

# Town of Palmer Lake Municipal Separate Storm Sewer System (MS4) Program Description Document



January 2021, version #1; COR090114 Modification #6

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## Part I.C. Program Description Document

Per the Phase II Municipal Separate Storm Sewer System (MS4) Permit issued April 15, 2016, effective July 1, 2016, the permittee must develop and maintain records in the form of a program description document (PDD). The following document was developed to meet the requirement found in the MS4 Permit. Requirements subject to a compliance schedule do not need to be addressed in the PDD until the due date in the compliance

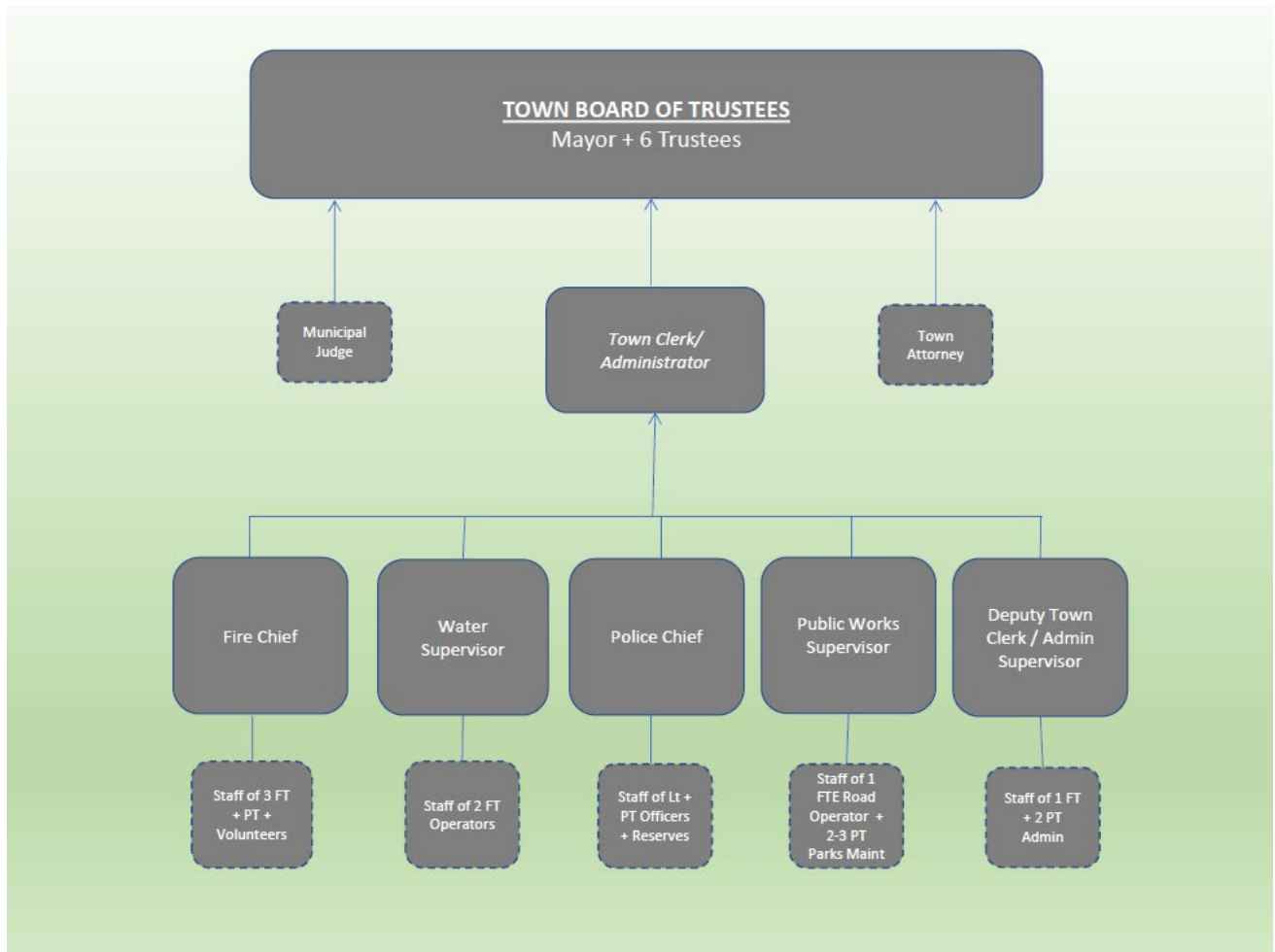
schedule in Part I.H of the permit. The compliance date to implement this PDD is January 1, 2019. Implementation of all other permit conditions contained within this PDD are to be consistent with the compliance schedule in Part I.H. of the permit.

The PDD must include the names of the most recent version of the documents, date of the document, and location(s) where the supporting documentation is maintained. The PDD must be available to the public at reasonable times during regular business hours and maintained in a format that can be submitted to the Division within 10 business days of a request.

Information in the PDD may be revised by the permittee at any time. The permittee must modify the PDD as changes occur to ensure that the information is up to date.

### Part I.C.1.c Organizational Chart

*PDD Requirement: Part I.C.1.c Organizational chart indicating responsibility over applicable departments by the legal contact.*



## Part I.D. Public Involvement/Participation

### **Public Involvement and Participation Process**

Program Requirements (Part I.D.1)	Recordkeeping (Part I.D.2)	Compliance Schedule
<p>The permittee must implement and document a Public Involvement and Participation process that complies with state and local public notice requirements for actions conducted, when applicable, to comply with this permit. The following requirements apply:</p> <p>a. The permittee must follow its own public notice requirements to provide opportunities for public involvement that reach a majority of citizens within the permittee’s jurisdiction through the notification process.</p>	<p>a. Copies of the documents used to provide public notice and any public comment received as part of the public notice process.</p>	<p>None given.</p>

*PDD Requirement: Part I.D.3.a. A list of citation(s) and location(s) of the written procedures used for the permittee’s public notice process.*

Title	Document Location
<p>Colorado Sunshine Law: Colorado Revised Statutes (CRS) 24-6-401 and 402</p>	<p>Town Board of Trustees Meeting Archives: 1<sup>st</sup> or 2<sup>nd</sup> meeting of every January the Town Board adopts the Sunshine Law and associated procedures.</p> <p>Town of Palmer Lake Clerk maintains an archive of Board Resolutions and other documents. Town Board of Trustees Meeting Minutes are available online at: <a href="https://www.townofpalmerlake.com/bc-bot">https://www.townofpalmerlake.com/bc-bot</a>.</p>

### **Public Involvement and Participation Process**

Program Requirements (Part I.D.1)	Recordkeeping (Part I.D.2)	Compliance Schedule
<p>b. The permittee must provide a mechanism and processes to allow the public to review and provide input on the control measures. At a minimum, the permittee must provide a statement on the permittee’s web site that the PDD is publicly available for review and comment.</p> <p>c. The permittee must have the ability to accept and respond (in accordance with permit requirements) to information submitted by the public, including information on illicit discharges or failure to implement or meet control measure requirements associated with applicable construction activities, applicable development sites, or municipal operations.</p>	<p>b. Documentation of the mechanism used to allow the public to provide input.</p> <p>c. Records of information submitted by the public in accordance with Part I.D.1.c and any actions the permittee took to address the information.</p>	<p>None given.</p>

*Part I.D.3.b. The web site address containing the statement that the PDD is available for public review.*

The Town of Palmer Lake Program Description Document will be posted at the following website for public review and comment:

<https://www.townofpalmerlake.com/>

## Part I.E.1 Public Education and Outreach

### ***Illicit Discharges:***

Program Requirements (Part I.E.1.a.)	Recordkeeping (Part I.E.1.b.)	Compliance Schedule
<p>i. The permittee must provide information to businesses and the general public regarding the permittee’s prohibitions of and the water quality impacts associated with illicit discharges as part of the public education program. The permittee may incorporate the education and outreach to meet this requirement into the education and outreach strategies provided in accordance with Part I.E.1.a.ii. The information must include the following:</p> <p>(A) The permittee must determine the targeted businesses that are likely to cause an illicit discharge or improperly dispose of waste. At a minimum, the permittee must identify at least one type of business and a list of those businesses that fit the identified type of business.</p> <p>(B) The permittee must develop and implement at least one education and outreach activity to those businesses identified in Part I.E.1.a.i.(A). Educational materials and activities, individually or as a whole, must describe water quality impacts associated with illicit discharges and the improper disposal of waste, the behaviors of concern, and actions that the business can take to reduce the likelihood of illicit discharges and the improper disposal of waste.</p>	<p>i. A written list of the targeted business (es) that are likely to cause an illicit discharge or improperly dispose of waste and the education and outreach activity for the targeted business (es).</p>	<p>Begin Implementation July 1, 2018 (applies to this entire section)</p>

*PDD Requirement: Part I.E.1.c.i. Illicit Discharges: A list of citation(s) and location(s) of the written procedures used to determine the targeted business (es), the outreach activity (ies) conducted, and the outreach distribution mechanism(s).*

Title	Document Location
<p>Town of Palmer Lake Public Education and Outreach Strategy</p>	<p>Town of Palmer Lake Public Education and Outreach Strategy is included as Appendix 1 of this Program Description Document.</p> <p>Electronic document template located here: U://JasonD/MS4/MS4 Permit 2016-2021/Education and Outreach/Plan and Strategy</p>

**Education and Outreach Activities:**

Program Requirements (Part I.E.1.a)	Recordkeeping (Part I.E.1.b)	Compliance Schedule
ii. Education and Outreach Activities Table: Each year, the permittee must implement at least four education and outreach activities (bulleted items) and at least two must be from the Active and Interactive Outreach column. The activities can be the same from year to year or be different each year.	ii. Education and Outreach Activities: A written list of the targeted pollutant sources and/or pollutants, the target audience, and distribution mechanism for each activity and the following: (A) Dates the activities were implemented, including, as applicable, dates of events and the materials that were made available. (B) Documentation of the activities that were provided and/or made available and the dates of distribution. Signs, markers, or equivalent intended to be maintained for the permit term must be described with location information.	Begin Implementation January 1, 2018

*PDD Requirement: Part I.E.1.c.ii. Education and Outreach Activities: A list of the activities from Table 1 selected for implementation for each calendar year.*

Title	Document Location
Town of Palmer Lake Public Education and Outreach Strategy	Town of Palmer Lake Public Education and Outreach Strategy is included as Appendix 1 of this Program Description Document.  Electronic document template located here: U://Jasond/MS4/MS4 Permit 2016-2021/Education and Outreach/Plan and Strategy

**TABLE WITH IMPLMENTED ACTIVITIES HIGHLIGHTED IN THE TABLE.**

TABLE 1 Education and Outreach Activities Table	
Passive Outreach	Active and Interactive Outreach (pick any two bullets each year)
<ul style="list-style-type: none"> <li>Bus shelter/bench advertisement</li> <li>Billboard/dasher board advertisement</li> <li>Vehicle/bus advertisement</li> <li>Radio/television/movie theatre advertisement</li> <li>Newspaper advertisement</li> <li>Distribute educational materials by brochure</li> <li>Distribute educational materials by fact sheet</li> <li>Distribute educational material by utility bill insert</li> <li>Publish article (hard copy or electronic)</li> <li>Storm drain marking by permittee staff that maintains 25% of permittee-maintained inlets.</li> <li>Stormwater related signage</li> <li>Web site</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing advertisement/promotion of a stormwater hotline number or other method to report an illicit discharge</li> <li>Ongoing advertisement/promotion on how to get more information about the stormwater program</li> <li>Ongoing social media program</li> <li>Web site that is interactive or contains stormwater information that includes actions that can be taken to reduce stormwater pollution</li> <li>Newsletter (hard copy or electronic)</li> <li>Promotion of existing local stormwater/environmental events or program that help protect water quality</li> <li>Distribute promotional items or giveaways</li> <li>Participate in or sponsor a water festival which involves populations that exist within the permit boundary</li> </ul>

	<p>Participate in or sponsor a waterway clean-up and trash removal event</p> <p>Participate in or sponsor a service project</p> <p>Participate in or sponsor a stormwater or environmental presentation</p> <p>Participate in or sponsor a stormwater or environmental event</p> <p>Participate in or sponsor community project based programs that investigate watershed health and meet applicable school Science, Technology, Engineering and Math (STEM) standards</p> <p><b>Participate in or sponsor a household hazardous waste event</b></p> <p>Participate in or sponsor an Adopt-a-Street program</p> <p>Participate in or sponsor an Adopt-a-Waterway program</p> <p>Participate in or sponsor an Adopt-a-Storm Drain program</p> <p>Provide ongoing access to motor vehicle fluids recycling program</p> <p>Stormwater booth at a community event</p> <p>Conduct a stormwater survey</p> <p>Storm drain marking program performed by the public/community</p> <p>Pet waste stations</p> <p>Participate in, plan or present stormwater materials to schools</p> <p>Stormwater demonstration projects that show control measures or other pollutant reduction methods</p>
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**Nutrients:**

Program Requirements (Part I.E.1.a.)	Recordkeeping (Part I.E.1.b.)	Compliance Schedule
<p>iii. 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. Permittees can meet the requirements of this section through contribution to a collaborative program to evaluate, identify, target, and provide outreach that addresses sources state-wide or within the specific region or watershed that includes the receiving waters impacted by the MS4 permittee’s discharge.</p> <p>(A) The permittee must determine the targeted sources (e.g., residential, industrial, agricultural, or commercial) that are contributing to, or have the potential to contribute, nutrients to the waters receiving the discharge authorized under the MS4 permit.</p> <p>(B) The permittee must prioritize which targeted sources are likely to obtain a reduction in nutrient discharges through education. 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. The permittee may incorporate the education and outreach to meet this requirement into the education and outreach strategies provided in accordance with Part I.E.1.a.ii.</p>	<p>iii. Nutrients: A written list of the targeted sources that are contributing to, or have the potential to contribute nutrients to stormwater and the education and outreach activity for the targeted sources.</p>	<p>Part A: Completed by January 1, 2018</p> <p>Part B: Begin implementation July 1, 2018.</p>

*PDD Requirement: Part I.E.1.c.iii. Nutrients: A list of citation(s) and location(s) of the written procedures used to determine factors considered and the targeted sources, the prioritized targeted sources, the outreach activities conducted, and the outreach distribution mechanisms.*

Title	Document Location
<p>Town of Palmer Lake Public Education and Outreach Strategy</p> <p>Documentation of Events, Videos and material used for ads located:</p>	<p>Town of Palmer Lake Public Education and Outreach Strategy is included as Appendix 1 of this Program Description Document.</p> <p>Electronic document of activities conducted are located here: U://Jasond/MS4/MS4 Permit 2016-2021/Education and Outreach/Activities Conducted</p>

## Part I.E.2. Illicit Discharge Detection and Elimination (IDDE) Program Storm Sewer System Map

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
i. Storm Sewer System Map: The permittee shall maintain a current map of the location of all MS4 outfalls within the permit area, and the names and location of all state waters that receive discharges from those outfalls.	i. Storm Sewer System Map: The current map.	None given.

*PDD Requirement- Part I.E.2.c.i. Storm Sewer System Map: A list of citation(s) and location(s) of the storm sewer system map and procedures for updating the map for new outfalls or expanded permit areas.*

Title	Document Location
Illicit Discharge Detection and Elimination Plan and Procedures September 2020.	Town of Palmer Illicit Discharge Detection and Elimination Plan is included as Appendix 2 of this Program Description Document.
Google Earth Image (.KMZ) file maintained annually with all outfall within MS4 permit area.	The electronic document template and Map files are maintained by the Public Works Department Supervisor and are located: U://JasonD/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Plan Map and SOP Updates/  Staff can access the map with Google Earth Pro installed desktops.

### **Regulatory Mechanism:**

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
ii. Regulatory Mechanism: The permittee's regulatory mechanism must: (A) Prohibit illicit discharges into the MS4; (B) Have a procedure to request access to property(ies), as necessary to implement the illicit discharges procedures, to include judicial action; and (C) Provide the permittee the legal ability to cease or require to be ceased and remove, or require and ensure the removal of, and impose penalties for all illicit discharges for the period from when the illicit discharge is identified until removed.	ii. Regulatory Mechanism: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.	Completed July 1, 2019

*PDD Requirement- Part I.E.2.c.ii. Regulatory Mechanism: A list of the citation(s) and location(s) of the required elements of the regulatory mechanism, including a list of the associated program documents used to meet the regulatory mechanism requirements.*

Title	Document Location
Title 8 of Palmer Lake Municipal Code, Chapter 8.50 Prohibition of Illicit Discharges to the Storm Sewer System; Adopted by Ordinance 04-2020, June 25, 2020.	Town of Palmer Lake website: <a href="https://www.townofpalmerlake.com/">https://www.townofpalmerlake.com/</a>



	The electronic document is maintained by the Public Works Department Supervisor and are located: U://JasonD/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Regulatory Mechanism Updates/
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***Regulatory Mechanism Exemptions:***

Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
iii. Regulatory Mechanism Exemptions: Procedures must be implemented to ensure that any exemptions, waivers, or variances included in the regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.	iii. Regulatory Mechanism Exemptions: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.	Completed July 1, 2019

*PDD Requirement- Part I.E.2.c.iii. Regulatory Mechanism Exemptions: A list of the citation(s) and location(s) of regulatory mechanism elements that allow for exemptions and the documented procedures that confirm that any exemptions, waivers, and variances comply with the permit.*

Title	Document Location
Title 8 of Palmer Lake Municipal Code, Chapter 8.50 <i>Prohibition of Illicit Discharges to the Storm Sewer System</i> ; Adopted by Ordinance 04-2020, June 25, 2020.	Town of Palmer Lake website: <a href="https://www.townofpalmerlake.com/">https://www.townofpalmerlake.com/</a>  The electronic document is maintained by the Public Works Department Supervisor and are located: U://JasonD/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Regulatory Mechanism Updates/

***Tracing an Illicit Discharge:***

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
iv. Tracing an Illicit Discharge: The permittee must implement procedures to respond to reports/identification of illicit discharges...The permittee must document and implement procedures, including the tools needed, to trace the source of an illicit discharge when identified within the MS4.	iv. Tracing an Illicit Discharge: (A) The applicable program documents and procedures used to respond to reports/identification of illicit discharges.	Completed January 1, 2018

*PDD Requirement: Part I.E.2.c.iv. Tracing an Illicit Discharge: (A) A list of citation(s) and location(s) of the written procedures for tracing an illicit discharge, including the citation(s) and location(s) of supporting documents.*

Title	Document Location
Illicit Discharge Detection and Elimination Plan and Procedures, September 2020.	Town of Palmer Illicit Discharge Detection and Elimination Plan and Procedures document is included as Appendix 2 of this Program Description Document.

	The electronic document is maintained by the Public Works Department Supervisor and located: U://Jasond/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Plan Map and SOP Updates/
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***Discharges that could be Excluded from being effectively prohibited:***

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
v. Discharges that can be Excluded from being Effectively Prohibited: The following discharges do not need to be effectively prohibited and the permittee is not required to address the discharges as illicit discharges in accordance with the requirements of this permit. The permittee must list all discharges excluded from being effectively prohibited in their regulatory mechanism as an allowable non stormwater discharge. Any discharges listed below that are not listed in the permittee’s regulatory mechanism must be effectively prohibited. See <i>Part I.E.2.a.v.(A)-(Y)</i>	v. Discharges that could be excluded from being effectively prohibited:  (A) Copies of all required submittals to the Division.  (B) Copies of the documents used to provide any required public notice and any public comment received as part of the public notice process.	Completed July 1, 2019

*PDD Requirement: Part I.E.2.c.v. Discharges that could be Excluded from being effectively prohibited: A list of citation(s) and location(s) of the written procedures for excluding discharges from being effectively prohibited and the discharges that have been excluded from being effectively prohibited.*

Title	Document Location
Title 8 of Palmer Lake Municipal Code, Chapter 8.50 <i>Prohibition of Illicit Discharges to the Storm Sewer System</i> ; Adopted by Ordinance 04-2020, June 25, 2020.	Town of Palmer Lake website: <a href="https://www.townofpalmerlake.com/">https://www.townofpalmerlake.com/</a>
Illicit Discharge Detection and Elimination Plan and Procedures September 2020.	Town of Palmer Illicit Discharge Detection and Elimination Plan is included as Appendix 2 of this Program Description Document.  The electronic document template is maintained by the Public Works Department Supervisor and are located: U://Jasond/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Plan Map and SOP Updates/

***Removing an Illicit Discharge:***

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
vi. Removing an Illicit Discharge: When an illicit discharge is identified, the permittee must remove or require the removal of the source of the illicit discharge. The permittee must also cease or require the	vi. Removing an Illicit Discharge: (A) The information used by the permittee to identify repeat occurrences from the same responsible party concerning the same type of illicit discharge. The permittee must	Completed January 1, 2018

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
<p>cessation of the illicit discharge. After the illicit discharge has been ceased, the permittee must also minimize surface contamination by removing or requiring the removal of surface residue or other type of pollutant source. The removal requirement can be met by notifying the Division through a written report when CDPS or NPDES general permit coverage is available for a discharge and the discharge is not subject to prohibitions against issuance of a permit in regulation 61.8(1). The permittee must also have written procedures for requiring cleanup from the operator and procedures for cleanup conducted by the permittee, when necessary, to remove materials associated with the illicit discharge.</p>	<p>document and maintain records of each illicit discharge identified by the permittee that includes the following information, or identifies that the information is unknown or not applicable:</p> <ol style="list-style-type: none"> <li>1) The date that the illicit discharge was reported to and/or identified by the permittee.</li> <li>2) The date the permittee responded to the reported/identified illicit discharge.</li> <li>3) The location of the illicit discharge.</li> <li>4) Responsible party for the illicit discharge (if identified).</li> <li>5) A description of the source and nature of the illicit discharge.</li> <li>6) A description of how the source of the illicit discharge was eliminated/resolved.</li> <li>7) Documentation of enforcement actions (if applicable).</li> </ol>	

*PDD Requirement: Part I.E.2.c.vi. Removing an Illicit Discharge: A list of citation(s) and location(s) of the written procedures for removing an illicit discharge, including the citation(s) and location(s) of supporting documents.*

Title	Document Location
<p>Illicit Discharge Detection and Elimination Plan and Procedures September 2020.</p>	<p>Town of Palmer Illicit Discharge Detection and Elimination Plan is included as Appendix 2 of this Program Description Document.</p>
<p>Illicit Discharge Log</p>	<p>An Illicit Discharge event reporting log is maintained by the Public Works Department Supervisor and is located: U://Jasond/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Event Log</p>
<p>Illicit Discharge Inspection Report</p>	<p>Completed inspection reports are located: U://Jasond/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Inspection Reports</p>

***Enforcement Response:***

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
<p>vii. Enforcement Response: The permittee must implement appropriate written enforcement procedures and actions to eliminate the source of an illicit discharge when identified/reported, discourage responsible parties from willfully or negligently repeating or continuing illicit discharges, and discourage future illicit discharges from occurring. The written procedures must address mechanisms for</p>	<p>vii. Enforcement Response: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.</p>	<p>None given.</p>

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
enforcement for all illicit discharges from the moment an illicit discharge is identified/reported until it is eliminated. The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the responsible party to ensure that findings of a similar nature are enforced upon consistently. Written enforcement procedures must include informal, formal, and judicial enforcement responses.		

*PDD Requirement: Part I.E.2.c.vii. Enforcement Response: A list of citation(s) and location(s) of the specific enforcement mechanisms available and written procedures for enforcement response, including the citation(s) and location(s) of supporting documents. The document(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place.*

Title	Document Location
Title 8 of Palmer Lake Municipal Code, Chapter 8.50 <i>Prohibition of Illicit Discharges to the Storm Sewer System</i> ; Adopted by Ordinance 04-2020, June 25, 2020.	Town of Palmer Lake website: <a href="https://www.townofpalmerlake.com/">https://www.townofpalmerlake.com/</a>
Illicit Discharge Detection and Elimination Plan and Procedures September 2020.	Town of Palmer Illicit Discharge Detection and Elimination Plan is included as Appendix 2 of this Program Description Document.
Illicit Discharge Log	An Illicit Discharge event reporting log is maintained by the Public Works Department Supervisor and is located: U://Jasond/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Event Log
	Completed inspection reports with enforcement response is located: U://Jasond/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Inspection Reports

***Priority Areas:***

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
viii. Priority Areas: The permittee must locate priority areas with a higher likelihood of having illicit discharges, including areas with higher likelihood of illicit connections. At a minimum, the priority areas must include areas with a history of past illicit discharges.	viii. Priority Areas: The map and/or list of priority areas.	Completed January 1, 2018

*PDD Requirement: Part I.E.2.c.viii Priority Areas. A list of citation(s) and location(s) of the priority areas.*

Title	Document Location
Illicit Discharge Detection and Elimination Plan and Procedures September 2020.	Town of Palmer Illicit Discharge Detection and Elimination Plan is included as Appendix 2 of this Program Description Document. The electronic document is maintained by the Public Works Department Supervisor and located: U://Jasond/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Plan Map and SOP Updates/

**Training:**

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
ix. Training: The permittee must train applicable municipal staff to recognize and appropriately respond to illicit discharges observed during typical duties. The permittee must identify those who will be likely to make such observations and provide training to those individuals. The training must address how suspected illicit discharges will be reported/identified, general information for recognizing and responding to illicit discharges observed during typical duties, information on the sources and types of operations or behaviors that can result in an illicit discharge, and information on the location of priority areas.	ix. Training: Name and department of each individual trained, date of training, the type of training, and a list of topics covered.	None given.

*PDD Requirement: Part I.E.2.c.ix Training. A list of citation(s) and location(s) of the training program and supporting documents.*

Title	Document Location
Illicit Discharge Detection and Elimination Plan and Procedures, September 2020, Training Section.	Town of Palmer Illicit Discharge Detection and Elimination Plan is included as Appendix 2 of this Program Description Document. The electronic document is maintained by the Public Works Department Supervisor and located: U://Jasond/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Plan Map and SOP Updates/  Training material and documentation are located: U://Jasond/MS4/MS4 Permit 2016-2021/Illicit Discharge Detection and Elimination/Training
Sign In Sheets	
Training Materials (PowerPoint Presentations)	

## Part I.E.3. Construction Sites

### Exclusions:

Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
i. Exclusions: A) Construction Activities with R-Factor Waiver B) Activities for County Growth Areas: 1) Construction activities on sites that began as part of a plan of development prior to the effective date of this permit. 2) Large lot single family development... C) Activities for Non-Urban Areas: 1) Facilities associated with oil and gas ...	i. Exclusion: Maintain records for activities covered under Part I.E.3.a.i.(A) and Part I.E.3.a.i(B)(1)(2). Records must include the site name, owner name, location, completion date, project disturbed acreage, and reason for exclusion.	Completed July 1, 2019

*PDD Requirement: Part I.E.3.c.i. Exclusions: A list of citation(s) and location(s) of regulatory mechanism(s) that allow for exclusions and supporting documents used to implement the process.*

Title	Document Location
Refer to Town of Palmer Lake Construction Oversight Procedures document, Section 1.	Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document. Electronic document template located here: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight

### Regulatory Mechanism:

Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
ii. Regulatory Mechanism: To the extent allowable under state or local law, implement a regulatory mechanism to meet the requirements of Part I.E.3.a., including the following: (A) The ability to implement sanctions against entities responsible for applicable construction activities. (B) Require control measures to be implemented for all applicable construction activities from initial disturbance until final stabilization.	ii. Regulatory Mechanism: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.	Completed July 1, 2019

*PDD Requirement: Part I.E.3.c.ii. Regulatory Mechanism: A list of the citation(s) and location(s) of the required elements of the regulatory mechanism, including a list of the associated program documents used to meet the regulatory mechanism requirements.*

Title	Document Location
Refer to Town of Palmer Lake Construction Oversight Procedures document, Section 2.	Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document. Electronic document template located here: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight

**Regulatory Mechanism Exemptions:**

Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
iii. Regulatory Mechanism Exemptions: Procedures must be implemented to ensure that any exemptions, waivers or variances included in the regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.	iii. Regulatory Mechanism Exemptions: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.	Completed July 1, 2019

*PDD Requirement: Part I.E.3.c.iii. Regulatory Mechanism Exemptions: A list of the citation(s) and location(s) of regulatory mechanism elements that allow for exemptions and the documented procedures that confirm that any exemptions, waivers, and variances comply with the permit.*

Title	Document Location
Refer to Town of Palmer Lake Construction Oversight Procedures document, Section 1.	Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document. Electronic document template located here: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight

**Control Measure Requirements:**

Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
<p>iv. Control Measure Requirements: The permittee’s Construction Sites Program must address selection, installation, implementation, and maintenance of control measures that meet the requirements of Part I.B. Control measures must prevent pollution or degradation of state waters. Control measures must also be appropriate for the specific construction activity, the applicable pollutant sources, and phase of construction...Control measures must meet the minimum requirements below.</p> <p>(A) Appropriate control measures must be implemented prior to the start of construction activity, control potential pollutants during each phase of construction, and must be continued through final stabilization. Appropriate structural control measures must be maintained in operational condition.</p> <p>(B) Control measures must be selected, designed, installed, implemented, and maintained to provide control for all potential pollutants...at a minimum...(see the list of 12 in permit)</p>	<p>iv. Control Measure Requirements: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.</p>	<p>None given.</p>

*PDD Requirement: Part I.E.3.c.iv. Control Measure Requirements: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee requires operators to meet the requirements in Part I.E.3.a.iv. A list of the citation(s) and location(s) of supporting documents, including any documents that provide control measure design considerations, criteria, or standards.*

Title	Document Location
<p>Refer to Town of Palmer Lake Construction Oversight Procedures document, Section 2.</p>	<p>Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document. Electronic document template located here: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight</p>

**Site Plans:**

Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
<p>v. Site Plans: “Site plans” are also known as construction stormwater site plans; sediment and erosion control plans, stormwater pollution prevention plans, drainage reports, drainage plans, and stormwater management plans.</p> <p>(A) Renewal Permittees: For the time period between the effective date of this permit and the date by which a renewal permittee meets the conditions in Parts I.E.3.a.v (B) through (C), the renewal permittee must continue to implement appropriate erosion and sediment control as documented in the permittee’s CDPS</p>	<p>v. Site Plans: Copy of the final site plan reviewed to meet the initial site plan review requirement, and confirmation of the permittee’s review and acceptance.</p>	<p>Completed July 1, 2019</p>



Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
Stormwater Management Plan Description developed in accordance with the terms and conditions of the previous permit.		
(B) Site Plan Requirement: The permittee must require operators to develop site plan(s) that locate (if applicable) and identify all structural and non-structural control measures for the applicable construction activities. The site plan(s) must contain installation and implementation specifications or a reference to the document with installation and implementation specifications for all structural control measures. A narrative description of non-structural control measures must be included in the site plan(s).	Same as above.	Completed July 1, 2019
(C) Initial Site Plan Review: The permittee must implement site plan review for all applicable construction activities prior to the start of construction activities. The waiver, however, does not apply to the requirements of Part I.E.3.a.v.(A). Initial site plan review shall include the following: 1) Confirmation that the site plan includes appropriate control measures for all stages of construction, including final stabilization. 2) Confirmation that the control measures meet the requirements in Part I.E.3.a.iv.	Same as above.	Completed July 1, 2019
(D) Confirmation that the site plan meets the requirements in Part I.E.3.a.v.(A).	Same as above.	

