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

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et seq; "the Act"), except as provided in Part 1.3 of this permit,

U.S. Department of Commerce, National Institute of Standards and Technology (NIST)

hereinafter "permittee", is authorized to discharge from all municipal separate storm sewer outfalls existing as of the effective date of this permit

to receiving waters which include Skunk Creek and Anderson Ditch and other associated waters of the United States within the exterior boundaries of the Department of Commerce, Boulder Laboratories in the City of Boulder, CO,

in accordance with the conditions and requirements set forth herein.

This permit shall become effective September 1, 2009.

This permit and the authorization to discharge shall expire at midnight, August 31, 2014.

Signed this day of

Authorized Permitting Official

for Stephen S. Tuber, Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

INDUSTRIAL (Rev.07/04

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1. COVERAGE UNDER THIS PERMIT1.1Permit Area. This permit covers all areas of the municipal separate storm sewer system (MS4) within the exterior boundary of the Department of Commerce, Boulder Laboratories.

1.2. Discharges Authorized Under This Permit.

1.2.1. During the Effective Dates of this permit, the permittee is authorized to discharge stormwater from all portions of the MS4 within the exterior boundaries of the Department of Commerce, Boulder Laboratories.

1.2.2. This permit also authorizes the discharge of stormwater commingled with flows contributed by process wastewater, non-process wastewater, and stormwater associated with industrial activity, provided that the stormwater is commingled only with those discharges set forth in **Part 1.3** of this permit.

1.3. Limitations on Permit Coverage.

1.3.1. The permittee must prohibit all types of non-stormwater discharges into its MS4, except for allowable non-stormwater discharges described in **Part 1.3.2**.

1.3.2. Allowable Non-Stormwater Discharges. The following sources of non-stormwater discharges are allowed to be discharged into the MS4 unless the permittee determines they are significant contributors of pollutants. If the permittee identifies any of the following categories as a significant contributor of pollutants, the permittee must include the category as an illicit discharge (see **Part 2.4**).

- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration;
- Uncontaminated pumped ground water;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps;
- Footing drains;
- Lawn watering;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Street wash water;
- Power washing where no chemicals are used;
- Roof drains;
- Fire hydrant flushings;

- Emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges; and
- Discharges or flows from firefighting activities occurring during emergency situations.

1.3.3. Stormwater Discharges Associated with Industrial Activity. This permit does not authorize stormwater discharges associated with industrial activity as defined in 40 CFR § 122.26(b)(14)(i)-(ix) and (xi).

1.3.4. Stormwater Discharges Associated with Construction Activity. This permit does not authorize stormwater discharges associated with construction activity as defined in 40 CFR § 122.26(b)(14)(x) or 40 CFR § 122.26(b)(15).

1.4. EPA Review and Modification. EPA may notify the permittee that changes to the Effluent Limits and Monitoring Requirements in **Part 2** are necessary to:

- Address discharges from the MS4 that are causing or contributing to adverse or negative water quality impacts; and/or

- Include more stringent requirements deemed necessary by the EPA to comply with water quality standards, Endangered Species Act (ESA) related requirements, and/or other goals and requirements of the Clean Water Act.

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

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

1.5 Transfer of Ownership, Operational Authority, or Responsibility. The permittee must implement the Effluent Limits and Monitoring Requirements in **Part 2** on all new areas added to the permittee's MS4 (or for which the permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

2. EFFLUENT LIMITS

2.1. Stormwater Management Plan. The permittee must maintain a Stormwater Management Plan (SWMP). The SWMP must describe how the permittee will comply with each of the requirements in **Parts 2.2-2.7**. The SWMP can include citations of documents and electronic records (e.g., manuals, guidance, procedures, electronic management systems, intergovernmental agreements) used to comply with permit requirements. It is not required that the SWMP repeat information included in the cited documents or information systems, but the

SWMP must include the names of the most recent versions of the cited documents or information systems and the locations where the supporting documentation is maintained.

2.1.1. SWMP Availability. The SWMP must be immediately available to EPA in writing. It does not need to be stored or maintained in hardcopy format, but it must be available immediately for printout upon request.

2.1.2. Annual SWMP Review. The permittee must conduct an annual review of the SWMP in conjunction with preparation of the annual report required under **Part 3.2** and update the document with the most current information.

2.2. Public Education and Outreach on Stormwater Impacts. The permittee must:

2.2.1. Continue to implement an education and outreach program for the Department of Commerce, Boulder Laboratories, which targets project managers, contractors, tenants, and environmental staff in an effort to provide education and outreach about the impacts of stormwater discharges on local water bodies and the steps that can be taken to reduce pollutants in stormwater runoff;

2.2.2. By no later than 18 months after the effective date of this permit, at a minimum, disseminate informational material to the defined target audiences on both the general water quality goals of the permit and provide education specific to the target audiences defined in **Part 2.2.1** that addresses their potential pollutant sources and any policies and/or procedures that should be implemented to minimize the discharge of the defined pollutants in stormwater runoff. Informational materials shall be updated and distributed as necessary throughout the duration of this permit, and should provide a location where all annual reports and/or SWMP updates as required by this permit may be viewed;

2.2.3. By no later than 12 months after the effective date of this permit, and triennially (every third year) thereafter, provide and document training to fleet maintenance staff, site maintenance staff, Engineering, Maintenance, and Support Services (EMSS) construction project managers, and Contracting Office Technical Representatives (COTRs) to learn about the policies and procedures for maintaining construction site runoff controls, applicable industrial onsite Best Management Practices (BMPs), and management of stormwater runoff using post-construction stormwater controls;

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

2.2.5. At a minimum, produce and disseminate informational material to inform the public and contractors working on site of proper hazardous waste collection processes. These materials should be updated and distributed as necessary throughout the duration of the permit and should be disseminated to laboratory staff;

2.2.6. Distribute materials to employees which utilize information from the Keep It Clean Partnership or similar resources; and

2.2.7. Document education and outreach activities in the SWMP, including documents created for distribution and a training schedule which notes the dates that trainings occurred and the target audiences reached;

2.2.8. The Stormwater Management Plan (See **Part 2.1**) must document the following information related to public education and outreach:

2.2.8.1. A schedule for meeting the requirements in **Parts 2.2.1.-2.2.7**;

2.2.8.2. A description of the target audiences from **Part 2.2.1**;

2.2.8.3. A copy or representation of public outreach materials provided to the target audience(s), a description of the rationale for how public outreach is provided to the target audience(s), and up-to-date tracking of the public education and outreach provided to the target audience(s); and

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

2.3. Public Involvement and Participation. The permittee must:

2.3.1. Comply with applicable public notice requirements when implementing a public involvement and participation program.

2.3.2. Distribute materials which discuss the stormwater management program and include the location of the annual reports and the stormwater management plan. These should be distributed to NIST/NOAA/NTIA staff and to the City of Boulder if requested.

2.3.3. The Stormwater Management Plan (See **Part 2.1**) must document any public notices and/or meetings held to meet the conditions in **Parts 2.3.1 and 2.3.2.**

2.4. Illicit Discharge Detection and Elimination. An illicit discharge is any discharge to a MS4 that is not composed entirely of stormwater. Exceptions are described in **Part 1.3.2.** The permittee must:

2.4.1. Continue an illicit discharge screening program, which includes an appropriate inspection schedule for Building #23, Building #21, the equipment yard south of Building #21 (including the storm drain inlet in the northeastern corner), and Anderson Ditch as it bisects and exits the facility. This program shall address illegal dumping into the storm sewer system, and include training for staff on how to respond to reports of illicit discharges;

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

2.4.3. Provide a mechanism for reporting of illicit discharges and provide this number on any outreach materials as appropriate. For each of the illicit discharges identified, the permittee

shall provide a brief description that outlines how that illicit discharge was identified and the procedures taken to characterize and/or eliminate the illicit discharge;

