

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”),

The United States Department of Commerce, Boulder Laboratories

is authorized to discharge from municipal separate storm sewer system outfalls existing as of the effective date of this Permit,

to Skunk Creek, Anderson Ditch, and other associated waters of the United States within the exterior boundaries of the U.S. Department of Commerce Boulder Laboratories in the City of Boulder, Boulder County, Colorado, latitude: 39.997028 and Longitude: -105.261389.

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the Permit.

This Permit shall become effective **January 1, 2024**.

This Permit and the authorization to discharge shall expire at midnight, **December 31, 2028**.

Authorized Permitting Official

Darcy O’Connor, Director
Water Division

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1.1. Definitions.

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

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

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

- a. Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;
- b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;
- c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
- d. Continuous collection of sample with sample collection rate proportional to flow rate.

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

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

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

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

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

EPA means the United States Environmental Protection Agency.

E. coli means Escherichia coli.

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

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

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

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

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

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

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

Water Quality Capture Volume – means the volume equivalent to the runoff from an 80th percentile storm, meaning that 80 percent of the most frequently occurring storms are fully captured and treated and larger events are partially treated.

1.2. Permit Area.

This Permit covers all areas of the municipal separate storm sewer system (MS4) within the exterior boundary of the United States Department of Commerce (DoC) Boulder Laboratories (Facility).

1.3. Description of Discharge Point(s):

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

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

1.4. Limitations on Permit Coverage

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

1.4.2. Allowable Non-Stormwater Discharges:

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

- Discharges authorized by a separate NPDES permit;
- Discharges in compliance with instructions of an On-Scene-Coordinator pursuant to 40 CFR Part 300 or 33 CFR 153.10(e);
- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated 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;
- Water line flushing; and
- Discharges or flows from emergency firefighting required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges.

1.4.3. Stormwater Discharges Associated with Industrial Activity.

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

1.4.4. Stormwater Discharges Associated with Construction Activity.

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

2. STORMWATER MANAGEMENT PROGRAM

2.1. General Requirements:

- 2.1.1. The Permittee must continue to develop, implement, and enforce a stormwater management plan (SWMP). The SWMP must include management practices, control techniques, system design, engineering methods, and other provisions appropriate for the control of pollutants discharged from the MS4.
- 2.1.2. The Permittee must continue to develop, update and implement a written SWMP. This plan specifically describes how the Permittee is complying with each of the elements required by this Permit. The SWMP does not need to be a comprehensive document which describes all procedures. However, the plan should reference policies, procedures, or other documents which provide additional details used to comply with the terms of this Permit. 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.
- 2.1.3. The Permittee must fully implement the SWMP; including meeting its measurable goals. Progress must be tracked in the annual report (see Part 5.2).
- 2.1.4. The SWMP must include each of the minimum control measures of Parts 2.2-2.7.
- 2.1.5. The Permittee must conduct an annual review of the SWMP in conjunction with preparation of the annual report required under Part 5.2 and update the document with the most current information.
- 2.1.6. The EPA may request documentation of the minimum control measures as required by the SWMP. The EPA may review and subsequently notify the Permittee that changes to the SWMP are necessary to:
 - Address discharges from the MS4 that are causing or contributing to adverse or negative water quality impacts;
 - Include more stringent requirements deemed necessary by the EPA to comply with water quality standards, Endangered Species Act (ESA) related requirements, and/or other goals and requirements of the Clean Water Act; and/or
 - Address the SWMP requirements of this Permit, if the EPA determines that the Permittee's current SWMP does not meet Permit requirements.
- 2.1.6.1. The EPA may request changes in writing and can require including a schedule to develop and implement the changes. The request will offer the Permittee the opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the permittee must implement any required changes according to the schedule set by EPA.
- 2.1.7. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation. The Permittee must implement the SWMP on all new areas and new permit requirements added to the Permittee's MS4 (or for which the Permittee becomes responsible for

implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

- 2.1.8. If the EPA notifies the Permittee that changes are necessary to ensure that stormwater discharges are not causing or contributing to a violation of water quality standards, the notification will offer the Permittee an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the Permittee must implement any required changes according to the schedule set by the EPA.
- 2.1.9. 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.

2.2. Public Education and Outreach on Stormwater Impacts.

The Permittee must:

- 2.2.1. Continue to implement a Public Education and Outreach Program for the DoC Boulder Laboratories which includes a target audience (as defined by the Facility) of, at a minimum but not limited to, grounds maintenance personnel, facility managers, contract managers, workers engaging in facility/laboratory activities, food service personnel, project managers, contractors, tenants, and environmental staff. The program must 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. At a minimum, disseminate informational material to the defined target audiences on both the general water quality goals of the Permit and provide education specific to the target audiences defined in Part 2.2.1 which discusses the stormwater management program; addresses their potential pollutant sources; impacts of stormwater discharges on water bodies and the steps that the target audience can take to reduce pollutants in stormwater runoff; inform the target audience of the impacts associated with illegal discharges and improper disposal of waste; inform the public and target audiences of proper hazardous waste collection processes; 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 to target audiences (*e.g.*, NIST/NOAA/NTIA staff) and the City of Boulder 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. Distributed informational materials may utilize information from the Keep-It-Clean Partnership.
- 2.2.3. Provide annual training to building managers, maintenance workers, and tenants on how to minimize, report, and recognize spills and illicit discharges. This training may be incorporated into a larger program to educate tenants and building managers related to environmental compliance or environmental awareness.
- 2.2.4. Provide the grounds contractors or other parties responsible for pesticide and herbicide application with training related to the requirements for NPDES permitting and in the area of chemical disposal and stormwater runoff at least once during the effective term of this Permit or within one year of beginning a new contract, whichever is sooner.