*PDD Requirement: Part I.E.3.c.v. Site Plans: (A) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee requires operators to develop site plans, including the citation(s) and location(s) of supporting documents.*

Title	Document Location
Refer to Town of Palmer Lake Construction Oversight Procedures document, Section 3.	Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document. The electronic document template located here: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight.  Project specific files are located: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects  Town of Palmer Lake referenced criteria located on County website: <ul style="list-style-type: none"> <li>• <a href="https://publicworks.elpasoco.com/policies-manuals/">https://publicworks.elpasoco.com/policies-manuals/</a></li> <li>• <a href="https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90">https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90</a></li> </ul>

	<ul style="list-style-type: none"> <li>• <a href="https://planningdevelopment.elpasoco.com/land-development-code/">https://planningdevelopment.elpasoco.com/land-development-code/</a>.</li> </ul>
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*PDD Requirement: Part I.E.3.c.v. Site Plans: (B) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee conducts initial site plan reviews, including the citation(s) and location(s) of supporting documents.*

Title	Document Location
Refer to Town of Palmer Lake Construction Oversight Procedures, Section 2.	<p>Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document.</p> <p>Electronic document template located here: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight.</p> <p>Grading and Erosion Control Plan and Stormwater Management Plan Checklists found in Appendix 5 and 6 of this PDD.</p> <p>Project specific files are located: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects</p> <p>The Town of Palmer Lake Forms and Applications located on the Town Website: <a href="https://www.townofpalmerlake.com/forms">https://www.townofpalmerlake.com/forms</a></p> <p>Referenced Criteria located on County website:</p> <ul style="list-style-type: none"> <li>• <a href="https://publicworks.elpasoco.com/policies-manuals/">https://publicworks.elpasoco.com/policies-manuals/</a></li> <li>• <a href="https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90">https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90</a>.</li> </ul>

**Site Inspection:**

Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
vi. (A) Renewal Permittees: For the time period between the effective date of this permit and the date by which a renewal permittee meets the conditions in Parts I.E.3.a.vi (B) through (E), the renewal permittee must continue to implement procedures for construction site inspections, as documented in the permittee’s CDPS Stormwater Management Plan Description developed in accordance with the terms and conditions of the previous permit.	<p>(A) Routine Site Inspection or (B) Reduced Site Inspection: The report must contain the following:</p> <p>Inspection date, Name of inspector, Site identification, 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, If the inspection is conducted in lieu of a compliance inspection, identification of any</p>	Completed July 1, 2019

Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
<p>(B) Site Inspection Frequency Exclusion: The permittee is only required to conduct inspections if there are observations or reports of discharges of sediment from disturbed areas:</p> <ol style="list-style-type: none"> <li>1) Exclusions: <ol style="list-style-type: none"> <li>(a) Individual Homes in a Residential Subdivision- Finished Home.</li> <li>(b) Individual Homes in a Residential Subdivision-Unfinished Home</li> <li>(c) Winter Conditions</li> </ol> </li> </ol> <p>(C) Routine Inspection: A routine inspection must be conducted at least once before final stabilization. Routine inspections do not apply to sites eligible for other inspection frequencies in accordance with this section (Part I.E.3.a.vi). (45 day assessment of control measures, pollutant sources and discharge points)</p> <p>(D) Reduced Site Inspection: Reduced site inspections must occur at the frequency and include the scope indicated in Part I.E.3.a.vi (D) of the permit for each type of site:</p> <ol style="list-style-type: none"> <li>1) Inactive Site Inspection</li> <li>2) Stormwater Management System Administrator’s Program Inspection</li> <li>3) Staff Vacancy</li> <li>4) Indicator Inspection</li> </ol> <p>(E) Compliance Inspection: Compliance inspections must occur at the frequency and include the scope indicated in Part I.E.3.a.vi (E) of the permit.</p>	<p>inadequate control measures that have not been resolved from the previous inspection, Type of inspection</p> <p>(C) Compliance Inspection: The report must contain the following: Inspection date, Name of inspector, Site identification, Inspection results including any inadequate control measures that have not been resolved from the previous inspection, Type of inspection</p> <p>(D) Operator Compliance Inspection: The report must contain the following: Inspection date, Name of the operator inspector, Site identification, Inspection results including photos of the new or additional control measure to resolve issued from the previous inspection and any inadequate control measures that have not been resolved from the previous inspection.</p>	

<p><i>PDD Requirements: Part I.E.3.c.vi. Site Inspection: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for conducting site inspections, including the citation(s) and location(s) of supporting documents that describe the following: (A) The process for determining, implementing, and documenting the inspection frequencies.(B) The process for inspection follow-up, including determining, implementing, and documenting the nature of the follow-up action.(C) The process and tools used for documenting inspections.</i></p>	
Title	Document Location
<p>Refer to Town of Palmer Lake Construction Oversight Procedures, Section 4.</p>	<p>Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document.</p>

	<p>Electronic document template located here: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/</p> <p>Project specific files are located: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects</p> <p>The Town of Palmer Lake Forms and Applications located on the Town Website: <a href="https://www.townofpalmerlake.com/forms">https://www.townofpalmerlake.com/forms</a></p> <p>Referenced Criteria located on the County website:</p> <ul style="list-style-type: none"> <li>• <a href="https://publicworks.elpasoco.com/policies-manuals/">https://publicworks.elpasoco.com/policies-manuals/</a></li> <li>• <a href="https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90">https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90</a>.</li> </ul> <p>Completed Inspection Reports are located with other project specific documentation on the Town shared network</p>
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***Enforcement Response:***

Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
<p>vii. Enforcement Response: Implement appropriate enforcement procedures and actions to meet the requirements of Part I.E.3.</p> <p>(A) The permittee must have processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measure requirements.</p> <p>(B) The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the violator to ensure that findings of a similar nature are enforced upon consistently. Enforcement procedures must include informal, formal, and judicial enforcement responses.</p>	<p>vii. Enforcement Response: The applicable codes, resolutions, ordinances and program documents used to meet the permit requirements. Maintain records of the enforcement response.</p>	<p>Part I.E.3.a.vii (B) Completed July 1, 2019</p>

*PDD Requirement: Part I.E.3.c.vii. Enforcement Response: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for enforcement response. The document(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place, including as a minimum:*

*(A) Construction commencing without site plan review in accordance with I.E.3.a.vi.*

*(B) Control measures not maintained in operational condition at time of permittee inspection, including sites that have temporarily shut down construction activities.*

*(C) Uncorrected finding(s) from previous inspections.*

*(D) Failure to implement a control measure for a pollutant source or inadequate control measure resulting in a discharge of pollutants from the applicable construction site or to the MS4.*

Title	Document Location
<p>Refer to Town of Palmer Lake Construction Oversight Procedures, Section 5.</p>	<p>Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document.</p> <p>Electronic document template located here: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/</p> <p>Project specific files are located: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects</p> <p>The Town of Palmer Lake Forms and Applications located on the Town Website: <a href="https://www.townofpalmerlake.com/forms">https://www.townofpalmerlake.com/forms</a></p> <p>Referenced Criteria located on County website:</p> <ul style="list-style-type: none"> <li>• <a href="https://publicworks.elpasoco.com/policies-manuals/">https://publicworks.elpasoco.com/policies-manuals/</a></li> <li>• <a href="https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90">https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90</a>.</li> </ul> <p>Completed Enforcement documentation is located with other project specific documentation.</p>

**Training:**

Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
<p>viii. Training: The permittee must provide information to operators of applicable construction activities as necessary to ensure that each operator is aware of the permittee’s applicable requirements, including controlling pollutants such as trash. The training must also include information on trash as a pollutant source.</p>	<p>viii. Training: The applicable mechanism or program documents used to train construction operators.</p>	<p>None given.</p>

*PDD Requirement: Part I.E.3.c.viii. Training: A list of citation(s) and location(s) of the training program and supporting documents.*

Title	Document Location
<p>Refer to Town of Palmer Lake Construction Oversight Procedures, Section 6; or</p>	<p>Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document.</p> <p>Electronic document template located here: Project specific files are located:</p>

<p>Town of Palmer Lake Public Education and Outreach Strategy.</p> <p>Training Program Materials and documentation</p>	<p>U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/</p> <p>Town of Palmer Lake Public Education and Outreach Strategy is included as Appendix 1 of this Program Description Document. Electronic document template located here: U://Jasond/MS4/MS4 Permit 2016-2021/Education &amp; Outreach/</p> <p>Training Documentation located here: U://Jasond/MS4/MS4 Permit 2016-2021/Education &amp; Outreach/Training/Construction.</p>
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***For Applicable Construction Activities that Overlap Multiple Permit Areas:***

Program Requirements (Part I.E.3.a)	Recordkeeping (Part I.E.3.b)	Compliance Schedule
<p>ix. For Applicable Construction Activities that Overlap Multiple Permit Areas when a written agreement is in place with a co-regulating MS4 permittee: (A) Control measure requirements may be imposed on the operator in accordance with the requirements of a co-regulating MS4 permittee pursuant to the written agreement. (B) Site plan review/acceptance and site inspection actions may be conducted by a co-regulating MS4 permittee to meet the requirement of the permit.</p>	<p>ix. For Applicable Construction Activities that Overlap Multiple Permit Areas: Copies of any written agreements between co-regulating MS4 permittees when required by Part I.E.3.a.ix.</p>	<p>None given.</p>

*PDD Requirement: Part I.E.3.c.ix. For Applicable Construction Activities that Overlap Multiple Permit Areas: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee meets all permit requirements in Part I.E.3 for construction activities for which the permittee is the owner or operator, if different than procedures for private sites.*

Title	Document Location
<p>Refer to Town of Palmer Lake Construction Oversight Procedures, Section 7.</p>	<p>Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document.</p> <p>Electronic document template located here: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/</p> <p>In the event the provision is used, documentation will be kept with other project specific files located: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects</p>

## Part I.E.4. Post-Construction Stormwater Management in New Development and Redevelopment

### **Excluded Sites:**

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
<p>i. Excluded Projects: Permittees may exclude the following from the requirements of an applicable development project.</p> <p>(A) "Pavement Management Projects"</p> <p>(B) Excluded Roadway Redevelopment</p> <p>(C) Excluded Existing Roadway Areas</p> <p>(D) Aboveground and Underground Utilities</p> <p>(E) Large Lot Single Family Projects</p> <p>(F) Non-Residential and Non- Commercial Infiltration Conditions</p> <p>(G) Sites with Land Disturbance to Undeveloped Land that will Remain Undeveloped</p> <p>(H) Stream Stabilization Sites</p> <p>(I) Trails</p> <p>(J) Oil and Gas Exploration</p> <p>(K) County Growth Areas</p>	<p>i. Excluded Sites: Maintain records for activities covered under Part I.E.4.a.i. Records must include the site name, owner name, location, completion date, project acreage, reason for exclusion, and any information required below.</p> <p>(A) Pavement Management Projects: The acreage of the excluded impervious area for rehabilitation and reconstruction of pavement that are not maintenance sites.</p> <p>(B) Excluded Roadway Redevelopment: The acreage of the excluded impervious area.</p> <p>(C) Excluded Existing Roadway Areas for Roadway Redevelopment: The acreage of the excluded impervious area.</p> <p>(D) Non-Residential and Non-Commercial Infiltration Conditions: The acreage of the excluded impervious area.</p> <p>(E) Sites with Land Disturbance to Undeveloped Land that will Remain Undeveloped Redevelopment: The acreage of the excluded impervious area.</p> <p>(F) Stream Stabilization Sites Redevelopment: The acreage of the excluded impervious area.</p> <p>(G) Trails: The acreage of the excluded impervious area.</p>	<p>Completed July 1, 2019</p>

*PDD Requirement: Part I.E.4.c i. Excluded Sites: A list of citation(s) and location(s) of regulatory mechanism(s) that allow for exclusions and supporting documents used to implement the process.*

Title	Document Location
Town of Palmer Lake Post Construction Oversight Procedures Section 2.	Included in this Program Description Document as Appendix 7. The electronic document template is located: U://JasonD/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/
Post Construction Stormwater Management Applicability Evaluation Form	Included in this Program Description Document as Appendix 8. The electronic document template located: U://JasonD/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/
Project specific files	Project specific files are located: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects

**Regulatory Mechanism:**

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
<p>ii. Regulatory Mechanism: To the extent allowable under state or local law, implement a regulatory mechanism to meet the requirements in Part I.E.4.a., including:</p> <p>(A) Require control measures to be implemented for all applicable development sites.</p> <p>(B) Enforce the conditions of the exclusions above if applicable.</p> <p>(C) Require the long-term operation and maintenance of control measures.</p> <p>(D) Ensure that mechanisms are in place as necessary to meet this requirement for control measures used to meet the requirements of this permit by an applicable development site in the permit area that are located outside of the jurisdictional control of the permittee.</p> <p>(E) Implement sanctions against entities responsible for applicable development sites and for the long-term operation and maintenance of the control measures.</p>	<p>ii Regulatory Mechanism: The applicable codes, resolutions, ordinances, and program documents used to meet the permit requirements.</p>	<p>Completed July 1, 2019</p>

*PDD Requirement: Part I.E.4.c ii. Regulatory Mechanism: A list of the citation(s) and location(s) of the required elements of the regulatory mechanism, including the section of the regulatory mechanism used for enforcement activities. A list of the associated program documents used to meet the regulatory mechanism requirements.*

Title	Document Location
<p>Stormwater Post Construction Oversight Procedures, Section 1.</p>	<p>Included in this Program Description Document as Appendix 7. The electronic document template is located:            U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/</p> <p>Town of Palmer Lake Municipal Code located on Town of Palmer Lake Website:  <a href="https://www.townofpalmerlake.com/documents">https://www.townofpalmerlake.com/documents</a>.</p> <p>Engineering Criteria Manual (ECM) located on El Paso County Website:</p> <ul style="list-style-type: none"> <li>• <a href="https://publicworks.elpasoco.com/policies-manuals/">https://publicworks.elpasoco.com/policies-manuals/</a></li> <li>• <a href="https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90">https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90</a></li> </ul>

**Regulatory Mechanism Exemptions:**

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
<p>iii. Regulatory Mechanism Exemptions: Procedures must be implemented to ensure that any exclusions, exemptions, waivers, and variances included in the</p>	<p>iii. Regulatory Mechanism Exemptions: The applicable codes, resolutions, ordinances, and program</p>	<p>Completed July 1, 2019</p>



Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.	documents used to meet the permit requirements.	

*PDD Requirement: Part I.E.4.c iii. Regulatory Mechanism Exemptions: A list of citation(s) and location(s) of regulatory mechanism elements that allow for exemptions. A list of the documented procedures that confirm that any exemptions, waivers, and variances comply with the permit.*

Title	Document Location
Stormwater Post Construction Oversight Procedures Section 2	Located as Appendix 7, of this Program Description Document. The electronic document template located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms
Post Construction Stormwater Management Applicability Evaluation Form.	Located as Appendix 8, of this Program Description Document. The electronic document template located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms

***Control Measure Requirements:***

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
iv. Control Measure Requirements: The permittee’s requirements and oversight for applicable development sites must be implemented to address the selection, installation, implementation, and maintenance of control measures in accordance with requirements in Part I.B. The “base design standard” is the minimum design standard for new development and redevelopment. The control measures for applicable development sites shall meet one of the following base design standards listed below: (A) WQCV Standard (B) Pollutant Removal Standard (C) Runoff Reduction Standard (D) Applicable Development Site Draining to a Regional WQCV Control Measure (E) Applicable Development Site Draining to a Regional WQCV Facility (F) Constrained Redevelopment Sites Standard (G) Previous Permit Term standard	iv. Control Measure Requirements: The applicable codes, resolutions, ordinances and program documents used to meet the permit requirements, including the procedures to determine which design standard applies to each applicable development site and the design specifications for each design standard (if applicable).	Completed July 1, 2019

*PDD Requirement: Part I.E.4.c.iv. Control Measure Requirements: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee requires operators to meet the requirements in Part I.E.4.v, including any documents that provide control measure design considerations, criteria, or standards.*

Title	Document Location
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Stormwater Post Construction Oversight Procedures Section 3	Located as Appendix 7, of this Program Description Document. The electronic document template located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms
Post Construction Stormwater Management Applicability Evaluation Form.	Located as Appendix 8, of this Program Description Document. The electronic document template located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms

**Site Plan Requirements:**

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
<p>v. Site Plans</p> <p>(A) Site Plan Requirements: Site plans that include control measures for the applicable development projects must include the following:</p> <ol style="list-style-type: none"> <li>1) Design details for all structural control measures implemented to meet the requirements of Part I.E.4.</li> <li>2) A narrative reference for all non-structural control measures for the project, if applicable.</li> <li>3) Documentation of operation and maintenance procedures to ensure the long term observation, maintenance, and operation of the control measures. The documentation shall include frequencies for routine inspections and maintenance activities.</li> <li>4) Documentation regarding easements or other legal means for access of the control measure sites for operation, maintenance, and inspection of control measures.</li> </ol> <p>(B) Site Plan Review: The permittee shall implement a site plan review process for applicable development sites. The site plan review shall include the following minimum requirements designed to prevent inadequate control measures from being implemented or modified:</p> <ol style="list-style-type: none"> <li>1) Confirmation that control measures meet the requirements of Part I.E.4.</li> <li>2) Confirmation that site plans meet the requirements of Part I.E.4.a.v.</li> </ol>	<p>v. Site Plans: Copies of final site plans for all applicable development sites.</p> <p>(A) For all sites for which the stormwater runoff going to a regional WQCV control measure or facility is applied: The name and location of the regional WQCV control measure or facility.</p> <p>(B) For all sites for which the constrained redevelopment sites standard is applied: The site plan and the permittee’s written determination that it is not practicable to meet any of the other design standards in Parts I.E.4.a.iv(A)(B) or (C). The permittee’s written determination shall include an evaluation of the applicable redevelopment sites ability to install a control measure without reducing surface area covered with the structures.</p> <p>(C) For all sites for which the previous permit term standard is applied: Date of the start of the permittee’s review process, the permittee’s approval of the site plan (if applicable), the control measure implementation, and any modifications to the site plan.</p> <p>(D) The applicable documentation for the operation and maintenance procedures that ensure the long-term observation, maintenance, and operation of control measures, including routine inspection frequencies and maintenance activities.</p> <p>(E) The applicable documentation regarding easements or other legal means for access to the control measure for</p>	<p>Completed July 1, 2019</p>

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
(C) The permittee must meet the requirements of Part I.E.4.a.v.(A) and (B) before approving any modifications to the site plan.	operation, maintenance, and inspection of control measures.	

*PDD Requirement: Part I.E.4.c.v. Site Plan Requirements: (A) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee requires operators to develop, maintain, and modify site plans, including the citation(s) and location(s) of supporting documents.*

Title	Document Location
Town of Palmer Lake Construction Oversight Procedures Section 3	<p>Town of Palmer Lake Construction Oversight Procedures included as Appendix 3 of this Program Description Document. The electronic document template located here: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Procedures and Forms</p> <p>Checklists found in Appendix 5 and 6 of this Program Description Document. The electronic document templates are located: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Procedures and Forms</p> <p>The ECM, which is located on the El Paso County website:  <a href="https://publicworks.elpasoco.com/policies-manuals/">https://publicworks.elpasoco.com/policies-manuals/</a>  <a href="https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90">https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90</a></p>
Town of Palmer Lake Post Construction Oversight Procedures Section 4	<p>Located as Appendix 7, of this Program Description Document. The electronic document template located: U://JasonD/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms</p> <p>Please refer to Construction and Post Construction Stormwater Management Procedures documents for locations of project specific files.</p>

*PDD Requirement: Part I.E.4.c.v. Site Plan Requirements: (B) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee conducts initial site plan reviews, including the citation(s) and location(s) of supporting documents.*

Title	Document Location
Town of Palmer Lake Construction Oversight Procedures Section 3.	<p>Located as Appendix 7, of this Program Description Document. The electronic document template located: U://JasonD/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms</p>

	<p>Checklists found in Appendix 5 and 6 of this Program Description Document. The electronic document templates are located: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/Procedures and Forms</p> <p>The ECM, which is located on the El Paso County website:  <a href="https://publicworks.elpasoco.com/policies-manuals/">https://publicworks.elpasoco.com/policies-manuals/</a>  <ul style="list-style-type: none"> <li>• <a href="https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90">https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90</a></li> </ul> </p>
Town of Palmer Lake Post Construction Oversight Procedures Section 4	<p>Located as Appendix 7, of this Program Description Document. The electronic document template located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms</p>
<p><i>PDD Requirement: Part I.E.4.c.v. Site Plan Requirements: (C) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has operation and maintenance procedures that ensure the long-term observation, maintenance, and operation of control measures, including routine inspection frequencies and maintenance activities.</i></p>	
<b>Title</b>	<b>Document Location</b>
Town of Palmer Lake Post Construction Oversight Procedures Section 5.	<p>Located as Appendix 7, of this Program Description Document. The electronic document template located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms</p>
Private Detention Basin/Stormwater Quality Best Management Practice Maintenance and Agreement and Easements.	<p>Agreement templates found in Appendix 9 of this Program Description Document. The electronic document templates are located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms/Agreement Templates/</p> <p>Original agreements located in the ECM Appendix G, located on El Paso County website:  <ul style="list-style-type: none"> <li>• <a href="https://publicworks.elpasoco.com/policies-manuals/">https://publicworks.elpasoco.com/policies-manuals/</a></li> <li>• <a href="https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90">https://planningdevelopment.elpasoco.com/planning-community-development/engineering/#1519834440345-f2ddfd20-0d90</a></li> </ul> </p>
<p><i>PDD Requirement: Part I.E.4.c.v. Site Plan Requirements:(D) A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has procedures to ensure that structural control measures have easements or other legal means for access to the control measure for operation, maintenance, and inspection of control measures.</i></p>	
<b>Title</b>	<b>Document Location</b>
Town of Palmer Lake Post Construction Oversight Procedures Section 4	<p>Located as Appendix 7, of this Program Description Document. The electronic document template located:</p>

	U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms
Private Detention Basin/Stormwater Quality Best Management Practice Maintenance and Agreement and Easements, which are located in the Town of Palmer Lake Engineering Criteria Manual Appendix G.	<p>Agreement templates found in Appendix 9 of this Program Description Document. The electronic document templates are located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms/Agreement Templates/</p> <p>Project specific agreements are in project specific files located: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects</p>

***Construction Inspection and Acceptance and Post Acceptance Oversight Site Inspection:***

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
<p>vi. Construction Inspection and Acceptance: The permittee must implement inspection and acceptance procedures to ensure that control measures are installed and implemented in accordance with the site plan and include the following:</p> <p>(A) Confirmation that the completed control measure operates in accordance with the approved site plan.</p> <p>(B) All applicable development sites must have operational permanent water quality control measures at the completion of the project. In the case where permanent water quality control measures are part of future phasing, the permittee must have a mechanism to ensure that all control measures will be implemented, regardless of completion of future phases or site ownership. In such cases, temporary water quality control measures must be implemented as feasible and maintained until removed or modified. All temporary water quality control measure must meet one of the design standards in Part I.E.4.a.iv.</p>	<p>vi. Construction Inspection and Acceptance: Maintain records of inspections conducted during construction and the permittee's acceptance of the control measure(s).</p>	<p>Completed July 1, 2019</p>

*PDD Requirement: Part I.E.4.c.vi. Construction Inspection and Acceptance and Post Acceptance Oversight Site Inspection: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for inspections, including the citation(s) and location(s) of supporting documents that describe the following:*

*(A) The process and tools used for documenting inspections.*

*(B) The process for inspection follow-up, including determining, implementing, and documenting the nature of the follow-up action.*

*(C) The process for determining, implementing, and documenting Post Acceptance Site Inspection frequencies if different than once a permit term.*

*(D) Procedures for determining ownership through property records, as needed.*

Title	Document Location
Town of Palmer Lake Post Construction Oversight Procedures Section 5	Located as Appendix 7, of this Program Description Document. The electronic document template located:

	U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms
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***Post Acceptance Oversight:***

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
<p>vii. Long-Term Operation and Maintenance and Post Acceptance Oversight: The permittee must implement written procedures which include the following minimum requirements to ensure adequate long-term operation and maintenance of control measures to ensure that they are functioning as designed:</p> <p>(A) Procedures to enforce the requirements for the owner or operator to implement and maintain control measures when necessary.</p> <p>(B) Oversight shall include inspections of field conditions and control measures to confirm conformity with the site plan, identify any inadequate control measures, and identify control measures requiring routine maintenance, such as trash removal. All functional elements of control measures shall be inspected at a frequency determined by the permittee. Inspections of each control measure shall occur at least once during the permit term except when Inspections for oversight of control measures on individual residential lots serving only the individual lot shall occur as determined by the permittee and may rely on alternative oversight process.</p>	<p>vii. Post Acceptance Oversight: Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:</p> <p>(A) Inspection date</p> <p>(B) Name of inspector</p> <p>(C) Control measure identification, including the type of control measure</p> <p>(D) Owner of the control measure</p> <p>(E) Confirmation that the control measure operates in accordance with the approved plan</p> <p>(F) Inspection findings including, when present: inadequate control measures and control measures requiring routine maintenance</p> <p>(G) Confirmation that the control measure is operating as designed or a list of follow up actions</p> <p>Permittees only have to keep the inspection records for the once a permit term inspection. Permittees do not have to keep records for inspections conducted more frequently than required by this permit.</p>	<p>Completed July 1, 2019</p>

*PDD Requirement: Part I.E.4.c.vi. Construction Inspection and Acceptance and Post Acceptance Oversight Site Inspection: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for inspections, including the citation(s) and location(s) of supporting documents that describe the following:*

- (A) The process and tools used for documenting inspections.*
- (B) The process for inspection follow-up, including determining, implementing, and documenting the nature of the follow-up action.*
- (C) The process for determining, implementing, and documenting Post Acceptance Site Inspection frequencies if different than once a permit term.*
- (D) Procedures for determining ownership through property records, as needed.*

Title	Document Location
Town of Palmer Lake Post Construction Oversight Procedures Section 6	Located as Appendix 7, of this Program Description Document. The electronic document template located: U://Jasond/MS4/MS4 Permit 2016-

	2021/Post Construction Stormwater Management/Procedures and Forms
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***Enforcement Response:***

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
viii. Enforcement Response: Implement appropriate written enforcement procedures and actions to meet the requirements of Part I.E.4. The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the violator to ensure that findings of a similar nature are enforced upon consistently. The permittee must have processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measure requirements. Written enforcement procedures must include informal, formal, and judicial enforcement responses.	viii. Enforcement Response: Maintain records of the enforcement response.	Completed July 1, 2019

*PDD Requirement: Part I.E.4.c.vii. Enforcement Response: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for enforcement response. The document(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place.*

Title	Document Location
Town of Palmer Lake Stormwater Post Construction Oversight Procedures Section 7	Located as Appendix 7, of this Program Description Document. The electronic document template located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms
Private Detention Basin/Stormwater Quality Best Management Practice Maintenance and Agreement and Easements, which	Agreement templates found in Appendix 9 of this Program Description Document. The electronic document templates are located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms/Agreement Templates/  Project specific agreements are in project specific files located: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects

***Tracking:***

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
ix. Tracking: Implement and document procedures and mechanisms to track the location of and adequacy of operation of control measures implemented in accordance with the program.	ix. Tracking: Maintain records of the required control measure and regional WQCV control measure and facilities information.	None given.

*PDD Requirement: Part I.E.4.c.viii. Tracking: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for maintaining the required tracking information.*

Title	Document Location
Town of Palmer Lake Post Construction Oversight Procedures Section 8.	<p>Located as Appendix 7, of this Program Description Document. The electronic document template located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms</p> <p>Project specific agreements are in project specific files located: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects</p>

***Training:***

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
<p>x. Training: Train applicable municipal staff to inspect the control measures in accordance with the permittee’s procedures in Part I.E.4.a.vi and vii. The permittee must identify those who will be likely to inspect the control measures and provide training to those individuals. The training must also include information on trash and its effects on water quality.</p>	<p>x. Training: Name and title of each individual trained, date of training, the type of training, and a list of topics covered.</p>	<p>None given.</p>

*PDD Requirement: Part I.E.4.c.ix. Training: A list of citation(s) and location(s) of the training program and supporting documents.*

Title	Document Location
Town of Palmer Lake Post Construction Oversight Procedures Section 9	<p>Located as Appendix 7, of this Program Description Document. The electronic document template located: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Training</p>

***Applicable Construction Activities that Overlap Multiple Permit Areas:***

Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
<p>xi. For applicable development sites that overlap multiple permit areas (co-regulating MS4 permittee), when a written agreement is in place with a co-regulating MS4 permittee the following is required:</p> <p>(A) Control measure requirements may be imposed on the operator in accordance with the requirements of a co-regulating MS4 permittee pursuant to the written agreement. This requirement does not apply to applicable development sites in the permit area of the Colorado Department of Transportation.</p>	<p>xi. For Applicable Construction Activities that Overlap Multiple Permit: Copies of any written agreements between co-regulating MS4 permittees when required by Part I.E.4.a.xi.</p>	<p>None given.</p>



Program Requirements (Part I.E.4.a)	Recordkeeping (Part I.E.4.b)	Compliance Schedule
(B) Site plan review/acceptance and site inspection actions may be conducted by a co-regulating MS4 permittee to meet the requirement of the permit.		

*PDD Requirement: Part I.E.4.c.x. For Applicable Construction Activities that Overlap Multiple Permit Areas: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee meets all permit requirements in Part I.E.4 for applicable development site for which the permittee is the owner or operator, if different than procedures for private sites.*

Title	Document Location
Town of Palmer Lake Post Construction Oversight Procedures Section 7.	Located as Appendix 7, of this Program Description Document. The electronic document template located: U://JasonD/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Procedures and Forms

## Part I.E.5 Pollution Prevention/Good Housekeeping for Municipal Operations

### ***Municipal Facility Runoff Control Measures:***

Program Requirements (Part I.E.5.a)	Recordkeeping (Part I.E.5.b)	Compliance Schedule
<p>ii. Municipal Facility Runoff Control Measures:</p> <p>(A) The permittee shall implement control measures to prevent or reduce potential discharges of pollutants to the MS4 from the applicable municipal facilities listed below. New written procedures shall be developed and implemented for any new applicable municipal facilities prior to associated pollutant sources being present.</p> <ol style="list-style-type: none"> <li>1) Vehicle maintenance facilities</li> <li>2) Asphalt and concrete batch plants which are not already authorized by a separate CDPS or NPDES discharge permit</li> <li>3) Solid-waste transfer stations where waste and recyclables are briefly held before further transport</li> <li>4) Outdoor storage yards with exposed stockpiles of materials, including stockpiles of road deicing salt, salt and sand, sand, and rotomill material</li> </ol> <p>(B) The permittee shall implement the following categories of control measures as necessary to prevent or reduce the pollutant sources present:</p> <ol style="list-style-type: none"> <li>1) Preventive maintenance</li> <li>2) Good housekeeping</li> <li>3) Spill prevention and response procedures</li> <li>4) Structural control measures</li> <li>5) Evaluation of non-stormwater discharges</li> <li>6) Employee training</li> </ol>	<p>i. Municipal Facility Runoff Control Measures: For each applicable municipal facility:</p> <ol style="list-style-type: none"> <li>(A) Facility identification</li> <li>(B) Description of all pollutant sources</li> <li>(C) Control measures implemented, including installation and implementation specifications and information</li> <li>(D) Staff (position title) responsible for implementation of control measures and associated documentation</li> <li>(E) Description of control measures implemented for bulk storage structures.</li> </ol>	<p>a.ii. Completed July 1, 2017</p> <p>b.i. Completed July 1, 2019</p>

*PDD Requirement: Part I.E.5.c.i. Municipal Facility Runoff Control Measures: A list of citations(s) and locations(s) of the following:*

*(A) List of applicable municipal facilities.*

*(B) List of facilities the permittee owns or operates that are subject to separate CDPS or NPDES permit coverage under the state’s general stormwater permits for discharges of stormwater associated with industrial activity.*

*(C) Citation(s) and location(s) of supporting documents of the municipal facility runoff control measures, including documents that provide control measure installation and implementation specifications and information.*

Title	Document Location
<p>Town of Palmer Lake Municipal Operations Stormwater Manual, Section 1 and 2</p> <p>Facility Runoff Control Plan</p>	<p>Included in this Program Description Document, Appendix 10. The electronic document template is located: U://Jasond/MS4/MS4 Permit 2016-2021/Pollution Prevention and Good Housekeeping</p> <p>Hard copy of each Facility and Runoff Control Plan is kept at each applicable facility.</p> <p>Original documents are maintained by the Public Works Department Supervisor and are located at: U://Jasond/MS4/MS4 Permit 2016-2021/Pollution Prevention and Good Housekeeping/Facility Runoff Control Plans</p>

***Municipal Facility Runoff Control Measures:***

Permit Requirements (Part I.E.5.a)	Recordkeeping (Part I.E.5.b)	Compliance Schedule
<p>ii. Municipal Facility Runoff Control Measures: (C) The permittee shall implement written municipal facility inspection procedures, which must at a minimum include the following:</p> <ol style="list-style-type: none"> <li>1) An annual visual inspection of each applicable municipal facility.</li> <li>2) A verification that the written procedures and documentation reflect current conditions.</li> <li>3) Observation of locations and areas where stormwater from municipal facilities are discharged off-site; or discharged to waters of the state, or to a storm sewer system that drains to waters of the state.</li> <li>4) Observation of facility conditions, including pollutant sources and control measures, to identify inadequate control measure and control measure requiring maintenance.</li> </ol>	<p>i. Municipal Facility Runoff Control Measures: (F) Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:</p> <ol style="list-style-type: none"> <li>1) Inspection date</li> <li>2) Name of inspector</li> <li>3) Applicable facility identification</li> <li>4) Inspection findings including, when present: inadequate control measures, control measures requiring routine maintenance, and if there was any evidence of polluted discharges from the facility</li> <li>5) Confirmation and documentation that the control measures are adequate or a list of follow up actions</li> </ol>	<p>Completed July 1, 2019</p>

*PDD Requirement: Part I.E.5.c.i. Municipal Facility Runoff Control Measures: (D) Citation(s) and location(s) of supporting documents for inspections, including the written procedures for conducting inspections.*

Title	Document Location
<p>Town of Palmer Lake Municipal Operations Stormwater Manual, Section 3.</p>	<p>Included in this Program Description Document, Appendix 10. The electronic document template is</p>

<p>Facility Runoff Control Plan Inspection Report</p>	<p>located: U://Jasond/MS4/MS4 Permit 2016-2021/Pollution Prevention and Good Housekeeping</p> <p>Hard copy of each Facility and Runoff Control Plan is kept at each applicable facility.</p> <p>Facility Runoff Control Plans and inspection reports are maintained by the Public Works Department Supervisor and are located at: U://Jasond/MS4/MS4 Permit 2016-2021/Pollution Prevention and Good Housekeeping/Facility Runoff Control Plans/Inspections.</p>
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***Municipal Operations and Maintenance Procedures:***

Permit Requirements (Part I.E.5.a)	Recordkeeping (Part I.E.5.b)	Compliance Schedule
<p>iii. Municipal Operations and Maintenance Procedures: The permittee shall implement control measures that prevent or reduce discharges for applicable municipal operations that are not covered under Part I.E.5.a.ii(A). New written procedures shall be developed and implemented for any new applicable municipal operations prior to associated pollutant sources being present.</p> <p>(A) At a minimum, implementation of the procedures must prevent or reduce stormwater pollution from the following operations conducted by the permittee:</p> <ol style="list-style-type: none"> <li>1) Operation and maintenance of streets, roads, highways</li> <li>2) Operation and maintenance of municipal parking lots</li> <li>3) Operations at maintenance and storage yards</li> <li>4) Operations at maintenance shops with outdoor storage areas</li> <li>5) Operation and maintenance of snow dumps/snow disposal areas</li> <li>6) Operation and maintenance of sites used for temporary storage of sweeper tailings or other waste piles</li> <li>7) Park and open space maintenance</li> <li>8) Building maintenance</li> <li>9) New construction of municipal facilities</li> <li>10) Application of pesticides, herbicides, and fertilizers</li> <li>11) Large outdoor festivals and events</li> <li>12) Construction activities not subject to the requirements of Part I.E.3</li> <li>13) 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 implemented in accordance with Part I.E.4, unless covered by a separate CDPS or NPDES permit.</li> </ol>	<p>ii. Municipal Operations and Maintenance Procedures: Control measures implemented, including installation and implementation information.</p>	<p>None given.</p>

*PDD Requirement: Part I.E.5.c.ii. Municipal Operations and Maintenance Procedures: A list of citations(s) and locations(s) of the following:*

*(A) List the municipal operations to which this program applies.*

*(B) Citation(s) and location(s) of supporting documents, including documents that provide control measure installation and implementation specifications and implementation.*

Title	Document Location
Town of Palmer Lake Municipal Operations Stormwater Manual, Section 4.	Included in this Program Description Document, as Appendix 10
Town of Palmer Lake Standard Operating Procedures	SOPs are included as Attachment 1 to Appendix 10. The electronic document templates are maintained by the Public Works Department Supervisor and are located: U://Jasond/MS4/MS4 Permit 2016-2021/Pollution Prevention and Good Housekeeping/Procedures and Forms/SOPs

***Nutrient Source Reductions:***

Permit Requirements (Part I.E.5.a)	Recordkeeping (Part I.E.5.b)	Compliance Schedule
<p>iv. Nutrient Source Reductions: The permittee shall implement a municipal operations program that has the ultimate goal of preventing or reducing nitrogen and phosphorus in stormwater runoff associated with the applicable municipal operations and facilities.</p> <p>(A) The permittee shall evaluate, identify, and document the municipal 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 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(s). At a minimum, 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 operations nutrient source if these operations were not covered under Part I.E.5.a.ii and iii.</p>	<p>iii. Nutrient Source Reductions: Control measures implemented to prevent or reduce nitrogen and phosphorus from municipal operations, including installation and implementation information.</p>	<p>Completed July 1, 2020</p>

*PDD Requirement: Part I.E.5.c.iii. Nutrient Source Reductions: A list of citations(s) and locations(s) of the method used to evaluate operations and facilities to identify sources of nitrogen and phosphorus discharges from the MS4 that can be controlled through the implementation of control measures.*

Title	Document Location
Town of Palmer Lake Municipal Operations Stormwater Manual, Section 5.	Included in this Program Description Document, as Appendix 10

	SOPs are included as Attachment 1 to Appendix 10. The electronic document templates are maintained by the Public Works Department Supervisor and are located: U://JasonD/MS4/MS4 Permit 2016-2021/Pollution Prevention and Good Housekeeping/Procedures and Forms/SOPs
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**Outdoor Bulk Storage:**

Permit Requirements (Part I.E.5.a)	Recordkeeping (Part I.E.5.b)	Compliance Schedule
v. Outdoor bulk storage structures, of more than 55 gallons, for petroleum products and any other liquid chemicals located at applicable municipal facilities must have control measures implemented that provide secondary containment or equivalent protection that contains all spills and prevents any spilled material from entering state 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. 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 Part I.E.5.a.ii(A)(5). 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 bulk storage structures.	iv. Bulk Storage: Description of control measures implemented for bulk storage structures, if applicable.	Completed July 1, 2021

*PDD Requirement: Part I.E.5.c.iv.Outdoor Bulk Storage: iv. Bulk Storage: A list of citations(s) and locations(s) of procedures to ensure that this requirement is met.*

Title	Document Location
Town of Palmer Lake Municipal Operations Stormwater Manual, Section 6.	Included in this Program Description Document, as Appendix 10  SOPs are included as Attachment 1 to Appendix 10. The electronic document templates are maintained by the Public Works Department Supervisor and are located: U://JasonD/MS4/MS4 Permit 2016-2021/Pollution Prevention and Good Housekeeping/Procedures and Forms/SOPs

**Training:**

Permit Requirements (Part I.E.5.a)	Recordkeeping (Part I.E.5.b)	Compliance Schedule
vi. Training: Train applicable municipal staff to implement the Pollution Prevention/Good Housekeeping for	v. Training: Name and department of each	None given.

Permit Requirements (Part I.E.5.a)	Recordkeeping (Part I.E.5.b)	Compliance Schedule
<p>Municipal Operations, including training for employees that will conduct inspections in accordance with Part I.E.5.a.ii(C). The permittee must identify those who will be likely to inspect the control measures and provide training to those individuals. The program must inform public employees responsible for operations with the potential to result in an illicit discharge about the permittee's prohibitions against, and potential impacts associated with, illicit discharges from municipal operations. The training must also include information on trash and its effects on water quality.</p>	<p>individual trained, date of training, the type of training, and a list of topics covered.</p>	

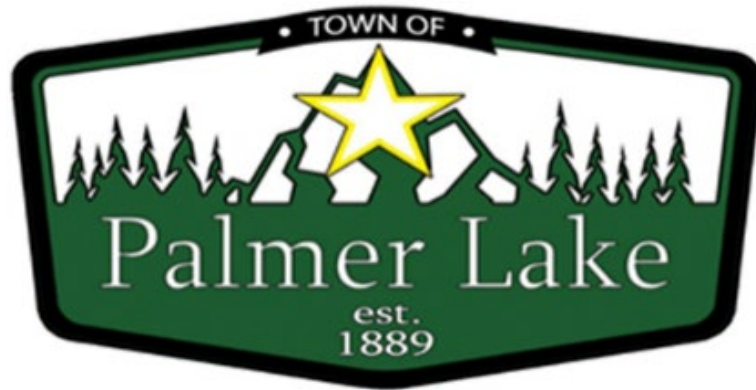
*PDD Requirement: Part I.E.5.c.v.Training: v. Training: A list of citation(s) and location(s) of the training program and supporting documents.*

Title	Document Location
<p>Town of Palmer Lake Municipal Operations Manual, Section 7.</p>	<p>Included in this Program Description Document, as Appendix 10</p> <p>SOPs are included as Attachment 1 to Appendix 10. The electronic document templates are maintained by the Public Works Department Supervisor and are located: U://Jasond/MS4/MS4 Permit 2016-2021/Pollution Prevention and Good Housekeeping/Procedures and Forms/SOPs</p> <p>Training records and documentation are maintained by the Public Works Department Supervisor and are located: U://Jasond/MS4/MS4 Permit 2016-2021/Pollution Prevention and Good Housekeeping/Training</p>

## Appendix 1: Stormwater Public Education and Outreach Strategy

# Town of Palmer Lake

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Version 1: August 2020

## OBJECTIVES OF EDUCATION AND OUTREACH PROGRAM

To provide education and information to the public:

- of the impacts of stormwater on waterbodies,
- of steps to take to reduce pollutants in stormwater runoff,
- of water quality impacts associated with illicit discharges and improper waste disposal, and
- to comply with the COR-090000 MS4 Permit, effective July 1, 2016.

### SECTION 1: ILLICIT DISCHARGES

<i>Permit Requirements: Part I.E.1.a.i. Illicit Discharges</i>		
Requirements Part I.E.1.a.	<p>i. The permittee must provide information to businesses and the general public regarding the permittee's prohibitions of and the water quality impacts associated with illicit discharges as part of the public education program. The permittee may incorporate the education and outreach to meet this requirement into the education and outreach strategies provided in accordance with Part I.E.1.a.ii. The information must include the following:</p> <p>(A) The permittee must determine the targeted businesses that are likely to cause an illicit discharge or improperly dispose of waste. At a minimum, the permittee must identify at least one type of business and a list of those businesses that fit the identified type of business.</p> <p>(B) The permittee must develop and implement at least one education and outreach activity to those businesses identified in Part I.E.1.a.i.(A). Educational materials and activities, individually or as a whole, must describe water quality impacts associated with illicit discharges and the improper disposal of waste, the behaviors of concern, and actions that the business can take to reduce the likelihood of illicit discharges and the improper disposal of waste.</p>	Table 1 Business Outreach
Recordkeeping Part I.E.1.b.	i. A written list of the targeted business(es) that are likely to cause an illicit discharge or improperly dispose of waste and the education and outreach activity for the targeted business(es).	Table 1 Business Outreach

<i>Table 1: Business Outreach</i>		Targeted Businesses determined by type and likelihood of potential illicit discharges	
Targeted Business Type	Activity	Distribution	Location of Documentation
<ul style="list-style-type: none"> <li>▪ Developers</li> <li>▪ Builders</li> <li>▪ Subcontractors: Landscaping Concrete</li> </ul>	<p>Website that...includes actions that can be taken</p> <p>Brochure</p>	<p>Website <a href="http://www.townofpalmerlake.com">www.townofpalmerlake.com</a></p> <p>Provided at Land Use Permitting</p>	U://Jasond/MS4/MS4 Permit 2016-2021/Education and Outreach/Plan and Strategy



**SECTION 2: EDUCATION AND OUTREACH ACTIVITIES**

<b>Permit Requirements: Part I.E.1.a.ii Education and Outreach Activities Table</b>		
Requirements Part I.E.1.a	ii. Education and Outreach Activities Table: Each year, the permittee must implement at least four education and outreach activities (bulleted items) and at least two must be from the Active and Interactive Outreach column. The activities can be the same from year to year or be different each year.	Table 2, Education and Outreach Activities
Recordkeeping Part I.E.1.b	ii. Education and Outreach Activities: A written list of the targeted pollutant sources and/or pollutants, the target audience, and distribution mechanism for each activity and the following:  (A) Dates the activities were implemented, including, as applicable, dates of events and the materials that were made available.  (B) Documentation of the activities that were provided and/or made available and the dates of distribution. Signs, markers, or equivalent intended to be maintained for the permit term must be described with location information.	Table 3, Targeted Pollutant Sources

<b>Table 2: Education and Outreach Activities Table</b> Highlighted items are conducted by Town of Palmer Lake	
<i>Passive Outreach</i>	<i>Active and Interactive Outreach (pick any two bullets each year)</i>
<p>Bus shelter/bench advertisement</p> <p>Billboard/dasher board advertisement</p> <p>Vehicle/bus advertisement</p> <p>Radio/television/movie theatre advertisement</p> <p>Newspaper advertisement</p> <p>Distribute educational materials by brochure</p> <p>Distribute educational materials by fact sheet</p> <p>Distribute educational material by utility bill insert</p> <p>Publish article (hard copy or electronic) (water quality report includes information on pollution prevention)</p> <p>Storm drain marking by permittee staff that maintains 25% of permittee maintained inlets</p> <p>Stormwater related signage</p> <p>Web site : <a href="http://www.townofpalmerlake.com">www.townofpalmerlake.com</a>.</p>	<p>Ongoing advertisement/promotion of a stormwater hotline number or other method to report an illicit discharge</p> <p>Ongoing advertisement/promotion on how to get more information about the stormwater program</p> <p>Ongoing social media program</p> <p>Web site that is interactive or contains stormwater information that includes actions that can be taken to reduce stormwater pollution</p> <p>Newsletter (hard copy or electronic)</p> <p>Promotion of existing local stormwater/environmental events or program that help protect water quality</p> <p>Distribute promotional items or giveaways</p> <p>Participate in or sponsor a water festival which involves populations that exist within the permit boundary</p> <p>Participate in or sponsor a waterway clean-up and trash removal event</p> <p>Participate in or sponsor a service project</p> <p>Participate in or sponsor a stormwater or environmental presentation</p> <p>Participate in or sponsor a stormwater or environmental event</p> <p>Participate in or sponsor community project based programs that investigate watershed health and meet applicable school Science, Technology, Engineering and Math (STEM) standards</p> <p>Participate in or sponsor a household hazardous waste event</p> <p>Participate in or sponsor an Adopt-a-Street program</p> <p>Participate in or sponsor an Adopt-a-Waterway program</p> <p>Participate in or sponsor an Adopt-a-Storm Drain program</p> <p>Provide ongoing access to motor vehicle fluids recycling program</p> <p>Stormwater booth at a community event</p> <p>Conduct a stormwater survey</p> <p>Storm drain marking program performed by the public/community</p> <p>Pet waste stations:</p> <p>Participate in, plan or present stormwater materials to schools</p> <p>Stormwater demonstration projects that show control measures or other pollutant reduction methods</p>

### SECTION 3: NUTRIENTS

<i>Permit Requirements: Part I.E.1.a.iii. Nutrients</i>		
<p>Requirements Part I.E.1.a</p>	<p>iii. 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. Permittees can meet the requirements of this section through contribution to a collaborative program to evaluate, identify, target, and provide outreach that addresses sources state-wide or within the specific region or watershed that includes the receiving waters impacted by the MS4 permittee’s discharge.</p> <p>(A) The permittee must determine the targeted sources (e.g., residential, industrial, agricultural, or commercial) that are contributing to, or have the potential to contribute, nutrients to the waters receiving the discharge authorized under the MS4 permit.</p> <p>(B) The permittee must prioritize which targeted sources are likely to obtain a reduction in nutrient discharges through education. 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. <b>The permittee may incorporate the education and outreach to meet this requirement into the education and outreach strategies provided in accordance with Part I.E.1.a.ii.</b></p>	<p>See Table 3, Targeted Pollutant Sources</p> <p>*priority sources identified in Table 3</p>
<p>Recordkeeping Part I.E.1.b</p>	<p>iii. Nutrients: A written list of the targeted sources that are contributing to, or have the potential to contribute nutrients to stormwater and the education and outreach activity for the targeted sources.</p>	<p>See Table 3, Targeted Pollutant Sources</p>

Table 3: Targeted Pollutant Sources summarized per UDFCD vol. 3 Table 1-1 and International Stormwater BMP Database						*Pollutant Sources
Pollutant source	Audience	Format/Activity	Distribution	Documentation	Documentation (file path)	Dates of implementation, distribution or event(s)
<b>Nutrients *nutrient priority 1</b>						
Soil erosion Cleared vegetation Fertilizers Ag. Waste	Residential	Participate in Regional Outreach Campaign that includes video, audio and print material	Website TV and radio Billboards Bus boards	Coordination correspondence; Invoices; Ads	Hard Copy Files in Stormwater Quality Coordinator file cabinets  Electronic Files: TPL Network Drive: \ U://Jasond/MS4/MS4 Permit 2016-2021/Education and Outreach/Plan and Strategy	August through October
	Commercial Landscapers	Participate in Regional Outreach Campaign that includes video, audio and print material	Website TV and radio Billboards Bus boards	Coordination correspondence; Invoices; Ads	Hard Copy Files in Stormwater Quality Coordinator file cabinets  Electronic Files: TPL Network Drive: \ U://Jasond/MS4/MS4 Permit 2016-2021/Education and Outreach/Plan and Strategy	August through October
	Staff	Standard Operating Procedure	Training	Training Sign In sheets	Hard Copy Files in Stormwater Quality Coordinator file cabinets	Annual Training
<b>Solids *nutrient priority 2</b>						
Soil erosion Cleared vegetation	Construction Industry	Brochure	Provided with Land Use Permitting.	Verification of receipt on approved Land Use Permits.	Electronic Files: TPL Network Drive: U://Jasond/MS4/MS4 Permit 2016-2021/Education and Outreach/Plan and Strategy	January 2021 and Ongoing
	Staff	Standard Operating Procedure	Training	Municipal Operations Stormwater Manual and FRCPS	Electronic Files: TPL Network Drive: \ U://Jasond/MS4/MS4 Permit 2016-2021/Education and Outreach/Plan and Strategy	September 2020 (review/revise SOPs); Training Annually.
<b>Pathogens *nutrient priority 3</b>						
Pet Waste	Dog owners	Pet waste bags	Town parks, trails	Locations of pet waste stations:	Electronic Files: TPL Network Drive: U://Jasond/MS4/MS4 Permit 2016-2021/Education and Outreach/Plan and Strategy	Ongoing
	Landscapers	Participate in Regional Outreach Campaign that includes video, audio and print material	Website TV and radio Billboards Bus boards	Webpage, Coordination correspondence; Ads; Invoices	Hard Copy Files in Stormwater Quality Coordinator file cabinets  Electronic Files: TPL Network Drive: U://Jasond/MS4/MS4 Permit 2016-2021/Education and Outreach/Plan and Strategy	August 2020 Ads run August through October.
	Residential	Participate in Regional Outreach Campaign that includes video, audio and print material	Website TV and radio Billboards Bus boards	Webpage, Coordination correspondence; Ads; Invoices	<a href="#">Town of Palmer Lake webpage</a>  Electronic Files: TPL Network Drive: U://Jasond/MS4/MS4 Permit 2016-2021/Education and Outreach/Plan and Strategy	August 2020 Ads run August through September
<b>Illicit Discharges: Oils, Synthetic Organics, Trash/Debris</b>						
Vehicles Waste Pesticides	Residential DIY; Small Business Automotive	Participate in Regional Outreach Campaign that includes video, audio and print material	Website TV and radio Billboards Bus boards	Webpage, Coordination correspondence; Ads; Invoices	<a href="#">Town of Palmer Lake webpage</a>  Hard Copy Files in Stormwater Quality Coordinator file cabinets	August 2020 Ads run August through September
			Website	Illicit Discharge Log	Electronic Files: TPL Network Drive: U://Jasond/MS4/MS4 Permit 2016-	Illicit Discharge

		Stormwater hotline number to report an illicit discharge			2021/Education and Outreach/Plan and Strategy	September 2020 and ongoing.
	Residential; Commercial	Brochure	Provided with Land Use Permitting.	Verification of receipt on approved Land Use Permits.	<a href="#">Town of Palmer Lake webpage</a>	September 2020 and ongoing.

## Appendix 2: Illicit Discharge Detection and Elimination Plan and Procedures

### Illicit Discharge Detection and Elimination Plan and Procedures

September 2020

The following plan and procedures are developed to comply with the Town of Palmer Lake Municipal Separate Storm Sewer System (MS4) NPDES permit. The enabling law is Title 8 of Palmer Lake Municipal Code, Chapter 8.50 *Prohibition of Illicit Discharges to the Storm Sewer System*; Adopted by Ordinance 04-2020, June 25, 2020.

There are four primary components to this plan: location of priority areas likely to have illicit discharges, including areas with higher likelihood of illicit connections; procedures for tracing the source of an illicit discharge; procedures for removing the source of the discharge; and staff training on the plan and procedures. A fifth component of Town of Palmer Lake Illicit Discharge Detection and Elimination Plan, although not a permit requirement, is prevention and will be discussed at the end the document.

#### Location of Priority Areas

The Town of Palmer Lake is a mountainous community located in a Hillside Overlay area, with very little development and construction. The Town's storm sewer system primarily consists of earthen roadside swales and culverts. Less than ten percent (10%) of the Town streets are constructed with curb, gutter, inlet and pipe systems. Privately owned and maintained stormwater detention and water quality control measures are primary sources of direct discharge to waters of the state.

In 2020, an inventory of all Town of Palmer Lake MS4 outfalls was performed. Information regarding Town storm sewer outfalls was included in this inventory effort. New outfalls are constructed through the development and capital improvement process administered by the Town Clerk. As new storm sewer assets are accepted by the Town, they are inspected and inventoried by the Town Roads Department.

Prior to acceptance of any new infrastructure all new facilities are inspected by a Town of Palmer Lake Inspector for conformance with approved plans. During these preliminary and final acceptance inspections, storm sewer structures are inspected for the evidence of illicit discharges.

Priority areas for illicit discharges are identified using primarily two criteria:

- location of an outfall receiving storm water from an industrialized area; and
- location of previously known illicit discharge.

During the completion of annual storm sewer infrastructure inspections and maintenance, Town inspectors are instructed to look for evidence suggesting an illicit discharge into the storm sewer system.

Due to the low number of reported, suspected or actual illicit discharges, and the very limited industrial component of the Town of Palmer Lake (i.e., the MS4 area), no specific priority areas for illicit discharges have been identified for the Town of Palmer Lake MS4 area.

#### Tracing the Source of an Illicit Discharge

Due to the limited industrial component in Town of Palmer Lake, a "common sense" approach to tracing an illicit discharge back to its source is used on a case-by-case basis. When a concern of an illicit discharge is communicated, a Town inspector will inspect the location for evidence of an illicit discharge. When evidence of an illicit discharge is found, the request is passed onto the Streets Department Supervisor for follow up investigation.

The appropriate personnel will systematically move upstream from the identified illicit discharge point to investigate an obvious source or, at a minimum, bracket an area of the storm sewer system from the known point of discharge to an area immediately upstream to the beginning of evidence of the illicit discharge.

In the event of a suspected hazardous material discharge, the Streets Department Supervisor will contact the El Paso County Hazardous Materials Response Team for assistance and guidance on clean up. When sampling and analysis are needed to identify the makeup of an illicit discharge, Town staff will coordinate with the El Paso County Hazardous Materials Response Team for sample collection. A contract laboratory will be used to analyze collected samples to determine the substances in the discharge. Sampling results will be compared to known potential sources in the collection system area of the discharge. When a possible correlation exists between the illicit discharge sample and a potential source, the Streets Department Supervisor will contact the potential source. Based on preponderance of available evidence a determination will be made on the identity of the source of the discharge.

### **Removal of an Illicit Discharge**

The Town of Palmer Lake Illicit Discharge Ordinance contains several provisions to address and remove illicit discharges. The Ordinance provides for a Notice of Violation which indicates Town will work with violators to clean up an illicit discharge prior to the commencement of enforcement proceedings. The Municipal Code provides for the use of both abatement and criminal prosecution to prevent, enjoin, abate or remove an illicit discharge. It is the policy of Town to reserve the use of enforcement proceedings for recalcitrant or repeat offenders.

After a Notice of Violation, and in the event an owner of the violation fails to clean up or abate an illicit discharge, and if the Town Administrator deems it necessary to utilize Town resources to clean up an illicit discharge, the Ordinance provides for abatement of an illicit discharge at the owner's expense. For extreme cases the Town Board of Trustees may declare a nuisance and order the Town Police Chief to abate the discharge, which such order shall be without delay.

Response to illicit discharges occurring within the Town of Palmer Lake MS4 Permit area are coordinated by the Town Administrator. Response to an illicit discharge may be initiated multiple ways:

1. Citizen call into the Town Hall (719 481 2953), or contact through the Town's webpage: <https://www.townofpalmerlake.com/contact>. Citizens may also call into 911, the Town of Palmer Lake Police and Fire Departments or El Paso County Sheriff's Office. Illicit discharge concerns can also be communicated in person at the Town Hall. Office staff receiving the complaint will initiate response by forwarding the issue onto the Town Clerk or Town Administrator.
2. Citizen call to State Spill Hotline. Reports to the State Spill Hotline are received by the Town Public Works Department Supervisor. If the spill is within Town of Palmer Lake jurisdiction appropriate Town staff will perform a field investigation. For large spills within the Town of Palmer Lake jurisdiction, the Town Public Works Department Supervisor will request assistance with mitigation from the Office of Emergency Management (OEM) On-Call Hazmat Coordinator at (719) 575 8422.
3. Field observation by Town of Palmer Lake staff. In the event of possible illicit discharge, field staff are directed to contact the Public Works Department Supervisor. The Public Works Department Supervisor will contact the appropriate staff and request response. Appropriate staff will perform field investigation and request assistance accordingly to the degree of discharge, like #2 above.

Removal of the illicit discharge is typically performed by the responsible party and overseen by Town staff. In the event a responsible party is not identified; or the responsible party request clean up assistance from the Town, contact clean up support will be coordinated with El Paso County Hazardous Materials Team.

### **Staff Training on Illicit Discharges**

An Illicit Discharge training module has been developed. This training presentation will be provided to all Streets Department, Parks Department and administrative employees annually. New employees to the Town are provided illicit discharge training with new employee orientation.

The training module defines what an illicit discharge is and provides staff with strategies to use in the field to identify potential illicit discharges while performing their normal duties. Staff is instructed to document (with photos if available) basic information about the discharge:

- date and time of observation
- location
- physical characteristics of the discharge, and
- observed possible sources.

Upon documentation of a possible illicit discharge staff is instructed to contact the Public Works Department Supervisor for additional follow up of the incident.

Training on illicit discharges is provided annually. All Streets and Parks staff that drive a Town vehicle are required to attend this training. The training effort reaches approximately 10 staff that are routinely in the field and available to observe instances of illicit discharges.

### **Prevention**

El Paso County operates a permanent Household Hazardous Waste (HHW) collection facility and program. The program is free to all citizens of El Paso and Teller Counties. Services include collection services of most household hazardous wastes including medical “sharps.” Home-pickup for the elderly and home-bound residents is also available.

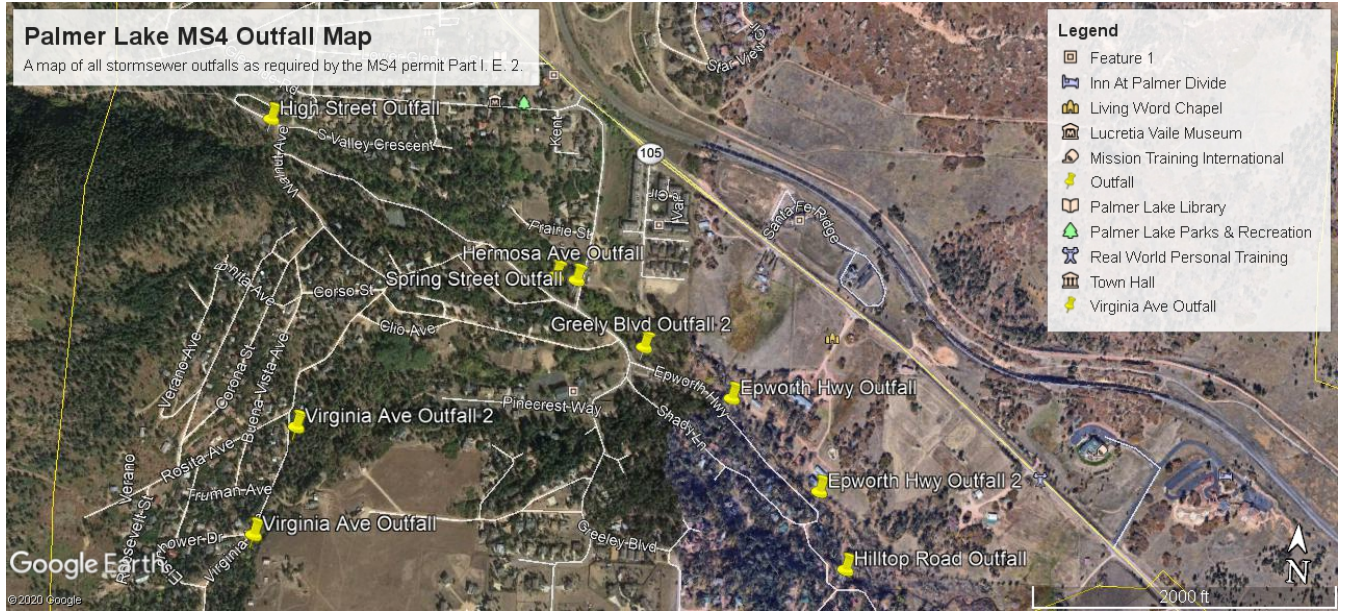
The Town of Palmer Lake encourages its citizens to utilize the HHW collection facility through the Town’s webpage. During festivals and Town organized events, the subject of illicit discharge may be communicated through brochures and outreach.

The subject of illicit discharge is included in the annual media outreach campaign coordinated by the City of Colorado Springs, of which the Town of Palmer Lake is a contributing member. Radio, television and print ad material related to illicit discharges is developed and is broadcast on local radio and television stations and billboards during the summer months. Refer to the Town of Palmer Lake Stormwater Education and Outreach Strategy document for more information.

### **Mapping**

The Town of Palmer Lake storm sewer system outfall map includes a total of nine (9) outfalls. All outfalls originate from residential streets and are comprised of either corrugated metal pipe or reinforced concrete pipe. All discharges are into Monument Creek. The outfall map is maintained by the Town of Palmer Lake Public Works Department Supervisor. Employees may access the map using Google Earth, which is installed on appropriate staff desktop computers. A screen capture of the system map is indicated in Figure 1.

**Figure 1. Town of Palmer Lake Storm Sewer Outfalls 2020**





## Appendix 3: Construction Oversight Procedures

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*Town of Palmer Lake Construction Oversight Procedures (v1).*

## Introduction

Protecting the quality of stormwater runoff is required by the Colorado Discharge Permit System (CDPS) Regulations. The procedures described in this document detail compliance with requirements of the Municipal Separate Storm Sewer System (MS4) Permit issued by the Colorado Department of Public Health and Environment (CDPHE). The CDPHE, Water Quality Control Division (WQCD), through the MS4 permit issued to the Permittee, requires the Permittee to control and reduce the discharge of pollutants to protect stormwater quality and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations (Colorado Regulation 61). Specifically, 61.8(11) Conditions for Phase II Municipal Stormwater Permits states:

(a) An individual permit or general stormwater permit certification issued to a regulated small MS4 shall contain the following requirements, at a minimum:

(i) ...regulated small MS4 develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act (25-8-101 et seq., C.R.S.). ...Implementation of BMPs consistent with the provisions of the stormwater management program required pursuant to this section and the provisions of the permit required pursuant to subsection (ii) constitutes compliance with the standard of reducing pollutants to the MEP...

(ii) Minimum control measures (management programs).

(D) Construction site stormwater runoff control.

(I) 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. If the Division waives requirements for stormwater discharges associated with a small construction activity in accordance with 61.3(2)(f)(ii)(B), the permittee is not required to develop, implement, and/or enforce its program to reduce pollutant discharges from such a site.

(II) 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. The program must include the development and implementation of, at a minimum:

- (a) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;
- (b) Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;
- (c) Requirements for construction site operators to control waste such as discarded building materials, concrete truck

washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

(d) Procedures for site plan review which incorporate consideration of potential water quality impacts;

(e) Procedures for receipt and consideration of information submitted by the public, and

(f) Procedures for site inspection and enforcement of control measures.

## Purpose of Document

This procedure documents the process for complying with the Construction Sites Program in the MS4 Permit.

The procedure may change without notice if it is found to no longer be effective and/or compliant with the MS4 permit requirements. Unless significant changes warrant, this document is reviewed annually and updated as necessary.

## Section 1: Regulatory Mechanisms (Part I.E.3.a.ii)

This section, titled Regulatory Mechanisms, documents the regulatory mechanism for ensuring compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.ii Regulatory Mechanism ...to the extent allowable under state or local law, implement a regulatory mechanism to meet the requirements in Part I.E.3.a., including the following:

(A) The ability to implement sanctions against entities responsible for applicable construction activities.

(B) Require control measures to be implemented for all applicable construction activities from initial disturbance until final stabilization.

(B) Require control measures to be implemented for all applicable construction activities from initial disturbance until final stabilization.

The Town of Palmer Lake updated municipal code in June 2020, to comply with the regulatory mechanism requirements of Parts I.E.3.a.ii. Updates to Titles 14, 16 and 17 of municipal code added requirements for control measure implementation at applicable construction activities. The updates incorporated by reference specific sections of the El Paso County Engineering Criteria Manual (ECM) to provide for consistent criteria applied in the Town as in the County.

For development and redevelopment construction sites that disturb greater than or equal to one (1) acre of land the Town uses the following regulatory mechanisms:

- Application for Land Use New Construction Only
- Application for Land Use Other Construction

In addition to the Application for Land Use the following are required by Chapter 17.50 of Municipal Code:

- A Grading and Erosion Control Plan (GECF) is required prior to start of construction. GECF content requirements of the El Paso County Engineering Criteria Manual (ECM) Chapter 3, and Appendix E are incorporated by reference.
- A Stormwater Management Plan (SWMP) consistent with the content requirements of the El Paso County ECM Appendix E is required to be submitted with an Application for Land Use.

The ability to implement sanctions against entities responsible for applicable construction sites is authorized by Chapter 17.50.120 of Town of Palmer Lake Municipal Code; and the specific sections of Appendix I of the ECM incorporated by reference.

### Exclusions and Exemptions (Part I.E.3.a. i and iii)

This section, titled Exemptions and Exclusions, documents the requirements for sites exempted or excluded from the Construction Sites Program to ensure all exclusions meet the requirements of the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.i. Exclusions: The following construction activities are not subject to the requirements of this section (I.E.3.)

- A. Construction Activities with R-Factor Waiver
- B. Activities for County Growth Areas:
  - 1) Construction activities on sites that began as part of a plan of development prior to the effective date of this permit.
  - 2) Large lot single family development...
- C. Activities for Non-Urban Areas:
  - 1) Facilities associated with oil and gas ...

Part I.E.3.a.iii. Regulatory Mechanism Exemptions, *Procedures must be implemented to ensure that any exemptions, waivers or variances included in the regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.*

Town of Palmer Lake uses a checklist to determine when a construction activity is to be considered an Applicable Construction Activity. Please refer to the Stormwater Permit Applicability Evaluation Form found in the Appendix of this Program Description Document. This form is used to determine and document when construction activity with greater than one acre of land disturbance is excluded consistent with Part I.E.3.a.i. of the permit. Completed evaluation form will be kept with other project specific documentation.

For applicable construction sites, the Town of Palmer Lake does not provide exemptions from its regulatory mechanisms. Alternatives to the design and construction standards provided in Chapter 17.50 of the Municipal Code are handled on a case by case basis. Deviations do not provide exemption to the regulatory mechanisms.

### Section 2: Standards and Requirements (Part I.E.3.a.iv)

This section, titled Standards and Requirements, documents the standards used for ensuring compliance with the Construction Sites Program. It also documents the requirements for submittals.

MS4 Permit Requirement:

Part I.E.3.a.iv. (A), *Appropriate control measures must be implemented prior to the start of construction activity, must control potential pollutants during each phase of construction, and must be continued through final stabilization. Appropriate structural control measures must be maintained in operational condition.*

Town of Palmer Lake uses a checklist to assist in the development and review of Grading and Erosion Control Plans (GECP) and Stormwater Management Plans submitted for review and approval. The checklists are to be used by applicants (i.e. Engineer of Record) to ensure the submitted plans contain all the required elements. The same checklists are used by Town Engineer to guide the review of submitted plans. A copy of the

submitted review checklist is signed and dated by the Town Engineer upon completion of review. The signed and dated checklists are kept with all other project documents in an electronic database.

Included with the Application for Land Use is a requirement for the applicant to develop and submit for review a Stormwater Management Plan (SWMP). The Town of Palmer Lake reviews the Stormwater Management Plan to ensure all the required elements are included in the SWMP. Given that SWMPs are intended to be dynamic documents that reflect onsite conditions at all times, the Town of Palmer Lake does not approve the submitted SWMP. Rather it performs a completeness review to ensure the applicant has at the time of project commencement a SWMP on site that addresses all the required elements of Part I.E.3.a.iv.B of the MS4 permit. A completed SWMP Checklist is signed and dated by the Contracted Engineer upon review and is included with other project records in an electronic database on a shared network file located U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects.

A copy of the Grading and Erosion Control Plan and Stormwater Management Plan templates are included in the Program Description Document as Appendices 5 and 6 and are also on the town network drive: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Procedures and Forms

Standards for the development of control measures may be taken from the following sources for both structural and non-structural control measures:

- The El Paso County Engineering Criteria Manual (ECM);
- Standards adopted by reference in Chapter 1, Section 1.5 of the ECM (i.e., those standards applicable at the time of project application);
- City of Colorado Springs Drainage Criteria Manual 2014 Update: Chapter 6 and Section 3.2.1 of Chapter 13.
- The Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual: Volume 3, Chapter 7, Construction BMPs (version applicable at time of project design).

The Town of Palmer Lake performs an initial inspection prior to the start of construction activity, to ensure the initial stormwater control measures included in the SWMP are implemented.

MS4 Permit Requirement:

Part I.E.3.a.iv.(B) *Control measures must be selected, designed, installed, implemented, and maintained to provide control of 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. At a minimum pollutant sources associated with the following activities (if part of the applicable construction activity) must be addressed:*

- 1) *Land disturbance and storage of soils*
- 2) *Vehicle tracking*
- 3) *Loading and unloading operations*
- 4) *Outdoor storage of construction site materials, building materials, fertilizers, and chemicals*
- 5) *Bulk storage of materials*
- 6) *Vehicle and equipment maintenance and fueling*
- 7) *Significant dust or particulate generating processes*
- 8) *Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, and oils*
- 9) *Concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment*
- 10) *Dedicated asphalt and concrete batch plants.*
- 11) *Other areas or operations where spills can occur.*
- 12) *Other non-stormwater discharges including construction dewatering not covered under the Construction Dewatering Discharges general permit and wash water that may contribute pollutants to the MS4.*

All the required elements listed above are included in the SWMP Checklist provided in Appendix E of the ECM. Significant dust or particulate generating process are addressed by the El Paso County Department of Health Air Pollution Emission Notice required for all construction activity in the Town of Palmer Lake that is greater than or equal to one (1) acre.

### Section 3: Site Plans (Part I.E.3.a.v)

This section, titled Site Plans, documents the requirements for site plans to ensure compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.v.(A) Renewal Permittees: For the time period between the effective date of this permit and the date by which a renewal permittee meets the conditions in Parts I.E.3.a.v (B) through (C), the renewal permittee must continue to implement requirements for construction site operators to implement appropriate erosion and sediment control as documented in the permittee's CDPS Stormwater Management Plan Description developed in accordance with the terms and conditions of the previous permit.

*Not applicable to the Town of Palmer Lake*

MS4 Permit Requirement:

Part I.E.3.a.v.(B) Site Plans, *...require operators to develop site plan(s) that locate (if applicable) and identify all structural and non-structural control measures for the applicable construction activities. The site plan(s) must contain installation and implementation specifications or a reference to the document with installation and implementation specifications for all structural control measures. A narrative description of non-structural control measures must be included in the site plan(s).*

Included in the Application for Land Use is the requirement for the applicant to develop and submit for review and approval a Grading and Erosion Control Plan (GECP) and a Stormwater Management Plan (review only).

### Site Plan Review (Part I.E.3.a.v.(C))

This sub-section, titled Site Plans Reviews, documents the requirements for site plans to ensure compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.v.(C) Initial Site Plan Review, *site plan review for all applicable construction activities prior to the start of construction activities...Initial site plan review shall include the following:*

- 1) *Confirmation that the site plan includes appropriate control measures for all stages of construction, including final stabilization.*
- 2) *Confirmation that the control measures meet the requirements in Part I.E.3.a.iv.*

Site Plan Review Procedures:

The Town of Palmer Lake uses a third party contracted engineering firm to conduct all site plan reviews. For the purposes of this program description document this entity is referred to as the "Town Engineer."

Applications for Land Use in the Town of Palmer Lake are submitted to the Town Clerk. The Town Clerk coordinates submission of all required documents with the applicant. Upon submission of all required documents the Town Clerk will assign the project to the Town Engineer for review.

Upon assignment of a complete submittal, the Town Engineer will provide an initial review of all submitted documents to determine if the proposed project is an Applicable Construction Activity. The Town Engineer uses the Stormwater Permit Applicability Evaluation Form to determine and document if a project is an Applicable Construction Activity. Coordination of subsequent submittals required for final review and development of approval recommendations for the Town Clerk is performed by the Town Engineer.

Town of Palmer Lake developed a checklist to assist in the development and review of Grading and Erosion Control Plans submitted for review and approval. The checklist is to be used by applicants (i.e., Engineer of Record) to ensure the submitted Erosion Control Plan contains all the required elements. The checklist is used by Town of Palmer Lake Project Engineers to guide the review of submitted plans. A copy of a completed review checklist is signed and dated by the Town Engineer upon completion of a submittal review. The signed and dated checklist is kept with all other project documents in an electronic database.

Included in the submission requirements for an Application for Land Use is the requirement for the applicant to develop and submit for review a Stormwater Management Plan (SWMP). Town of Palmer Lake uses a checklist to guide the review of Stormwater Management Plans (SWMPs) to ensure all the required elements are included in the SWMP. Often the site plan used in the Grading and Erosion Control Plan is used as the site map in the SWMP. Given that SWMPs are intended to be dynamic documents that reflect onsite conditions at all times, Town of Palmer Lake does not approve the submitted SWMP. Rather the Town performs a completeness review to ensure the applicant has at the time of project commencement a SWMP that addresses all the required elements of Part I.E.3.a.iv.B of the MS4 permit.

The Town Engineer creates a project specific file folder for each project. All documents submitted for review and approval are provided to the Town Clerk in electronic and hard copy for compliance with recordkeeping requirements of the MS4 permit. Town of Palmer Lake records are kept on a shared network file located: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects.

### **Site Plan Review (Part I.E.3.a.v(D))**

This sub-section, titled Site Plans Reviews, documents the requirements for site plans to ensure compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.v(D): Confirmation that the control measures meet the requirements in Part I.E.3.a.v(A).

For applicable construction projects reviewed by the Town of Palmer Lake the project owner or permittee must sign within the signature block verifying that they have reviewed and accept the terms and conditions of the site plans. Upon completion of the site plan review process the Town Engineer confirms the project site plan meets the control measure requirements of Part I.E.3.a.v.(A) of the MS4 permit and provides a recommendation for project approval to the Town Clerk. For instances where submitted site plans do not meet the requirements of Part I.E.3.a.v.(A), the Town Engineer will provide a recommendation for denial of such submitted plan. Final determination of all Land Use Applications is made the by the Town Board of Trustees during a Town Board Meeting.

All Town Board meeting records are maintained in an electronic file located the Town website: <https://www.townofpalmerlake.com/meetings>.

### **Site Plan Review Documentation (Part I.E.3.b.v)**

This sub-section, titled Site Plan Review Documentation, details the documentation of site plan reviews to ensure compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.b.v. Site Plans, *copy of the final site plan reviewed to meet the initial site plan review requirement, and confirmation of the permittee's review and acceptance.*

For applicable construction projects reviewed and approved by the Town of Palmer the Town Engineer creates a project specific file folder for each project. All documents submitted for review and approval are provided to the Town Clerk in electronic and hard copy for compliance with recordkeeping requirements of the MS4 permit. Town of Palmer Lake records are kept on a shared network file located: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects.

For capital improvement projects initiated by the Town of Palmer Lake that are applicable construction activity, the contracted engineering firm is responsible for ensuring the site plan complies with Part I.E.3.a.v. The Town Engineer provides an initial site plan review and approval recommendation as defined above for other projects. Copies of final approved plan sets are scanned and stored in the project file(s) located: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects.

#### **Section 4: Stormwater Inspection Procedures (Part I.E.3.a.vi.; Part I.E.3.c.vi.)**

This section, titled Stormwater Inspection Procedures, details the stormwater inspection procedures for compliance with the Construction Sites Program.

##### **Frequency of Inspections (Part I.E.3.c.vi(A))**

MS4 Permit Requirement:

Part I.E.3.c.vi. Site Inspection: *Permittee has written procedures for conducting site inspections, including the citation(s) and location(s) of supporting documents that describe the following:*

*(A) The process for determining, implementing, and documenting the inspection frequencies.*

The Town of Palmer Lake incorporated by reference the El Paso County Engineering Criteria Manual (ECM) Appendix I, Section I.5 in July 2020. This section of the ECM provides the basis for determining the types, scopes and frequencies of inspections conducted on applicable construction activity in the Town.

Construction Site Inspections conducted by Town of Palmer Lake inspectors are documented on a Stormwater Field Inspection Report. The form documents the permittee, the inspection frequency and scope of inspections. Copies of completed inspection reports are included with other project specific documentation.

The Stormwater Field Inspection Report Template is located at: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/ Procedures and Forms.

##### **Scope of Inspections (Part I.E.3.c.vi (B))**

MS4 Permit Requirement:

Part I.E.3.c.vi. Site Inspection: *Permittee has written procedures for conducting site inspections, including the citation(s) and location(s) of supporting documents that describe the following:*

*(B) The process for inspection follow-up, including determining, implementing, and documenting the nature of the follow-up action.*

Follow up inspections are described in ECM Appendix I, section I.5.2.F.



The Stormwater Field inspection report is used to document the nature of the follow up action.

### Documentation of Inspections (Part I.E.3.c.vi (C))

MS4 Permit Requirement:

Part I.E.3.c.vi. Site Inspection: *Permittee has written procedures for conducting site inspections, including the citation(s) and location(s) of supporting documents that describe the following:*

*(C) The process and tools used for documenting inspections.*

Town of Palmer Lake Construction Site Inspection procedures are in described in the El Paso County Engineering Criteria Manual (ECM) Appendix I, Section I.5.

Town of Palmer Lake uses a Field Inspection Report to document all inspections. Completed Inspection reports are saved electronically and kept with other project specific files.

### Section 5: Enforcement (Part I.E.3.a.vii and Part I.E.3.c.vii)

This section, titled Enforcement, details the stormwater enforcement procedures for compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.vii. Enforcement Response: *Implement appropriate enforcement procedures and actions to meet the requirements of Part I.E.3.*

*(A) The permittee must have processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measure requirements.*

*(B) The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the violator to ensure that findings of a similar nature are enforced upon consistently.*

*Enforcement procedures must include informal, formal, and judicial enforcement responses.*

Part I.E.3.c.vii Enforcement Response: *A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for enforcement response. The document(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place, including as a minimum:*

*(A) Construction commencing without site plan review in accordance with I.E.3.a.v.*

*(B) Control measures not maintained in operational condition at time of permittee inspection, including sites that have temporarily shut down construction activities.*

*(C) Uncorrected finding(s) from previous inspections.*

*(D) Failure to implement a control measure for a pollutant source or inadequate control measure resulting in a discharge of pollutants from the applicable construction site or to the MS4.*

Construction Site Stormwater Enforcement is authorized by and described in Palmer Lake Municipal Code Title 17, section 17.50.120.

Specific Enforcement mechanisms in order of escalation include: Documented Inspection > Verbal Warning of non-compliance (documented in Inspection Report) > Letter of Noncompliance > Stop Work Order > Revocation of Permit > Performance of Remedial Work > Court Order.

Additional enforcement remedies are provided for in Chapter 1.16 of the Municipal Code.

### Section 6: Training (Part I.E.3.a.viii)

This section, titled Training, details how operators are informed of the requirements for controlling pollutants, including trash, for compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.viii. Training: *The permittee must provide information to operators of applicable construction activities as necessary to ensure that each operator is aware of the permittee's applicable requirements, including controlling pollutants such as trash. The training must also include information on trash as pollutant source.*

The Town of Palmer Lake maintains a website located at: <https://www.townofpalmerlake.com/>. The website provides information to potential construction site operators on the requirements and forms necessary to apply for a Land Use Application. The Town also provides free pre-application consultations upon request.

### **Section 7: Overlapping Permit Areas (Part I.E.3.a.ix)**

This section, titled Overlapping Permit Areas, details the stormwater procedures in cases of overlapping permit areas for compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.ix. *For Applicable Construction Activities that Overlap Multiple Permit Areas, when a written agreement is in place with a co-regulating MS4 permittee:*

*(A) Control measure requirements may be imposed on the operator in accordance with the requirements of a co-regulating MS4 permittee pursuant to the written agreement.*

*(B) Site plan review/acceptance and site inspection actions may be conducted by a co-regulating MS4 permittee to meet the requirement of the permit.*

As a matter of routine course, Town of Palmer Lake will not be utilizing this part of the permit. However, in the event of a multijurisdictional project, the Town of Palmer Lake may enter into a co-regulating written agreement on a case by case basis. Due to the very low number of applicable construction activity occurring within the Town of Palmer Lake, no formal process is defined here.

## Appendix 4: Stormwater Permit Applicability Evaluation Form

This form is to be used by Town of Palmer Lake Engineer to determine and document when a proposed construction project is an “applicable construction activity,” and if any exclusions to permitting apply. Save completed form in project file.

<b>Part I. Project Information</b>	
Project Name:	Project Owner:
Project Location:	Project Number:
Project Description:	

<b>Part II. Determination of Applicable Construction Activities</b> (Refer to Part I.E.3 of MS4 Permit for definitions then check appropriate <i>Yes</i> or <i>No</i> boxes)			
<b>Questions:</b>	<b>Yes</b>	<b>No</b>	<b>Notes:</b>
1. Does project meet definition of Construction Activity in MS4 permit?			
2. Does the project disturb $\geq 1$ acre of land?			
3. Is project part of a larger common plan of development?			
4. Does the project disturb $< 1$ acre of land but discharges to a sensitive area? (refer to ECM Table I-2 for guidance)			
5. <b>Project is Applicable Construction Activity? If:</b> “ <i>Yes</i> ” to all questions; or “ <i>Yes</i> ” to 1 and 2; or “ <i>Yes</i> ” to 1 and 3; or “ <i>Yes</i> ” to 1 and 4.			

If Part II #5 is yes, then continue to Part III.

<b>Part III. Evaluation of Stormwater Permit Exclusions</b> (check <i>Yes</i> or <i>No</i> boxes)			
<b>Questions:</b>	<b>Yes</b>	<b>No</b>	<b>Notes:</b>
1. Does project qualify for R-Factor Waiver? (see requirements in permit, Part I.E.3.a.i (A)) Waiver application available here: <a href="https://www.colorado.gov/pacific/sites/default/files/RWAIVER%20app.pdf">https://www.colorado.gov/pacific/sites/default/files/RWAIVER%20app.pdf</a>			If Yes, must submit waiver application to CDPHE for approval
2. Is project a large single-family residential lot, or agricultural zoned land larger than 2.5 acres with total site imperviousness $\leq 10$ percent?			
3. Is project associated with oil and gas exploration, production, processing, treatment or transmission in Non-Urban Areas?			See MS4 permit Part I.E.3.a.i (C)
4. <b>Do exclusions apply to this project?</b> Check “ <i>Yes</i> ” if answered “ <i>Yes</i> ” to any question in this part.			

<b>Part IV. Final Determination if Stormwater Permit Required</b>		
<b>Questions:</b>	<b>Yes</b>	<b>No</b>
<b>Is project an Applicable Construction Activity?</b>		
<b>Do any exclusion apply to this project?</b>		
<p>If project is an Applicable Construction Activity and no exclusion apply, the applicant must acquire Land Use Permit, develop a Grading and Erosion Control Plan, Stormwater Management Plan, and acquire CDPHE permit prior to beginning land disturbing activity</p> <p>An additional assessment must be completed using the Post-Construction Stormwater Management Applicability Evaluation. This form will determine whether project will be required to implement post-construction (permanent) stormwater control measure.</p> <p>If permit is not required, temporary sediment and erosion control measures must still be implemented.</p>		

**Part V. Notes**

I have performed the MS4 permit applicability evaluation for the project identified in Part 1 of this form. I have reviewed the project information and completed the form to the best of my knowledge.

\_\_\_\_\_  
Signature of Town of Palmer Lake Engineer

\_\_\_\_\_  
Date

## Appendix 5: Grading and Erosion Control Plan Checklist

GRADING AND EROSION CONTROL PLAN CHECKLIST			
	Revised: September 2020	Yes	No
<b>1. GRADING AND EROSION CONTROL PLAN</b>			
a	Vicinity map.		
b	Adjacent city/town/jurisdictional boundaries, subdivision names, and property parcel numbers labeled.		
c	North arrow and acceptable scale (1"=20' to 1"=100').		
d	Legend for all symbols used in the plan.		
e	Existing and proposed property lines. Proposed subdivision boundary for subdivision projects.		
f	All existing structures.		
g	All existing utilities.		
h	Construction site boundaries.		
i	Existing vegetation (notes are acceptable in cases where there is no notable vegetation, only grasses/weeds, or site has already been stripped).		
j	FEMA 100-yr floodplain.		
k	Existing and proposed water courses including springs, streams, wetlands, detention ponds, stormwater quality structures, roadside ditches, irrigation ditches and other water surfaces. Show maintenance of pre-existing vegetation within 50 feet of a receiving water.		
l	Existing and proposed contours 2 feet or less (except for hillside).		
m	Limits of disturbance delineating all anticipated areas of soil disturbance.		
n	Identify and protect areas outside of the construction site boundary with existing fencing, construction fencing or other methods as appropriate.		
o	Offsite grading clearly shown and called out.		
p	Areas of cut and fill identified.		
q	Conclusions from soils/geotechnical report and geologic hazards report incorporated in grading design (slopes, embankments, materials, mitigation, etc.)		
r	Proposed slopes steeper than 3:1 with top and toe of slope delineated. Erosion control blanketing or other protective covering required.		
s	Stormwater flow direction arrows.		
t	Location of any dedicated asphalt / concrete batch plants.		
u	Areas used for staging, storage of building materials, soils (stockpiles) or wastes. The use of construction office trailers may require additional permitting.		



hh	<p>Owner’s Statement (for standalone GEC Plan): I, the owner/developer have read and will comply with the requirements of the Grading and Erosion Control Plan.</p> <p>_____</p> <p>Owner Signature    Date</p>		
ii	<p>Owner’s Statement (for GEC Plan within Construction Drawing set): I, the owner/developer have read and will comply with the requirements of the grading and erosion control plan and all of the requirements specified in these detailed plans and specifications.</p> <p>_____</p> <p>Owner Signature    Date</p>		
jj	<p>Town of Palmer Lake (standalone GEC Plan): Town plan review is provided only for general conformance with Town Design Criteria. The Town is not responsible for the accuracy and adequacy of the design, dimensions, and/ or elevations which shall be confirmed at the job site. The Town through the approval of this document assumes no responsibility for completeness and/ or accuracy of this document. Filed in accordance with the requirements of the Town of Palmer Lake Municipal Code, Drainage Criteria Manual Volumes 1 and 2, and Engineering Criteria Manual, as amended.</p> <p>In accordance with ECM Section 1.12, these construction documents will be valid for construction for a period of 2 years from the date signed by the Town of Palmer Lake Engineer. If construction has not started within those 2 years, the plans will need to be resubmitted for approval, including payment of review fees at the Town of Palmer Lake's discretion.</p> <p>_____</p> <p>Town Project Engineer Signature    Date</p>		
<b>2. ADDITIONAL REPORTS/PERMITS/DOCUMENTS</b>			
a	Soils report / geotechnical investigation as appropriate for grading/utilities/drainage/road construction.		
b	Use Agreement/easement between the Owner or Operator and other third party for use of all offsite grading or stormwater control measures, used by the owner or operator but not under their direct control or ownership.		
c	Floodplain Development Permit		
d	USACE 404/wetlands permit/mitigation plan		
e	FEMA CLOMR		
f	State Engineer's permit/Notice of Intent to Construct		
g	Stormwater Management Plan (SWMP)		
h	Financial Assurance Estimate (FAE) (signed)		

i	Erosion and Stormwater Quality Control Permit (ESQCP) (signed)		
j	Pre-Development Site Grading Acknowledgement and Right of Access Form (signed)		
k	Conditions of Approval met?		
<b>3. STANDARD NOTES FOR TOWN OF PALMER LAKE GRADING AND EROSION CONTROL PLANS</b>			
1	Stormwater discharges from construction sites shall not cause or threaten to cause pollution, contamination, or degradation of State Waters. All work and earth disturbance shall be done in a manner that minimizes pollution of any on-site or off-site waters, including wetlands.		
2	Notwithstanding anything depicted in these plans in words or graphic representation, all design and construction related to roads, storm drainage and erosion control shall conform to the standards and requirements of the most recent version of the relevant adopted Town of Palmer Lake standards, including the Town of Palmer Lake Municipal Code, the Engineering Criteria Manual, the Drainage Criteria Manual, and the Drainage Criteria Manual Volume 2. Any deviations from regulations and standards must be requested, and approved, in writing.		
3	A separate Stormwater Management Plan (SMWP) for this project shall be completed and a Land Use Permit issued prior to commencing construction. Management of the SWMP during construction is the responsibility of the designated Qualified Stormwater Manager or Certified Erosion Control Inspector. The SWMP shall be located on site at all times during construction and shall be kept up to date with work progress and changes in the field.		
4	Once the Land Use Permit is approved and a "Notice to Proceed" has been issued, the contractor may install the initial stage erosion and sediment control measures as indicated on the approved GEC. A Preconstruction Meeting between the contractor, engineer, and Town of Palmer Lake will be held prior to any construction. It is the responsibility of the applicant to coordinate the meeting time and place with Town staff.		
5	Control measures must be installed prior to commencement of activities that could contribute pollutants to stormwater. control measures for all slopes, channels, ditches, and disturbed land areas shall be installed immediately upon completion of the disturbance.		
6	All temporary sediment and erosion control measures shall be maintained and remain in effective operating condition until permanent soil erosion control measures are implemented and final stabilization is established. All persons engaged in land disturbance activities shall assess the adequacy of control measures at the site and identify if changes to those control measures are needed to ensure the continued effective performance of the control measures. All changes to temporary sediment and erosion control measures must be incorporated into the Stormwater Management Plan.		
7	Temporary stabilization shall be implemented on disturbed areas and stockpiles where ground disturbing construction activity has permanently ceased or temporarily ceased for longer than 14 days.		
8	Final stabilization must be implemented at all applicable construction sites. Final stabilization is achieved when all ground disturbing activities are complete and all disturbed areas either have a uniform vegetative cover with individual plant density of 70 percent of pre-disturbance levels established or equivalent permanent alternative stabilization method is implemented. All temporary sediment and erosion control measures shall be removed upon final stabilization and before permit closure.		



9	All permanent stormwater management facilities shall be installed as designed in the approved plans. Any proposed changes that effect the design or function of permanent stormwater management structures must be approved by the Town Engineer prior to implementation.		
10	Earth disturbances shall be conducted in such a manner so as to effectively minimize accelerated soil erosion and resulting sedimentation. All disturbances shall be designed, constructed, and completed so that the exposed area of any disturbed land shall be limited to the shortest practical period of time. Pre-existing vegetation shall be protected and maintained within 50 horizontal feet of a waters of the state unless shown to be infeasible and specifically requested and approved.		
11	Compaction of soil must be prevented in areas designated for infiltration control measures or where final stabilization will be achieved by vegetative cover. Areas designated for infiltration control measures shall also be protected from sedimentation during construction until final stabilization is achieved. If compaction prevention is not feasible due to site constraints, all areas designated for infiltration and vegetation control measures must be loosened prior to installation of the control measure(s).		
12	Any temporary or permanent facility designed and constructed for the conveyance of stormwater around, through, or from the earth disturbance area shall be a stabilized conveyance designed to minimize erosion and the discharge of sediment off site.		
13	Concrete wash water shall be contained and disposed of in accordance with the SWMP. No wash water shall be discharged to or allowed to enter State Waters, including any surface or subsurface storm drainage system or facilities. Concrete washouts shall not be located in an area where shallow groundwater may be present, or within 50 feet of a surface water body, creek or stream.		
14	During dewatering operations of uncontaminated ground water may be discharged on site but shall not leave the site in the form of surface runoff unless an approved State dewatering permit is in place.		
15	Erosion control blanketing or other protective covering shall be used on slopes steeper than 3:1.		
16	Contractor shall be responsible for the removal of all wastes from the construction site for disposal in accordance with local and State regulatory requirements. No construction debris, tree slash, building material wastes or unused building materials shall be buried, dumped, or discharged at the site.		
17	Waste materials shall not be temporarily placed or stored in the street, alley, or other public way, unless in accordance with an approved Traffic Control Plan. control measures may be required by Town of Palmer Lake Engineering if deemed necessary, based on specific conditions and circumstances.		
18	Tracking of soils and construction debris off-site shall be minimized. Materials tracked off-site shall be cleaned up and properly disposed of immediately.		
19	The owner/developer shall be responsible for the removal of all construction debris, dirt, trash, rock, sediment, soil, and sand that may accumulate in roads, storm drains and other drainage conveyance systems and stormwater appurtenances as a result of site development.		
20	The quantity of materials stored on the project site shall be limited, as much as practical, to that quantity required to perform the work in an orderly sequence. All materials stored on-site shall be stored in a neat, orderly manner, in their original containers, with original manufacturer's labels.		

21	No chemical(s) having the potential to be released in stormwater are to be stored or used onsite unless permission for the use of such chemical(s) is granted in writing by the ECM Administrator. In granting approval for the use of such chemical(s), special conditions and monitoring may be required.		
22	Bulk storage of allowed petroleum products or other allowed liquid chemicals in excess of 55 gallons shall require adequate secondary containment protection to contain all spills onsite and to prevent any spilled materials from entering State Waters, any surface or subsurface storm drainage system or other facilities.		
23	No person shall cause the impediment of stormwater flow in the curb and gutter or ditch except with approved sediment control measures.		
24	Owner/developer and their agents shall comply with the “Colorado Water Quality Control Act” (Title 25, Article 8, CRS), and the “Clean Water Act” (33 USC 1344), in addition to the requirements of the Land Development Code, DCM Volume II and the ECM Appendix I. All appropriate permits must be obtained by the contractor prior to construction (1041, NPDES, Floodplain, 404, fugitive dust, etc.). In the event of conflicts between these requirements and other laws, rules, or regulations of other Federal, State, local, or County agencies, the most restrictive laws, rules, or regulations shall apply.		
25	All construction traffic must enter/exit the site only at approved construction access points.		
26	Prior to construction the permittee shall verify the location of existing utilities.		
27	A water source shall be available on site during earthwork operations and shall be utilized as required to minimize dust from earthwork equipment and wind.		
28	The soils report for this site has been prepared by _____ and shall be considered a part of these plans.		
29	At least ten (10) days prior to the anticipated start of construction, for projects that will disturb one (1) acre or more, the owner or operator of construction activity shall submit a permit application for stormwater discharge to the Colorado Department of Public Health and Environment, Water Quality Division. The application contains certification of completion of a stormwater management plan (SWMP), of which this Grading and Erosion Control Plan may be a part. For information or application materials contact:  Colorado Department of Public Health and Environment Water Quality Control Division WQCD – Permits 4300 Cherry Creek Drive South Denver, CO 80246-1530 Attn: Permits Unit		
<b>4. Applicant Comments:</b>			
<b>5. Checklist Review Certifications:</b>			

a	<p>Engineer of Record: The Grading and Erosion Control Plan was prepared under my direction and supervision and is complete and correct to the best of my knowledge and belief. Said Plan has been prepared according to the criteria established by the Town for Grading and Erosion Control Plans.</p> <hr/> <p>Engineer of Record Signature _____ Date _____</p>		
b	<p>Town Engineer: The Grading and Erosion Control Plan was reviewed and found to meet the checklist requirements except where otherwise noted or allowed by an approved deviation request.</p> <hr/> <p>Town Engineer _____ Date _____</p>		

## Appendix 6: Stormwater Management Plan Checklist

STORMWATER MANAGEMENT PLAN CHECKLIST			
	Revised: September 2020	Yes	No
<b>1. STORMWATER MANAGEMENT PLAN (SWMP)</b>			
1	Applicant (owner/designated operator), SWMP Preparer, Qualified Stormwater Manager, and Contractor Information. (On cover/title sheet)		
2	Table of Contents		
3	Site description and location to include vicinity map with nearest street/crossroads description.		
4	Narrative description of construction activities proposed (e.g., may include clearing and grubbing, temporary stabilization, road grading, utility / storm installation, final grading, final stabilization, and removal of temporary control measures)		
5	Phasing plan – may require separate drawings indicating initial, interim, and final site phases for larger projects. Provide “living maps” that can be revised in the field as conditions dictate.		
6	Proposed sequence for major activities: Provide a construction schedule of anticipated starting and completion dates for each stage of land-disturbing activity depicting conservation measures anticipated, including the expected date on which the final stabilization will be completed.		
7	Estimates of the total site area and area to undergo disturbance; current area of disturbance must be updated on the SWMP as changes occur.		
8	Soil erosion potential and impacts on discharge that includes a summary of the data used to determine soil erosion potential		
9	A description of existing vegetation at the site and percent ground cover and method used to determine ground cover		
10	Location and description of all potential pollution sources including but not limited to: disturbed and stored soils; vehicle tracking; management of contaminated soils; loading and unloading operations; outdoor storage of materials; vehicle and equipment maintenance and fueling; significant dust generating process; routine maintenance activities involving fertilizers, pesticides, herbicides, detergents, fuels, solvents, oils, etc.; on-site waste management; concrete truck/equipment washing; dedicated asphalt, concrete batch plants and masonry mixing stations; non-industrial waste such as trash and portable toilets		
11	Material handling to include spill prevention and response plan and procedures.		
12	Spill prevention and pollution controls for dedicated batch plants		
13	Other SW pollutant control measures to include waste disposal and off site soil tracking		
14	Location and description of any anticipated allowable non-stormwater discharge (ground water, springs, irrigation, discharge covered by CDPHE Low Risk Guidance, etc.)		
15	Name(s) of ultimate receiving waters; size, type and location of stormwater outfall or storm sewer system discharge		
16	Description of all stream crossings located within the project area or statement that no streams cross the project area		

17	SWMP Map to include:		
17a	construction site boundaries		
17b	flow arrows to depict stormwater flow directions		
17c	all areas of disturbance		
17d	areas of cut and fill		
17e	areas used for storage of building materials, soils (stockpiles) or wastes		
17f	location of any dedicated asphalt / concrete batch plants		
17g	location of all structural control measures		
17h	location of all non-structural control measures		
17i	springs, streams, wetlands and other surface waters, including areas that require maintenance of pre-existing vegetation within 50 feet of a receiving water		
18	Narrative description of all structural control measures to be used. Modifications to ECM standard control measures must meet or exceed approved details.		
19	Description of all non-structural control measures to be used including seeding, mulching, protection of existing vegetation, site watering, sod placement, etc.		
20	Technical drawing details for all control measure installation and maintenance; custom or other jurisdiction's details used must meet or exceed ECM standards.		
21	Procedure describing how the SWMP is to be revised		
22	Description of Final Stabilization and Long-term Stormwater Quality (describe nonstructural and structural measures to control SW pollutants after construction operations have been completed, including detention, water quality control measure etc.)		
23	Specification that final vegetative cover density is to be 70% of pre-disturbed levels		
24	Outline of permit holder inspection procedures to install, maintain, and effectively operate control measures to manage erosion and sediment		
25	Record keeping procedures identified to include signature on inspection logs and location of SWMP records on-site		
26	If this project relies on control measures owned or operated by another entity, a documented agreement must be included in the SWMP that identifies location, installation and design specifications, and maintenance requirements and responsibility of the control measure(s).		
	<b>Please note: all items above must be addressed. If not applicable, explain why, simply identifying "not applicable" will not satisfy CDPHE requirement of explanation.</b>		
<b>2. <u>ADDITIONAL REPORTS/PERMITS/DOCUMENTS</u></b>			
a	Grading and Erosion Control Plan (signed)		
b	Land Use Permit (signed)		
<b>3. <u>Applicant Comments:</u></b>			

a			
<b>4. Checklist Review Certifications:</b>			
a	<p>Engineer of Record:  The Stormwater Management Plan was prepared under my direction and supervision and is correct to the best of my knowledge and belief. Said Plan has been prepared according to the criteria established by the County and State for Stormwater Management Plans.</p> <p>_____</p> <p>Engineer of Record Signature                      Date</p>		
b	<p>Town Engineer:  The Stormwater Management Plan was reviewed and found to meet the checklist requirements except where otherwise noted or allowed by an approved deviation request.</p> <p>_____</p> <p>Town Engineer                                      Date</p>		

## Appendix 7: Post Construction Oversight Procedures

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*Town of Palmer Lake Post Construction Stormwater Management Procedures: V1 September 2020*

## Introduction

Protecting the quality of stormwater runoff is required by the Colorado Discharge Permit System (CDPS) Regulations. The procedures described in this document detail compliance with requirements of the Municipal Separate Storm Sewer System (MS4) Permit issued by the Colorado Department of Public Health and Environment (CDPHE). The CDPHE, Water Quality Control Division (WQCD), through the MS4 permit issued to the Permittee, requires the Permittee to control and reduce the discharge of pollutants to protect stormwater quality and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations (Colorado Regulation 61). Specifically, 61.8(11) Conditions for Phase II Municipal Stormwater Permits states *(a) An individual permit or general stormwater permit certification issued to a regulated small MS4 shall contain the following requirements, at a minimum:*

- (i) ...regulated small MS4 develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act (25-8-101 et seq., C.R.S.). ...Implementation of BMPs consistent with the provisions of the stormwater management program required pursuant to this section and the provisions of the permit required pursuant to subsection (ii) constitutes compliance with the standard of reducing pollutants to the MEP...*
- (ii) Minimum control measures (management programs).*
  - (E) Post-construction stormwater management in new development and redevelopment*
    - (I) The permittee must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.*
    - (II) The permittee must:*
      - (a) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community;*
      - (b) Use an ordinance or other regulatory mechanism to address post construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and*
      - (c) Ensure adequate long-term operation and maintenance of BMPs.*

The MS4 general permit (COR-090000) requires Post Construction Stormwater Management in New Development and Redevelopment Program, and a program to reduce the discharge of pollutants to the MS4 from applicable public and private development sites must be implemented.

## Purpose of Document

This procedure, titled *Stormwater Post-Construction Program Procedures*, documents the process for complying with the Post-Construction Stormwater Management in New Development and Redevelopment Program in the MS4 Permit. The procedure may change without notice if it is found to no longer be effective and/or compliant with the MS4 permit requirements. Unless significant changes warrant, this Document is reviewed annually and updated as necessary.

## Section 1: Post Construction Regulatory Mechanisms (Part I.E.4.a.ii)

This section, titled Post Construction Regulatory Mechanism, documents the regulatory mechanism used to meet the requirements of the Post-Construction Stormwater Management in New Development and Redevelopment Program.



Permit Requirement:

Part I.E.4.a.ii. Regulatory Mechanism: *To the extent allowable under state or local law, implement a regulatory mechanism to meet the requirements in Part I.E.4.a., including:*

- (A) Require control measures to be implemented for all applicable development sites.*
- (B) Enforce the conditions of the exclusions above if applicable.*
- (C) Require the long-term operation and maintenance of control measures*
- (D) Ensure that mechanisms are in place as necessary to meet this requirement for control measures used to meet the requirements of this permit by an applicable development site in the permit area that are located outside of the jurisdictional control of the permittee.*
- (E) Implement sanctions against entities responsible for applicable development sites and for the long-term operation and maintenance of the control measures.*

The following regulatory mechanisms are the stormwater quality requirements to reduce the discharge of pollutants to the MS4 from applicable development sites.

The Town of Palmer Lake Municipal Code Title 16 is the primary regulatory mechanism for the oversight of applicable development sites. Enforcement and sanctions for long term operation and maintenance of control measures is authorized in Section 16.20.030 and Chapter 1.16 of the Municipal Code.

All applicable development sites, as defined in Title 16 of the Municipal Code, shall implement post construction (permanent) storm water quality control measures consistent with the requirements of this Chapter 17.50 and Title 16 of this Code. For the purposes of selection and design of post construction stormwater control measure, the criteria presented in Appendix I, section I.7 of the El Paso County ECM shall be used. Control measures for new development and redevelopment shall meet one of the minimum base design standards listed in Appendix I, section I.7.C. of the ECM.

Town of Palmer Lake requires maintenance agreements and easements for privately owned permanent stormwater control measures in accordance with Title 16 of the Municipal Code. The agreement templates are found in Appendix 9 of this PDD.

## Section 2: Exemptions and Exclusions (Part I.E.4.a. i and iii)

This section, titled Exemptions and Exclusions, documents the requirements for sites that can be exempted or excluded from the Post-Construction Stormwater Management in New Development and Redevelopment Program to ensure all exclusions meet the requirements of the Post-Construction Stormwater Management in New Development and Redevelopment Program.

MS4 Permit requirement:

Part I.E.4.a.i. Excluded Sites: Permittees may exclude the following from the requirements of an applicable development site:

- A) *Pavement Management Sites;*
- B) *Excluded Roadway Redevelopment;*
- C) *Excluded Existing Roadway Areas for Roadway Redevelopment;*
- D) *Aboveground and underground utilities;*
- E) *Large Lot Single Family Sites;*
- F) *Non-Residential and Non-Commercial Infiltration Conditions;*
- G) *Sites with Land Disturbance to Undeveloped Land that will Remain Undeveloped;*
- H) *Stream Stabilization Sites;*
- I) *Trails;*
- J) *Oil and Gas Exploration;*
- K) *County Growth Areas*
  - 1) *Construction activities on sites that began as part of a plan of development prior to July 1, 2019;*
  - 2) *Agricultural facilities and structures on agricultural zoned lands (e.g., barns and stables);*
  - 3) *Residential development site or larger common plans of development for which associated construction activities results in a land disturbance of less than or equal to 10 acres and have a proposed density of less than 1,000 people per square mile.*
  - 4) *Commercial or industrial development site or larger common plans of development for which associated construction activities results in a land disturbance of less than or equal to 10 acres.*

Part I.E.4.a.iii. Regulatory Mechanism Exemptions: *Procedures must be implemented to ensure that any exclusions, exemptions, waivers, and variances included in the regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.*

Town of Palmer Lake uses a checklist to aid in the determination of when a permanent stormwater control measure will be required. The checklist is titled, "Post Construction Stormwater Management Applicability Evaluation Form." The Engineer of Record for the applicant shall use this checklist to determine and document:

1. If a permanent water quality control measure is required; or
2. If an applicable development site is eligible for any of the exclusions provided in Part 1.E.4.A.iii. of the MS4 permit; and
3. The base design standard used.

The Post Construction Stormwater Management Applicability Evaluation Form is located in Appendix 8 of the Town of Palmer Lake MS4 Program Description Document.

The completed checklist for each project is reviewed for accuracy, signed and dated by the Town Engineer. Completed checklists are included with the project file documentation on a shared network file U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects.

### Section 3: Control Measure Requirements – Design Standards (Part I.E.4.a.iv)

This section, titled Design Standards, documents the standards used for ensuring compliance with the Post-Construction Stormwater Management in Development and Redevelopment Program. It also documents the requirements for submittals to ensure procedures to determine the design standard are documented.

MS4 Permit Requirement:

Part I.E.4.a.iv. Control Measure Requirements: *The permittee’s requirements and oversight for applicable development sites must be implemented to address the selection, installation, implementation, and maintenance of control measures in accordance with requirements in Part I.B. The “base design standard” is the minimum design standard for new development and redevelopment.*

Part I.E.4.b.iv. Control Measure Requirements: *Procedures to determine which design standard applies to each applicable development site and the design specifications for each design standard (if applicable).*

In June of 2020, the Town of Palmer Lake adopted by reference specific sections of the El Paso County Engineering Criteria Manual (ECM) for use in the oversight of applicable development sites. By doing so, the Town also incorporated by reference other criteria manuals that were incorporated by reference in the ECM. For clarity, the following criteria are used by the Town of Palmer Lake:

- 1) The El Paso County Engineering Criteria Manual (ECM), revision 7, July 2, 2019:
  - a) Chapter 3 – Drainage: in its entirety.
  - b) Appendix E – Checklist and Permits: Grading and Erosion Control Plan Checklist and Standard Notes; Stormwater Management Plan Checklist.
  - c) The following sections of Appendix I:
    - i. I.2 Overview
    - ii. I.3 Adoption of Drainage Criteria Manuals by El Paso County
    - iii. I.4.1.b Permit Holder Responsibilities
    - iv. I.4.1.c Transfer of Property and Permit Holder Responsibilities
    - v. I.5 El Paso County Construction Site Inspections
    - vi. I.7 Post Construction Stormwater Management
    - vii. I.9. Supplemental Information: Urban Drainage Flood Control District’s (renamed: Mile High Flood District) Hydrology and Hydraulics Design Tools
- 2) The City of Colorado Springs Drainage Criteria Manual Volume 2 (DCM2) was adopted as the El Paso County’s stormwater quality design criteria. It is supplemented by Appendix I of the ECM, which provides additions and revisions as applicable to the County in order to expand its scope to cover rural areas and other situations specific to the County. The goal has been to maintain consistency between criteria used in the County, the City of Colorado Springs and the Town of Palmer Lake
- 3) On January 27, 2015, El Paso County adopted certain portions of the revisions made by the City of Colorado Springs to the Drainage Criteria Manual Volume 1, dated May 2014. Specifically, Chapter 6 in its entirety, Sections 3.2.1, 4.1.2, 4.1.3, 4.1.4, 4.2, 4.2.1, 4.2.2, and Figures 13-4a, 13-4b, and 13-5 of Chapter 13 were adopted to update the County criteria to reflect recent advances in hydrology.

The process used in Town of Palmer Lake to determine when permanent stormwater quality control measures are required and the selection process for appropriate control measures are discussed in the ECM Appendix I, Section I.7. The base design standard used for an applicable development site is documented in the *Post Construction Stormwater Management Applicability Evaluation Form* and kept with other project specific files on a shared network folder located at: U://JasonD/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects.

## Section 4: Site Plan Requirements (Part 1.E.4.a.v)

This section, titled Site Plan Requirements, documents the requirements for site plan submittals to ensure compliance with Post-Construction Stormwater Management in Development and Redevelopment Program.

MS4 Permit Requirement:

Part 1.E.4.a.v. (A) Site Plans, Site Plan Requirements, *Site plans that include control measures for the applicable development sites must include the following:*

- 1) Design details for all structural control measures implemented to meet the requirements of Part 1.E.4.*
- 2) A narrative reference for all non-structural control measures for the site, if applicable. "Non-structural control measures" are control measures that are not structural control measures, and include, but are not limited to; control measures that prevent or reduce pollutants being introduced to water or that prevent or reduce the generation of runoff or illicit discharges.*

For the review of project documents, the Town Engineer reviews the site plan, grading and erosion control plan, drainage report and stormwater management plan to ensure that all structural control measures included therein have design details provided. The design details are checked to be in compliance with the Engineering Criteria Manual or other referenced criteria source therein.

The Town Engineer reviews the stormwater management plan as well as the grading and erosion control plan using the Town of Palmer Lake checklists to ensure that non-structural control measures are identified. Upon completion of review, the Town Engineer signs and dates each checklist used during the review and they are kept with other project documentation.

MS4 Permit Requirement:

Part 1.E.4.a.v. (A) Site Plans, Site Plan Requirements, *Site plans that include control measures for the applicable development sites must include the following:*

- 3) Documentation of operation and maintenance procedures to ensure the long-term observation, maintenance, and operation of the control measures. The documentation shall include frequencies for routine inspections and maintenance activities.*

Permanent stormwater control measures that are to be privately owned and maintained are reviewed by Town Engineer. The Town Engineer ensures that the appropriate operation and maintenance manual as well as a signed maintenance and access agreement has been submitted and that it is filled out by the applicant accurately for each permanent stormwater management facility included in the project.

The Operations and Maintenance Manual for privately owned and maintained permanent stormwater control measures is included with a maintenance and access agreement and is recorded with El Paso County Clerk and Recorders Office. Upon completion of construction of a project, the permanent stormwater control measures are included in the Town of Palmer Lake Stormwater Control Measure Inventory as "private" structure for MS4 tracking purposes.

For permanent stormwater control measures that are to be owned and maintained by Town of Palmer Lake the Town Engineer ensures that an appropriate operations and maintenance (O&M) manual is developed for each permanent stormwater control measure included in the project. Upon completion of the project and acceptance of the

structure(s) into the Town of Palmer Lake inventory, a Work Order is created for inspections and routine maintenance as described in the O&M manual.

For both types of projects (i.e., private and public maintained) the frequency of inspections and maintenance are documented in the specific control measure O&M Manual(s).

MS4 Permit Requirement:

Part I.E.4.a.v. (A) Site Plans, Site Plan Requirements, *Site plans that include control measures for the applicable development sites must include the following:*

*4) Documentation regarding easements or other legal means for access of the control measure sites for operation, maintenance, and inspection of control measures.*

For all permanent stormwater control measures that are to be maintained by a private entity (i.e. not the Town) the ECM Appendix I, Section I.7.7, presents the requirement to include easements in the Private Detention Basin/Stormwater Quality Control Best Management Practice Maintenance Agreement and Easement (Maintenance Agreement). The Town Engineer makes sure that the site plan contains all easements, including access and maintenance easements for all permanent stormwater control measures. Additionally, the Town Engineer makes sure that the maintenance agreement is submitted with the information filled in appropriately for all structures associated with the applicable development site. The maintenance agreement contains legal means for the Town to access, inspect, and maintain the control measures, when not done by the owner.

For all permanent stormwater management control measures that will be maintained by Town of Palmer Lake the Town Engineer ensures all easement and/or right of way identified in proposed construction plans are obtained prior to construction. Right of Way and easements are approved by the Town Board of Trustees and recorded by the El Paso County Clerk and Records Offices.

Easements and/or right of way are identified in the approved plans and copies are kept with project documentation located: U://Jasond/MS4/MS4 Permit 2016-2021/Construction Oversight/Projects.

### **Site Plan Review (Part I.E.4.a.v (B and C))**

This sub-section, titled Site Plan Review, documents the requirements for site plan review to ensure compliance with Post-Construction Stormwater Management in Development and Redevelopment Program.

MS4 Permit Requirement:

Part I.E.4.a.v (B) Site Plan Review: *The permittee shall implement a site plan review process for applicable development sites. The site plan review shall include the following minimum requirements designed to prevent inadequate control measures from being implemented or modified:*

- 1) Confirmation that control measures meet the requirements of Part I.E.4.*
- 2) Confirmation that site plans meet the requirements of Part I.E.4.a.v.*

*(C) The permittee must meet the requirements of Part I.E.4.a.v.(A) and (B) before approving any modifications to the site plan.*

The Town Engineer uses standard checklists for the review of both the Grading and Erosion Control Plan and Stormwater Management Plan (SWMP). These checklists are located in this Program Description Document as Appendix 5 and 6, respectively.

For all applicable development sites, a *Post-Construction Stormwater Management Applicability Evaluation Form* is used to determine if an applicable development site is eligible for an exclusion included in Part I.E.4.a.i of the MS4 permit; and for documenting which base design standard is used.

### **Section 5: Construction Inspection and Acceptance (Part I.E.4.a.vi)**

This section, titled Construction Inspection and Acceptance, documents the requirements for site inspections to ensure compliance with Post-Construction Stormwater Management in Development and Redevelopment Program.

MS4 Permit Requirement:

Part I.E.4.a.vi. Construction Inspection and Acceptance: *The permittee must implement inspection and acceptance procedures to ensure that control measures are installed and implemented in accordance with the site plan and include the following:*

*(A) Confirmation that the completed control measure operates in accordance with the approved site plan.*

*(B) All applicable development sites must have operational permanent water quality control measures at the completion of the site. In the case where permanent water quality control measures are part of future phasing, the permittee must have a mechanism to ensure that all control measures will be implemented, regardless of completion of future phases or site ownership. In such cases, temporary water quality control measures must be implemented as feasible and maintained until removed or modified. All temporary water quality control measure must meet one of the design standards in Part I.E.4.a.iv.*

*For the purpose of this section, completion of a site or phase shall be determined by the issuance of a certificate of occupancy, use of the completed site area according to the site plan, payment marking the completion of a site control measure, the nature of the selected control measure or equivalent determination of completion as appropriate to the nature of the site.*

Throughout the construction process, Town Inspectors perform routine inspections to ensure applicable development sites are proceeding according to approved plans.

At the completion of a project the Town inspector evaluates permanent stormwater management facilities for general conformance with the approved plans. The inspector uses criteria presented in ECM Appendix I, Section I.5.2.G, and the approved project site plans to determine if the permanent stormwater management structures are constructed consistent with approved plans and are in acceptable condition (e.g., no obvious maintenance or repairs required).

### **Section 6: Long-Term Operation and Maintenance and Post Acceptance Oversight (Part I.E.4.a.vii)**

This section, titled Long-Term Operation and Maintenance and Post Acceptance Oversight, documents the requirements for site inspections to ensure compliance with Post-Construction Stormwater Management in Development and Redevelopment Program.

MS4 Permit Requirement:

Part I.E.4.a.vii. Long-Term Operation and Maintenance and Post Acceptance Oversight:

*(A) Procedures to enforce the requirements for the owner or operator to implement and maintain control measures when necessary.*

Enforcement of the requirements to implement and maintain permanent stormwater quality control measures (BMPs) is explicitly stated within the content of each Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement document. The templates for the agreements are found in Appendix G of the El Paso County ECM and are included in this Program Description Document as Appendix 9

For permanent stormwater control measures that are to be maintained by a private entity (i.e., not Town of Palmer Lake), the Maintenance Agreement(s) are submitted for recordation with the Final Plat or upon approval of the site development plan. All Maintenance Agreements and the performance thereof become a covenant running with the parcel of land on which the permanent stormwater control measure is located.

### **Post Acceptance Oversight (Part I.E.4.a.vii(B))**

MS4 Permit Requirement:

Part I.E.4.a.vii. Long-Term Operation and Maintenance and Post Acceptance Oversight:

*(B) Oversight shall include inspections of field conditions and control measures to confirm conformity with the site plan, identify any inadequate control measures, and identify control measures requiring routine maintenance, such as trash removal. All functional elements of control measures shall be inspected at a frequency determined by the permittee. Inspections of each control measure shall occur at least once during the permit term except when inspections for oversight of control measures on individual residential lots serving only the individual lot shall occur as determined by the permittee and may rely on alternative oversight process.*

Upon Final Acceptance, all permanent stormwater control measures are entered into a Town of Palmer Lake MS4 Permanent Control Measure Inventory. Upon entry into the inventory, a work order is created in the Roads Department to include an inspection once every five (5) years for privately owned and maintained structures; and once a year for Town owned and maintained structures.

Inspection forms, specific for each type of permanent control measure, are used to guide and document the inspection of all structures. Completed Inspection forms are kept with other structure specific documents in the Town of Palmer Lake MS4 Permanent BMP Inventory.

Maintenance of all Town maintained structures, is completed upon completion of an inspection indicating the need for maintenance. For privately owned and maintained structures, when a Town oversight inspection indicates the need for maintenance and repair, the owner will be notified consistent with the process included in the Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement.

### **Section 7: Enforcement Response (Part I.E.4.a.viii)**

This section, titled Enforcement Response, documents the requirements for enforcement to ensure compliance with Post-Construction Stormwater Management in Development and Redevelopment Program.

MS4 Permit Requirement:

Part I.E.4.a.viii. Enforcement Response: *Implement appropriate written enforcement procedures and actions to meet the requirements of Part I.E.4. The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the violator to ensure that findings of a similar nature are enforced upon consistently. The permittee must have processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measure requirements. Written enforcement procedures must include informal, formal, and judicial enforcement responses.*

*Part I.E.4.c.vii. Enforcement Response: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for enforcement response. The document(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place.*

Enforcement of the requirements to implement and maintain permanent stormwater quality control measures (BMPs) is explicitly stated within the content of each Private Detention Basin/Stormwater Quality Best Management Practice

Maintenance Agreement and Easement document. The templates for these agreements are found in Appendix G of the El Paso County ECM and are located in this Program Description Document as Appendix 9.

Project specific agreements approved by the Town Board of Trustees are kept with other project specific documentation on the Town shared network drive:

### **Section 8: Tracking (Part I.E.4.a.ix)**

This section, titled Tracking, documents the tracking requirements for control measures to ensure compliance with Post-Construction Stormwater Management in Development and Redevelopment Program.

MS4 Permit Requirement:

Part I.E.4.a.ix. Tracking: *Implement and document procedures and mechanisms to track the location of and adequacy of operation of control measures implemented in accordance with the program.*

For privately maintained facilities, all structure specific documents including: Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement; Engineering Record Drawings (if available); Operation and Maintenance Manual; inspection reports and enforcement documentation are entered in to the Town of Palmer Lake MS4 Permanent Stormwater Control Measure Inventory for recordkeeping and tracking. Locations of structures are identified in the Maintenance Agreements and are mapped using .KMZ files.

Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement are not used for Town owned facilities. Instead Work Orders are created that contain the facility information including location and are used to schedule routine inspection and maintenance.

### **Section 9: Training (Part I.E.4.a.x)**

This section, titled Training, documents the training requirements for review, inspection, and enforcement of control measures to ensure compliance with Post-Construction Stormwater Management in Development and Redevelopment Program.

MS4 Permit Requirement:

Part I.E.4.a.x. Training:

*Train applicable municipal staff to inspect the control measures in accordance with the permittee's procedures in Part I.E.4.a.vi and vii. The permittee must identify those who will be likely to inspect the control measures and provide training to those individuals. The training must also include information on trash and its effects on water quality.*

Town Inspectors inspect permanent stormwater quality control facilities. Staff are trained using regionally recognized training program(s) specific to Post Construction Stormwater Management Facilities. Copies of staff training registrations and certification are kept in MS4 compliance documentation maintained by the Town Clerk. Training records are located at: U://Jasond/MS4/MS4 Permit 2016-2021/Post Construction Stormwater Management/Training



## Section 10, Overlapping Permit Areas (Part I.E.4.a.xi)

This section, titled Overlapping Permit Areas, details the stormwater procedures followed in cases of overlapping permit areas for compliance with the Post-Construction Stormwater Management in Development and Redevelopment Program.

MS4 Permit Requirement:

Part I.E.4.a.xi. For Applicable Development Sites that Overlap Multiple Permit Areas co-regulating MS4 permittee), when a written agreement is in place with a co-regulating MS4 permittee the following is required:

*(A) Control measure requirements may be imposed on the operator in accordance with the requirements of a co-regulating MS4 permittee pursuant to the written agreement. This requirement does not apply to applicable development sites in the permit area of the Colorado Department of Transportation.*

*(B) Site plan review/acceptance and site inspection actions may be conducted by a co-regulating MS4 permittee to meet the requirement of the permit.*

The Town of Palmer Lake has very few applicable development sites occurring in its' jurisdiction. As a matter of routine course, the Town of Palmer Lake does not expect to utilize this part of the permit. However, in the event a multijurisdictional project may benefit from this provision, Town of Palmer Lake may enter into a co-regulating Memorandum of Agreement on a case by case basis. As such, no formal process is defined here.

## Appendix 8: Post Construction Stormwater Management Applicability Evaluation Form

This form is to be used by the Town of Palmer Lake Engineer to evaluate applicable construction activities to determine if the activity(ies) meet the criteria for applicable development sites. Part II of the form is used to evaluate and document if a site is eligible for an exclusion to permanent stormwater quality management requirements. Part III of the form is used to identify and document which allowable control measure design standard is used for required structures. Please save completed form with project file.

Part I. Project Information	
Project Name:	Project Owner:
Project Location:	Project Number:
5. Project Description:	
If project is located within the Town of Palmer Lake MS4 Permit Area,	

Part II. Exclusion Evaluation: Determine if Post-Construction Stormwater Management exclusion criteria are met. Note: Questions A thru K directly correlate to the MS4 permit Part I.E.4.a.i (A) thru (K). If Yes, to any of the following questions, then mark Not Applicable in Part III, Question 2.				
Questions	Yes	No	Not Applicable	Notes:
A. Is this project a "Pavement Management Site" as defined in Permit Part I E.4.a.i.(A)?				This exclusion applies to "roadways" only. Areas used primarily for parking or access to parking are not included.
B. Is the project "Excluded Roadway Development"?				
• Does the site add less than 1 acre of paved area per mile?				
• Does the site add 8.25 feet or less of paved width at any location to the existing roadway?				
C. Does the project increase the width of the existing roadway by less than 2 times the existing width?				For redevelopment of existing roadways, only the area of the existing roadway is excluded from post-construction requirements when the site does not increase the width by two times or more. <b><i>This exclusion only excludes the original roadway area it does NOT apply to entire project.</i></b>
D. Is the project considered an aboveground and Underground Utilities activity?				Activity can NOT permanently alter the terrain, ground cover or drainage patterns from those present prior to the activity

E. Is the project considered a “Large Lot Single-Family Site”?				Must be a single-residential lot or agricultural zoned land, $\geq 2.5$ acres per dwelling and total lot impervious area $< 10$ percent.
--	--	--	--	--

Questions (cont'd)	Yes	No	Not Applicable	Notes
F. Do Non-Residential or Non-Commercial Infiltration Conditions exist? (Post-development surface conditions do not result in concentrated stormwater flow or surface water discharge during an 80 <sup>th</sup> percentile stormwater runoff event.)				Exclusion does not apply to residential or commercial sites for buildings. A site specific study is required and must show: rainfall and soil conditions; allowable slopes; surface conditions; and ratios of imperviousness area to pervious area.
G. Is the project land disturbance to Undeveloped Land where undeveloped land remains undeveloped following the activity?				Project must be on land with no human made structures such as buildings or pavement.
H. Is the project a Stream Stabilization Site?				Standalone stream stabilization projects are excluded.
I. Is the project a bike or pedestrian trail?				Bike lanes for roadways are not included in this exclusion, but may qualify if part of larger roadway activity is excluded in A, B or C above.
J. Is the project Oil and Gas Exploration?				Activities and facilities associated with oil and gas exploration are excluded.

Part III. Post Construction (Permanent) Stormwater Control Determination		
Questions	Yes	No
1. Is project an Applicable Construction Activity?		
2. Do any of the Exclusions (A-K in Part II) apply?		
<p>If the project is an Applicable Construction Activity and no Exclusions apply, then the site is an “Applicable Development Site” and Post-Construction (Permanent) Stormwater Management is required. Complete the applicable sections of Part IV below and then coordinate signatures for form and place in project file.</p> <p>If the project is not an Applicable Construction Activity, or Exclusion(s) apply then Post-Construction (Permanent) Stormwater Management is NOT required. Coordinate signatures for form and place in project file.</p>		

Part IV: Onsite PWQ Requirements, Documentation and Considerations	Yes	No
1. Check which Design Standard(s) the project will utilize. Standards align with Control Measure Requirements identified in the MS4 permit Part I.E.4.a.iv.		
A. Water Quality Capture Volume (WQCV) Standard		
B. Pollutant Removal/80% Total Suspended Solids Removal (TSS)		

C. Runoff Reduction Standard		
D. Applicable Development Site Draining to a Regional WQCV Control Measure		
E. Applicable Development Site Draining to a Regional WQCV Facility		
F. Constrained Redevelopment Sites Standard		
G. Previous Permit Term Standard		
2. Will any of the project permanent stormwater control measure(s) be maintained by another MS4? If Yes, you must obtain a structure specific maintenance agreement with the other MS4 prior to advertisement.		
3. Will any of the project permanent stormwater control measures be maintained by a private entity or quasi-governmental agency (e.g. HOA or Special District, respectively)? If Yes, a Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement must be recorded with the Town of Palmer Lake Clerk and Recorder.		

<b>Part V Notes (attach an additional sheet if you need more space)</b>

Project design is complete to include the construction plans, drainage report, specifications, and maintenance and access agreements as required. The engineering, drainage considerations and information used to complete these documents is complete, true, and accurate to the best of my belief and knowledge.

\_\_\_\_\_

Signature and Stamp of Engineer of Record

\_\_\_\_\_

Date

## Appendix 9: Permanent Stormwater Control Measure Maintenance and Access Agreements

The Town of Palmer Lake MS4 permit requires the Town to ensure the long-term operation and maintenance of both public and private permanent stormwater quality control measures. To meet this requirement the Town adopted by reference, Appendix G of the El Paso County Engineering Criteria Manual (ECM), into Title 16 of Municipal Code in June of 2020. The County developed maintenance agreements for three different types of ownership and maintenance scenarios.

The Town is providing the maintenance and access agreements for use by property owners, land developers and other applicable development sites operating in the Town of Palmer Lake jurisdiction. All references to "County" shall be changed to "Town." References to Planning Department, Development Services Department, Department of Public Works, etc., shall refer to the "Town Administrator" for Palmer Lake. All agreements are to be established between the owner of parcel of land for which the control measure is located and the Town of Palmer Lake Board of Trustees. All Maintenance and Access agreements will be recorded through the El Paso County Board of County Commissioners.

### Appendix G - STORMWATER BMP MAINTENANCE AGREEMENTS

The El Paso County MS4 permit requires the County to ensure the long-term operation and maintenance of both public and private permanent stormwater quality control measures. To meet this requirement El Paso County developed maintenance agreements for three different types of ownership and maintenance scenarios and provides them for use in this appendix.

Permanent stormwater quality control measures have historically been referred to in this manual as "Post-Construction Best Management Practices (PBMPs)." The two terms may be used interchangeably in this manual.

An applicable development site with multiple permanent control measures may have one or more maintenance and access agreements depending upon ownership and maintenance responsibility. The maintenance agreements shall cover all permanent stormwater quality control measures that are included in a submitted site plan, site development plan, final plat or Grading and Erosion Control Plan. All structures such as Extended Detention Basins and Porous Landscape Detention, plus any additional permanent nonstructural control measures such as Grass Swales & Buffers that are used as part of "Minimizing Directly Connected Impervious Areas" (MDCIA), shall be included in the maintenance agreement.

When submitting a permanent BMP maintenance agreement for review and recordation by the County, the agreement shall include an Operation and Maintenance Manual developed by the engineer of record for each structure type included in a maintenance agreement. Multiple structure types may be included in one maintenance agreement and O&M Manual. The responsible entity shall routinely inspect and provide appropriate long-term maintenance for all structures associated with the permanent stormwater quality control measures as described in the O&M Manual.

(Res. No. [19-245](#), 7-2-19)

**DRAFT**  
**PRIVATE STORMWATER QUALITY STRUCTURAL BEST MANAGEMENT  
PRACTICE AGREEMENT AND EASEMENT**

This PRIVATE STORMWATER QUALITY STRUCTURAL BEST MANAGEMENT PRACTICE AGREEMENT (Agreement) is made by and between THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO (Board or County) and \_\_\_\_\_, a Colorado Corporation (“Developer”) and \_\_\_\_\_ HOMEOWNERS ASSOCIATION (“Homeowners Association” or “Association”), A Colorado nonprofit corporation. The above may occasionally be referred to herein singularly as “Party” and collectively as “Parties.”

Recitals

1. WHEREAS, Developer is the owner of certain real estate (the Property or Subdivision) in El Paso County, Colorado, which Property is legally described as:

More particularly described as follows:

2. WHEREAS, Developer desires to plat and develop on the Property a subdivision to be known as \_\_\_\_\_; and

3. WHEREAS, the development of this Subdivision will decrease the quality of the stormwater runoff from the Property, and, therefore, it is in the interest of public health, safety and welfare for the County to condition approval of this subdivision on Developer’s promise to construct adequate drainage and stormwater quality structural Best Management Practices (BMPs) in the subdivision described as

4. WHEREAS, [insert legal citations] as periodically amended, promulgated pursuant to [insert legal citations], as amended, requires the County to condition approval of all subdivisions on a developer’s promise to so construct adequate drainage and BMPs in subdivisions; and

5. WHEREAS, [insert legal citations] provides for a developer’s promise to maintain a subdivision’s BMPs; and

6. WHEREAS, Developer and the Association desire to construct the described BMPs as the means for providing adequate stormwater quality control in the Subdivision; and,

7. WHEREAS, the Association shall be charged in the Subdivision's Covenants with the duty of maintaining all common areas and common structures within the Subdivision, including the BMPs; and

8. WHEREAS, these BMPs when not properly cleaned, maintained, and repaired, threaten the public health, safety and welfare; and

9. WHEREAS, the County in order to so protect the public health, safety and welfare, may be required to expend valuable and limited public resources to so properly clean, maintain, and repair these BMPs when developer and homeowner's association have failed in their responsibilities, and therefore, the County desires the means to recover its costs incurred in the event the burden falls on the County to so clean, maintain and repair the BMPs in this Subdivision; and

10. WHEREAS, the County conditions approval of this Subdivision on the Developer's and the Association's promise to so construct this BMP, and conditions approval on the Association's promise to reimburse the County in the event the burden falls upon the County to so clean, maintain and/or repair the BMP in this Subdivision; and

11. WHEREAS, the County in order to secure performance of the promises contained herein, conditions approval of this Subdivision upon the Developer's grant herein of a perpetual Easement over a portion of the Subdivision for the purpose of allowing the County to periodically access, inspect, and, when so necessary, to clean, maintain and/or repair the BMPs; and

12. WHEREAS, given that the Association could potentially avoid liability hereunder by dissolving and reforming as a different entity, and given the difficulties inherent in collecting an unsecured promise, the County, in order to secure performance of the promises contained herein, conditions approval of this Subdivision upon the Developer's creation, by and through this Agreement, of a covenant running with the land upon each and every lot in the Subdivision.

#### Agreement

NOW, THEREFORE, in consideration of the mutual Promises contained herein, the sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals: The Parties incorporated the Recitals above into this Agreement.

2. Covenants Running with the Land and Pro Rata Liability upon Individual Lot Owners: Developer and the Homeowners' Association agree that this entire Agreement and the

performance thereof shall become a covenant running with the land, which land is legally described in Paragraph One (1) of the Recitals set forth above, and that this entire Agreement and the performance thereof shall be binding upon themselves, their respective successors and assigns, including individual lot owners within the Subdivision.

However, any liability imposed under this Agreement against an individual lot owner shall not be joint and several with the Developer and the Association, but shall be prorated on a per-lot basis as determined by the following formula and illustration: each individual lot owner(s) shall be liable for no more than the total monetary amount of liability multiplied by a fraction in which the numerator is the number of lots in the Subdivision owned by a particular lot owner, and the denominator is the total number of lots in the Subdivision. As to any lot(s) owned by more than one person or entity, the liability among co-owners shall be joint and several for the pro rata obligation of that lot. The application of this Paragraph is best illustrated by the following example. Assume the following parameters: total liability is \$10,000; total number of lots in the Subdivision is 100; Lot 1 is owned by persons A and B; person B also owns Lot 2. Liability is as follows: The Developer, \$10,000; the Association, \$10,000; Lot 1 is \$100.00, joint and several as to A and B, Lot 2 is \$100.00 owed solely by B. Thus person A's total liability is \$100.00 and Person B's is \$200.00. Applying the principle that the County cannot collect more than it is owed, and assuming that the County cannot collect anything from the Developer and the Association, if the County collected the whole \$200.00 from B, then it could not collect the \$100.00 from A. Likewise, if the County collected the \$100.00 from A, then it could only collect \$100.00 from B.

3. Construction: Developer and the Homeowners' Association agree that they shall construct on [Tract \_\_\_\_\_ or Lot \_\_\_\_\_] as indicated on the final plat of the subdivision and as described below a private stormwater quality control BMP \_\_\_\_\_ [specify BMP] [for multiple BMPs, insert the following here: consisting of \_\_\_\_\_ ( ) [specify BMP] on Tract or Lot \_\_\_\_\_ for each type of BMP used in the Subdivision. The Developer and the Homeowners' Association shall not commence construction of the BMPs until the Planning Department and the ECM Administrator have approved in writing the plans and specifications for the BMPs. Failure to obtain such approval shall be a material breach of this Agreement, and shall entitle the County to pursue any remedies available to it at law or in equity to enforce the same. Construction of the BMP must be complete prior to occupation of the site.

In the event construction is not so substantially completed within the occupation, then the County may exercise its discretion to complete the project, and shall have the right to seek reimbursement from the Developer and the Homeowners' Association and their respective successors and assigns, including individual lot owners in the Subdivision, for its actual costs and expenses incurred in the process of completing construction. The term actual costs and expenses shall be liberally construed in favor of the County, and shall include, but shall not be limited to, labor costs, tool and equipment costs, supply costs, and engineering and design costs, regardless of whether the County uses its own personnel, tools, equipment and supplies, etc. to correct the matter. In the event the County initiates any litigation or engages the services of legal



counsel in order to enforce the Provisions arising herein, the County shall be entitled to its damages and costs, including reasonable attorney fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same. The scope of liability therefore of the Developer, the Association, and the individual lot owners shall be as set forth in paragraph Two (2) above.

The structural BMP shall be located on the following parcel(s) within the Subdivision:  
BMP: \_\_\_\_\_ Tract: \_\_\_\_\_ [or Lot: \_\_\_\_\_]

4. Maintenance: The Developer and the Association agree for themselves, their respective successors and assigns, including individual lot owners within the Subdivision, that they will regularly and routinely inspect, clean and maintain the BMP, and otherwise keep the same in good repair, all at their own cost and expense. No trees or shrubs that will impair the structural integrity of the BMP shall be planted or allowed to grow on the BMP.

5. Creation of Easement: Developer and the Association hereby grant the County a non-exclusive perpetual easement upon the entire Tract(s) [or Lot(s)] describe above. The purpose of the easement is to allow the County to access, inspect, clean, repair and maintain the BMP; however, the creation of the easement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the BMP.

6. County's Rights and Obligations: Any time the County determines, in the sole exercise of its discretion, that the BMP is not properly cleaned, maintained and/or otherwise kept in good repair, the County shall give reasonable notice to the Developer, the Association and their respective successors and assigns, including the individual lot owners within the Subdivision, that the BMP needs to be cleaned, maintained and/or otherwise repaired. The notice shall provide a reasonable time to correct the problem(s). Should the responsible parties fail to correct the specified problem(s), the County may enter upon the Property to so correct the specified problem(s). Notice shall be effective to the above by the County's deposit of the same into the regular United States mail, postage pre-paid. However, this Agreement does not expressly impose on the County a duty to so inspect, clean, repair or maintain the BMP.

7. Reimbursement of County's Costs/Covenant Running With the Land: The Developer and the Association agree and covenant, for themselves, their respective successors and assigns, including individual lot owners within the Subdivision, that they will reimburse the County for its costs and expenses incurred in the process of cleaning, maintaining, and/or repairing the BMP. However, the obligation and liability of the Developer hereunder shall only continue until such time as the Developer transfers the entire management and operation of the Association to the individual lot owners within the Subdivision. Notwithstanding the previous

counsel in order to enforce the Provisions arising herein, the County shall be entitled to its damages and costs, including reasonable attorney fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same. The scope of liability therefore of the Developer, the Association, and the individual lot owners shall be as set forth in paragraph Two (2) above.

The structural BMP shall be located on the following parcel(s) within the Subdivision:  
BMP: \_\_\_\_\_ Tract: \_\_\_\_\_ [or Lot: \_\_\_\_\_]

4. Maintenance: The Developer and the Association agree for themselves, their respective successors and assigns, including individual lot owners within the Subdivision, that they will regularly and routinely inspect, clean and maintain the BMP, and otherwise keep the same in good repair, all at their own cost and expense. No trees or shrubs that will impair the structural integrity of the BMP shall be planted or allowed to grow on the BMP.

5. Creation of Easement: Developer and the Association hereby grant the County a non-exclusive perpetual easement upon the entire Tract(s) [or Lot(s)] describe above. The purpose of the easement is to allow the County to access, inspect, clean, repair and maintain the BMP; however, the creation of the easement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the BMP.

6. County's Rights and Obligations: Any time the County determines, in the sole exercise of its discretion, that the BMP is not properly cleaned, maintained and/or otherwise kept in good repair, the County shall give reasonable notice to the Developer, the Association and their respective successors and assigns, including the individual lot owners within the Subdivision, that the BMP needs to be cleaned, maintained and/or otherwise repaired. The notice shall provide a reasonable time to correct the problem(s). Should the responsible parties fail to correct the specified problem(s), the County may enter upon the Property to so correct the specified problem(s). Notice shall be effective to the above by the County's deposit of the same into the regular United States mail, postage pre-paid. However, this Agreement does not expressly impose on the County a duty to so inspect, clean, repair or maintain the BMP.

7. Reimbursement of County's Costs/Covenant Running With the Land: The Developer and the Association agree and covenant, for themselves, their respective successors and assigns, including individual lot owners within the Subdivision, that they will reimburse the County for its costs and expenses incurred in the process of cleaning, maintaining, and/or repairing the BMP. However, the obligation and liability of the Developer hereunder shall only continue until such time as the Developer transfers the entire management and operation of the Association to the individual lot owners within the Subdivision. Notwithstanding the previous

sentence, the Association and the individual lot owners within the Subdivision shall always remain obligated and liable hereunder, and as per the provision of Paragraph Two (2) above.

The terms actual costs and expenses shall be liberally constructed in favor of the County, and shall include, but shall not be limited to, labor costs, tools and equipment costs, supply costs, and engineering and design costs, regardless of whether the County uses its own personnel, tools, equipment and supplies, etc. to correct the matter. In the event the County initiates any litigation or engages the services of legal counsel in order to enforce the Provision arising herein, the County shall be entitled to its damages and costs, including reasonable attorney's fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same. The scope of liability therefor of the Developer, the Association, and the individual lot owners shall be as set forth in Paragraph Two (2) above.

8. Contingencies of Subdivision Approval: Developer's and the Association's execution of the Agreement is a condition of subdivision approval. Additional conditions of this Agreement include, but are not limited to the following:

- a. Conveyance of Tract(s) \_\_\_\_\_ from Developer to the Association (which will include a reservation of easement in favor of the County for purposed of accessing, inspecting, cleaning, maintaining, and repairing the BMP), and recording of the Deed for the same; and

**[If not a conveyance of a fee interest but merely creating and conveying an easement on the affected lot(s), then substitute the following alternative Paragraph a:]**

- a. Conveyance of easements on Lot(s) \_\_\_\_\_ from the Developer to the Association and to the County for purposes of accessing, inspecting, cleaning, maintaining, and repairing the BMP, and recording of appropriate conveyance documents for the same; and
- b. The County's receipt of a copy of the Articles of Incorporation for the Association, as filed with the Colorado Secretary of State; receipt of the Certificate of Incorporation or other comparable proof for the same from the Colorado Secretary of State; a copy of the Bylaws of the Association; a copy of the organization minutes or other appropriate document of the Association, properly executed and attested, establishing that the Association has adopted this Agreement as an obligation of the Association; and
- c. A copy of the Covenants of the Subdivision establishing that the Association is obligated to inspect, clean, maintain, and repair the BMP; that the Association has adopted this Agreement as an obligation of the Association; and that a funding mechanism is in place whereby individual

lot owners within the Subdivision pay a regular fee to the Association for, among other matters, the inspection, cleaning, maintenance, and repair of the BMP.

- d. A copy of the Covenants of the Subdivision establishing that this Agreement is incorporated into the Covenants, and that such Agreement touches and concerns each every lot within the Subdivision.

The County shall have the right, in the sole exercise of its discretion, to approve or disapprove any documentation submitted to it under the conditions of this Paragraph. The County's rejection of any documentation submitted hereunder shall mean that the appropriate condition of this Agreement has not been fulfilled.

9. Distribution to Lot Purchasers: Upon the initial sale of any lot within the Subdivision, prior to closing on such sale, the Developer shall give a copy of this Agreement to the potential Buyer.

10. Agreement Monitored by Engineering Criteria Manual Administrator: Any and all actions and decisions to be made hereunder by the County shall be made by the Engineering Criteria Manual (ECM) Administrator. Accordingly, any and all documents, submissions, plan approval, inspections, etc. shall be submitted to and shall be made by the ECM Administrator.

11. Indemnification and Hold Harmless: To the extent authorized by law, Developer and the Association agree, for themselves, their respective successors and assigns, including the individual lot owners in the Subdivision, that they will indemnify, defend, and hold the County harmless from any and all loss, costs, damage, injury, liability, claim, lien, demand, action and causes of action whatsoever, whether at law or in equity, arising from or related to their respective intentional or negligent acts, errors, or omissions or that of its agents, officers, servants, employees, invitees and licensees in the construction, operation, inspection, cleaning (including analyzing and disposing of any solid or hazardous wastes as defined by State and/or Federal environmental laws and regulations), maintenance and repair of the BMP, and such obligation arising under this Paragraph shall be joint and several. Nothing in the Paragraph shall be deemed to waive or otherwise limit the defense available to the County pursuant to the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.* C.R.S. 2001, as amended, or as otherwise provided by law. However, the obligation and liability of the Developer hereunder shall only continue until such time as the Developer transfers the entire management and operation of the Association to the individual lot owners within the Subdivision.

12. Severability: In the event any Court of competent jurisdiction declares any part of this Agreement to be unenforceable, such declaration shall not affect the enforceability of the remaining parts of this agreement.

13. Third Parties: This Agreement does not and shall not be deemed to confer upon or grant to any third party any right to claim damages or to bring any lawsuit, action or other

proceeding against either the County, the Developer or the Association, their respective successors and assigns, including any individual lot owners in the Subdivision, because of any breach hereof or because of any terms, covenants, agreements or conditions contained herein.

14. Solid or Hazardous Wastes: Should any refuse from the BMP be suspected or identified as solid waste and/or hazardous waste, the Developer and the Association shall take all necessary and proper steps to characterize the waste and properly dispose of it in accordance with applicable State and/or Federal environmental laws and regulations, including, but not limited to, the following: Solid Wastes Disposal Sites and Facilities Acts, §§ 30-20-100.5 – 30-20-119, C.R.S. (2001) as amended, Colorado Regulations Pertaining to Solid Waste Disposal Sites and Facilities, 6 C.C.R. 1007-2, *et seq.*, as amended, Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992k (2001) as amended, and Federal Solid Waste Regulations 40 CFR Ch. I. (2001) as amended. The County shall not be responsible or liable for identifying, characterizing, cleaning up, or disposing of such solid and/or hazardous waste. Notwithstanding the previous sentence, should any refuse cleaned up and disposed of by the County be determined to be solid and/or hazardous waste, the Developer and the Association, but not the County, shall be responsible and liable as the owner, generator, and/or transporter of said solid and/or hazardous waste.

15. Applicable Law and Venue: The laws, rules, and regulations of the State of Colorado and El Paso County shall be applicable in the enforcement, interpretation, and execution of this Agreement, except that Federal law may be applicable regarding solid or hazardous wastes. Venue shall be the El Paso County District Court.

IN WITNESS WHEREOF, the Parties affix their signatures below.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by:  
[DEVELOPER'S NAME]:

By: \_\_\_\_\_  
(Insert name) \_\_\_\_\_, President

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, President, \_\_\_\_\_.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by:  
\_\_\_\_\_ HOMEOWNERS ASSOCIATION, a Colorado nonprofit corporation.

By: \_\_\_\_\_  
(insert name) \_\_\_\_\_, President

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, President, \_\_\_\_\_ Homeowners Association, a Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by:

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: \_\_\_\_\_  
\_\_\_\_\_, Chairperson

Attest:

\_\_\_\_\_  
Deputy Clerk

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, by \_\_\_\_\_, Chairperson of the Board of County Commissioners of El Paso County, Colorado, as Attested to by \_\_\_\_\_, Deputy Clerk to the Board of County Commissioners of El Paso County, Colorado.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Approved as to Content and Form:

\_\_\_\_\_  
Assistant County Attorney

**PRIVATE DETENTION BASIN /  
STORMWATER QUALITY BEST MANAGEMENT PRACTICE  
MAINTENANCE AGREEMENT AND EASEMENT**

This PRIVATE DETENTION BASIN / STORMWATER QUALITY BEST MANAGEMENT PRACTICE MAINTENANCE AGREEMENT AND EASEMENT (Agreement) is made by and between EL PASO COUNTY by and through THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO (Board or County) and [Insert Lot Owner/Developer's name] (Owner or Developer). The above may occasionally be referred to herein singularly as "Party" and collectively as "Parties."

Recitals

A. WHEREAS, Developer is the owner of certain real estate (the Property or Subdivision) in El Paso County, Colorado, which Property is legally described in Exhibit A attached hereto and incorporated herein by this reference; and

B. WHEREAS, Developer desires to plat and develop on the Property a subdivision/land use to be known as [Insert proposed subdivision/land use name]; and

C. WHEREAS, the development of this Property will substantially increase the volume of water runoff and will decrease the quality of the stormwater runoff from the Property, and, therefore, it is in the best interest of public health, safety and welfare for the County to condition approval of this subdivision/land use on Developer's promise to construct adequate drainage, water runoff control facilities, and stormwater quality structural Best Management Practices ("BMPs") for the subdivision/land use; and

D. WHEREAS, Chapter 8, Section 8.4.5 of the El Paso County Land Development Code, as periodically amended, promulgated pursuant to Section 30-28-133(1), Colorado Revised Statutes (C.R.S.), requires the County to condition approval of all subdivisions on a developer's promise to so construct adequate drainage, water runoff control facilities, and BMPs in subdivisions; and

E. WHEREAS, the Drainage Criteria Manual, Volume 2, as amended by Appendix I of the El Paso County Engineering Criteria Manual (ECM), as each may be periodically amended, promulgated pursuant to the County's Colorado Discharge Permit System General Permit (MS4 Permit) as required by Phase II of the National Pollutant Discharge Elimination System (NPDES), which MS4 Permit requires that the County take measures to protect the quality of stormwater from sediment and other contaminants, requires subdividers, developers, landowners, and owners of facilities located in the County's rights-of-way or easements to



provide adequate permanent stormwater quality BMPs with new development or significant redevelopment; and

F. WHEREAS, Section 2.9 of the El Paso County Drainage Criteria Manual provides for a developer's promise to maintain a subdivision's drainage facilities in the event the County does not assume such responsibility; and

G. WHEREAS, developers in El Paso County have historically chosen water runoff detention basins as a means to provide adequate drainage and water runoff control in subdivisions, which basins, while effective, are less expensive for developers to construct than other methods of providing drainage and water runoff control; and

H. WHEREAS, Developer desires to construct for the subdivision/land use [insert number of basins/BMPs] detention basin/stormwater quality BMP(s) ("detention basin/BMP(s)") as the means for providing adequate drainage and stormwater runoff control and to meet requirements of the County's MS4 Permit, and to operate, clean, maintain and repair such detention basin/BMP(s); and

I. WHEREAS, Developer desires to construct the detention basin/BMP(s) on property that is or will be platted as [Insert Lot or Tract identifier(s)], as indicated on the final plat of the subdivision, and as set forth on Exhibit B attached hereto; and

J. WHEREAS, Developer shall be charged with the duties of constructing, operating, maintaining and repairing the detention basin/BMP(s) on the Property described in Exhibit B; and

K. WHEREAS, it is the County's experience that subdivision developers and property owners historically have not properly cleaned and otherwise not properly maintained and repaired these detention basins/BMPs, and that these detention basins/BMPs, when not so properly cleaned, maintained, and repaired, threaten the public health, safety and welfare; and

L. WHEREAS, the County, in order to protect the public health, safety and welfare, has historically expended valuable and limited public resources to so properly clean, maintain, and repair these detention basins/BMPs when developers and property owners have failed in their responsibilities, and therefore, the County desires the means to recover its costs incurred in the event the burden falls on the County to so clean, maintain and repair the detention basin/BMP(s) serving this subdivision/land use due to the Developer/Owner's failure to meet its obligations to do the same; and

M. WHEREAS, the County conditions approval of this subdivision/land use on the Developer's promise to so construct the detention basin/BMP(s), and conditions approval on the Owner's promise to reimburse the County in the event the burden falls upon the County to so clean, maintain and/or repair the detention basin/BMP(s) serving this Subdivision; and

N. WHEREAS, the County could condition subdivision/land use approval on the Developer's promise to construct a different and more expensive drainage, water runoff control system and BMPs than those proposed herein, which more expensive system would not create the possibility of the burden of cleaning, maintenance and repair expenses falling on the County; however, the County is willing to forego such right upon the performance of Developer/Owner's promises contained herein; and

O. WHEREAS, the County, in order to secure performance of the promises contained herein, conditions approval of this subdivision/land use upon the Developer's grant herein of a perpetual Easement over a portion of the Property for the purpose of allowing the County to periodically access, inspect, and, when so necessary, to clean, maintain and/or repair the detention basin/BMP(s); and

### Agreement

NOW, THEREFORE, in consideration of the mutual Promises contained herein, the sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals: The Parties incorporate the Recitals above into this Agreement.

2. Covenants Running with the Land: Developer/Owner agrees that this entire Agreement and the performance thereof shall become a covenant running with the land, which land is legally described in Exhibit A attached hereto, and that this entire Agreement and the performance thereof shall be binding upon itself, its successors and assigns.

3. Construction: Developer shall construct on that portion of the Property described in Exhibit B attached hereto and incorporated herein by this reference, [insert number of basins/BMPs] detention basin/BMP(s). Developer shall not commence construction of the detention basin/BMP(s) until the El Paso County Development Services Department (DSD) has approved in writing the plans and specifications for the detention basin/BMP(s) and this Agreement has been signed by all Parties and returned to the DSD. Developer shall complete construction of the detention basin/BMP(s) in substantial compliance with the County-approved plans and specifications for the detention basin/BMP(s). Failure to meet these requirements shall be a material breach of this Agreement, and shall entitle the County to pursue any remedies available to it at law or in equity to enforce the same. Construction of the detention basin/BMP(s) shall be substantially completed within one (1) year (defined as 365 days), which one year period will commence to run on the date the approved plat of this Subdivision is recorded in the records of the El Paso County Clerk and Recorder. In cases where a subdivision is not required, the one year period will commence to run on the date the Erosion and Stormwater Quality Control Permit (ESQCP) is issued. Rough grading of the detention

basin/BMP(s) must be completed and inspected by the El Paso County Development Services Department prior to commencing road construction.

In the event construction is not substantially completed within the one (1) year period, then the County may exercise its discretion to complete the project, and shall have the right to seek reimbursement from the Developer/Owner and its successors and assigns, for its actual costs and expenses incurred in the process of completing construction. The term actual costs and expenses shall be liberally construed in favor of the County, and shall include, but shall not be limited to, labor costs, tool and equipment costs, supply costs, and engineering and design costs, regardless of whether the County uses its own personnel, tools, equipment and supplies, etc. to correct the matter. In the event the County initiates any litigation or engages the services of legal counsel in order to enforce the Provisions arising herein, the County shall be entitled to its damages and costs, including reasonable attorney fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same.

4. Maintenance: The Developer/Owner agrees for itself and its successors and assigns, that it will regularly and routinely inspect, clean and maintain the detention basin/BMP(s), and otherwise keep the same in good repair, all at its own cost and expense. No trees or shrubs that will impair the structural integrity of the detention basin/BMP(s) shall be planted or allowed to grow on the detention basin/BMP(s).

5. Creation of Easement: Developer/Owner hereby grants the County a non-exclusive perpetual easement upon and across that portion of the Property described in Exhibit B. The purpose of the easement is to allow the County to access, inspect, clean, repair and maintain the detention basin/BMP(s); however, the creation of the easement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the detention basin/BMP(s).

6. County's Rights and Obligations: Any time the County determines, in the sole exercise of its discretion, that the detention basin/BMP(s) is not properly cleaned, maintained and/or otherwise kept in good repair, the County shall give reasonable notice to the Developer/Owner and its successors and assigns, that the detention basin/BMP(s) needs to be cleaned, maintained and/or otherwise repaired. The notice shall provide a reasonable time to correct the problem(s). Should the responsible parties fail to correct the specified problem(s), the County may enter upon the Property to so correct the specified problem(s). Notice shall be effective to the above by the County's deposit of the same into the regular United States mail, postage pre-paid. Notwithstanding the foregoing, this Agreement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the detention basin/BMP(s).

7. Reimbursement of County's Costs / Covenant Running With the Land: The Developer/Owner agrees and covenants, for itself, its successors and assigns, that it will reimburse the County for its costs and expenses incurred in the process of completing construction of, cleaning, maintaining, and/or repairing the detention basin/BMP(s) pursuant to the provisions of this Agreement.

The term “actual costs and expenses” shall be liberally construed in favor of the County, and shall include, but shall not be limited to, labor costs, tools and equipment costs, supply costs, and engineering and design costs, regardless of whether the County uses its own personnel, tools, equipment and supplies, etc. to correct the matter. In the event the County initiates any litigation or engages the services of legal counsel in order to enforce the provisions arising herein, the County shall be entitled to its damages and costs, including reasonable attorney’s fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same.

8. Contingencies of Land Use/Land Disturbance Approval: Developer/Owner’s execution of this Agreement is a condition of land use/land disturbance approval.

The County shall have the right, in the sole exercise of its discretion, to approve or disapprove any documentation submitted to it under the conditions of this Paragraph, including but not limited to, any separate agreement or amendment, if applicable, identifying any specific maintenance responsibilities not addressed herein. The County’s rejection of any documentation submitted hereunder shall mean that the appropriate condition of this Agreement has not been fulfilled.

9. Agreement Monitored by El Paso County Development Services Department and/or El Paso County Public Services Department: Any and all actions and decisions to be made hereunder by the County shall be made by the Director of the El Paso County Development Services Department and/or the Director of the El Paso County Public Services Department. Accordingly, any and all documents, submissions, plan approvals, inspections, etc. shall be submitted to and shall be made by the Director of the Development Services Department and/or the Director of the El Paso County Public Services Department.

10. Indemnification and Hold Harmless: To the extent authorized by law, Developer/Owner agrees, for itself, its successors and assigns, that it will indemnify, defend, and hold the County harmless from any and all loss, costs, damage, injury, liability, claim, lien, demand, action and causes of action whatsoever, whether at law or in equity, arising from or related to its intentional or negligent acts, errors or omissions or that of its agents, officers, servants, employees, invitees and licensees in the construction, operation, inspection, cleaning (including analyzing and disposing of any solid or hazardous wastes as defined by State and/or Federal environmental laws and regulations), maintenance, and repair of the detention basin/BMP(s), and such obligation arising under this Paragraph shall be joint and several. Nothing in this Paragraph shall be deemed to waive or otherwise limit the defense available to the County pursuant to the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.* C.R.S., or as otherwise provided by law.

11. Severability: In the event any Court of competent jurisdiction declares any part of this Agreement to be unenforceable, such declaration shall not affect the enforceability of the remaining parts of this Agreement.

12. Third Parties: This Agreement does not and shall not be deemed to confer upon or grant to any third party any right to claim damages or to bring any lawsuit, action or other proceeding against either the County, the Developer/Owner, or their respective successors and assigns, because of any breach hereof or because of any terms, covenants, agreements or conditions contained herein.

13. Solid Waste or Hazardous Materials: Should any refuse from the detention basin/BMP(s) be suspected or identified as solid waste or petroleum products, hazardous substances or hazardous materials (collectively referred to herein as “hazardous materials”), the Developer/Owner shall take all necessary and proper steps to characterize the solid waste or hazardous materials and properly dispose of it in accordance with applicable State and/or Federal environmental laws and regulations, including, but not limited to, the following: Solid Wastes Disposal Sites and Facilities Acts, §§ 30-20-100.5 – 30-20-119, C.R.S., Colorado Regulations Pertaining to Solid Waste Disposal Sites and Facilities, 6 C.C.R. 1007-2, *et seq.*, Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992k, and Federal Solid Waste Regulations 40 CFR Ch. I. The County shall not be responsible or liable for identifying, characterizing, cleaning up, or disposing of such solid waste or hazardous materials. Notwithstanding the previous sentence, should any refuse cleaned up and disposed of by the County be determined to be solid waste or hazardous materials, the Developer/Owner, but not the County, shall be responsible and liable as the owner, generator, and/or transporter of said solid waste or hazardous materials.

14. Applicable Law and Venue: The laws, rules, and regulations of the State of Colorado and El Paso County shall be applicable in the enforcement, interpretation, and execution of this Agreement, except that Federal law may be applicable regarding solid waste or hazardous materials. Venue shall be in the El Paso County District Court.

IN WITNESS WHEREOF, the Parties affix their signatures below.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by:

[Insert Developer’s company name]

By: \_\_\_\_\_  
[Insert name], [Insert title(President/Manager)]

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by [Insert name], [Insert title(President/Manager)], [Insert Developer’s company name].

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by:

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: \_\_\_\_\_

\_\_\_\_\_, Chair

Attest:

\_\_\_\_\_  
County Clerk and Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by \_\_\_\_\_, Chair of the Board of County Commissioners of El Paso County, Colorado, as Attested to by \_\_\_\_\_, County Clerk and Recorder.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Approved as to Content and Form:

\_\_\_\_\_  
Assistant County Attorney

**PRIVATE DETENTION BASIN /  
STORMWATER QUALITY BEST MANAGEMENT PRACTICE  
MAINTENANCE AGREEMENT AND EASEMENT**

This PRIVATE DETENTION BASIN / STORMWATER QUALITY BEST MANAGEMENT PRACTICE MAINTENANCE AGREEMENT AND EASEMENT (Agreement) is made by and between EL PASO COUNTY by and through THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO (Board or County) and [Insert Developer's company name] (Developer) and [Insert first part of Metro District name] METROPOLITAN DISTRICT (Metro District), a quasi-municipal corporation and political subdivision of the State of Colorado. The above may occasionally be referred to herein singularly as "Party" and collectively as "Parties."