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

2.4.5. Investigate any illicit discharge within fifteen (15) days of its detection, and take action to eliminate the source of the discharge within forty five (45) days of its detection (or obtain permission from EPA for such longer periods as may be necessary in particular instances). If illicit discharges can be determined through sampling and analysis to be allowable non-stormwater discharges as defined in **Part 1.3.2** of the permit (e.g., groundwater, foundation drains), then elimination of the source of the discharge may not be appropriate;

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

2.4.7. Conduct dry weather screening annually at each of the major outfalls for the presence of non-stormwater discharges and to determine if there are significant erosion issues which need to be addressed. If an illicit discharge is detected, an assessment of that discharge shall be made. The assessment should first be used to determine the source of the dry weather discharge and if it can be readily remedied (e.g., landscape watering). Field sampling should be used when it is not possible to eliminate a dry weather discharge. Sampling could include field tests of selected chemical parameters as indicators of discharge sources where dry weather flows are detected. Screening level tests may utilize less expensive "field test kits" using test methods not approved by EPA under 40 CFR Part 136, provided the manufacturer's published detection ranges are adequate for the illicit discharge detection purposes; and

2.4.8. Maintain a storm sewer map showing the location of all outfalls and the names and location of all surface waters that receive discharges from those outfalls, and within three years of the effective date of this permit, update the existing map of the stormwater drainage system to include all newly constructed and existing stormwater treatment structures and associated management practices within the Department of Commerce, Boulder Campus property.

2.4.9. The Stormwater Management Plan (See **Part 2.1**) must document the following information related to illicit discharge detection and elimination:

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

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

2.4.9.3. A description of illicit discharges located and all actions taken to eliminate sources of illicit discharges;

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

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

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

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

2.5. Construction Site Stormwater Runoff Control. The permittee must:

2.5.1. Provide adequate direction to ensure that "representatives" of "regulated construction activities" obtain permit coverage under the NPDES General Permit for Stormwater Discharges for Construction Activity in Colorado, COR10000F (Construction General Permit). "Representatives" include entities contracted by the permittee and any staff engaging in "regulated construction activities." For the purposes of this permit, "regulated construction activities" include development and re-development that results in a land disturbance of greater than or equal to one acre or disturbs less than one acre if the development or redevelopment is part of a larger common plan of development or sale that would disturb one acre or more. If EPA waives the permit requirements for storm water discharges associated with a specific small construction activity (i.e., a single project) in accordance with §122.26(b)(15)(i)(A) or (B), the permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from that particular site;

2.5.2. Use an ordinance or other regulatory mechanism available under the legal authorities of the permittee to require erosion and sediment controls and sanctions to ensure compliance with the terms of the NPDES General Permit for Stormwater Discharges for Construction Activity in Colorado, COR10000F (i.e., the Construction General Permit (CGP));

2.5.3. Maintain a list of policies and procedures which can be used to enforce construction site compliance within the Department of Commerce, Boulder Laboratories independent of EPA staff directly enforcing the CGP;

2.5.4. Review the scope of work for all construction projects to assess whether proposed Best Management Practices (e.g., sediment and erosion controls) are realistic and to ensure compliance with the stormwater construction permit requirements for developing a stormwater pollution prevention plan;

2.5.5. Implement procedures for receipt and consideration of information, including complaints of construction site non-compliance, submitted by the public;

2.5.6. Within one year of the effective date of this permit, define best management practices which are deemed appropriate for reducing pollutants (e.g., sediment) discharged from excavation dewatering and create procedures for the review and enforcement of the effective installation and operation of best management practices used for excavation dewatering;

2.5.7. Address construction site dewatering with specific controls required and necessary testing and permits prior to awarding construction contracts;

2.5.8. Maintain a site inspection form in the SWMP for use by NIST stormwater managers at sites which includes BMP maintenance specifications as required in the UDFCD Criteria Manual

Volume 3;

2.5.9. Inspect, at least monthly, all construction projects for compliance with the terms of EPA's Construction General Permit or other applicable State or local requirements. For use in inspecting individual projects, use a construction site inspection checklist or other appropriate documentation specific to the construction stormwater permit;

2.5.10 For any construction projects which disturb equal to or greater than one acre of land, include compliance with stormwater regulations as part of the process for rating contract performance;

