to a new responsible entity(s).

#### Section 7 – Receiving Water(s):

Identify the receiving water of the stormwater from your site. Receiving waters are any waters of the State of Colorado. This includes all water courses, even if they are usually dry. If stormwater from the construction site enters a ditch or storm sewer system, identify that system and indicate the ultimate receiving water for the ditch or storm sewer. **Note:** a stormwater quality permit does not allow a discharge into a ditch or storm sewer system without the approval of the owner/operator of that system.

#### Section 8 – Stormwater Management Plan (SWMP):

A Stormwater Management Plan (SWMP) is **required** to be submitted with the application for review and acceptance and shall be prepared in accordance with all of the requirements of the most recent SWMP guidance document prepared by the Colorado Department of Public Health and Environment (CDPHE) – Water Quality Control Division (WQCD) and good engineering, hydrologic and pollution control practices. This guidance document is enclosed under Appendix A.

Facilities must select, install, implement, and maintain appropriate BMPs in accordance to the latest revision of the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manuals and following good engineering, hydrologic and pollution control practices. BMPs not included within the latest revision to the Urban Drainage and Flood Control District's (UDFCD) Urban Storm Drainage Criteria Manuals (USDCM) may be used for this requirement only by the approval of the City Engineer. BMPs implemented at the site must be

adequately designed to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of the MS4 or waters of the State.

If a SWMP is denied, the applicant shall be notified of such in writing. The notification shall set forth the grounds for denial and inform the applicant of what corrective actions must be taken for SWMP approval. Prior to commencement of construction activities, the SWMP must be implemented for the construction site covered by the permit. A copy of the SWMP shall be kept at the construction site at all times.

**Note:** Information on selection and details of construction BMPs can be found at the following web address:

- UDFCD - [http://www.udfcd.org/downloads/down\\_critmanual\\_volIII.htm](http://www.udfcd.org/downloads/down_critmanual_volIII.htm)

## **Section 9 – Performance Security**

As a condition for the issuance of a stormwater quality permit, applicants shall be required to provide financial security in the form of an irrevocable letter of credit, performance bond or check. The amount of the security shall be based upon the estimated cost of the work required to ensure compliance with the permit's terms and conditions, including, but not limited to erosion and sediment control BMPs, materials handling BMPs, and final stabilization measures. If the permittee does not successfully complete all required work or violates any requirement of the permit, the City may take corrective measures and charge the cost of such to the permittee. Such costs shall include the actual cost of any work deemed necessary by the City. If the total of such costs exceeds the security, the permittee shall be responsible for payment of the remaining balance within 30 calendar days of receipt of an accounting of such from the City.

The security may be reduced after completion of construction activities that will result in surface ground disturbance and where final stabilization has not been achieved due to a vegetative cover that has not become established and all activities required for final stabilization, in accordance with the SWMP, have been completed. The security shall be released when the permit has been inactivated upon the City's determination that the permittee has successfully completed all required work and met all other requirements of this ordinance.

## **Section 10 – Required Signature**

**Signature of Applicant:** The applicant must be either the owner and/or operator of the construction site. Refer to Part B of the instructions for additional information. The application must be signed by the applicant to be considered complete. In all cases, it shall be signed as follows:

- a) In the case of corporations, by a principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application originates.
- b) In the case of a partnership, by a general partner.
- c) In the case of a sole proprietorship, by the proprietor.
- d) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates.



**This certification includes an acknowledgment that the applicant understands that the permit coverage, and therefore the applicant's liability, will be for the entirety of the construction project described and applied for, until such time as the application is amended or the certification is transferred, inactivated, or expired.**



**CITY OF DURANGO**  
 Stormwater Quality  
**PERMIT APPLICATION**

**City use Only:**

Permit #: **SQP** - \_\_\_\_\_

Date Received Stamp

**Please print or type. Original signatures are required.** This application must be considered complete by the City before it will initiate permit processing. The City will notify the applicant if additional information is needed to complete the application. If more space is required to answer any question, please attach additional sheets to the application form. Applications must be mailed or delivered to:

***City of Durango  
 Department of Engineering  
 949 East Second Avenue (mailing address)  
 1235 Camino Del Rio (office location)  
 Durango, CO 81301***

**PERMIT INFORMATION**

Applicant is:  Property Owner       Contractor/Developer

**1. CONTACT INFORMATION**

**Owner**

Company Name: \_\_\_\_\_

Legally Responsible Person: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Phone(s): \_\_\_\_\_

Email Address: \_\_\_\_\_

**Operator**       **Same as Applicant**

Local Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Phone(s): \_\_\_\_\_

Email Address: \_\_\_\_\_







\_\_\_\_\_  
 \_\_\_\_\_

**10. REQUIRED SIGNATURE**

**Signature of Permit Owner/Legally Responsible Person**

"I certify that under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment."

"I understand that submittal of this application is for coverage under the City of Durango Stormwater Quality Permit **for the entirety of the construction site/project described and applied for, until such time as the application is amended or the certification is transferred or inactivated.**"

\_\_\_\_\_  
 Signature of Owner/Legally Responsible Person (Submission must include original wet ink signature)

\_\_\_\_\_  
 Date Signed

\_\_\_\_\_  
 Name (printed)

\_\_\_\_\_  
 Title

**Signature of Permit Operator/Local Contact**

"I certify that under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment."

"I understand that submittal of this application is for coverage under the City of Durango Stormwater Quality Permit **for the entirety of the construction site/project described and applied for, until such time as the application is amended or the certification is transferred or inactivated.**"

\_\_\_\_\_  
 Signature of Operator/Local Contact (Submission must include original wet ink signature)

\_\_\_\_\_  
 Date Signed

**NOTE: This permit is separate from any permits required by the CDPHE-WQCD under the Colorado Discharge Permit System.**

**FOR OFFICE USE ONLY**

SWMP Received:	Total Performance Security Collected: \$
Date Paid:	Method of Payment:
CDPHE CDPS Permit Required: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Application Received: