



CITY OF DURANGO
Stormwater Quality Permit
FACT SHEET - CONSTRUCTION

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Department**
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Contents

Introduction.....	2
Why are land disturbing activities a problem?.....	2
Obtaining Regulatory Coverage (A Permit).....	2
1. Do You Need a Permit?.....	2
2. Who May Apply.....	3
3. Applying for a Permit.....	3
4. Qualifying Local Programs.....	3
Requirements for Obtaining a Permit.....	3
Local Stormwater Requirements For Construction.....	5
Modifying Your Permit Certification.....	5
Ending Your Permit Coverage.....	5
1. Inactivation notice.....	6
2. Transfer of permit.....	6
3. Reassignment of permit.....	6
4. Amendment of permit.....	6
Multiple Owner/Developer Sites.....	7
1. Permit Coverage.....	7
2. Permit Compliance.....	8
Sale Of Residence To Homeowners.....	10
Construction Dewatering.....	11
Concrete Washout.....	11

Introduction

State of Colorado regulations regarding stormwater discharges from construction activities that disturb at least 5 acres of land* have been in effect since October 1, 1992 as part of the Federal Clean Water Act, National Pollutant Discharge Elimination System (NPDES). The regulation requires persons responsible for the disturbance to obtain a stormwater discharge permit associated with construction activities through the Colorado Discharge Permit System (CDPS) from the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division (WQCD) before construction.

The more stringent State of Colorado regulations requiring stormwater discharge permits for construction activities that disturb **at least 1 acre*** of land have been enacted since July 1, 2002.

** Or is part of a larger common plan of development or sale that will disturb at least the minimum land area.*

Since **October 1, 2003**, as part of State of Colorado requirements, the City of Durango has implemented a City of Durango Stormwater Quality Permit system for construction activities which follows the State requirements.



Why are land disturbing activities a problem?

Construction activities produce many different kinds of pollutants which may cause stormwater contamination problems. The main pollutant of concern at construction sites is **sediment**. Grading activities remove grass, rocks, pavement and other protective ground covers, resulting in the exposure of underlying soil to the elements. The soil is then easily picked up by wind and/or washed away by rain or snowmelt. Sediment runoff rates from construction sites are typically 10 to 20 times greater than those from agricultural lands, and **1,000 to 2,000 times** greater than those from forest lands. During a short period of time, **construction activity can contribute more sediment to streams than would normally be deposited over several decades**, causing physical, chemical, and biological harm to our State's waters. The added sediment chokes the river channel and covers the areas where fish spawn and plants grow.

Excess sediment can cause a number of other problems for water bodies, such as increased difficulty in filtering drinking water, and clouding the waters, which can kill plants growing in the river and suffocate fish.

In addition, construction activities often require the use of toxic or hazardous materials such as fuel, fertilizers, pesticides and herbicides, and building materials such as asphalt, sealants and concrete. Not only can these construction pollutants discharge directly from a site, but many of these pollutants are also absorbed onto sediment particles and are a source of pollution associated with the sediment discharged from construction sites. These materials can be harmful to humans, plants and aquatic life.

Obtaining Regulatory Coverage (A Permit)

1. Do You Need a Permit?

- a. Sites **less than 1 acre** generally are NOT required to obtain a permit unless they meet one of the following conditions.
 - i. The site is part of a larger plan of development or sale which will disturb one acre or greater.
 - ii. The site is in a sensitive area as determined by the City Engineer.
 - iii. The site is determined by the City Engineer to have the potential to negatively impact a sensitive area.
- b. Any site disturbing **one acre or greater*** requires a permit. Which permit depends on the size of disturbance.
 - i. Sites Disturbing **between 1 and 5 acres** are required to obtain a City of Durango Permit. *Sites covered under the City of Durango Qualifying Local Program are still covered under the State's Stormwater Construction Permit and may be inspected by the State for compliance with the permit.*

- ii. Sites disturbing **more than 5 acres*** of land shall obtain CDPS permit from the State **and** may be required to obtain a City of Durango Permit as well.

2. Who May Apply

- a. 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.
- b. Owner and Operator are defined as follows:
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 authority to direct other contractors at the site, implement control measures, and take all other actions necessary to comply with the permit.
Owner – 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 and may not necessarily be the owner of the land. For example, the party with ownership of a long term lease or easements on the property on which the construction activity is occurring (e.g. developer).
- c. For projects where there is only one entity that is both the owner and operator, that entity would be listed as both the owner and operator when completing the application. This is the case where the owner maintains operational control over day-to-day activities at the site.
- d. For projects where a separate entity from the owner meets the definition of operator, then there are two options: 1) The owner can still be listed as both the owner and operator in the application; or 2) the separate operator can be listed in the application. When a separate operator is listed, the two entities are seen as equally responsible for any permit actions, compliance, fees or penalties.
- e. Applicants also have the option to divide a project up into distinct areas and apply for more than one permit certification if they wish to have separate operators listed for separate areas.
- f. Any entity that owns or is operating construction activities at a site may be held liable for operating without the necessary permit coverage. This could also be true if the site is not permitted under a permit certification issued to the actual owner of the construction activity. For example, if a site (or portions of a site) is sold and the site's permit certification is not transferred. In this case, the existing permit certification will no longer cover the new owner's activities.

3. Applying for a Permit

- a. Application for CDPS Permits is made through the Colorado Environmental Online Services (CEOS) system. More information on the State application process can be found here: <https://www.colorado.gov/pacific/cdphe/cor400000-stormwater-discharge>
- b. City of Durango Stormwater Quality Permit applications are available at <http://www.durangogov.org/stormwater> and are also located at River City Hall, 1235 Camino Del Rio. If you have any questions, call the City of Durango at (970) 375-4850.

4. Qualifying Local Programs

- a. In July of 2004, the City of Durango was granted **Qualifying Local Program (QLP)** status by the CDPHE-WQCD for the City's Stormwater Quality Permit system. The QLP status gives the City authority to administer the permitting requirements for disturbed land under 5-acres (small construction site designation) for the CDPHE-WQCD. Therefore, sites disturbing land between 1 to 5 acres are not required to obtain a CDPS stormwater discharge permit, but rather are automatically covered under the CDPS through the City's Stormwater Quality Permit system. The automatic coverage under the CDPS maintains the CDPHE-WQCD's jurisdiction for compliance and enforcement of the construction activity. However, any construction activity disturbing 5 or more acres is required to obtain a CDPS stormwater discharge permit from the CDPHE-WQCD and may **also** be required to obtain a City of Durango Stormwater Quality Permit.

Requirements for Obtaining a Permit

The following are requirements for obtaining a Stormwater Quality Permit from the City of Durango for construction activities disturbing at one or more acre of land*.

- Submit a City of Durango Stormwater Quality Permit application. The owner of the property where the construction activity will take place must submit an application at least **10 days prior** to the anticipated date of discharge (start of construction). A copy of the site's Stormwater Management Plan (SWMP) must be submitted for review and acceptance by the City before the permit is activated.
- **Prior to commencement of construction**, the accepted SWMP must be implemented for the construction site covered by the permit. The goal of a SWMP is to improve water quality by reducing pollutants in stormwater discharges through the implementation and maintenance of control measures (CMs). The operator must keep a copy of the SWMP on the construction site readily available so that City, State, or Federal inspectors can review it during an inspection. A guidance document for preparing a SWMP is available from the City of Durango website at <http://www.durangogov.org/stormwater> or by calling (970) 375-4850.
- The permittee is responsible for ensuring the inspector is a qualified stormwater manager. SWMP field inspections of erosion control measures must be performed in accordance with one of the following minimum frequencies: **1) at least one inspection every 7 calendar days OR 2) At least one inspection every 14 calendar days, plus post-storm event inspections conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion.** Permittees must conduct the first site inspection within seven calendar days of the commencement of construction activities on site. At sites where construction has been completed but a vegetative cover has not been established inspections must occur at least once every 30 days. Maintenance on such erosion control measures is required by the permit and are required immediately in most cases, once a maintenance need has been identified. The SWMP must be changed to reflect any changes or modifications to the plan in the field.
- The permit will be inactivated once the site is finally stabilized and when the City approves an inactivation notice, submitted by the permittee. Final stabilization is reached when all soil disturbing activities at the site have been completed and uniform vegetative cover has been established with a density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. The City recommends that the permittee should photograph the pre-disturbance vegetation of the site for documentation prior to commencement of construction activities.

Listed below are differences in the State and City's stormwater discharge permit systems:

City of Durango	State of Colorado
Permittee is both the owner/operator of construction project	Permittee is both the owner/operator of construction project
SWMP submittal required with application and acceptance of SWMP is required at least 10 days prior to the beginning of construction	Application for permit coverage must be completed through CEOS at least 10 days prior to commencement of construction activity. <u>Submittal of SWMP to City for acceptance is required within City Limits.</u>
All sites required to submit an inactivation notice for permit termination	Inactivation notice not required for sites under 5 acres with completion date less than 12 months from start of construction
City may also require a permit regardless of the size if physical features have a cumulative effect on and will create erosion problems	Only required for sites one acre or more
No R-Factor Waiver exclusion	R-Factor Waiver exclusion available
No individual permits issued	Individual permits issued for sites not applicable under general permit
\$250 Major fee/\$100 Minor fee (effective July 1, 2014)	Permit Fees are ~\$270/year (State fee schedules available on CDPHE website)
Financial Security Requirement	No Financial Security Requirement
Stop work orders may be issued for activities not in compliance with the permit requirements	State does not issue stop work orders
The City may assess the permittee the cost required to take corrective measures in the event the permittee is in violation of the permit requirements or does not complete all required work	No such assessment is performed by the State

A financial security requirement will be required for all stormwater quality permits covering all items necessary for complete implementation of the SWMP used to control off site erosion. The financial security requirement for each site must be estimated in the application and will be included with the public improvements agreement for the site. The amount of the security shall be based upon the estimated cost of the work required to ensure compliance and completion of the permit's requirements and conditions. If the permittee does not successfully complete all required work or violates any requirement of the permit, the City may take corrective measures and use the financial security or charge the cost of such work to the permittee.

Failure to obtain a City of Durango Stormwater Quality Permit or comply with any terms and/or conditions of the permit shall be in violation of the Code of Ordinances of the City of Durango. Penalties for such violations include compliance orders, suspension or revocation of permit, stop work orders and civil proceedings.

Copies of Stormwater Quality Permit applications, SWMP guidance documents and SWMP inspection forms are available at <http://www.durangogov.org/stormwater> and are also located at River City Hall, 1235 Camino Del Rio. If you have any questions, call the City of Durango at (970) 375-4850.

Local Stormwater Requirements For Construction



Where multiple agency requirements exist for stormwater management, an owner/operator must comply with both agencies requirements to the maximum extent possible.

A Stormwater Permit or other permitting requirements does not pre-empt or supersede the authority of either agency to prohibit, restrict, or control discharges of stormwater. Generally, the owner/operator should comply with the requirements that are more restrictive unless an agreement has been reached allowing the less restrictive requirements.

MS4 Permits - Many cities, counties, and special districts are covered by a Municipal Separate Storm Sewer System (MS4) permit, including the City of Durango. These permits require the governmental entity to implement various programs to improve stormwater quality in their jurisdiction. Included in these permits is the requirement to implement a program to manage the discharge of pollutants from construction sites within their jurisdiction. Therefore, if a construction site located within the jurisdiction of one of these government entities does not properly manage stormwater at that site, the government entity may be in violation of their permit in addition to the construction site owner and operator.

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Modifying Your Permit Certification



This section is only applicable if the limited information on the construction project submitted in the two-page application form changes. In such case, it may be necessary to provide the City with revised information.

If the information provided by the permittee in their original application is no longer accurate, the permittee(s) must provide the revised information to the City. This includes such items as the planned total disturbed acreage, and the project legal description or map originally submitted with the application. (Note: it is not necessary to revise the anticipated final stabilization date, since the information provided was only an estimate.) To revise this information, provide a letter to the City's Stormwater Program (see the contact information on page 1) that includes the revised information.

When the Stormwater Management Plan is revised, as required by the Stormwater Permit, it is not necessary to notify the City. When control measures or other site details discussed in the SWMP are modified, the SWMP must be updated to accurately reflect the actual field conditions. Examples include, but are not limited to, removal of control measures, addition of control measures, modification of control measure design specifications, and changes in items included in the site map and/or description. However, this information is not submitted to the City, unless requested.

Ending Your Permit Coverage



A Stormwater Permit certification remains active until inactivated, or transferred or reassigned to a new responsible party. Forms for inactivation, transfer or reassignment of a permit certification can be obtained from the City's web site or by contacting the City's Engineering Division (see first page for address information).

1. Permit Inactivation

Permit coverage for a site that has been finally stabilized in accordance with the SWMP (see definition in Section B.1, above), may be inactivated by submitting a completed Inactivation Notice form. This form contains a certification statement that must be signed in accordance with the General Requirements of the permit.

Also, the permittee may inactivate permit coverage at sites where all areas have been removed from their permit coverage, by one or more of the methods below:

- a. reassignment of permit coverage
- b. sale to homeowner(s) and/or
- c. amendment by the permittee for areas where permit coverage has been obtained by a new owner/operator or the area is returned to agricultural use.

In these cases the permittee would no longer have any land covered under their permit certification, and therefore there would be no areas remaining to finally stabilize. Submittal of an Inactivation Notice is still required and must discuss how the above conditions have been met.

2. Transfer of permit

Permit coverage for a construction site may be transferred to a new owner/operator when the current permittee(s) no longer meet the definition of these roles. The same is true if a permit certification is issued by both an owner and an operator and only one of those entities change. To transfer permit coverage, the permittee must submit a completed Notice of Transfer form that is signed in accordance with the general requirements of the permit.

If a permitted operator leaves the site and the owner will either take over the role of owner or wishes to be the sole permittee, this is also done through the Notice of Transfer form. In this case, the owner simply transfers the operator portion of the permit certification to themselves.

If the new entity will not complete their portion of the transfer form, the permit certification may be inactivated if the permittee has no legal responsibility for the construction activities at the site, requests inactivation in written correspondence to the City, and submits a completed Inactivation Notice form.

3. Reassignment of permit

Reassignment of a portion of a permitted site to a new permittee

If both the owner and operator change, or if the owner changes and was the only permittee, the original permit certification would stay active for a smaller area with the original permittee(s), and a new permit certification is issued for a portion of the original area to the new permittee(s). The new permittee(s) must apply for a new permit to cover the area that will be reassigned, and the previous entities modify their permit to remove this area from their permit coverage. Entities must submit a completed Notice of Reassignment form that is signed in accordance with the general requirements of the permit.

If the new entity will not complete their portion of the reassignment form, the specific portion of the site may be removed from permit coverage if the permittee has no legal responsibility for the construction activities at the portion of the site, and a written request (including contact information for the new entity) is submitted to the City.

Reassignment of a portion of a permitted site when only one permitted entity changes

When a permittee wishes to change either the owner or operator but not both, the original permit certification would stay active for a smaller area with the original permittee(s), and a new permit certification be issued for a portion of the original area with one new permittee and one of the original permittees. Entities must submit a completed Notice of Reassignment form that is signed in accordance with the general requirements of the permit.

Multiple Owner/Developer Sites



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 being owned and operated by separate entities), extra care must be taken to ensure that proper permit coverage is maintained and that stormwater management practices are correctly documented and implemented.

1. Permit Coverage



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 the sold area. This may be accomplished in one of the following ways:

- a) **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 have day-to-day 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 Permit.

Example: Developer Dan sells a lot to Builder Bob. Developer Dan is currently covered by a permit certification that covers a larger area, which includes the sold lot. Developer Dan and Builder Bob may enter into a contract that assigns the responsibility for permit coverage and stormwater management to Developer Dan for Builder Bob's lot. Developer Dan is also responsible for making sure his SWMP includes the activities on the sold lot. Developer Dan's permit certification will continue to cover construction activities on Builder Bob's lot.

- b) **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.

Example: Developer Dan sells a lot to Builder Bob. Developer Dan is currently covered by a permit certification that covers a larger area, which includes the sold lot. For this example, Developer Dan and Builder Bob must jointly submit the Reassignment Form. Builder Bob will be issued a new permit certification for his lot and the lot will be removed from Developer Dan's permit coverage. Prior to submittal of the Reassignment Form, Developer Dan must revise his SWMP to reflect the changes in his covered area and activities, and Builder Bob must develop his own SWMP to cover the area and activities he will obtain coverage for.

- c) **Amend Existing Permit Certifications** – In some cases, both parties (the original owner/operator and the new owner/operator of an area undergoing transfer of ownership or operation) will already both be permit holders for their portions of the overall project (i.e., at least two permit certifications are issued for the project and cover both the party wishing to reassign coverage and the party wishing to accept coverage). When an additional area is transferred between the two parties, the permittees may simply amend their permit certifications instead of completing the Reassignment Form. Both parties must separately complete the procedures to amend their permit coverage, removing the applicable area(s) from the original owner/operator's permit coverage, and adding the area(s) to the new owner/operator's permit coverage. The requests must cite both permit certification numbers. (Note: this request may be submitted jointly if it is signed by both entities.) This option will likely be used in cases where a developer and an owner have already submitted a Reassignment Form where an initial transfer of lots has occurred, and then additional lots are transferred at a later date. Both entities must have SWMPs in place that accurately reflect their current covered areas and activities.

Example: Developer Dan sells a lot to Builder Bob. Developer Dan is currently covered by a permit certification that covers a larger area, which includes the sold lot. In addition, Builder Bob also holds a permit certification for other portions of the development which he already owns, and Builder Bob wishes to cover his new lot under this certification. Developer Dan submits a request to remove the lot from his permit certification and provides Builder Bob's permit certification number that the lot will now be covered under. Builder Bob also submits a request to modify his permit certification to add the lot, and provides Developer Dan's permit certification number under which the lot was previously covered. Developer Dan and Builder Bob must revise their SWMPs to reflect the changes in their covered area and activities.

2. Permit Compliance



As a permittee, **the most important concept for projects where multiple entities are involved is:** if activities within your permitted area result in pollution of stormwater, **you** are the entity responsible for ensuring that those pollutants are properly managed.



Permittees are responsible for complying with the Stormwater Permit requirements for the areas and activities for which they have permit coverage, and for all control measures they are relying on to comply with the permit. Properly addressing and documenting the responsibility of various parties at a construction site will help protect an entity from liability in the case where another party's actions result in the failure of control measures.

a) Pollutants from Outside the Permitted Area:



A permittee may be held liable for pollutants from another entity's activities that pass into their permitted area, then are discharged from their permitted area. Specifically, a permittee may have responsibility to ensure proper implementation of control measures to control stormwater discharges from their permitted area, even if another entity is contributing pollutants.

The Stormwater Permit requires the permittee to ensure the implementation of control measures which will be used to control the pollutants in stormwater discharges associated with construction activity from their permitted area. Therefore, a permittee may be responsible for adequately implementing and maintaining control measures that are providing treatment for pollutants originating outside of their permitted area or from another entity's activities. An example is when a permittee's property is being used by a separate entity for construction activities (e.g., loading and unloading, site access, materials storage, etc.), or control measures located on the permittee's property are being relied on to treat stormwater runoff from another site.

This scenario is common when a developer sells off lots to a builder. As a practical matter, what most often occurs is that the developer must allow the builder to use the developer's infrastructure (e.g., roads, storm drains, ponds, etc.) for activities and control measures that cannot realistically be limited to the builder's property. In this case, the developer remains a liable party (in addition to the builder) to ensure that proper stormwater management is implemented for the project. Permit coverage may instead be assigned to the builder for this infrastructure, if the builder has been designated as the operator of the area for stormwater quality purposes. However, this may not always be practical when multiple builders are operating in an area or when the developer is still performing their own construction activities.

Refer to the Liability and Example sections, below, for further guidance.

b) Control Measures Located Outside the Permitted Area:



If a permittee will be relying on control measures that are outside of the area they own and/or operate, the specific actions listed below must be taken to ensure compliance with the Stormwater Permit. The permittee is responsible for ensuring the property management of all pollutants from their permitted area. Even if the control measures are implemented by another party, the permittee may still be liable if their pollutants are eventually discharged.

The permittee is responsible for ensuring the operation and maintenance of all control measures that are used to control pollutants that originate from their activities, even if the control measures are located outside of the area owned and/or operated by the permittee. For example, a builder may only have ownership of a single lot but may have to rely on control measures that are located off of their lot and on a developer's property to adequately manage stormwater runoff, such as inlet protection that is on the developer's streets. If a permittee will rely on control measures that are outside the area that they own and/or operate, the following measures must be taken:

- i) Any off-site control measures must be documented in the permittee's SWMP. This includes structural control measures (e.g., inlet protection and sediment ponds) and non-structural control measures (e.g., concrete wash out areas and street sweeping). By including the control measures in the SWMP, the permittee can effectively include the practices under their permit coverage. In such cases, the same off-site control measures may actually be included in two or more parties' SWMPs.
- ii) The permittee must have adequate permission from the land and/or control measure owner(s) to utilize the off-site conveyances and control measures and to ensure proper maintenance and operation. The permittee must be able to provide evidence of this agreement upon request.
- iii) The off-site control measures must be operated and maintained in accordance with the SWMP(s) and must control the discharge of pollutants. It may be necessary to enter into agreements with other parties to ensure operation and maintenance of these control measures. Regardless of who actually carries out the operation and maintenance of a control measure, all permittees who make use of the control measure to control pollutants from their construction activities remain liable if the control measure is not adequately operated and maintained.
- iv) All control measures must be located prior to discharge to surface waters or municipally-owned storm sewer systems.

Liability: In the above examples, to reduce liability, the developer and builder should communicate on stormwater management issues and document who will be responsible for specific control measures (e.g., who will maintain inlet protection and implement street sweeping). If control measures are not being adequately implemented by the party defined as responsible, the other party should take the necessary action to ensure pollutants originating from, or passing through, their permitted area are properly controlled. It is recommended that stormwater management responsibilities be addressed in contracts or other legal agreements between applicable owners and operators for construction sites where one party's actions may impact another party's permit compliance. These legal agreements will both help define roles and responsibilities at a multi owner/operator site, and also may be used to seek damages from a contractor if monetary penalties are issued to a permittee for permit violations.

Example: Developer Dan sells a lot to Builder Bob. Builder Bob obtains separate permit coverage for his new lot, ending at the curb line. Because the site infrastructure is being utilized by several different builders at the project, Developer Dan maintains permit coverage for the streets, storm drain system, and a large retention pond that is designed and implemented as a control measure to manage pollutants from construction activities at the development (including Builder Bob's lot). In addition to the large pond, inlet protection is also being used to protect storm sewer inlets located on

Developer Dan's roads, and street sweeping is occurring to control sediment tracked onto Developer Dan's roads.

Builder Bob is relying on the pond, inlet protection, and street sweeping to manage pollutants from his lot, and therefore has included the control measures in his SWMP. The control measures are also included in Developer Dan's SWMP because they are being used to control pollutants from property he still maintains control over, as discussed in Section G.2.a, above. In addition, Developer Dan and Builder Bob enter into a contract that clearly defines Developer Dan as being responsible for implementing and maintaining the infrastructure control measures (i.e., the pond, inlet protection, and street sweeping control measures), and requires Builder Bob to implement additional control measures on his lots, such as vehicle tracking control and construction waste management.

If the infrastructure control measures are not properly operated and maintained, or discharges of sediment and/or other pollutants from Builder Bob's lot are not properly controlled and overwhelm the infrastructure control measures, **both** Developer Dan and Builder Bob may be in violation of their permits. Therefore, Builder Bob and Developer Dan must both remain diligent in ensuring that conditions of their contract are being met and control measures operated by both parties continue to be implemented in accordance with their SWMPs.