2.5.11. Provide herbicide/pesticide applicators of landscape architect/planners with the opportunity to comment during the design review process for new construction projects to deal with returning vegetation to pre-construction conditions and eliminating weeds through intelligent design;

2.5.12. Evaluate inspections performed by other EMSS staff, as applicable, and conduct oversight inspections to ensure that inspection criteria being used by these representatives are consistent with those noted in the inspection criteria provided in the inspection form in the SWMP and to ensure compliance with NIST's MS4 permit, which includes meeting the terms with the terms of EPA's Construction General Permit (CGP);

2.5.13. Ensure that EMSS COTRs report all areas of significant non-compliance noted during inspections and utilize stop work orders where BMPs are not installed and maintained properly; and

2.5.14. Maintain and utilize a closure process whereby environmental staff or contracting office representatives evaluate whether 70% vegetative cover has been met at all areas of the site prior to closing out construction stormwater permits;

2.5.15. The Stormwater Management Plan (See **Part 2.1**) must document the following information related to construction site stormwater runoff control:

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

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

2.5.15.3. A description of the sanctions and enforcement mechanisms Department of Commerce, Boulder Laboratories uses to ensure that construction activities disturbing equal to or greater than one acre of land are in compliance with the terms of the construction stormwater permit;

2.5.15.4. A description of how contract performance can be rated for compliance with construction stormwater regulations;

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

2.5.15.6. A description of the procedures for site inspection;

2.5.15.7. Documentation of training provided to contracting office representatives regarding the maintenance and installation of BMPs for construction stormwater control and the terms of the construction stormwater permit; and

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

2.6. Post-Construction Stormwater Management for New Development and Redevelopment. The permittee must:

2.6.1. Include in contracts and requests for funding (e.g., a "prospective package") a requirement to design for and provide funding for the installation of permanent post construction stormwater control measures designed to retain, detain, infiltrate or treat stormwater discharge from newly developed and redeveloped sites that disturb greater than or equal to one acre of land in a manner consistent with Control Measure Design Standards in **Part 2.6.9** This must include a line item for costs associated with the installation and design of permanent stormwater control measures;

2.6.2. As part of the design review process for newly developed and redeveloped sites disturbing equal to or greater than one acre, review contracts to ensure that they are consistent with the Control Measure Design Standards defined in **Part 2.6.9**;

2.6.3. For all newly developed and redeveloped sites that will disturb one acre or greater of land, meet with appropriate city, county, and/or drainage district staff to discuss recently constructed or proposed newly developed or redeveloped sites within the MS4 and how they may impact the water quality downstream;

2.6.4. Within two years of the effective date of this permit, provide training to all planning staff and contracting officers to provide education on stormwater runoff, and to communicate the expectations for consistency with the Control Measure Design Standards defined in **Part 2.6.9**;

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

2.6.6. Retain construction as-built designs and maintenance requirements for all installed Control Measures that were designed to meet the standards provided in **Parts 2.6.9**, **2.6.10**, and **2.6.11** for the life of the Control Measures. This requirement applies to vegetative and soil management requirements, minimization of directly connected impervious areas, and other green infrastructure practices designed to meet the infiltration requirements in **Part 2.6.9.2.**

2.6.7. Within three years of the effective date of this permit, obtain maintenance requirements and design specifications for all post-construction stormwater control measures (e.g., detention ponds, retention ponds, infiltration galleries) located within the exterior boundary of Department of Commerce, Boulder Laboratories. If it is not possible to obtain design specifications for a specific stormwater control measure, then presumptive specifications shall be created based on the specifications contained within the Urban Drainage and Flood

Control District (UDFCD) Urban Storm Drainage Criteria Manual, Volume 3 - Best Management Practices;

2.6.8. Inspect at a minimum, semi-annually, inspect all post-construction stormwater control measures (e.g., detention ponds, retention ponds, infiltration galleries) to ensure that they are being maintained in a manner which meets their intended design. This requirement applies to vegetative and soil management requirements, minimization of directly connected impervious areas, and other green infrastructure practices designed to meet the infiltration requirements in **2.6.9.2.**

2.6.9. Control Measure Design Standards. The permittee's requirements and oversight must be implemented to address selection, installation, implementation, and maintenance of Control Measures using either the Water Quality Capture Volume Standard (**2.6.9.1**) or the Infiltration Standard (**2.6.9.2**):

2.6.9.1. **Water Quality Capture Volume (WQCV) Standard**: The Control Measure is designed to provide treatment and/or infiltration of 0.6" of runoff.

- Control measures must be designed to treat or infiltrate 0.6" of runoff from all areas of the site, except the permittee may exclude the stormwater runoff from an area not to exceed the lesser of 1,000 square feet or 1% of the site when the permittee has determined that it is not practicable to capture runoff from portions of the site that will not drain towards Control Measures, and implementation of a separate Control Measure for that portion of the site is not practicable (e.g., driveway access that drains directly to the street).

- Detention of the WQCV shall be a minimum of 12 hours, but shall be extended as needed to meet the Control Measure Design Standards of this permit. Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the Control Measure implemented. Consideration of drain time shall include maintaining vegetation necessary for operation of the Control Measure (e.g., wetland vegetation).

or

2.6.9.2. **Infiltration Standard**: The Control Measure is designed to infiltrate, through practices such as green infrastructure, 0.5" of runoff from all areas of the site, except the permittee may exclude the stormwater runoff from an area not to exceed the lesser of 1,000 square feet or 1% of the site when the permittee has determined that it is not practicable to capture runoff from portions of the site that will not drain towards Control Measures, and implementation of a separate Control Measure for that portion of the site is not practicable (e.g., driveway access that drains directly to the street).

2.6.10. Additional Control Measure Requirements for Specific Industrial Activities. In addition to the Control Measure Design Standards specified in **Part 2.6.9**, Control Measures such as oil and grease sand filters, secondary containment structures, and/or segregation of flows around pollutant hot spot areas shall be installed and maintained as practicable to reduce pollutants discharged from the following specific industrial activities:

- Retail gasoline outlets and fueling areas;

- Restaurants and food service preparation facilities;
- Automotive service and supply stores; and
- Vehicle maintenance facilities.

2.6.11. Alternative Control Measure Design Standard. The permittee may address selection, installation, implementation, and maintenance using an Alternative Control Measure Design Standard provided that modeling or data analyses can be utilized to determine that the Alternative Control Measure Design Standard is at least as stringent in removing pollutants in stormwater runoff as the Control Measure Design Standard provided in **Part 2.6.9**. The permittee retains the burden of proof in making a determination of equivalency.

2.6.12. The Stormwater Management Plan (See **Part 2.1**) must document the following information related to post-construction stormwater management for new development and redevelopment:

2.6.12.1. A description of the process used to ensure that all Department of Commerce, Boulder Laboratories contracts initiated after the effective date of this permit contain language that requires the installation of permanent stormwater control measures and an excerpt of applicable contract language;

2.6.12.2. Training provided to contracting office representatives that perform daily inspections regarding (1) the maintenance and installation of Best Management Practices for construction stormwater control and (2) the terms of their construction stormwater permit including who was trained, when they were trained, and the materials used for training purposes;

2.6.12.3. For all projects disturbing equal to or greater than one acre of land, the process used to evaluate compliance with the Control Measure Design Standards defined in **Parts 2.6.9**, **2.6.10**, and **2.6.11**;

2.6.12.4. For all projects disturbing equal to or greater than one acre of land, a summary of meetings with city, county, and/or drainage district staff conducted to discuss recently constructed or proposed newly developed or redeveloped sites within the MS4 and how they may impact the water quality downstream;

2.6.12.5. For all projects disturbing equal to or greater than one acre of land, the closeout procedure used to ensure that newly installed permanent post-construction stormwater control measures can be cleaned and are in working order as designed prior to closing out contracts;

2.6.12.6. The location and process used for retaining as-built specifications and maintenance requirements for both new and existing post-construction control measures (See **Parts 2.6.6** and **2.6.7**);

2.6.12.7. A summary of the semi-annual inspections conducted for all existing and control measures; and

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

2.7. Pollution Prevention and Good Housekeeping for Municipal Operations. The permittee must:

2.7.1. Provide annual training for public education and outreach for people identified as having fleet maintenance activities in line with the SWMP. Each of the categories of municipal activities referenced in the SWMP should receive stormwater training;

2.7.2. Develop and implement SOPs for the vehicle maintenance facility, maintenance yard, and operations such as deicing which includes locations of potential pollutant sources and appropriate inspection locations and schedules;

2.7.3. Provide outreach to laboratory employees on appropriate disposal practices for hazardous wastes, nonhazardous wastes, refrigerants, and large items such as laboratory equipment;

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

2.7.5. Develop and implement a schedule for cleanout of storm sewer inlets in a manner which prevents significant deposition of sediment or other debris to receiving waters and provide data or a description of this schedule and its implementation in the SWMP for the facility;

2.7.6. Develop and implement a schedule for sweeping streets in a manner which prevents significant deposition of sediment or other debris to receiving waters and provide data or a description of this schedule and its implementation in the SWMP for the facility; and

2.7.7. Maintain an inspection protocol using new or existing tools for tracking inspections at municipal operations.

2.7.8. The Stormwater Management Plan (See **Part 2.1**) must document the following information related to pollution prevention and good housekeeping:

2.7.8.1. A description of the contents and frequency of the training program for maintenance personnel and a list of the personnel or positions trained during the term of the permit;

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

2.7.8.3. A description of any changes to control measures installed to prevent the discharge of pollutants from areas described in **Part 2.7.2 and Part 2.7.3**; and

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

3. RECORDKEEPING AND ANNUAL REPORTS

3.1. Recordkeeping.

3.1.1. The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, a copy of the NPDES permit,

and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the EPA at any time.

3.1.2. The permittee must submit the records referred to in **Part 3.1.1** to EPA only when specifically asked to do so. The permittee must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the EPA. The permittee must make records, including the application and the description of the SWMP, available to the public if requested to do so in writing.

3.2. Annual Report.

3.2.1. The permittee must submit an annual report to EPA for each year of the permit term. The first report is due April 1, 2015, and must cover the activities during the period beginning on the effective date of the permit through December 31, 2014. Each subsequent annual report is due on April 1 of each year following 2015 for the remainder of the permit term. Reports must be signed in accordance with the signatory requirements in **Part 5.7.** Reports may be posted on the EPA Region 8 web site. Therefore, parts of the annual report which cannot be publicly available should be marked as "confidential" or "for official use only." Reports must be submitted to EPA at the following address:

U.S. EPA, Region 8
Policy, Information Management & Environmental Justice Program (8ENF-PJ)
Attention: Director
1595 Wynkoop Street
Denver, Colorado 80202-1129

3.2.2 The annual reports must, at a minimum, include:

- Dates that trainings were provided and number of attendees for **Parts 2.2-2.7**,
- A description of all construction activities constructed or proposed to be constructed which disturb equal to or greater than one acre of land during the reporting period;
- Documentation of any public notices and/or meetings held to meet the conditions in **Part 2.3** and **Part 2.6.12.4**;
- A description of any changes to the illicit discharge detection and elimination program including description of illicit discharges which were either addressed or eliminated in the past year;
- For sites disturbing equal to or greater than one acre of land, documentation of the inspection process and frequency of construction site inspections as well as a summary of findings from inspections conducted during the reporting period; and
- A short summary of the progress towards meeting the goal of reducing pollutant discharges from the Department of Commerce, Boulder Laboratories MS4. This should any successes made during the reporting period, concerns with permit compliance

moving forward, and if applicable, input on how the MS4 permitting process could be made more effective in meeting the goals of protecting water quality.