Recitals

A. WHEREAS, the District provides various municipal services to certain real property in El Paso County, Colorado referred to as [Insert development name]; and

B. WHEREAS, Developer is the owner of certain real estate (the Property or Subdivision) in El Paso County, Colorado, which Property is legally described in Exhibit A attached hereto and incorporated herein by this reference; and

C. WHEREAS, Developer desires to plat and develop on the Property a subdivision to be known as [Insert proposed subdivision name]; and

D. WHEREAS, the development of this Property will substantially increase the volume of water runoff and will decrease the quality of the stormwater runoff from the Property, and, therefore, it is in the best interest of public health, safety and welfare for the County to condition approval of this subdivision on Developer's promise to construct adequate drainage, water runoff control facilities, and stormwater quality structural Best Management Practices ("BMPs") for the subdivision; and

E. WHEREAS, Chapter 8, Section 8.4.5 of the El Paso County Land Development Code, as periodically amended, promulgated pursuant to Section 30-28-133(1), Colorado Revised Statutes (C.R.S.), requires the County to condition approval of all subdivisions on a developer's promise to so construct adequate drainage, water runoff control facilities, and BMPs in subdivisions; and

F. WHEREAS, the Drainage Criteria Manual, Volume 2, as amended by Appendix I of the El Paso County Engineering Criteria Manual (ECM), as each may be periodically amended, promulgated pursuant to the County's Colorado Discharge Permit System General

Permit (MS4 Permit) as required by Phase II of the National Pollutant Discharge Elimination System (NPDES), which MS4 Permit requires that the County take measures to protect the quality of stormwater from sediment and other contaminants, requires subdividers, developers, landowners, and owners of facilities located in the County's rights-of-way or easements to provide adequate permanent stormwater quality BMPs with new development or significant redevelopment; and

G. WHEREAS, Section 2.9 of the El Paso County Drainage Criteria Manual provides for a developer's promise to maintain a subdivision's drainage facilities in the event the County does not assume such responsibility; and

H. WHEREAS, developers in El Paso County have historically chosen water runoff detention basins as a means to provide adequate drainage and water runoff control in subdivisions, which basins, while effective, are less expensive for developers to construct than other methods of providing drainage and water runoff control; and

I. WHEREAS, Developer desires to construct for the subdivision [insert number of basins/BMPs] detention basin/stormwater quality BMP(s) ("detention basin/BMP(s)") as the means for providing adequate drainage and stormwater runoff control and to meet requirements of the County's MS4 Permit, and to provide for operating, cleaning, maintaining and repairing such detention basin/BMP(s); and

J. WHEREAS, Developer desires to construct the detention basin/BMP(s) on property that is or will be platted as [Insert Lot or Tract identifier(s)], as indicated on the final plat of the subdivision, and as set forth on Exhibit B attached hereto; and

K. WHEREAS, Developer shall be charged with the duty of constructing the detention basin/BMP(s) and the Metro District shall be charged with the duties of operating, maintaining and repairing the detention basin/BMP(s) on the Property described in Exhibit B; and

L. WHEREAS, it is the County's experience that subdivision developers and property owners historically have not properly cleaned and otherwise not properly maintained and repaired these detention basins/BMPs, and that these detention basins/BMPs, when not so properly cleaned, maintained, and repaired, threaten the public health, safety and welfare; and

M. WHEREAS, the County, in order to protect the public health, safety and welfare, has historically expended valuable and limited public resources to so properly clean, maintain, and repair these detention basins/BMPs when developers and property owners have failed in their responsibilities, and therefore, the County desires the means to recover its costs incurred in the event the burden falls on the County to so clean, maintain and repair the detention basin/BMP(s) serving this Subdivision due to the Developer's or the Metro District's failure to meet its obligations to do the same; and



N. WHEREAS, the County conditions approval of this Subdivision on the Developer's promise to so construct the detention basin/BMP(s), and further conditions approval on the Metro District's promise to reimburse the County in the event the burden falls upon the County to so clean, maintain and/or repair the detention basin/BMP(s) serving this Subdivision; and

O. WHEREAS, the County could condition subdivision approval on the Developer's promise to construct a different and more expensive drainage, water runoff control system and BMPs than those proposed herein, which more expensive system would not create the possibility of the burden of cleaning, maintenance and repair expenses falling on the County; however, the County is willing to forego such right upon the performance of Developer's and the Metro District's promises contained herein; and

P. WHEREAS, the County, in order to secure performance of the promises contained herein, conditions approval of this Subdivision upon the Developer's grant herein of a perpetual Easement over a portion of the Property for the purpose of allowing the County to periodically access, inspect, and, when so necessary, to clean, maintain and/or repair the detention basin/BMP(s); and

Q. WHEREAS, Pursuant to Colorado Constitution, Article XIV, Section 18(2) and Section 29-1-203, Colorado Revised Statutes, governmental entities may cooperate and contract with each other to provide any function, services, or facilities lawfully authorized to each.

#### Agreement

NOW, THEREFORE, in consideration of the mutual Promises contained herein, the sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals: The Parties incorporate the Recitals above into this Agreement.

2. Covenants Running with the Land: Developer and the Metro District agree that this entire Agreement and the performance thereof shall become a covenant running with the land, which land is legally described in Exhibit A attached hereto, and that this entire Agreement and the performance thereof shall be binding upon themselves, their respective successors and assigns.

3. Construction: Developer shall construct on that portion of the Property described in Exhibit B attached hereto and incorporated herein by this reference, [insert number of basins/BMPs] detention basin/BMP(s). Developer shall not commence construction of the

detention basin/BMP(s) until the El Paso County Development Services Department (DSD) has approved in writing the plans and specifications for the detention basin/BMP(s) and this Agreement has been signed by all Parties and returned to the DSD. Developer shall complete construction of the detention basin/BMP(s) in substantial compliance with the County-approved plans and specifications for the detention basin/BMP(s). Failure to meet these requirements shall be a material breach of this Agreement, and shall entitle the County to pursue any remedies available to it at law or in equity to enforce the same. Construction of the detention basin/BMP(s) shall be substantially completed within one (1) year (defined as 365 days), which one year period will commence to run on the date the approved plat of this Subdivision is recorded in the records of the El Paso County Clerk and Recorder. Rough grading of the detention basin/BMP(s) must be completed and inspected by the El Paso County Development Services Department prior to commencing road construction.

In the event construction is not substantially completed within the one (1) year period, then the County may exercise its discretion to complete the project, and shall have the right to seek reimbursement from the Developer and its respective successors and assigns, for its actual costs and expenses incurred in the process of completing construction. The term actual costs and expenses shall be liberally construed in favor of the County, and shall include, but shall not be limited to, labor costs, tool and equipment costs, supply costs, and engineering and design costs, regardless of whether the County uses its own personnel, tools, equipment and supplies, etc. to correct the matter. In the event the County initiates any litigation or engages the services of legal counsel in order to enforce the Provisions arising herein, the County shall be entitled to its damages and costs, including reasonable attorney fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same.

4. Maintenance: The Metro District agrees for itself and its successors and assigns, that it will regularly and routinely inspect, clean and maintain the detention basin/BMP(s), and otherwise keep the same in good repair, all at its own cost and expense. No trees or shrubs that will impair the structural integrity of the detention basin/BMP(s) shall be planted or allowed to grow on the detention basin/BMP(s).

5. Creation of Easement: Developer hereby grants the County and the Metro District a non-exclusive perpetual easement upon and across that portion of the Property described in Exhibit B. The purpose of the easement is to allow the County and the Metro District to access, inspect, clean, repair and maintain the detention basin/BMP(s); however, the creation of the easement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the detention basin/BMP(s).

6. County's Rights and Obligations: Any time the County determines, in the sole exercise of its discretion, that the detention basin/BMP(s) is not properly cleaned, maintained and/or otherwise kept in good repair, the County shall give reasonable notice to the Developer, the Metro District and their respective successors and assigns, that the detention basin/BMP(s) needs to be cleaned, maintained and/or otherwise repaired. The notice shall provide a reasonable time to correct the problem(s). Should the responsible parties fail to correct the specified

problem(s), the County may enter upon the Property to so correct the specified problem(s). Notice shall be effective to the above by the County's deposit of the same into the regular United States mail, postage pre-paid. Notwithstanding the foregoing, this Agreement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the detention basin/BMP(s).

7. Reimbursement of County's Costs / Covenant Running With the Land: The Developer and the Metro District agree and covenant, for themselves, their respective successors and assigns, that they will reimburse the County for its costs and expenses incurred in the process of completing construction of, cleaning, maintaining, and/or repairing the detention basin/BMP(s) pursuant to the provisions of this Agreement.

The term "actual costs and expenses" shall be liberally construed in favor of the County, and shall include, but shall not be limited to, labor costs, tools and equipment costs, supply costs, and engineering and design costs, regardless of whether the County uses its own personnel, tools, equipment and supplies, etc. to correct the matter. In the event the County initiates any litigation or engages the services of legal counsel in order to enforce the provisions arising herein, the County shall be entitled to its damages and costs, including reasonable attorney's fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same.

8. Contingencies of Subdivision Approval: Developer's and the Metro District's execution of this Agreement is a condition of subdivision approval. Additional conditions of this Agreement include, but are not limited to, the following:

- a. Conveyance of [Insert Lot, Tract or easement identifier(s)], as indicated on the final plat of the subdivision, from Developer to the Metro District (which will include a reservation of easement in favor of the County for purposes of accessing, inspecting, cleaning, maintaining, and repairing the detention basin/BMP(s)), and recording of the Deed for the same; and
- b. A copy of the Covenants of the Subdivision, if applicable, establishing that the Metro District is obligated to inspect, clean, maintain, and repair the detention basin/BMP(s).

The County shall have the right, in the sole exercise of its discretion, to approve or disapprove any documentation submitted to it under the conditions of this Paragraph, including but not limited to, any separate agreement or amendment, if applicable, identifying any specific maintenance responsibilities not addressed herein. The County's rejection of any documentation submitted hereunder shall mean that the appropriate condition of this Agreement has not been fulfilled.

9. Agreement Monitored by El Paso County Development Services Department and/or El Paso County Public Services Department: Any and all actions and decisions to be made hereunder by the County shall be made by the Director of the El Paso County Development Services Department and/or the Director of the El Paso County Public Services Department. Accordingly, any and all documents, submissions, plan approvals, inspections, etc. shall be submitted to and shall be made by the Director of the Development Services Department and/or the Director of the El Paso County Public Services Department.

10. Indemnification and Hold Harmless: To the extent authorized by law, Developer and the Metro District agree, for themselves, their respective successors and assigns, that they will indemnify, defend, and hold the County harmless from any and all loss, costs, damage, injury, liability, claim, lien, demand, action and causes of action whatsoever, whether at law or in equity, arising from or related to their respective intentional or negligent acts, errors or omissions or that of their agents, officers, servants, employees, invitees and licensees in the construction, operation, inspection, cleaning (including analyzing and disposing of any solid or hazardous wastes as defined by State and/or Federal environmental laws and regulations), maintenance, and repair of the detention basin/BMP(s), and such obligation arising under this Paragraph shall be joint and several. Nothing in this Paragraph shall be deemed to waive or otherwise limit the defense available to the County pursuant to the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.* C.R.S., or as otherwise provided by law.

11. Severability: In the event any Court of competent jurisdiction declares any part of this Agreement to be unenforceable, such declaration shall not affect the enforceability of the remaining parts of this Agreement.

12. Third Parties: This Agreement does not and shall not be deemed to confer upon or grant to any third party any right to claim damages or to bring any lawsuit, action or other proceeding against either the County, the Developer, the Metro District, or their respective successors and assigns, because of any breach hereof or because of any terms, covenants, agreements or conditions contained herein.

13. Solid Waste or Hazardous Materials: Should any refuse from the detention basin/BMP(s) be suspected or identified as solid waste or petroleum products, hazardous substances or hazardous materials (collectively referred to herein as “hazardous materials”), the Developer and the Metro District shall take all necessary and proper steps to characterize the solid waste or hazardous materials and properly dispose of it in accordance with applicable State and/or Federal environmental laws and regulations, including, but not limited to, the following: Solid Wastes Disposal Sites and Facilities Acts, §§ 30-20-100.5 – 30-20-119, C.R.S., Colorado Regulations Pertaining to Solid Waste Disposal Sites and Facilities, 6 C.C.R. 1007-2, *et seq.*, Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992k, and Federal Solid Waste Regulations 40 CFR Ch. I. The County shall not be responsible or liable for identifying, characterizing, cleaning up, or disposing of such solid waste or hazardous materials. Notwithstanding the previous sentence, should any refuse cleaned up and disposed of by the County be determined to be solid waste or hazardous materials, the Developer and the Metro District, but not the County, shall be

responsible and liable as the owner, generator, and/or transporter of said solid waste or hazardous materials.

14. Applicable Law and Venue: The laws, rules, and regulations of the State of Colorado and El Paso County shall be applicable in the enforcement, interpretation, and execution of this Agreement, except that Federal law may be applicable regarding solid waste or hazardous materials. Venue shall be in the El Paso County District Court.

15. Limitation on Developer’s Obligation and Liability: The obligation and liability of the Developer hereunder shall only continue until such time as the Final Plat as described in Paragraph Three (3) of the Recitals set forth above is recorded and the Developer completes the construction of the detention basin/BMP(s) and transfers all applicable maintenance and operation responsibilities to the Metro District. By execution of this agreement, the Metro District agrees to accept all responsibilities and to perform all duties assigned to it, including those of the Developer, as specified herein, upon transfer of [Insert Lot, Tract or easement identifier(s)] from Developer to the Metro District.

IN WITNESS WHEREOF, the Parties affix their signatures below.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:  
[Insert Developer’s company name]

By: \_\_\_\_\_  
[Insert name], [Insert title(President/Manager)]

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by [Insert name], [Insert title(President/Manager)], [Insert Developer’s company name].

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by:

[Insert first part of Metro District name] METROPOLITAN DISTRICT

By: \_\_\_\_\_

[Insert name], President

Attest:

By: \_\_\_\_\_

[Insert name], [Insert title]

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_, by [Insert name], President, and [Insert name], [Insert title], [Insert first part of Metro District name] METROPOLITAN DISTRICT

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_

Notary Public

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by:

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: \_\_\_\_\_

\_\_\_\_\_, Chair

Attest:

\_\_\_\_\_  
County Clerk and Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, Chair of the Board of County Commissioners of El Paso County, Colorado, as Attested to by \_\_\_\_\_, County Clerk and Recorder.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Approved as to Content and Form:

\_\_\_\_\_  
Assistant County Attorney

Appendix 10: Municipal Operations Procedures

Town of Palmer Lake

Municipal Operations Stormwater Manual

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Version 1:  
September 2020



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## Introduction

The Phase II MS4 Permit issued to Town of Palmer Lake by the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division (Division) requires the Town to implement a program for Pollution Prevention/Good Housekeeping for facilities and operations that they own, operate, or perform within the Town’s jurisdictional limits. The implemented program must prevent or reduce water quality impacts from pollutants being discharged to the MS4 from municipal facilities and operations. MS4 is defined in the MS4 permit as a publicly owned conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is designed or used for collecting stormwater.

## Section 1: Applicable Facilities and Requirements (Part I.E.5.a.ii and Part I.E.5.c.i.(A))

The permittee must implement a program for Pollution Prevention/Good Housekeeping for facilities and operations that they own, operate, or perform within the permit area. The program must prevent or reduce water quality impacts from pollutants being discharged to the MS4 from municipal facilities and operations. “Applicable municipal operations and facilities” are municipal operations and facilities that are not authorized by a separate CDPS or NPDES discharge permit.

Part I.E.5.a.ii. Municipal Facility Runoff Control Measures, of the MS4 permit, states, “(A) *The permittee shall implement control measures to prevent or reduce potential discharges of pollutants to the MS4 from the applicable municipal facilities listed below. New written procedures shall be developed and implemented for any new applicable municipal facilities prior to associated pollutant sources being present.*

- 1) Vehicle maintenance facilities*
- 2) Asphalt and concrete batch plants which are not already authorized by a separate CDPS or NPDES discharge permit*
- 3) Solid-waste transfer stations where waste and recyclables are briefly held before further transport*
- 4) Outdoor storage yards with exposed stockpiles of materials, including stockpiles of road deicing salt, salt and sand, sand, and rotomill material*

When new pollutant sources associated with operation activities conducted by the Town at an applicable facility, the activities are reviewed to ensure new procedures are not necessary. If a new procedure is necessary, it is developed before the pollutant sources are present onsite.

Part I.E.5.a.ii. (B) of the MS4 permit, states *“The permittee shall implement the following categories of control measures as necessary to prevent or reduce the pollutant sources present:*

- 1) *Preventive maintenance*
- 2) *Good housekeeping*
- 3) *Spill prevention and response procedures*
- 4) *Structural control measures*
- 5) *Evaluation of non-stormwater discharges*
- 6) *Employee training”*

There is one applicable municipal operations and facility within the Town of Palmer Lake MS4 Permit area. **The facility is located at: 195 Spruce Street.** The referenced categories of control measures are implemented as appropriate through the Facility Runoff Control Plan(s).

The applicable municipal operations facility listed above has a Facility Runoff Control Plan that documents the following:

- Facility identification
- Description of all pollutant sources
- Control measures implemented, including installation and implementation specifications and information
- Staff (position title) responsible for implementation of control measures and associated documentation
- Description of control measures implemented for bulk storage structures.

## **Section 2: Facilities with NPDES or CDPS Permit Coverage (Part I.E.5.c.i.(B))**

The Town does not own or operate any facilities subject to separate CDPS or NPDES permit coverage under the state’s general stormwater permits for discharges of stormwater associated with industrial activity. The Town of Palmer Lake does own and operate a water system subject to permit coverage by the Water Quality Control Division.

## **Section 3: Inspections (Part I.E.5.a.i.(C))**

Part I.E.5.ii. Municipal Facility Runoff Control Measures in the MS4 permit states, *(C) The permittee shall implement written municipal facility inspection procedures, which must at a minimum include the following:*

- 1) *An annual visual inspection of each applicable municipal facility.*
- 2) *A verification that the written procedures and documentation reflect current conditions.*
- 3) *Observation of locations and areas where stormwater from municipal facilities are discharged off-site; or discharged to waters of the state, or to a storm sewer system that drains to waters of the state.*
- 4) *Observation of facility conditions, including pollutant sources and control measures, to identify inadequate control measure and control measure requiring maintenance.*

The Roads Department staff or their designee will make annual visual inspection of all applicable municipal facilities in the Town. The scope of the annual inspection includes observation of stormwater discharge locations and areas. These areas are displayed on the facility map. The scope of the inspection also includes observation of facility conditions, including pollutant sources and control measures, to identify inadequate control measure and control measure requiring maintenance.

Inspection records are filed in the stormwater files on the Public Works shared drive and a copy is given to the Public Works Director and/or the Operations Manager. The following information is documented on the inspection report for all inspections conducted:

- 1) Inspection date
- 2) Name of inspector
- 3) Applicable facility identification

- 4) Inspection findings including, when present: inadequate control measures, control measures requiring routine maintenance, and if there was any evidence of polluted discharges from the facility
- 5) Confirmation and documentation that the control measures are adequate or a list of follow up actions.

If follow up actions are necessary, it is indicated on the report and a followup date is noted to ensure corrective action is taken.

#### **Section 4: Municipal Operations and Maintenance Procedures (Part I.E.5.a.iii)**

The MS4 permit requires implementation of procedures that prevent or reduce stormwater pollution from the following operations conducted by the Town:

- 1) Operation and maintenance of streets, roads, highways
- 2) Operation and maintenance of municipal parking lots
- 3) Operations at maintenance and storage yards
- 4) Operations at maintenance shops with outdoor storage areas
- 5) Operation and maintenance of snow dumps/snow disposal areas
- 6) Operation and maintenance of sites used for temporary storage of sweeper tailings or other waste piles
- 7) Park and open space maintenance
- 8) Building maintenance
- 9) New construction of municipal facilities
- 10) Application of pesticides, herbicides, and fertilizers
- 11) Large outdoor festivals and events
- 12) Construction activities not subject to the requirements of Part I.E.3
- 13) 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 implemented in accordance with Part I.E.4, unless covered by a separate CDPS or NPDES permit.

This program requirement is applicable to all Town operations. The Town has developed standard operating procedures for activities associated with each of the operations listed above. Standard operating procedures are located on the Town's shared network drive and are accessible to all employees. A list of the Town's standard operating procedures for stormwater pollution prevention is located as Attachment A to this Municipal Operations Stormwater Manual.

When new pollutant sources associated with operation activities conducted by the Town are identified, the activities are reviewed to ensure new procedures are not necessary. If a new procedure is necessary, it is developed before the pollutant sources are present onsite.

#### **Section 5: Nutrient Source Reductions (Part I.E.5.a.iv)**

The MS4 permit requires the Town to *"evaluate, identify, and document the municipal 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 operations nutrient sources)."* The MS4 permit also requires that the Town include the storage and application of fertilizer, including subsequent stormwater or irrigation runoff from areas where fertilizer has been applied, as an identified municipal operations nutrient source if these operations were not covered under the municipal facility plan or standard operating procedures.

Municipal operations have been evaluated to determine if there is potential to contribute nitrogen and phosphorus to discharges under the MS4 permit. The following municipal operations have been identified as municipal operations nutrient sources:

- Herbicide Pesticide and Fertilizer Application and Storage
- Parks Management

These operations are covered under the municipality facility plan and/or standard operating procedures. Town of Palmer Lake Parks Department maintains a Parks Maintenance Manual that address herbicide, pesticide and fertilizer application along with overall park maintenance procedures. The Town of Palmer Lake Parks Maintenance Manual is maintained by Town of Palmer Lake Parks Division.

### **Section 6: Outdoor Bulk Storage (Part I.E.5.a.v)**

Per the MS4 permit, outdoor bulk storage structures, of more than 55 gallons, for petroleum products and any other liquid chemicals located at applicable municipal facilities must have control measures implemented that provide secondary containment or equivalent protection that contains all spills and prevents any spilled material from entering state 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. 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 these requirements. 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 bulk storage structures.

The Town owns one fuel tank. The tank is double walled and contained within a secondary containment structure. The tanks meet the MS4 permit requirements for “secondary containment.” Town of Palmer Lake Roads Department routinely inspects all fuel and oil storage tank and provides annual Spill Prevention Containment and Countermeasure Training consistent 40 CFR part 112.

The Town also owns and operates several bulk storage tanks for liquid deicer (e.g., magnesium chloride solution). Bulk liquid deicer storage tanks are all contained within a secondary containment structure meeting the requirements of Part I.E.5.a.v. These structures are identified in the Facility Runoff Control Plans as appropriate.

## Section 7: Training (Part I.E.5.a.vi)

Applicable municipal staff are trained on facility plans and standard operation procedures related to the operations they perform. Training is provided to staff at facilities with Facility Run off Control Plans annually. All of the Streets Department staff are provided with an overview of Facility Runoff Control Plan and Illicit Discharge requirements annually.

Employees that conduct municipal facility inspections are trained on how to inspect the control measures present at the facility. Training informs employees responsible for operations with the potential to result in an illicit discharge about the prohibitions against, and potential impacts associated with illicit discharges from municipal operations. The training includes information on trash and its effects on water quality.

The name and title of each individual trained, date of training, the type of training, and a list of topics covered are documented for each training on the PW Training log located at:

\\chinook\dot\dot\_data\doe\doe\_copy\NPDES\Stormwater – Pollution Prevention and Good Housekeeping\training.

Employee Type/Job Responsibilities	Training Type	Documentation
Staff Performing Street Maintenance Operations	Municipal Facility Plan, All Municipal Operation SOPs, IDDE training	Name, title, date of training, type of training, and list of topics covered
Staff Performing Facility Stormwater Inspections	Municipal Facility Plan, All Municipal Operation SOPs	Name, title, date of training, type of training, and list of topics covered

Attachment A: Standard Operating Procedures



Standard Operating Procedures  
September 2020

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## Introduction

Town of Palmer Lake is regulated by Colorado Discharge Permit System (CDPS) General Permit COR090011, Stormwater Discharges Associated with Municipal Separate Storm Sewer System (MS4) permit. Part I.E.5. of the permit requires Town of Palmer Lake to implement a program for Pollution Prevention/Good Housekeeping for facilities and operations we own, operate or perform within the permit area. The program must prevent or reduce water quality impacts from pollutants discharged to the MS4 from municipal facilities and operations. “Applicable municipal operations and facilities” are municipal operations and facilities that are not covered by a separate CDPS or NPDES discharge permit.

This document contains all of the Standard Operating Procedures (SOPs) identified in the MS4 permit as a “minimum requirement.” The SOPs provided herein are intended to be a supplement to existing SOPs in place by the Town. These SOP can and should be revised periodically to reflect current facilities, operations and best management practices. Please ensure staff are aware and trained in these procedures. When revisions are

needed please inform the Public Works Department Supervisor of such need and he will make the needed changes.

## Bridge Cleaning

### Description

The cleaning of bridges, if not conducted properly, can contribute to stormwater pollution. This SOP was created to provide guidance to those conducting bridge cleaning activities. Bridge cleaning is considered an occasional incidental non-stormwater discharge that will not be addressed as an illicit discharge provided the following SOP (conditions) is followed. Discharges from bridge cleaning is not reasonably expected (based on the information referenced in Additional Resources) to be a significant source of pollutants to the MS4 because the nature of the discharge. These activities occur infrequently and would not be expected to contribute significant amounts of pollutants to the MS4. Any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4 is prohibited. Washing bridges containing lead-based paints is prohibited.

For the purposes of this SOP, bridge cleaning is broken into 3 types. Additional SOPs such as Spill Prevention and Response and Outdoor Material Storage may be relevant and should be referenced if needed.

When services are contracted, this written procedure may be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

#### *Type 1: Spot Cleaning*

Bridges are periodically inspected and may be spot cleaned with water to prepare the structure for inspection. This activity involves the following steps:

- Establish work area and traffic control if necessary
- Identify the areas to be cleaned
- Where possible, construct a containment system to capture dirt or debris generated from the cleaning process
- Remove dirt and debris using dry methods including vacuuming if possible. All debris that is collected should be disposed of properly.
- No soaps or detergents are to be used.

Spot cleaning activities are performed during high flows in order to reduce the potential impact on receiving water. No water or minimal water is typically used during spot cleaning.

#### *Type 2: Maintenance Washing*

Structures are washed approximately every 5 years as needed to remove dirt and other material to extend the life of the paint and bridge. The type of maintenance washing entails low pressure/high volume washing. Little to no containment is used during this activity to filter the water or catch debris. Potential pollutants include minor amounts of sediment/dirt, bird nests, and small amounts of bird feces.

- Establish work area and traffic control if necessary. Avoid removal of riparian vegetation while working.
- Identify the areas to be cleaned.
- Where possible, construct a containment system to capture dirt or debris generated from the cleaning process.
- Remove as much dry debris, such as dust, bird nests, bird feces, etc. as possible by hand using dry methods.
- All debris that is collected should be disposed of properly.



- Wash bridge using a high-volume, low pressure system, directing spray towards vegetated areas, away from the water.
- No soaps or detergents are to be used.

Maintenance washing activities are performed during high flow to reduce the potential impact on receiving water. Typically, less than 100 gallons of water is used to clean a bridge structure in Town of Palmer Lake.

### **Type 3: Preparatory Washing**

Bridge painting occurs when needed, usually greater than every 15 years. Potential pollutants include loose paint, rust, dust, bird nests, and small amounts of bird feces.

- Establish work area and traffic control if necessary. Avoid removal of riparian vegetation while working.
- Identify the areas to be cleaned.
- Where possible, construct a containment system to capture dirt or debris generated from the cleaning process.
- Remove as much dry debris, such as loose paint, dust, bird nests, bird feces, etc. as possible by hand using dry methods.
- Wash structure with a low-volume, high pressure (3200 psi) system directing wastewater away from waterways and to vegetated areas as often as possible.
- Avoid over spraying any pretreatment/primers used before painting.
- No soaps or detergents are to be used.

Bridges are painted during low flow to reduce the potential impact on receiving water. Typically, less than 200 gallons of water is used to prep a bridge structure in Town of Palmer Lake for painting.

### **Additional Resources:**

Colorado Department of Public Health and Environment, *Discharge of Process Wastewater from Power Washing Operations*, No Date.

ODFW Bridge Washing Guidance (Appendix F). September 12, 2003.

[http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/docs/research-roadside\\_maintenance\\_manual.pdf](http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/docs/research-roadside_maintenance_manual.pdf)

Ocean and Fisheries Canada: *Operational Statement Bridge Maintenance*, Version 3 2007, [http://www.pac.dfo-mpo.gc.ca/habitat/os-eo/pdfs/bridge\\_maintenance\\_e.pdf](http://www.pac.dfo-mpo.gc.ca/habitat/os-eo/pdfs/bridge_maintenance_e.pdf)

Discharge of Bridge Washing Waters: Maine DEP, May 20, 2011. <http://www.maine.gov/mdot/community-programs/csd/documents/bridgewashingletter.pdf>

Maine DOT's Best Practices for bridge cleaning and washing, No Date.

<http://www.maine.gov/mdot/community-programs/csd/documents/BridgeCleaningBMP.pdf>

## **Building Maintenance**

### **Description**

This SOP is designed to control the maintenance and construction activities that take place in municipal buildings and their surrounding grounds by promoting procedures to help eliminate the potentially

contaminated debris, trash, and water runoff from reaching our stormwater system. This includes the disposal of debris caused by window washers, painters, and building contractors

When services are contracted, this written procedure should be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

## Procedures

### General

- Remove paper, trash and other debris from building grounds, (parking lots, landscaped areas, detention ponds and waterways).
- Standard cleaning of buildings and windows generate sediment, chemicals and debris. Collect material and dispose of properly.
- When maintenance operation requires wash water such as power washing of buildings, wash water must be collected and disposed of in the sanitary system or directed to landscaping, so it does not reach the storm sewer system. For further information, refer to the [Power washing SOP](#).
- At no time shall chemicals be allowed to be washed into the storm sewer system.
- Sediment collected from walkways and parking areas needs to be collected, removed and disposed, and not swept or power-washed into stormwater drains.

### Debris Handling

- Conduct regular clean-up of property grounds of all trash and debris,
- If a spill should happen, refer to the [Spill Prevention & Control SOP](#) for proper procedures.
- Contractors such as landscapers, painters and any others are expected to follow proper clean-up procedures to ensure that chemicals, runoff, debris, and excessive sediment will not enter the stormwater system.

## Employee Training

Provide applicable employees who are involved in building maintenance this written procedure.

## Equipment and Vehicle Maintenance

### Description

Regular maintenance of municipal vehicles and equipment prolongs the life of the municipality's assets and prevents the leaking of hazardous fluids commonly associated with normal wear and tear of vehicles and equipment. Potential pollutants generated at vehicle maintenance facilities include oil, antifreeze, brake fluid and cleaner, solvents, batteries and fuels.

### Procedures

Maintenance activities should be performed inside a maintenance building unless the equipment is too large to fit inside or temporary repairs need to be made before the equipment can be moved to the maintenance building.

### Vehicle Storage

- Monitor vehicles and equipment closely for leaks and use drip pans as needed until repairs can be performed.
- When drip pans are used, check frequently to avoid overflowing and properly dispose of fluids.
- Drain fluids from leaking or wrecked vehicles and from motor parts as soon as possible. Dispose of fluids properly.

## Vehicle Maintenance

- Conduct routine inspections of heavy equipment and vehicles to proactively identify potential maintenance needs.
- Perform routine preventive maintenance to ensure heavy equipment and vehicles are operating optimally.
- Recycle or dispose of all wastes properly and promptly.
- Do not dump any liquids or other materials outside, especially near or in storm drains or ditches. Sweep and pick up trash and debris as needed.

## Material Management

- Store maintenance materials and waste containers (e.g., used oil and antifreeze) in labeled containers under cover or in secondary containment (e.g., double-walled tanks). Chemicals should not be combined in containers.
- All hazardous wastes must be labeled and stored according to hazardous waste regulations.
- Carefully transfer fluids from collection devices to designated storage areas as soon as possible. Do not store the transferred fluids adjacent to the containers (for example, oil drip pans with used oil in them should not be placed next to the used oil tank).
- Store new batteries securely to avoid breakage and acid spills.
- Store used batteries indoors or in secondary containment to contain potential leaks. Recycle used batteries.
- Conduct periodic inspections of storage areas to detect possible leaks.
- Do not wash or hose down storage areas except where wash water will enter the sanitary sewer as an approved discharge. Use dry clean-up methods whenever possible.
- Keep lids on waste barrels and containers, and store them indoors or under cover to reduce exposure to rain.
- Periodically inspect and maintain all pretreatment equipment, including sumps, separators, and grease traps to ensure proper functioning.

## Parts Cleaning

- Use designated areas for engine, parts, or radiator cleaning. Do not wash or rinse parts outdoors.
- When steam cleaning or pressure washing, only discharge wastewater to an oil/water separator connected to the sanitary sewer.
- When using solvents to clean parts, rinse and drain parts over the designated solvent tank so that fluids will not drip or spill onto the floor. Use drip boards or pans to catch excess solutions and divert them back to the tank. Allow parts to dry over the hot tank.
- Recycle cleaning solution when it becomes too dirty to use. Never discharge cleaning waste to the sanitary sewer or storm sewer.

## Vehicle and Equipment Washing

- Vehicles should be washed in the vehicle and equipment wash area/bay.

## Employee Training

Provide applicable employees who perform heavy equipment and vehicle maintenance this written procedure.

# Fertilizer, Herbicide, and Pesticide Application and Storage

## Description

It is important to properly store, handle, apply, and clean up all fertilizers, herbicides, pesticides, and other landscaping chemicals. These chemicals can cause water pollution. Excessive fertilizer application can also contribute to algae blooms and deplete oxygen from waterways.

When services are contracted, this written procedure should be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

## Procedures

### General

- Follow label directions when applying, storing, handling, mixing, recycling, and disposing of chemicals and empty containers.
- Use care to transfer, mix or dispose of chemicals. Never perform these activities near storm drains or drainage areas.
- Have spill cleanup materials available in case of a spill and clean up chemical spills promptly with dry methods, if possible. Refer to the Spill Prevention and Response procedure.

### Application

- Staff performing chemical applications should wear all appropriate protective garments.
- All chemicals shall be used strictly in accordance with their labels and all applicable federal, state, and local laws, regulations, and ordinances.
- Always follow the manufacturer's recommendation on handling and applying the chemicals.
- Chemicals should not be applied right before or during rainstorms or while the area is being irrigated.
- Chemicals should not be applied right before or during high-wind events.
- Apply only the recommended amounts of chemicals to avoid chemicals being picked up by irrigation or stormwater runoff.
- Be careful not to overspray chemicals onto an impervious surface, such as a sidewalk or roadway. These chemicals will wash into the storm drain inlet during the next rainstorm.
- Clean up all over-sprayed chemicals.
- Do not apply landscape chemicals to frozen ground.