Sale Of Residence To Homeowners



Residential lots that have been conveyed to a homeowner and that meet the specific criteria below do not require coverage under the Stormwater Permit.

In this case, the conveyed lot may be removed from coverage under the permittee's certification, and the permittee is no longer responsible for meeting the terms and conditions of this permit for the conveyed lot, including the requirement to transfer or reassign permit coverage. The permittee remains responsible for eventual inactivation of the original certification (see Part F, above). The criteria for these lots are as follows:

- 1) The lot has been sold to the homeowner(s) for private residential use;
- 2) The lot is less than one acre of disturbed area;
- 3) All construction activity conducted by the permittee on the lot is completed;
- 4) A Certificate of Occupancy (or equivalent) has been awarded to the homeowner; and
- 5) The SWMP has been amended to indicate the lot is no longer covered by permit.

Lots not meeting all of the above criteria require continued permit coverage. However, the permit coverage for the conveyed lot may be transferred or reassigned to a new owner or operator.

Construction Dewatering



Construction dewatering water can **NOT** be discharged to surface waters or to storm sewer systems without separate permit coverage. The discharge of Construction dewatering water to the ground, **under the specific conditions** listed below, **may** be allowed by the Stormwater Permit when appropriate control measures are implemented.

Two options are available for managing **uncontaminated** Construction Dewatering water on a construction site.

- 1) Construction Dewatering water discharged from the project site, to surface waters or to storm sewer systems, is considered a process water and requires an industrial process water permit. Applications for dischargers engaged in the dewatering of uncontaminated groundwater from a construction site are available from the State's WQCD web site or by contacting the WQCD.

- 2) Alternatively, Construction Dewatering water may be discharged to the ground if **all** of the following conditions are met:
- 1) The discharge and the control measures are included in the SWMP;
 - 2) Adequate control measures are included to control stormwater pollution;
 - 3) The **discharge does not leave the site** as surface runoff or to surface waters/storm sewer systems; and
 - 4) The groundwater being pumped is not contaminated so as to exceed State groundwater standards.

If the above conditions are not met, a separate permit (see #1 above) is needed for discharges to the ground and/or surface waters.

Further information concerning Construction Dewatering, including what constitutes contamination of groundwater, can be found in the Stormwater Permit and Rationale. These documents and others can be obtained from the State's WQCD web site or by contacting the WQCD.

Concrete Washout



Concrete Washout water can **NOT** be discharged to surface waters or to storm sewer systems without separate permit coverage. The discharge of Concrete Washout water to the ground, under the specific conditions listed below, **may** be allowed by the Stormwater Permit when appropriate control measures are implemented.

Concrete Washout water from washing of tools and concrete mixer chutes **may** be discharged to the ground **if all** of the following conditions are met:

- 1) The source is identified in the SWMP;
- 2) Adequate control measures, including but not limited to a standard Concrete Washout facility, are included in the SWMP to prevent pollution of groundwater; and
- 3) These discharges **do not leave the site** as surface runoff or to surface waters/storm sewer systems.

The use of the washout site **should be temporary** (less than 1 year), and the washout site should be not be located in an area where shallow groundwater may be present, such as near natural drainages, springs, or wetlands.

Although unlined washout areas may be used, lined pits may be required to protect groundwater under certain conditions.

 **Do not** locate an unlined washout area within **400 feet** of any natural drainage pathway or water body or within **1,000 feet** of any wells or drinking water sources.

Even for lined concrete washouts, it is advisable to locate the facility away from water bodies and drainage paths. If site constraints make these setbacks infeasible or if highly permeable soils exist in the area, then the pit must be installed with an impermeable liner or surface storage alternatives using prefabricated concrete washout devices or a lined above ground storage area should be used.

Concrete washout water must not be discharged to state surface waters or to storm sewer systems. Also, on-site permanent disposal of concrete washout waste is not authorized by this permit.

Further information concerning Concrete Washout refer to the State's WQCD web site or by contacting the WQCD or the City (see first page for address).