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

- For both nitrogen and phosphorus, the Permittee must determine the targeted sources (e.g., residential, industrial, agricultural, or commercial) that are contributing to, or have the potential to contribute these constituents to the waters receiving the discharge authorized under this Permit. Targeted sources may include but are not limited to the use of deicers containing phosphorus, application of fertilizers, and pet waste.
- The Permittee must prioritize which targeted sources are likely to obtain a reduction in nutrient discharges through education and outreach. The Permittee must distribute educational materials or equivalent outreach to the prioritized targeted sources. Educational materials or equivalent outreach, individually or as a whole, must describe stormwater quality impacts associated with nitrogen and phosphorus in stormwater runoff and illicit discharges, the behaviors of concern, and actions that the target source can take to reduce nutrients. Examples of education efforts includes: encouraging responsible fertilizer application, encouraging xeriscaping, proper disposal of leaves and lawn waste, and evaluating alternatives to deicers containing phosphorus.

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

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

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

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

2.2.6.4. A description of the rationale for how public outreach is provided to the target audience(s);

2.2.6.5. Up-to-date tracking of the public education and outreach provided to the target audience(s); and

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

2.2.7. At a minimum of triennially (every third year), provide and document training to fleet maintenance staff, site maintenance staff, NIST Office of Facilities and Property Management (OFPM) construction project managers, and Contracting Officer Representatives (CORs) 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.

2.3. Illicit Discharge Detection and Elimination.

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

- 2.3.1. Implement a program to detect and eliminate illicit discharges into its MS4. The program shall include procedures for detection, identification of sources, and removal of non-stormwater discharges from the storm sewer system. This program shall address dry weather discharges and illegal dumping into the storm sewer system, and include training for staff on how to respond to reports of illicit discharges.
- 2.3.2. Maintain an enforcement policy which effectively prohibits, through ordinance or other regulatory or contractual mechanism available under the legal authorities of the MS4, non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions. The enforcement policy should include a description of the range of actions to be taken by DoC Boulder Laboratories in response to an illicit discharge.
- 2.3.3. Provide a mechanism for reporting of illicit discharges and disseminate this mechanism (e.g. phone number, email address, etc.) on any outreach materials as appropriate. For each of the illicit discharges identified by the target audience or the Permittee, the Permittee shall provide a brief description that outlines how that illicit discharge was identified and the procedures taken to characterize and/or eliminate the illicit discharge.
- 2.3.4. Provide emergency spill contact information to all building managers, project managers, and tenants.
- 2.3.5. Investigate any illicit discharge within two (2) business days of its detection, and take action to eliminate the source of the discharge within fifteen (15) business days of its detection (or obtain permission from the EPA for such longer periods as may be necessary in particular instances). If illicit discharges can be determined through sampling and analysis to be allowable non-stormwater discharges as defined in Part 1.4.2 of the Permit (e.g., groundwater, foundation drains), then elimination of the source of the discharge may not be appropriate.
- 2.3.6. Maintain an information system which tracks dry weather screening efforts, illicit discharge reports, and the location and any remediation efforts to address identified illicit discharges.
- 2.3.7. 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. Additionally, 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), the operations yard and storm drain inlet, and Anderson Ditch as it bisects and exits the Facility. This program shall also address illegal dumping into the storm sewer system, and include training for staff on how to respond to reports of illicit discharges.

If an illicit discharge is detected, an assessment of that discharge shall be made. The assessment should first be used to determine the source of the dry weather discharge and if it can be readily remedied (e.g., landscape watering). Field sampling should be used when it is not possible to eliminate a dry weather discharge. Sampling could include field tests of selected chemical parameters as indicators of discharge sources where dry weather flows are detected. Screening level tests may utilize less expensive “field test kits” using test methods not approved by the EPA under 40 CFR Part 136, provided the manufacturer’s published detection ranges are adequate for the illicit discharge detection purposes.

- 2.3.8. Maintain an updated map of the stormwater drainage system within the DoC Boulder Laboratories property showing the location of all outfalls and the names and location of all

waters of the United States that receive discharges from those outfalls.

- 2.3.9. The annual report and SWMP (See Part 5.2) must document the following information related to illicit discharge detection and elimination:
- 2.3.9.1. A description of the program used to detect and eliminate illicit discharges into the MS4; including procedures for detection, identification of sources, and removal of non-stormwater discharges from the storm sewer system;
 - 2.3.9.2. A description of the location and method of dry weather screening performed;
 - 2.3.9.3. A description of illicit discharge locations and all actions taken to eliminate sources of illicit discharges;
 - 2.3.9.4. A description or citation of the established ordinance or other regulatory mechanism used to prohibit illicit discharges into the MS4;
 - 2.3.9.5. A copy or excerpt from the information management system used to track illicit discharges;
 - 2.3.9.6. A description of the categories of non-stormwater discharges evaluated as potentially being significant contributors of pollutants to the MS4 and any local controls placed on these discharges; and
 - 2.3.9.7. A description of the schedule and/or the process for updating a complete storm sewer map.

2.4. Construction Site Stormwater Runoff Control.

The Permittee must:

- 2.4.1. The Permittee must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.
- 2.4.2. Provide training to contracting office representatives which perform inspections regarding the maintenance and installation of best management practices (BMPs) for construction stormwater control and the terms of the EPA General Permit for Discharges from Construction Activities. This training is required at least once during the term of this Permit or within one year of hiring new contracting office representatives, whichever is sooner, and shall include procedures for how representatives will document and submit inspection findings to DoC Boulder Laboratories staff.
- 2.4.3. Maintain a list of policies and/or procedures which can be used to enforce construction site compliance within DoC Boulder Laboratories, and implement procedures for documenting deficiencies in contract performance based on compliance with construction stormwater regulations. This may include working with other cities, drainage districts, and/or utilizing the EPA for enforcement of construction stormwater violations and shall address enforcement

mechanisms for non-DoC Boulder Laboratories construction projects (e.g., county road construction) within the MS4. The policies and/or procedures shall incorporate an escalation protocol (e.g., a warning for first-time violators, followed by escalated actions for subsequent violations.)

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

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

2.4.5.1. Control Measures for Erosion and Sediment Control

2.4.5.1.1. Stormwater runoff from all disturbed areas and soil storage areas for which permanent or temporary stabilization is not implemented, must flow to at least one control measure to minimize sediment in the discharge. This may be accomplished through filtering, settling, or straining. The control measure must be selected, designed, installed and adequately sized in accordance with good engineering, hydrologic, and pollution control practices. The control measure(s) must contain or filter flows in order to prevent the bypass of flows without treatment and must be appropriate for stormwater runoff from disturbed areas and for the expected flow rate, duration, and flow conditions (i.e., sheet or concentrated flow);

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

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

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

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

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

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

2.4.5.2. Practices for Other Common Pollutants

- 2.4.5.2.1. Bulk storage, 55 gallons or greater, for petroleum products and other liquid chemicals must have secondary containment, or equivalent protection, in order to contain spills and to prevent spilled material from entering receiving waters.
- 2.4.5.2.2. Control measures designed for concrete washout must be implemented. The Permittee must ensure the washing activities do not contribute pollutants to stormwater runoff, or receiving waters.

2.4.5.3. Practices for Other Activities

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

- 2.4.5.3.1. Loading and unloading operations;
- 2.4.5.3.2. Outdoor storage of construction site materials, building materials, fertilizers, and chemicals;
- 2.4.5.3.3. Bulk storage of materials;
- 2.4.5.3.4. Vehicle and equipment maintenance and fueling;
- 2.4.5.3.5. Significant dust or particulate generating processes;
- 2.4.5.3.6. Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, and oils;
- 2.4.5.3.7. Asphalt and concrete batch plants;
- 2.4.5.3.8. Other areas or operations where spills can occur;
- 2.4.5.3.9. Other non-stormwater discharges including construction dewatering not covered under the EPA General Permit for Discharges from Construction Activities and wash water that may contribute pollutants to the MS4; and
- 2.4.5.3.10. Construction waste control, material containment, and spill prevention.

2.4.5.4. Stabilization Requirements

The following requirements must be implemented for each site:

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

- 2.4.5.4.2. Final stabilization must be implemented for all construction sites. Final stabilization is reached when all ground surface disturbing activities at the construction site are complete; and, for all areas of ground surface disturbing activities, establish uniform, perennial vegetation that provides 70% or more of the cover that is provided by vegetation native to the local undisturbed areas; and/or implement permanent non-vegetative stabilization measures to provide effective cover.
- 2.4.5.4.3. The exceptions to Part 2.4.5.4.2 include: arid, semi-arid or drought-stricken areas, disturbed areas on agricultural lands that are restored to their preconstruction agricultural use, and areas that need to remain disturbed as described in the EPA General Permit for Discharges from Construction Activities.
- 2.4.5.4.4. Final stabilization must be designed and installed as a permanent feature. Final stabilization measures for obtaining a vegetative cover and permanent non-vegetative measures include, but are not limited to, the following as appropriate:
- 2.4.5.4.4.1 Seed mix selection and application methods;
 - 2.4.5.4.4.2 Soil preparation and amendments;
 - 2.4.5.4.4.3 Soil stabilization methods (e.g., crimped straw, hydro mulch or rolled erosion control products);
 - 2.4.5.4.4.4 Appropriate sediment control measures as needed until final stabilization is achieved;
 - 2.4.5.4.4.5 Permanent pavement, hardscape, xeriscape, stabilized driving surfaces; or
 - 2.4.5.4.4.6 Other alternative stabilization practices as applicable.
 - 2.4.5.4.4.7 The Permittee must ensure all temporary control measures are removed from the construction site once final stabilization is achieved, except when the control measure specifications allow the control measure to be left in place (i.e., bio-degradable control measures).

2.4.5.5. Maintenance

All control measures must remain in effective operating condition and be protected from activities that would reduce their effectiveness. Control measures must be maintained in accordance with good engineering, hydrologic, and pollution control practices. The necessary repairs or modifications to a control measure requiring routine maintenance must be conducted to maintain an effective operating condition.

- 2.4.6. Review the site plan for construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre and part of a larger common plan of development or sale that would disturb one acre or more. A narrative description of non-structural control measures must be included in the construction SWPPP. The Permittee must require that construction SWPPP be maintained to reflect current conditions. This means, among other actions, the Permittee must take all documentation and enforcement steps necessary at each site in order to ensure that the construction SWPPP is maintained to reflect all current

conditions.

- 2.4.6.1. Initial SWPPP Review: The Permittee must review and approve site plans for **all** applicable construction activities prior to the start of construction activities. If a site plan does not meet the requirements in EPA General Permit for Discharges from Construction Activities, the Permittee will not approve the site plan and will notify the site plan contact that land disturbing activities may not be commenced at the site. The Permittee will only approve a construction SWPPP if the Permittee staff has confirmed that the site plan meets the following:
- 2.4.6.1.1. Has been prepared in accordance with good engineering, hydrologic, and pollution control practices;
 - 2.4.6.1.2. Includes appropriate control measures for all potential sources of pollution at all stages of construction, including final stabilization;
 - 2.4.6.1.3. Meets the requirements in the EPA General Permit for Discharges from Construction Activities; and
 - 2.4.6.1.4. Identifies all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the site.
 - 2.4.6.1.5. Includes a site description which includes, at a minimum, the following:
 - 2.4.6.1.5.1 Qualified Stormwater Manager. The construction SWPPP must list individual(s) by title and name who are designated as the site's qualified stormwater manager(s) responsible for implementing the construction SWPPP in its entirety. This role may be filled by more than one individual;
 - 2.4.6.1.5.2 Spill Prevention and Response Plan. The construction SWPPP must have a spill prevention and response plan. The plan may incorporate by reference any part of a Spill Prevention Control and Countermeasure (SPCC) plan under section 311 of the Clean Water Act (CWA) or a Spill Prevention Plan required by a separate NPDES permit. The relevant sections of any referenced plans must be available as part of the construction SWPPP;
 - 2.4.6.1.5.3 Materials Handling. The construction SWPPP must describe and locate all control measures implemented at the site to minimize impacts from handling significant materials that could contribute pollutants to runoff. These handling procedures can include control measures for pollutants and activities such as, exposed storage of building materials, paints and solvents, landscape materials, fertilizers or chemicals, sanitary waste material, trash and equipment maintenance, or fueling procedures;
 - 2.4.6.1.5.4 Potential Sources of Pollution. The construction SWPPP must list all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the site. This shall include, but is not limited to, the following pollutant sources:
 - Disturbed and stored soils;

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

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

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

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

2.4.6.1.7.1 The nature of the construction activity at the site;

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

- 2.4.6.1.7.3 Estimates of the total acreage of the site, and the acreage expected to be disturbed by clearing, excavation, grading, or any other construction activities;
 - 2.4.6.1.7.4 A summary of any existing data used in the development of the construction site plans or construction SWPPP that describe the soil or existing potential for soil erosion;
 - 2.4.6.1.7.5 A description of the percent of existing vegetative ground cover relative to the entire site and the method for determining the percentage;
 - 2.4.6.1.7.6 A description of any allowable non-stormwater discharges at the site;
 - 2.4.6.1.7.7 A description of areas receiving discharge from the site. Including a description of the immediate source receiving the discharge. If the stormwater discharge is to another municipal separate storm sewer system, the location of the storm sewer discharge and the ultimate receiving water(s); and
 - 2.4.6.1.7.8 A description of all stream crossings located within the construction site boundary.
- 2.4.6.1.8. Site Map. The construction SWPPP must include a site map which includes, at a minimum, the following:
- 2.4.6.1.8.1 Construction site boundaries;
 - 2.4.6.1.8.2 Flow arrows that depict stormwater flow directions on-site and runoff direction;
 - 2.4.6.1.8.3 All areas of ground disturbance including areas of borrow and fill;
 - 2.4.6.1.8.4 Areas used for storage of soil;
 - 2.4.6.1.8.5 Locations of all waste accumulation areas, including areas for liquid, concrete, masonry, and asphalt;
 - 2.4.6.1.8.6 Locations of asphalt, concrete batch plants and masonry mixing stations;
 - 2.4.6.1.8.7 Locations of all structural control measures;
 - 2.4.6.1.8.8 Locations of all non-structural control measures;
 - 2.4.6.1.8.9 Locations of springs, streams, wetlands and other receiving waters, including areas that require pre-existing vegetation be maintained within 50 feet of a receiving water, where determined feasible in accordance with Erosion and Sediment Control Requirements in the EPA General Permit for Discharges from Construction Activities; and
 - 2.4.6.1.8.10 Locations of all stream crossings located within the construction site boundary.
- 2.4.6.1.9. Final Stabilization and Long-Term Stormwater Management. The construction SWPPP must describe the practices used to achieve final stabilization of all disturbed areas at the site and any planned practices to control pollutants in

stormwater discharges that will occur after construction operations are completed. Including but not limited to, detention/retention ponds, rain gardens, stormwater vaults, etc.

- 2.4.6.2. Construction SWPPP Revisions: The construction SWPPP must reflect current site conditions. The Permittee will implement procedures and deadlines for the following construction SWPPP modifications:
- 2.4.6.2.1. Major Modifications. Changes to the original site plan that remove or add additional area to the project, modify the final hydrology or drainage of the final design, replace approved site plans, or otherwise expand or contract the scope of the original project shall require the submission of plans to Permittee for review and approval.
 - 2.4.6.2.2. Minor Modifications. Modifications to the original site plan that do NOT increase the scope or change hydrology of the project but modify/improve specific control measures in use at site, indicate progression in phasing of the project, or specify relocation of previously approved control measures within the project shall be made in the field by the construction site owner/operator and thoroughly documented in the site plan narrative and drawings. The Permittee must review these revisions during inspections, determine if the Permittee approves, and show in some way (like initialing the map or through an electronic log) that the Permittee approves the minor modifications.
 - 2.4.6.2.3. The Permittee will only approve a major and minor modification if the modification meets the applicable requirements of Part 2.4.6.2.1 and 2.4.6.2.2.
- 2.4.6.3. Routine Inspections:
- 2.4.6.3.1. Frequency: Conduct at least monthly. A routine inspection must be conducted at least once before final stabilization if the period of construction activity is less than a month in length.
 - 2.4.6.3.2. Scope: The inspection must assess the following:
 - 2.4.6.3.2.1 Whether the construction SWPPP accurately reflects site conditions, includes all existing control measures and potential pollution sources. Evaluate the adequacy of any changes, including new onsite control measures, and determine if the inspector will: 1) approve or deny the changes as minor modifications, and document these decisions on the onsite construction SWPPP; or 2) require the owner or operator of the site to re-submit the construction SWPPP for review by the Permittee because it includes major changes;
 - 2.4.6.3.2.2 Control measures: Identify failure to implement control measures, inadequate control measures, and control measures requiring routine maintenance;
 - 2.4.6.3.2.3 Pollutant sources: Evaluate all pollutant sources, including trash, to determine if an illegal discharge has occurred; and
 - 2.4.6.3.2.4 Discharge points: Visually inspect each discharge point to the MS4, or beyond the limits of the construction site as necessary to determine if an illicit discharge

has occurred. The Permittee must require the removal of the pollutants, when feasible, from the MS4 when the Permittee identifies a failure to implement a control measure or an inadequate control measure resulting in pollutants discharging to the MS4 or beyond the limits of the construction site.

- 2.4.6.4. Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency:
 - 2.4.6.4.1. Inspection date;
 - 2.4.6.4.2. Name of inspector;
 - 2.4.6.4.3. Site identification;
 - 2.4.6.4.4. Inspection results including the location of any illicit discharges, failure to implement control measures, and inadequate control measures. The inspection results should also list (not locate) any control measures requiring routine maintenance;
 - 2.4.6.4.5. Identification of any inadequate control measures that have not been resolved from the previous inspection; and
 - 2.4.6.4.6. Type of inspection (initial, routine, final, compliant-related, etc.).
- 2.4.7. Maintain and utilize a closure process whereby environmental staff or contracting office representatives evaluate whether 70% vegetative cover (or another final stabilization measure described in Parts 2.4.5.3-2.4.5.4) has been met at all areas of the site prior to closing out construction stormwater permits.
- 2.4.8. The annual report and SWMP (See Part 5.2) must document the following information related to construction site stormwater runoff control:
 - 2.4.8.1. A description of construction activities which disturbed greater than or equal to one acre of land;
 - 2.4.8.2. A description or citation of the established ordinance or other regulatory mechanism used to require erosion and sediment controls;
 - 2.4.8.3. A description of the compliance and enforcement mechanisms DoC 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 EPA General Permit for Discharges from Construction Activities;
 - 2.4.8.4. A description of the procedures for site plan review, including the review of pre-construction site plans;
 - 2.4.8.5. A description of the procedures for site inspection;
 - 2.4.8.6. Documentation of training provided to contracting office representatives regarding the maintenance and installation of BMPs for construction stormwater control and the terms of the EPA General Permit for Discharges from Construction Activities; and

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

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

The Permittee must:

- 2.5.1. 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 stormwater control measures designed to retain, detain, infiltrate or treat runoff from newly developed and redeveloped impervious surfaces in a manner consistent with Control Measure Design Standards (See Part 2.5.9) for all newly developed and redeveloped project sites which disturb greater than or equal to one acre of land, including projects less than one acre that are part of a larger common plan of development or sale. This should include a line item for costs associated with the installation and design of permanent stormwater control measures.
- 2.5.2. As part of the design review process for all new development and redevelopment construction projects disturbing equal to or greater than one acre, including projects less than one acre that are part of a larger common plan of development or sale, review contracts to ensure that they meet the Control Measure Design Standards defined in Part 2.5.9.
- 2.5.3. For all new development and redevelopment construction projects which will disturb one acre or greater of land, including projects less than one acre that are part of a larger common plan of development or sale, meet with appropriate city, county, and/or drainage district staff to discuss recently constructed or proposed new developments within the MS4 and how they may impact the water quality downstream.
- 2.5.4. Provide and document training to all planning staff and contracting officers to provide education on stormwater runoff, and to communicate the expectations for meeting the Control Measure Design Standards defined in Part 2.5.9.
- 2.5.5. Implement a closeout procedure such that newly installed post-construction stormwater control measures can be cleaned and are in working order as designed prior to closing out contracts.
- 2.5.6. Upon closeout of new construction projects, include maintenance requirements and as-built specifications for each newly installed permanent post-construction stormwater control measure into a plan or system which integrates into existing facility management procedures for DoC Boulder Laboratories.
- 2.5.7. Retain construction as-built designs and maintenance requirements for all Control Measures installed for the purpose of meeting the Control Measure Design Standards defined in Part 2.5.9 and New Development Planning Procedures for Specific Industrial Activities defined in Part 2.5.10 for the life of the Control Measures. This requirement also 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 2.5.9.2.
- 2.5.8. Inspect at a minimum, semi-annually, all Control Measures installed for the purpose of meeting the Control Measure Design Standards defined in Part 2.5.9 and New Development Planning Procedures for Specific Industrial Activities defined in Part 2.5.10 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 Part 2.5.9.2.

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

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

- 100% of the covered development project is captured, except the Permittee may exclude an area not to exceed the lesser of 1,000 square feet or 1% of the covered development project when the Permittee has determined that it is not practicable to capture runoff from portions of the site that will not drain towards Control Measures, and implementation of a separate Control Measure for that portion of the site is not practicable (e.g., driveway access that drains directly to the street).
- Detention of the WQCV shall be a minimum of 12 hours but shall be extended as needed to meet the Control Measure requirements of this Permit. Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the Control Measure implemented. Consideration of drain time shall include maintaining vegetation necessary for operation of the Control Measure (e.g., wetland vegetation).

2.5.9.2. Infiltration Standard: The Control Measure is designed to infiltrate, through practices such as green infrastructure, a quantity of water equal to 70% of what the WQCV would be if all impervious area discharged without infiltration.

2.5.10. New Development Planning Procedures for Specific Industrial Activities. In addition to the Control Measure Design Standards specified in Part 2.5.9, 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:

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

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

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

- 2.5.11.2. A description of the inspection and recordkeeping procedures, and the assumptions provided to ensure the long-term operation and maintenance of permanent stormwater control measures;
- 2.5.11.3. A description of training provided to contracting officers regarding low impact development and green infrastructure; and
- 2.5.11.4. The name or title of the person(s) responsible for coordination and implementation of the post-construction stormwater management program.

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

The Permittee must:

- 2.6.1. Continue to implement an operation and maintenance program that includes an employee training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal-type federal operations. The program must also inform the Permittee's employees of impacts associated with illegal discharges and improper disposal of waste from municipal-type federal operations. The program must prevent and/or reduce stormwater pollution from facilities such as streets, roads, highways, parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by the Permittee, and waste transfer stations, and from activities such as park and open space maintenance, fleet and building maintenance, street maintenance, new construction of municipal-type federal operations facilities, and stormwater system maintenance, as applicable.
- 2.6.2. Nutrient Source Reductions: The Permittee must develop and implement a municipal-type federal operations program that has the ultimate goal of preventing or reducing nitrogen and phosphorus in stormwater runoff associated with the MS4 Permittee's operations. Written procedures for an operation and maintenance program to prevent or reduce nitrogen and phosphorus in stormwater runoff associated with the MS4 Permittee's operations shall be developed. The program must specifically list the municipal-type federal operations (i.e., activities and facilities) that are impacted by this operation and maintenance program. The Permittee can meet the requirements of this section through contribution to a collaborative program to evaluate, identify, and target sources state-wide or within the specific region or watershed that includes the receiving waters impacted by the Permittee's discharge.
 - 2.6.2.1. The Permittee shall evaluate, identify, and document the municipal-type federal operations and facilities that are and/or have the potential to contribute nitrogen and phosphorus to the waters receiving the discharge authorized under this Permit (identified municipal-type federal operations nutrient sources). The Permittee is authorized to meet the requirements of this section through contribution to a collaborative program to evaluate, identify, and target sources state-wide or within the specific region or watershed that includes the receiving waters impacted by the Permittee's discharge. At a minimum:
 - 2.6.2.1.1. If the Permittee has any operations that use fertilizers, then the Permittee shall include the storage and application of fertilizer, including subsequent stormwater or irrigation runoff from areas where fertilizer has been applied, as an identified municipal-type federal operations nutrient source if these operations were not covered under Part 2.6.2.

- 2.6.2.2. The Permittee shall implement control measures that prevent or reduce the nitrogen and phosphorus in stormwater runoff associated with identified municipal-type federal operations nutrient sources. The control measures shall be implemented and documented in accordance with Part 2.6.2.
- 2.6.3. Conduct an annual snow meeting each fall to discuss strategies to prevent the misuse and over-application of chemical deicers.
- 2.6.4. Develop and implement a schedule for cleanout of storm sewer inlets in a manner which prevents significant deposition of sediment or other debris to receiving waters and provide data or a description of this schedule and its implementation in the SWMP for the Facility.
- 2.6.5. Install and maintain control measures (structural or non-structural) which reduce the discharge of pollutants in stormwater runoff from electronic component recycling areas, herbicide and pesticide application areas, turf management areas, recycling/material storage areas, fuel storage and transfer areas, de-icer storage, lavatory waste transfer/disposal areas, industrial activities (e.g., welding), food service areas, and loading/unloading areas.
- 2.6.6. Municipal-Type Federal Facility Runoff Control Measures:
 - 2.6.6.1. The Permittee shall maintain a list of all applicable municipal-type federal facilities. Applicable facilities include the following:
 - 2.6.6.1.1. Vehicle maintenance and washing facilities, motor pools with vehicle maintenance and washing, and loading and unloading areas;
 - 2.6.6.1.2. Asphalt and concrete batch plants that are not subject to a separate NPDES permit coverage;
 - 2.6.6.1.3. Solid-waste transfer stations where waste and recyclables are briefly held before further transport;
 - 2.6.6.1.4. Outdoor storage yards with exposed stockpiles of materials which may be reasonably expected to affect the quality of stormwater runoff, including stockpiles of road deicing salt, salt and sand, sand, and rotomill material, dirt, snow dumps, sweeper tailings and/or spoils, gravel; and
 - 2.6.6.1.5. Equipment storage yards.
 - 2.6.6.2. The Permittee shall implement control measures to prevent or reduce potential discharges of pollutants to the MS4 from the applicable Permittee facilities. New procedures shall be developed and implemented for any new applicable Permittee facilities before the facility becomes operational.
 - 2.6.6.2.1. The Permittee shall implement the following categories of control measures as necessary to prevent or reduce the pollutant sources present:
 - 2.6.6.2.1.1 Preventive maintenance;
 - 2.6.6.2.1.2 Good housekeeping;
 - 2.6.6.2.1.3 Spill prevention and response procedures;

- 2.6.6.2.1.4 Structural control measures;
 - 2.6.6.2.1.5 Evaluation of non-stormwater discharges; and
 - 2.6.6.2.1.6 Personnel training.
- 2.6.6.2.2. The Permittee shall implement written facility inspection procedures, which must at a minimum include the following:
- 2.6.6.2.2.1 An annual visual inspection of each applicable Permittee facility;
 - 2.6.6.2.2.2 A verification that the written Facility procedures, documentation, and site map are current;
 - 2.6.6.2.2.3 Visual observation of locations and areas where stormwater from facilities is discharged off-site; or discharged to the receiving waters, or to a storm sewer system that drains to the receiving waters. The observations, as a minimum must include the following:
 - 2.6.6.2.2.3.1 Observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in any stormwater discharge(s) and dry weather flows, if observed;
 - 2.6.6.2.2.3.2 Observations of the condition of and around stormwater outfalls, including flow dissipation measures to prevent scouring;
 - 2.6.6.2.2.3.3 Observations for the presence of illicit discharges or other non-permitted discharges; and
 - 2.6.6.2.2.4 Visual observation of Facility conditions, including pollutant sources and control measures, to identify inadequate control measures and control measures requiring maintenance.
 - 2.6.6.2.2.4.1 All inadequate control measures shall be modified or replaced as necessary as soon as possible, but not later than 6 months from the visual inspection. If the Permittee is unable to modify or replace the inadequate control measure within 6 months, then the Permittee must complete the following:
 - 2.6.6.2.2.4.1.1 Develop a plan to modify or replace the inadequate control measure;
 - 2.6.6.2.2.4.1.2 Develop a frequent maintenance plan so that the control measure does not fail;
 - 2.6.6.2.2.4.1.3 Install a temporary feature on the inadequate control measure to ensure that it does not fail; and
 - 2.6.6.2.2.4.2 All control measures requiring routine maintenance shall be maintained as necessary to meet the control measure requirements in this permit as soon as possible, but not later than 6 months from the visual inspection.
- 2.6.7. Outdoor Bulk Storage: Outdoor bulk storage structures for petroleum products and any other liquid chemicals located at applicable Permittee facilities must have control measures

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

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

- 2.6.8.1. Operation and maintenance of the streets, roads, and highways;
- 2.6.8.2. Operation and maintenance of parking lots;
- 2.6.8.3. Operations at maintenance and storage yards;
- 2.6.8.4. Operations at maintenance shops with outdoor storage areas;
- 2.6.8.5. Operation and maintenance of snow dumps/snow disposal areas;
- 2.6.8.6. Operation and maintenance of sites used for temporary storage of sweeper tailings or other waste piles;
- 2.6.8.7. Park and open space maintenance;
- 2.6.8.8. Building maintenance;
- 2.6.8.9. New construction of Permittee facilities;
- 2.6.8.10. Application of pesticides, herbicides, and fertilizers;
- 2.6.8.11. Large outdoor festivals and events;
- 2.6.8.12. Construction activities not subject to the requirements of Part 2.4;
- 2.6.8.13. 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, unless covered by a separate NPDES permit; and
- 2.6.8.14. Firefighting training activities.

2.6.9. 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 activities referenced in the SWMP should receive stormwater training;

- 2.6.10. 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;
- 2.6.11. Provide outreach to laboratory employees on appropriate disposal practices for hazardous wastes, nonhazardous wastes, refrigerants, and large items such as laboratory equipment;
- 2.6.12. 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
- 2.6.13. Maintain an inspection protocol using new or existing tools for tracking inspections at Facility operations.
- 2.6.14. The annual report and SWMP (See Part 5.2) must document the following information related to pollution prevention and good housekeeping for municipal-type federal facility operations:
 - 2.6.14.1. 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;
 - 2.6.14.2. A description of storm sewer inlet cleanout procedures and schedules, catch basin cleaning operations, and street sanding/salt practices, and any measures taken as a result of the evaluation to minimize negative impacts to water quality;
 - 2.6.14.3. A description of any changes to control measures installed to prevent the discharge of pollutants from areas described in Part 2.6.1; and
 - 2.6.14.4. A description of how maintenance activities are tracked for permanent stormwater control measures.

