



COR400000 Response to Comments Received During the Public Notice Period (09/14/2023 - 11/14/2023)

Permit: General.....	2
Authorized Discharges.....	3
Limitations on Coverage	4
Permit Certification & Submittal Procedures	13
Effluent Limitations: Requirements for Control Measures Used to Meet Effluent Limitations	23
Part I.B.1.a.i - Control Measures for Erosion and Sediment Control	23
Part I.B.1.a.ii - Practices for Other Common Pollutants.....	36
Part I.B.1.a.iii - Stabilization Requirements.....	42
Parts I.B.1.b and c - Routine Maintenance and Corrective Actions	50
Effluent Limitations: Discharges to an Impaired Waterbody or Outstanding Water	59
Effluent Limitations: General Requirements	61
Stormwater Management Plan: General Requirements.....	62
Stormwater Management Plan: Content	65
Stormwater Management Plan: Review and Revisions	75
Site Inspection: Frequency	78
Site Inspection: Scope	83
Definitions.....	85
Part II	95
Formatting & Typos.....	99
Fact Sheet.....	101

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
Permit: General						
1	Permit	General	City of Cañon City	<p>The City of Canon City appreciates the time and effort the Permits Section of the Water Quality Control Division (Division) has expended on the revision of the above-mentioned draft renewal permit. We also would like to extend our gratitude for the Division's engagement with stakeholders during this process.</p> <p>The City of Cañon City is a member of the Colorado Stormwater Council (CSC) and, as such, has provided input to the CSC's comments on the COR400000 draft renewal permit. In consideration of the Division's time, the City of Cañon City would like to submit this letter in support of the CSC's submitted comments, rather than reiterating the same comments.</p>		Comment noted.
2	Permit	General	Raw Land Detailing, Inc.	If the site plan is considered part of the SWMP.	Note this in the Permit.	<p>No change.</p> <p>Part I.C.2 of the permit is entitled Stormwater Management Plan Content with the subsequent components outlined, including a site map. Please reference the COR400000 - Stormwater Management Plan guidance document; IV Stormwater Management Plan Requirements https://cdphe.colorado.gov/wq-construction-compliance-assistance-and-guidance. This guidance document outlines the 9 elements.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
3	Permit	General	Raw Land Detailing, Inc.	Are all the fact sheets going to be voided and new ones sent out.		All renewal certification and fact sheets will be issued in the spring of 2024.
4	Permit	General Public Notice draft permit documents	Colorado Stormwater Council	It is time consuming and imprecise to discern proposed changes without redlines.	As a general practice, please provide redline versions of draft documents that clearly delineate proposed changes.	The division acknowledges this comment - a redline version between the draft and the final document will be made available.
5	Permit	Grammar I.A.2.g	Tri-State Generation and Transmission Association, Inc.	Editorial comment suggesting the reference to soaps and solvents be moved into the earlier list of constituents rather than added to the end of the sentence.	Revise this provision to read as follows. "g. Discharges of fuels, oils, soaps, solvents, or other pollutants used in vehicle and equipment operation and maintenance."	Comment noted.
Authorized Discharges						
6	Permit	I.A.1.a.ii Borrow Site	Colorado Department of Transportation (CDOT)	The grammar of the sentence "Stormwater discharges associated with producing earthen materials, such as soils, sand, and gravel dedicated to providing material to a single contiguous site, or within ¼ mile of a construction site (e.g. borrow or fill areas)."	Change to reflect a true legal tie between the borrow or fill site and the permitted construction site.	Change incorporated. Language was updated to refer to the construction site covered by this permit.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				The use of "a construction site" does not specifically refer to the permitted site and could be interpreted as ANY construction site, or a RANDOM construction site.		
7	Permit	I.A.1.b Authorized Discharges, non-stormwater discharges	Boulder County Colorado Stormwater Council City of Arvada	Discharges covered by a Water Quality Control Division Low Risk Guidance document are not listed as allowable non-stormwater discharges. Low risk discharges are not permitted through a separate CDPS process and are listed under Limitations on Coverage as discharges specifically not covered under COR400000. This language may cause confusion. Streamline the permit by adding Low Risk Guidance document discharges to authorized non-stormwater discharges.	Remove Low Risks Guidance document discharges from Part I. A. 2 and add to Part I. A.1.b.v.	No change. Discharges covered by a low risk discharge guidance document or a clean water policy (e.g. Clean Water Policy #14) would not be covered by this permit, but would instead be covered by the low risk discharge guidance document or clean water policy. The division included listing if a site is utilizing one of these or another NPDES/CDPES permit in the stormwater management plan due to confusion during inspections.
Limitations on Coverage						
8	Permit	I.A.2.d and I.A.2.e Limitations on Coverage - Wash Water	Home Builders Association of Metro Denver	<i>Fire hydrant flushings;</i> <i>Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;</i> <i>Water used to control dust;</i> <i>Potable water including uncontaminated water line flushings</i> <i>External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));</i> <i>Pavement wash waters, provided spills or leaks</i>	"d. Discharges from water used to wash vehicles and equipment, including soaps and solvents." "e. Discharges from water used for external building washdown, including soaps and solvents."	Comment partially incorporated. The division agrees that the draft language may have resulted in confusion and has updated the limitations on coverage section to list examples of non-stormwater discharges under Part I.A.2.a instead of as separate line items. Additionally, the division included low risk discharge guidance documents and clean water policies in the list with individual and general permit options. The

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p><i>of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any receiving water, storm drain inlet, or constructed or natural site drainage features, unless the feature is connected to a sediment basin, sediment trap, or similarly effective control;</i></p> <p><i>Uncontaminated air conditioning or compressor condensate;</i></p> <p><i>Uncontaminated, non-turbid discharges of ground water or spring water;</i></p> <p><i>Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and</i></p> <p><i>Uncontaminated construction dewatering water”</i></p>		<p>division has the limitations on coverage to be a reminder to the owner/operator that the only non-stormwater discharges authorized by this permit are located at Part I.A.1.b. The list under the limitations on coverage is not exhaustive.</p> <p>The division also updated the language to specify that soaps, solvents and detergents are expressly prohibited.</p> <p>The division also clarified that vehicle and equipment wash water and exterior building washdown water is limited in coverage in this permit and instead permittees can utilize the division’s existing low risk discharge guidance on surface cosmetic power washing as long as the conditions are met within the guidance document, or under this permit by following the practice-based effluent limitations for concrete or masonry washout (Part I.B.1.a.ii(c)) to ground. Discharges of this type to surface water pose a significantly greater potential for causing or contributing to a violation of water quality standards than such discharges to land.</p>
9	Permit	I.A.2.d and I.A.2.e	Aurora Water	(Page 3) The limitations of coverage in this draft permit renewal have been increased to prohibit	Aurora Water recommends the following language:	See Comment 8 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
		Limitations on Coverage - Wash Water		discharges from external building washdown and vehicle washing, however these activities may be covered under the division's low risk discharge policy (WQP-27). As drafted, the limitations are confusing and imply other discharges are not allowed under this permit. Aurora Water recommends modifying this section to provide clarity for permittees to be able to seek alternate authorization for non-stormwater discharges, such as external building washing.	"Permittees may seek authorization of discharges not authorized by this general permit under an individual permit, an alternate general permit, or the division's Low Risk Guidance policy, as appropriate."	The section under limitations on coverage was updated per this comment.
10	Permit	I.A.2.d and I.A.2.e Limitations on Coverage - Wash Water	Tri-State Generation and Transmission Association, Inc.	The meaning of these two limitations on coverage is unclear. It is unclear if all discharges from wash water are not authorized or only those that include soaps and solvents.	Revise to read as follows. "d. Discharges of water used to wash vehicles and equipment that include soaps and/or solvents." "e. Discharges of water used for external building washdown that include soaps and/or solvents."	See Comment 8 .
11	Permit	I.A.2.d and I.A.2.e Limitations on Coverage - Wash Water	City of Arvada	Limitations of coverage under COR400000 have increased. Some listed activities such as external building washdown and vehicle washing (without soaps and solvents) to ground are covered in low risk guidance policies; however, the inclusion with the current wording may be confusing to permittees.	Recommend changing language under the limitation in coverage under COR400000 to: "Discharges from water used to wash vehicles, equipment, and building exteriors that contain soaps, solvents, or other chemical additions" and delete "Discharges from water used to wash vehicles and equipment, including soaps and solvents." And "Discharges	See Comment 8 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
					from water used for external building washdown, including soaps and solvents.”	