4. COMPLIANCE RESPONSIBILITIES

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

4.2. Penalties for Violations of Permit Conditions. The Clean Water Act provides for specified civil and criminal monetary penalties for violations of its provisions. However, the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires EPA to adjust the civil monetary penalties for inflation on a periodic basis. EPA previously adjusted its civil monetary penalties on December 31, 1996 (61 Fed. Reg. 69359-69365), with technical corrections and additions published on March 20, 1997 (62 Fed. Reg. 13514-13517), June 27, 1997 (62 Fed. Reg. 35037-35041), February 13, 2004 (69 Fed. Reg. 7121-7127) and December 11, 2008 (73 Fed. Reg. 75340-75346). On November 6, 2013 (78 Fed. Reg. 66643-66648) EPA once again adjusted its civil monetary penalties. The civil and criminal penalties, as of December 6, 2013, for violations of the Act (including permit conditions) are given below:

4.2.1. Any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402(a) (3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $37,500 per day for each violation.

4.2.2. Any person who *negligently* violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment for not more than 2 years, or both.

4.2.3. Any person who *knowingly* violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment for not more than 6 years, or both.

4.2.4. Any person who ***knowingly*** violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

4.2.5. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed $16,000 per violation, with a maximum amount not to exceed $37,500. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed $16,000 per day for each day during which the violation continues, with the maximum amount not to exceed $187,500.

4.3. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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

4.5. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

5. GENERAL REQUIREMENTS

5.1. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

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

5.1.2. There are any planned substantial changes to the existing sewage sludge facilities, the manner of its operation, or to current sewage sludge management practices of storage and disposal. The permittee shall give the Director notice of any planned changes at least 30 days prior to their implementation.

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

5.2. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

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

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

5.5. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

5.6. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

5.7. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

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

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

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

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

5.7.3. Changes to authorization. If an authorization under Part 5.7.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 5.7.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

5.7.4. Certification. Any person signing a document under this section shall make the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

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

5.10. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

5.11. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, tribal or local laws or regulations.

5.12. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

5.13. Transfers. This permit may be automatically transferred to a new permittee if:

5.13.1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;

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

5.13.3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part 5.13.2.

5.14. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

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

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

5.15.2. Wasteload Allocation: A wasteload allocation is developed and approved by the State of Colorado and/or EPA for incorporation in this permit.

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

6. DEFINTIONS

All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided but, in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Construction Activity refers to ground surface disturbing and associated activities, which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of rill materials, and borrow areas. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

CWA or *The Act* means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

Director means the Regional Administrator of EPA Region 8 or an authorized representative.

Discharge, when used without a qualifier, refers to "discharge of a pollutant" as defined at 40 CFR 122.2.

Discharge-related Activities include: activities which cause, contribute to, or result in storm water point source pollutant discharges and measures to control storm water discharges, including the siting, construction, and operation of best management practices to control, reduce or prevent storm water pollution.

EPA means the EPA Regional Administrator or an authorized representative.

Green Infrastructure is an approach that communities can choose to maintain healthy waters, and provide other benefits such as stormwater management, flood mitigation, air quality management, by weaving natural processes into the built environment. "Green Infrastructure" generally refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspirate (the return of water to the atmosphere either through evaporation or by plants), or reuse stormwater or runoff on the site when it is generated.

Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

MS4 means "*municipal separate storm sewer system*" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System. The term, as used within the context of this permit, refers to small MS4s (see definition below) and includes systems operated by a variety of public entities (e.g., military facilities, prisons, and systems operated by other levels of government).

Municipal Separate Storm Sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

NOT means Notice of Termination to be covered under EPA's Construction General Permit.

Outfall means a point source (defined below) at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Post-construction stormwater control measures are permanent control measures designed to retain, detain, infiltrate, or treat stormwater discharges from newly developed impervious surfaces.

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

Small Municipal Separate Storm Sewer System is defined at 40 CFR 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as "large"' or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas such as individual buildings.

Stormwater is defined at 40 CFR 122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Water Quality Capture Volume (WQCV) is the volume of runoff that is to be treated for water quality purposes as part of the design, construction, and maintenance of post-construction stormwater control measures. The WQCV is a specific term used by the Urban Drainage and Flood Control District and

varies depending on local rainfall data.

Water Quality Standards are provisions of State or Federal law that consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high-quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.