2.7. Public Participation/Involvement

- 2.7.1. The Permittee must implement and document a Public Involvement and Participation process that complies with public notice requirements for actions conducted, when applicable, to comply with this permit. The following requirements apply:
 - 2.7.1.1. The Permittee must follow its own public notice requirements to provide opportunities for public involvement that reach a majority of the public and staff within the permittee's jurisdictional boundary through the notification process;
 - 2.7.1.2. The Permittee shall provide a mechanism and process that allows for review of the SWMP by the public without charge, which may be met by providing electronic copies via electronic mail or posting it on a public website for download. In addition, the Permittee's website must provide a statement that the SWMP is publicly available for review and comment. The SWMP available to the public must reflect all updates made prior to the previous 30 days; and
 - 2.7.1.3. The Permittee must have the ability to accept and respond (in accordance with this Permit requirements) to information submitted by the public, including but not limited to information on illicit discharges or failure to implement or meet control measure requirements associated with applicable construction activities, applicable development

sites, or Permittee operations.

- 2.7.2. The Permittee must maintain the following records for activities to meet the requirements of Part 2.7.1. and 6.1.
 - 2.7.2.1. Copies of the documents used to provide public notice and any public comment received as part of the public notice process;
 - 2.7.2.2. Documentation of the mechanism used to allow the public to provide input; and
 - 2.7.2.3. Records of information submitted by the public in accordance with Part 2.7.1.3. and any actions the Permittee took to address the information.
- 2.7.3. 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.
- 2.7.4. The Stormwater Management Plan (See Part 2.1) must document any public notices and/or meetings held to meet the conditions in Parts 2.7.1 and 2.7.2.

3. TOTAL MAXIMUM DAILY LOADS

N/A

4. MASTER PLANNING AND MONITORING

N/A

5. RECORDKEEPING AND ANNUAL REPORTS

5.1. Retention of Records:

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

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

5.2. Annual Report

- 5.2.1. The Permittee must submit an annual report to the EPA for each year of the Permit term. The first report is due April 1, 2024, and must cover the activities during the period beginning on the effective date of the Permit through December 31, 2023. Each subsequent annual report is due on April 1 of each year following 2024 for the remainder of the Permit term. Reports must be signed in accordance with the signatory requirements in Part 7.7. Reports may be

posted on the EPA Region 8 web site. Therefore, parts of the annual report which cannot be publicly available should be marked as “confidential” or “for official use only.” Reports must be submitted to the EPA at the following address until electronic reporting becomes available:

U.S. EPA, Region 8
Attention: Stormwater Program
1595 Wynkoop Street (Mail Code: 8WD-CWW)
Denver, Colorado 80202-1129

Effective no later than December 21, 2025, these reports shall be submitted electronically using the NPDES Electronic Reporting Tool (NeT). If the NeT tool is not available on December 21, 2025, the reports can continue to be submitted to the address above until the tool is available unless otherwise indicated in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), 40 CFR §122.22, and 40 CFR Part 127.

6. COMPLIANCE RESPONSIBILITIES

6.1. Duty to Comply:

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

6.2. Penalties for Violations of Permit Conditions:

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 the EPA to adjust the civil monetary penalties for inflation on a periodic basis. Please note that the civil penalties described below are reflective of the most recent Civil Monetary Penalty Inflation Rule the year this permit was issued and that civil penalties will have been adjusted annually thereafter. Civil penalties that EPA issues will therefore be reflective of the minimum amounts adjusted for inflation at the time of the violation. The civil and criminal penalties for violations of the Act are as follows:

- 6.2.1. 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 \$64,618 per day for each violation.
- 6.2.2. Any person who *negligently* violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or both.

- 6.2.3. Any person who *knowingly* violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment for not more than six years, or both.
- 6.2.4. Any person who *knowingly* violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- 6.2.5. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed \$25,847 per violation, with a maximum amount not to exceed \$64,618. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed \$25,847 per day for each day during which the violation continues, with the maximum amount not to exceed \$323,081.

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

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

6.4. Duty to Mitigate:

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

6.5. Proper Operation and Maintenance:

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the

Permit. However, the Permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve Permit effluent compliance.

7. GENERAL REQUIREMENTS

7.1. Planned Changes:

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

- 7.1.1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the Permit;
- 7.1.2. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.

7.2. Anticipated Noncompliance:

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

7.3. Permit Actions:

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

7.4. Duty to Reapply:

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

7.5. Duty to Provide Information:

The Permittee shall furnish to the 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.

7.6. Other Information:

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

7.7. Signatory Requirements:

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

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

elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

7.7.2. 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:

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

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

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

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

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

7.8. Penalties for Falsification of Reports:

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

7.9. Availability of Reports:

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

7.10. Oil and Hazardous Substance Liability:

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.

7.11. Property Rights:

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

7.12. Severability:

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

7.13. Transfers:

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

- 7.13.1. The current Permittee notifies the Director at least 30 days in advance of the proposed transfer date;
- 7.13.2. The notice includes a written agreement between the existing and new Permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
- 7.13.3. The 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 section 7.13.2.

7.14. State Laws:

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

7.15. Reopener Provision:

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

- 7.15.1. **Water Quality Standards:** The water quality standards of the receiving water(s) to which the Permittee discharges are modified in such a manner as to require different limits than contained in this Permit.
- 7.15.2. **Wasteload Allocation:** A wasteload allocation is developed and approved by the state of Colorado and/or the EPA for incorporation in this Permit.
- 7.15.3. **Water Quality Management Plan:** A revision to the current water quality management plan is approved and adopted which calls for different limitations than contained in this Permit.

7.15.4. If sources of PFAS or PFAS containing chemicals are identified with potential to discharge into the stormwater system, the Permit may be reopened to include PFAS monitoring and/or PFAS-related BMPs.