### Chemical Storage

- Materials shall be stored in accordance with all current federal, state and local laws, regulations and ordinances.
- Chemicals should be stored inside when not in use.
- Recycle or dispose of all spent or excess chemicals properly and promptly.

### Application Equipment

- Sprayers shall be used to apply only materials that are suitable for spraying.
- Spreaders shall be used to apply only materials that are available in granular forms.
- Fertilizers and pesticides should be loaded into application equipment over impervious surfaces, so that any spills can be easily cleaned.

- Properly calibrate application equipment to ensure the proper amount of chemical is applied.
- Keep application equipment clean; do not allow chemical buildup.
- Maintain (including washing) all equipment by following the [Heavy Equipment and Vehicle Maintenance](#) procedure.

## Employee Training

It is recognized that additional training and certifications exist that describe procedures for chemical application, handling, and storage. The appropriate employees and supervisors must have this certification.

Provide applicable employees who are involved with fertilizer, herbicide, and pesticide application and storage this written procedure.

## Hydrant Maintenance and Testing/ Potable Water Discharges

### Description

Hydrant Maintenance, Testing, and the discharge of Potable Water, if not conducted properly, can contribute to stormwater pollution. This SOP was created to provide guidance to those conducting Hydrant Flushing and Testing activities. Hydrant Flushing and Testing is considered an occasional incidental non-stormwater discharge that will not be addressed as an illicit discharge provided the following SOP (conditions) is followed. Discharges from hydrants are not reasonably expected to be a significant source of pollutants to the MS4 because the nature of the discharge. These activities occur infrequently. Any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4 is prohibited. When services are contracted, this written procedure may be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

### Procedures

#### Hydrant Testing and Flushing

The testing and flushing of fire hydrants are critical to determining the readiness of the hydrants to provide water at fire emergencies. Hydrants are periodically tested and flushed in the City. This activity involves the following steps:

- Establish work area and traffic control if necessary.
- Schedule sweeping, if necessary, along curb and gutters.
- No soaps or detergents are to be used.
- Use diffuser baskets for hydrant testing when needed. Diffuser baskets are outfitted with nylon mesh covers that contain pockets in which large "industrial strength" chlorine neutralizing tablets are placed. Enough material from these tablets dissolves during testing, to render chlorine residues in test water non-harmful to fragile plants and wildlife. Chloramine testers can be used to check the neutrality of water discharged through the diffusers.
- Due to the volume of water used during hydrant flushing, all hydrant flushing should be conducted with the diffuser baskets in place.

#### General Potable Water Discharges

- The potable water shall not be used in any additional process. Processes include, but are not limited to, any type of washing, heat exchange, manufacturing, and hydrostatic testing of pipelines not associated with treated water distribution systems.

- The discharge shall be from a potable water distribution system, tank or storage that has been maintained for potable water distribution use. Discharges from a distribution system, tank or storage that is used for conveyance or storage of materials other than potable water is not authorized without a separate permit.
- The discharge shall not cause erosion.
- The discharge shall not contain solid materials in concentrations that can settle to form bottom deposits in state waters or form floating debris, scum, or other surface materials sufficient to harm existing beneficial uses.
- If the discharge is directly to a “State surface water” (any stream, creek, gully, whether dry or flowing), it must not contain any residual chlorine.
- BMPs should be implemented as necessary to meet the conditions above, by anyone discharging potable water. These BMPs will help ensure that the discharge will not negatively affect water quality. Removal of any residual chlorine must be done for any direct discharge to state surface waters, or for any discharge to a storm sewer or conveyance where the chlorine will not dissipate prior to reaching a State surface water. De-chlorination, if necessary, may be achieved by allowing water to stand uncovered until no chlorine is detected, or by de-chlorination using a portable de-chlorinator.
- The discharge should be conducted to minimize the potential to pick up additional suspended solids. When possible, a best management practice, or combination of practices, for filtering or settling suspended solids and other debris, or a combination of practices, should be used to remove suspended solids or other debris. Examples of suspended solid removal practices include, but are not limited to check dams, filter bags, and inlet protection. These devices should be used and maintained in accordance with the manufacturer’s specifications.
- The discharge should be conducted to minimize the potential that it will not pick up any oil and grease. When possible, an absorbent oil pad, boom or similar device should be used to eliminate oil from the discharge.

## Employee Training

Provide applicable employees who perform testing and flushing of hydrants this written procedure.

## Large Outdoor Festivals and Events

### Description

Large outdoor festivals and events operated and controlled by the regulated municipality have the potential to impact stormwater quality. Potential contaminants may include trash, septage, and organics.

A large event would meet all of the following criteria:

- Portable toilets
- Trash receptacles
- Food and beverage vendors
- Street closures

When services are contracted, this written procedure may be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

### Procedures

#### Trash Collection and Removal

- Provide adequate trash receptacles for vendors and guests.
- Monitor and respond to leaking waste containers.

- Empty trash receptacles to prevent overflow.
- Store waste containers under cover or on grassy areas, if possible.
- Do not wash out trash receptacles unless wash water will be discharged to the sanitary sewer.
- Walk the outdoor festival and event area during and after every large event to pick up loose trash and debris. Properly dispose of this material.
- Sweep the roadway and parking lots after the large festival or event.
- Follow the Spill Prevention and Response procedures. Have spill kits available and ensure that vendors understand that it is prohibited to dump any pollutants into the storm sewer system.

### Portable Toilet Service

Portable toilets are used at most large outdoor festivals and events. All portable toilet waste is classified as septage. The municipality will use a licensed waste hauler to dispose of their waste for any large outdoor festival or event that has portable toilets. The units will be removed as soon as the festival or event is completed so that they do not become a nuisance or vandalized.

### Food and Beverage Vendor Waste

Waste generated by food and beverage vendors is regulated by the Colorado Retail Food Rules and Regulations.

### Employee Training

Provide applicable employees who perform trash collection and street sweeping and issue leases/permits for large outdoor festivals and events this written procedure.

## New Construction Activities

### Description

This SOP addresses new construction activities conducted by the City disturbing less than one acre not subject to a CDPS Construction permit. New construction includes, but is not limited to buildings, structures, capital improvements, roadways, and recreational components such as trails, restrooms, bus stops and other structures. Procedures provided are general in nature and can be applied to any scale or type of municipal construction.

When services are contracted, this written procedure should be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

### Procedures

#### General

- For new municipal facilities, refer to the Municipal Operations Stormwater Manual for control measure requirements including secondary containment, indoor storage, and permanent post construction water quality controls.
- Obtain all applicable federal, state, and local permits for construction projects.
- The Colorado Stormwater Construction General permit applies to construction sites disturbing one acre or more, or less than one acre but part of a larger common plan of development.
- A larger common plan of development is defined as a **contiguous area** where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

- A dewatering permit may be required if construction activities require the removal and discharge of groundwater offsite.
- A U.S. Army Corp of Engineers (USACE) Section 404 Permit may be needed if the work will be conducted in or impact waters of the United States, including wetlands, washes, drainages, ditches, creeks, streams, and rivers.
- Applicable sediment and erosion controls may be installed, such as inlet protection, silt fence, sediment traps, erosion control logs, check dams, and vehicle tracking control. Sediment and erosion controls will be installed and maintained in accordance with approved design criteria and/or industry standards.
- Material stockpiles will not be stored in stormwater flow lines. Temporary sediment control will be used during temporary, short-term placement while work is actively occurring.
- Where feasible, grading activities should be scheduled during dry weather.
- Best management practices will be periodically inspected and maintained as necessary.
- Waste containment for concrete washout, masonry, paint, trash and other potential pollutants will be available when these activities are being conducted.
- Where practicable, non-structural controls will be used, such as phased construction, dust control, good housekeeping practices, and spill prevention and response.

## Employee Training

Provide applicable employees who are involved in new construction activities this written procedure.

## Outdoor Material Storage

### Description

The responsible management of automotive products, fertilizers, pesticides, paints, chemicals, and other materials during municipal operations can significantly reduce polluted stormwater runoff. All materials should be handled properly including unloading, use, storage, and disposal. Proper management of materials can also reduce the likelihood of accidental spills or releases.

### Procedures

#### General

- Periodically inspect the outdoor material storage areas to ensure that all materials are being stored properly when not in use.
- Clean the material storage area when necessary using dry cleanup methods.
- Properly dispose of unneeded materials.
- Store materials in a manner that reduces the potential for transport in stormwater flows.

#### Materials Stored in Containers

- Whenever possible, containerize and cover stored materials to prevent stormwater from coming in contact with materials.
- Secondary containment is required for liquid bulk storage located outside (55 gallon drums or greater).
- Store containers in a location where they will not be accidentally damaged by equipment or vehicles.
- Provide tight-fitting lids for all containers.
- Follow the [Spill Prevention and Response](#) procedure to respond to and clean up any spills or leaks.



- Inspect storage containers regularly for signs of leaking or deterioration.
- Replace or repair leaking storage containers.
- Use care to avoid spills when transferring materials from one container to another.
- Use powered equipment or get assistance when moving bulk materials to and from a storage area. Handle containers appropriately and get help if needed. Use care to prevent punctures in the containers from equipment.

### Loose Materials

- Consolidate loose material (gravel, mulch, etc.) and berm where needed to prevent contaminated run-off of stormwater.
- Large inert materials such as piping and road signs can be stored outside without a protective covering. These materials do not impact stormwater quality.

### Hazardous Materials

- Identify all hazardous materials stored at the facility.
- Maintain a Material Safety Data Sheet (MSDS) for each hazardous chemical.
- Clearly label all containers with the name, chemical, unit number, expiration date, handling instructions, and health and environmental standards.
- Provide special handling, storage (e.g., metal lockers), and disposal for all hazardous materials.

## Employee Training

Provide applicable employees this written procedure.

## Power Washing

### Description

Wastewater from power washing must not be allowed to enter the storm sewer system and must be disposed of properly. Power washing combined with proper wastewater collection can prevent or reduce fine-grained sediment particles, anti-freeze, oil, paint, or trash from polluting stormwater.

Facilities Management Division maintains a Colorado Discharge Permit System Permit for this activity. The Permit Number is COG 607011. All discharges associated with power washing shall be in compliance with the conditions of this permit.

When services are contracted, this written procedure should be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

### Procedures

#### General

- Notify City of Colorado Springs Stormwater Program prior to discharge of power washing wastewater into the City of Colorado Springs Municipal Separate Storm Sewer System (MS4).
- Use dry methods for surface pre-cleaning, such as using absorbent on small oil spots and sweeping up trash, debris, dirt, and used absorbent before power washing.
- Minimize the amount of water used during power washing activities.
- Use no chemical additives for washing.

- Complete a BMP Compliance Record for each cleaning activity. Provide one copy to the City of Colorado Springs when discharge into their system.
- Avoid using cleaning products that contain hazardous substances (e.g., hydrofluoric acid, muriatic acid, sodium hydroxide, bleach) that can turn wastewater into hazardous waste.
- Wastewater Collection
- Identify the locations of all storm drains in the area and place inlet protection or drain covers at all locations, as needed.
- Locate high and low spots on the property to determine the area where wastewater will be pooled for collection.
- Equipment to contain and collect wastewater generated by power washing includes: vacuum pumps, booms, berms, portable containment areas, weighted storm drain covers, inflatable plumber's plugs, oil and water separators, holding tanks, portable sump pumps, hoses, and absorbent pads. Avoid mixing non-hazardous wastewater with wastewater known to contain hazardous substances or hazardous levels of pollutants. Mixing these wastes may increase the characteristic and/or total volume of waste, resulting in more expensive disposal and additional regulatory requirements.
- Place an oil-absorbent mat or pad on top of collected wastewater to help reduce the amount of oil re-deposited on the surface of the collection area.
- Wastewater can be filtered through an oil absorbent boom or oil/water separator and a filter to decrease the concentration of oil in the liquid and the amount of solids in the wastewater.
- Once wastewater has been collected, visible solids remaining in the collection area after liquids have evaporated must be swept up and properly disposed to prevent future discharges to the storm sewer system.

### Wastewater Disposal

- Do not dispose of power washing wastewater into the storm sewer system.
- Power washing wastewater may be disposed of in an inside drain connected to the sanitary sewer system with the permission of the wastewater treatment plant (may require a permit) and the facility owner where the work is being performed. Collected wastewater can also be discharged to the sanitary sewer system at the power washer's place of business with the permission of the wastewater treatment plant, or can be taken directly to a wastewater treatment plant.
- Do not remove sewer manhole covers to dispose of wastewater to the sanitary sewer system without prior approval.
- Power washing wastewater may be discharged to landscaped areas if it is not harmful to vegetation, there is no ponding, and there is no runoff from the site to the storm sewer system.

### Employee Training

- Train applicable employees who perform power washing activities on this written procedure. Information regarding how to avoid and report spills will be presented during the training.
- Periodically conduct refresher training on the SOP for applicable employees who perform power washing.

### Records

The following records could be used to document activities performed:

- Records of employee training with sign-in sheet.
- List of power washing activities and departments responsible for conducting power washing.

## References

City of Fort Collins, Regulatory and Government Affairs Division, *Power Washing Guidance*, No Date.

City of Golden, *BMPs for Pressure Washing*, January 2004.

Partners for a Clean Environment, *Water Protection Guide: Pressure Washers*, No date.

Colorado Department of Public Health and Environment, *Discharge of Process Wastewater from Power Washing Operations*, No Date.

## Parking Lot Maintenance

### Description

The operation and maintenance of parking lots, if not conducted properly, can contribute to stormwater pollution. This SOP applies to municipal parking lots, sidewalks and other municipally owned large outdoor-paved surfaces.

### Procedures

- Schedule a cleaning anytime storm drains have debris blocking the water flow to storm sewers or excessive debris is being carried into the stormwater sewers.
- Schedule more frequent cleanings in areas that have high pollutant loadings.
- Immediately treat spills of any pollutants, large or small, such as oil, diesel, and transmission fluids,
- Review parking lot cleaning and maintenance schedule (i.e., sweeping, crack filling and overlaying) annually to ensure priority areas are properly maintained, and new areas of development are incorporated in master schedule.

### Employee Training

Provide applicable employees who perform parking lot maintenance this written procedure.

## Parks and Open Space Maintenance

### Description

Parks and open space maintenance activities involve the operation of equipment such as mowers and tractors; disposal of waste from mowing, planting, weeding, raking, pruning and trash collection; application of pesticides, herbicides and fertilizers, cleaning and maintenance of park amenities such as play equipment, restrooms, and structures; and snow removal.

When services are contracted, this written procedure should be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

### Procedures

#### General

- Repair damage to landscaped areas as soon as possible. Mulch or vegetate bare areas to minimize erosion.
- Remove (sweep or shovel) materials such as soil, mulch and grass clippings from parking lots, streets, curbs, gutters and sidewalks.
- Collect and dispose of trash.
- Do not attempt to clean up any unidentified or possibly hazardous materials found on or around landscaped areas during maintenance; notify the supervisor immediately upon discovery of hazardous materials.

- Refer to the Fertilizer, Pesticide, and Herbicide Application and Storage procedure for information on the application of landscape chemicals.

### Maintenance

- Wastewater from power washing signs, structures, or bleachers cannot be discharged into the storm sewer system.
- When painting park equipment, use a drop cloth and clean up any spills immediately. Do not leave open containers on the ground where they may accidentally tip over.

### Mowing

- Remove paper, debris, and trash from the landscaped and surrounding areas prior to mowing.
- Collect grass clippings and leaves that are on the walks and other hard surfaces. Do not blow or wash them into the street, gutter or drainage ways.
- Properly recycle or dispose of organic wastes after mowing, weeding, and trimming.

### Irrigation

- Repair broken sprinkler heads as soon as possible.
- Only irrigate at a rate that can infiltrate into the soil to limit run-off.

### Landscape Equipment

- Brush off mowers (reels and decks) and tractors over grassy areas or in contained washout areas.
- Leave clippings on grassy areas or dispose of in trash or by composting. Do not hose off mowers over paved areas that drain to the storm drain system.
- Maintain (including washing) all equipment by following the Equipment and Vehicle Maintenance procedure.
- Do not allow grease from the grease zirks on mowers to fall onto areas where they can be washed into the storm drain.

### Snow Removal

- Conduct snow and ice removal operations using the Snow and Ice Control procedure.\
- Store all salt or sand that will be used on walks inside or under a roof or in a covered container.

### Other Activities

- Utilize pet waste stations with bags and trash receptacles.
- All portable toilets should be located on flat, secure locations where they are less likely to be knocked or blown over. All portable toilets should be in a location that would retain any spillage opposed to washing into storm sewer or waterway. Ensure routine maintenance and cleaning is conducted.

## Employee Training

Provide applicable employees who are involved with parks and open space maintenance activities this written procedure.

## Spill Prevention and Response

### Description

Due to the type of work and the materials involved, many activities that occur either at a municipal facility or as part of municipal operations have the potential for accidental spills. Proper spill response planning and

preparation enables employees and contractors to effectively respond to problems and minimize the discharge of pollutants to the storm sewer system.

When services are contracted, this written procedure may be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

## Procedures

### Spill Prevention

- Keep work areas neat and well organized.
- Maintain a Material Safety Data Sheet (MSDS) for each hazardous chemical. Follow the Outdoor Material Storage procedures.
- Provide tight fitting lids for all containers.
- Keep containers clearly labeled. Labels should provide name and type of substance at a minimum.
- Store containers, drums, and bags away from direct traffic routes to prevent accidental spills.
- Inspect storage containers regularly for signs of leaking or deterioration.
- Replace or repair leaking storage containers.
- Use care to avoid spills when transferring materials from one container to another.
- Use powered equipment or get assistance when moving bulk materials to and from a storage area. Use care to prevent puncturing containers with the equipment.
- Do not wash down or hose down any outdoor work areas or trash/waste container storage areas except where wash water is captured and discharged into the sanitary sewer (if approved).
- Conduct periodic inspections to ensure that materials and equipment are being handled, disposed/recycled, and stored correctly.
- Spill kits are to be kept in DPW Operations Foreman and Superintendents and Inspectors vehicles. Inspect each spill kit regularly and after each spill response. Replace any spent supplies or repair any equipment that is worn or not suitable for service. Notify Storm water staff for additional spill kits or refill of materials.
- Stock adequate personal protective equipment.

### Spill Response

#### *Safety*

Consider safety at all times. Anticipate and avoid all likely hazards. Never approach, contact, or sample an unknown substance. If a highly toxic or flammable substance is discovered, staff should leave the immediate area and contact the appropriate identified response authority, such as the fire department and EPC HazMat staff. If there is any question about a substance, contact the EPC HazMat Coordinator.

#### *Procedures*

- Stop the leading edge of the spill. Block or divert the spill to avoid discharge to the storm sewer system and to minimize the area requiring cleanup.
- Contact the Stormwater Coordinator for spill reporting and notification requirements and initial guidance on spill response.
- Stormwater Coordinator will contact EPC HazMat staff as appropriate.

- Determine the source of the spill and stop the spill at its source by closing a valve, plugging a leak, or setting a container upright. Transfer material from a damaged container.
- Identify the material and volume spilled. Contact the Stormwater Coordinator or EPC HazMat staff if you cannot identify the material and its properties.
- Refer to the MSDS to determine appropriate personal protective equipment, such as gloves and safety glasses and appropriate cleanup methods.
- Clean up spills immediately to prevent spreading of wastes by wind, rain, and vehicle traffic and potential safety hazards.
- Use sand absorbents or socks, pillows, or pads to quickly capture spilled liquid and properly dispose of all clean-up materials. Use dry clean-up methods only.
- Containers of spill clean-up wastes must be sent to proper disposal of the material. In the event of large spills requiring a tandem axle dump truck for material removal a Manifest is required for disposal to a local landfill.
- Complete all necessary reports.

### *Spill Reporting*

- A spill of any chemical, oil, petroleum product, or sewage that enters waters of the state of Colorado (that include surface water, ground water, and dry gullies and storm sewers leading to surface water) must be reported immediately to the Colorado Department of Public Health and Environment. (1-877-518-5608)
- Release of a substance into a storm drain, or onto a parking lot or roadway that drains to a storm sewer leading to surface water, is reportable. However, if the material can be contained and cleaned within the storm sewer system to the degree that a subsequent flow in the storm sewer will not flush the substance to waters of the State, it may not need to be reported.
- Contact the appropriate identified response authority within the municipality or other designated representative and be prepared to provide details needed to report the spill to the necessary agencies- see the IDDE Plan for additional information.
- Detailed spill reporting guidance can be found at <http://www.cdphe.state.co.us/op/wqcc/Resources/Guidance/spillguidance.pdf> and <http://www.cdphe.state.co.us/hm/spillsandreleases.htm>

## **Employee Training**

Provide applicable employees who perform spill prevention and response this written procedure.

## **Snow and Ice Control**

### **Description**

Deicers can contaminate surface and ground water and damage vegetation adjacent to roadways. Salt will change the chemical balance of local waterways and sand can be picked up by stormwater resulting in higher dissolved and suspended sediment loads in waterways. Sand also presents an air quality concern.

### **Procedures**

#### **Plowing**

- Inspect plowing equipment for leaks prior to use.
- Take care when connecting or releasing snowplows and clean up any hydraulic fluid that may leak onto the pavement.

- Wash snow removal equipment in the wash bay.
- Do not pile snow in front of storm sewer inlets to allow inflow of snowmelt runoff.

### Deicer Application

- Apply only the recommended amount of deicer to roadways.
- Spreaders should be inspected at the beginning of each season and any needed maintenance or repair should be conducted after each storm.
- As soon as weather conditions allow, follow-up with street sweeping to remove remaining deicer from roadways.

### Employee Training

Provide applicable employees who are involved in snow and ice control this written procedure.

### Snow Storage

#### Description

Snow may have to be stored during major winter storms to increase street accessibility. It is possible for pollutants such as sediment, organics, oil, and grease to be concentrated at snow storage locations and to impact stormwater quality.

#### Procedures

##### Snow Storage

- Snow should be stored away from storm sewer inlets and waterways.
- When possible, snow should be stored on a pervious surface to allow infiltration. Do not store snow in water quality ponds or rain gardens.
- Sweep or vacuum impervious snow storage areas once snow has melted.

### Employee Training

Provide applicable employees who are involved with snow storage this written procedure.

## Street, Curb, and Gutter Maintenance/Replacement /Construction

#### Description

Street, curb, and gutter activities include concrete and asphalt installation, maintenance, repair, and replacement; bridge maintenance; and painting and striping. Procedures involving the maintenance of streets/parking lots, curbs, and gutters have the potential to impact stormwater quality. Materials involved in these activities should be used efficiently and disposed of properly.

When services are contracted, this written procedure may be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

#### Procedures

##### General

- Obtain all applicable federal, state, and local permits for construction projects.
- The Colorado Stormwater Construction General permit applies to construction sites disturbing one acre or more, or less than one acre but part of a larger common plan of development.

- A larger common plan of development is defined as a **contiguous area** where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- A dewatering permit may be required if construction activities require the removal and discharge of groundwater offsite.
- A U.S. Army Corp of Engineers (USACE) Section 404 Permit may be needed if the work will be conducted in or impact waters of the United States, including wetlands, and creeks.
- Applicable sediment and erosion controls may be installed, such as inlet protection, silt fence, sediment traps, erosion control logs, check dams, and vehicle tracking control. Sediment and erosion controls will be installed and maintained in accordance with approved design criteria and/or industry standards.
- Wash out mixers, delivery trucks, or other equipment in the designated washout areas only.
- Locate concrete washout, portable toilets, and material storage away from storm drain inlets.
- Material stockpiles will not be stored in stormwater flow lines. Temporary sediment control will be used during temporary, short-term placement while work is actively occurring.
- Best management practices (BMPs) shall be implemented as appropriate and they will be periodically inspected and maintained as necessary.
- Where practicable, non-structural controls will be used, such as phased construction, dust control, good housekeeping practices, and spill prevention and response procedures.
- Protect storm drain inlets and drains with curb socks, rock berms, inlet protection, or drain covers/mats prior to any maintenance activity.
- When saw cutting ensure that no slurry enters the storm drain, let the slurry dry, sweep it up, and properly dispose of the sweepings.
- Do not perform concrete or asphalt patch work during wet conditions whenever possible.
- Leaking material containers should be properly discarded and replaced.
- Store materials in containers under cover when not in use and away from any storm drain inlet.
- Monitor equipment for leaks and use drip pans as necessary.
- Sweep or vacuum the roadway once maintenance activities are complete.

### Bridge Maintenance

- Do not transfer or load any materials directly over waterways.
- Secure lids and caps on all containers when on bridges.

### Concrete Maintenance

- Minimize the drift of chemical cure on windy days by using the curing compound sparingly and applying it close to the concrete surface.
- Ensure there is a concrete truck washout area available or require the contractor to wash out at the batch plant.
- Whenever possible, recycle concrete rubble; otherwise, dispose of it as solid waste.

### Asphalt Maintenance

- Sweep to minimize sand and gravel from new asphalt from getting into storm drains, streets, and creeks.
- Do not allow concrete grindings, pieces, or chunks to enter any storm drain or watercourses.



- Whenever possible, recycle broken asphalt. If impossible, dispose of as solid waste.
- Drainage inlet structures shall be covered with inlet protection during application of seal coat, tack coat, slurry seal, and/or fog seal.

### Painting and Striping

- If possible, schedule painting and striping projects during dry weather.

### Employee Training

Provide applicable employees who perform street, curb, and gutter maintenance/replacement/construction this written procedure.

## Street Sweeper Cleaning and Waste

### Description

The operation and maintenance of street sweepers, if not conducted properly, can contribute to stormwater pollution. In addition, all sweeper waste must be disposed of properly. All sweeper waste must be taken directly to a permanent disposal site or to a secure temporary storage area at the municipal yard.

### Procedures

#### Sweeper Debris Disposal

- Do not empty sweeper hoppers, even temporarily, onto areas near storm drains or surface water bodies or where wind or rain could wash the debris into the storm sewer system or scatter the debris.
- Dispose of sweeper debris at the designated dump site or at the designated area at the municipal facility. The temporary storage area for debris is protected from wind, rain, and surface runoff.
- If unusual sweeping materials are identified, bring the issue to the attention of a supervisor for evaluation and proper disposal.

#### Sweeper Wash Out

Sweepers must be washed in the designated municipal wash bay. The wash bay is connected to the sanitary sewer system and the debris should be left in the wash bay to dry. The debris should be properly disposed of when dried.

### Employee Training

Provide applicable employees who perform street sweeping this written procedure.

## Street Sweeping

### Description

Street sweeping gives the Town an overall clean appearance, and aids in helping reduce traffic accidents and air pollution caused by fine dust particles. Street sweeping can prevent pollutants such as sediment particles, organics, oil, grease, trash, road salt, and trace metals from entering and plugging the storm sewer system.

### Procedures

#### General

- Operate all sweepers according to manufacturer's recommended settings and standards.
- Do not conduct street sweeping during or immediately after heavy rainstorms.
- Conduct regular maintenance of sweepers in accordance with the master schedule or as needed.

- Prior to operating the sweeper, perform a routine inspection, including checking for leaks. Follow procedures outlined in the Spill Prevention and Response procedure if a leak is observed.
- Do not wash down any streets or curbs for routine cleaning.
- Immediately contain and properly clean up all spills (see the Spill Prevention and Response procedure).
- Handle sweeper debris as detailed in written procedure Street Sweeper Cleaning and Waste.

## Frequency

- Streets are swept needed based upon conditions.
- Increase the frequency of street sweeping in areas prone to litter and dust/dirt accumulation and areas that have a history of storm drain plugging.
- Schedule additional sweeping, where feasible, due to the following conditions.
  - Construction conducted by the municipality where there is temporary storage of construction materials like dirt, sand, and road base along the roadway.
  - Median grass cutting.
  - Landscape planting.
  - After heavy rainstorms in which sediment is present on the streets.
  - After snows melt where large coarse sediments and garbage have been left behind.
  - In the fall when deciduous trees are losing their leaves.

## Employee Training

Provide applicable employees who perform street sweeping this written procedure.

## Utility and Storm Sewer Replacement and Construction

### Description

Procedures involving the replacement and construction of utilities and storm sewers have the potential to impact stormwater quality. Materials involved in these activities should be used efficiently and disposed of properly.

When services are contracted, this written procedure may be provided to the contractor, so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

### Procedures

#### General

- Obtain all applicable federal, state, and local permits for construction projects.
- The Colorado Stormwater Construction General permit applies to construction sites disturbing one acre or more, or less than one acre but part of a larger common plan of development.
- A larger common plan of development is defined as a **contiguous area** where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- A dewatering permit may be required if construction activities require the removal and discharge of groundwater offsite.

- A U.S. Army Corp of Engineers (USACE) Section 404 Permit may be needed if the work will be conducted in or impact waters of the United States, including wetlands, washes, drainages, ditches, creeks, streams, and rivers.
- Applicable sediment and erosion controls may be installed, such as inlet protection, silt fence, sediment traps, sediment control logs, check dams and vehicle tracking control. Sediment and erosion controls will be installed and maintained in accordance with approved design criteria and / or industry standards.
- When saw cutting, ensure that no slurry enters the storm drain. Let the slurry dry, sweep it up, and properly dispose of the sweepings or vacuum while saw cutting.
- Where feasible, grading activities will be scheduled during dry weather.
- Do not perform concrete or asphalt paving work during wet conditions whenever possible.
- Monitor construction equipment for leaks and use drip pans as necessary.
- Leaking material containers should be properly discarded and replaced.
- Store materials in containers under cover when not in use and away from any storm drain inlet.
- Wash out mixers, delivery trucks, or other equipment in the designated concrete washout area only.
- Locate concrete washout, portable toilets, and material storage away from storm drain inlets.
- Material stockpiles will not be stored in stormwater flow lines. Temporary sediment control will be used during temporary, short-term placement while work is actively occurring.
- Sweep or vacuum the roadway as needed, during construction and once construction is complete.
- Best management practices will be periodically inspected and maintained as necessary.
- Where practicable, non-structural controls will be used, such as phased construction, dust control, good housekeeping practices, and spill prevention and response procedures.
- When cleaning our storm sewer infrastructure, including catch basins, pipes, and ponds, dispose of materials in the appropriate bay at the Public Works Facility. If necessary, decant into the wash bay and allow water to enter the sanitary sewer before loading the dry debris into the bay.

### Emergency Repair and Replacement

Emergency Discharges are defined as situations in which it is not possible to implement all of the available BMPs due to the uncontrolled nature of the discharge. The primary focus during these events is to identify and mitigate the cause as soon as possible. Clean up of resulting sediment or other pollutants will be performed as soon as practicable following the emergency. Refer to the [Spill Prevention and Response](#) procedure for reporting requirements.

### Employee Training

Provide applicable employees who perform utility and storm sewer replacement this written procedure.

## Water Line Breaks

### Description

Water Line Breaks happen unexpectedly. When a water line break occurs, the first priority is to protect public health. This SOP was created to provide guidance to those responding to a water line break. Water line breaks are considered an occasional incidental non-stormwater discharge that will not be addressed as an illicit discharge provided the following SOP (conditions) are followed. Discharges from water line breaks are not reasonably expected to be a significant source of pollutants to the MS4 because the nature of the discharge. These activities occur infrequently and are most often a far enough distance from a state water to allow for

dechlorination and sediment to drop out before reaching a state water. Any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4 is prohibited. When services are contracted, this written procedure may be provided to the contractor so they have the proper operational procedures. In addition, the contract should specify that the contractor is responsible for abiding by all applicable municipal, state, and federal codes, laws, and regulations.

## Procedures

### Observation, Containment, and Clean-Up

The repairing of water line breaks is critical to providing water service to citizens and businesses in the community. This activity involves the following steps:

- Upon site inspection, document the following information:
  - Actual release location and estimated volume of the release.
  - Whether the release has entered or will result in a release to a waterway (stream, creek, ditch, pond, etc.) within .25 miles of the break.
- Beware of buried utilities! May need to request emergency locates.
- Stop release at the source as soon as possible.
- Protect any storm sewer drains with curb inlet protection.
- If able, contain sediment with control devices (pigs, dikes, earth), especially on sloped areas.
- Perform necessary repairs- all dewatering must have a dewatering bag affixed to the end of the hose. Minimize the potential that the discharged water will pick up any oil or additional sediment.
- Begin cleanup operations. Dispose of sediment in the proper Public Works storage location.

### Reporting a Water Line Break

If the discharge is to a “State Water” (any stream, creek, gully, whether dry or flowing; or to the MS4), it must not contain any residual chlorine or sediment. If it contains sediment or chlorine, it must be reported to Colorado Department of Public Health and Environment- 24-hour Spill Reporting number 303-686-1925.

### Employee Training

Provide applicable employees who respond and/or repair water line breaks this written procedure.