12	Permit, Fact Sheet	I.A.2.d and I.A.2.e Limitations on Coverage - Wash Water	City and County of Denver	This is a new item that is not discussed in the Public Notice Fact Sheet. This item is also not consistent with Part I B.1.a.i.(a) “wash racks”	Remove or clarify if intent is to provide limitations on soaps and solvents.	See Comment 8 . While wash waters were included in the draft fact sheet, the division clarified the language to reflect current state which is that wash waters for vehicles, equipment and buildings haven’t been and still are not an allowable non-stormwater discharge to surface water. Wash racks are not prohibited for vehicle tracking under this permit. Discharging of the water from those wash racks to surface water under this permit is prohibited, and the addition of soaps, solvents and detergents are prohibited. This discharge is prohibited because it is not stormwater. Wash rack water should be directed to sanitary and/or utilize the division’s existing low risk discharge guidance on surface cosmetic power washing . Another alternative, if conditions within the guidance document are met, is to follow the practice-based effluent limitations for concrete or masonry washout (Part I.B.1.a.ii(c)) to ground.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
13	Permit	I.A.2.d, e, and j. Limitations on Coverage	Boulder County Colorado Stormwater Council	Additional activities not covered by COR400000 such as external building washdown and vehicle washing (without soaps and solvents) to ground are covered in low risk guidance policies. The inclusion of these general activities may be confusing to permittees versus providing limitations on the addition of soaps, solvents, or chemical additions. d. Discharges from water used to wash vehicles and equipment, including soaps and solvents. e. Discharges from water used for external building washdown, including soaps and solvents. j. Chemical additions	Recommend changing to: “Discharges from water used to wash vehicles and equipment, including from soaps, and solvents, or chemical additions.” and delete Part I.A.2.d, e, and j.	See Comments 8 and 12 on wash water and comment 21 on chemical additions.
14	Permit	I.A.2.h (K.1.a) PAHs	GE Johnson	Regarding PAHs, we don’t believe we have used it on our projects as it seems to be used for existing pavement and we are generally installing new. If this is such a concern, why doesn’t the state just prohibit it’s use in CO? Controlling and collecting run off from pavement is extremely difficult if not impossible.	Either ban use in CO or remove run off restriction.	Change incorporated. The division had requested in the fact sheet more information on the use of sealants containing PAH’s in new construction. Per stakeholder feedback and public comment feedback, the division has determined that PAH sealants are more likely to be used in maintenance of paved areas and not in new construction. At this time, due to the lack of information on the reasonable potential for the presence of PAHs from sealants, the division removed this reference.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
15	Permit	I.A.2.h PAHs	City and County of Denver	The addition of a limitation on the use of High Polyaromatic Hydrocarbon (PAH) Sealant is not appropriate for this permit. The method in which the Division is approaching this matter should be reevaluated and approached through means other than this permit limit. This conflicts with the general sense of the permit which is for “stormwater discharges associated with construction activity” where construction activity is defined as - “Ground surface disturbing and associated activities (land disturbance) ...” and high PAH sealants are used to “prolong the life of pavement” not being disturbed.	Remove	See comment 14 .
16	Permit	I.A.2.h PAHs	Wright Water Engineers	The language in this section leaves enough ambiguity that it could be construed to mean that projects which include surfaces to be treated with PAH sealant within their limits of disturbance/construction may not obtain coverage, regardless of whether the use of PAH is associated with the scope of work undertaken by the applicant. Utility companies frequently perform work in areas including paved surfaces which may utilize PAH sealants applied by others as part of installing or maintaining the paved surface, but the utility has no operational control over the decision by the entity performing the paving to use PAH sealants. A good example would be utility installation within a new subdivision. If the utility company is charged with installing new dry utility lines within the area that will ultimately be paved by the developer and the developer chooses to use PAH sealants, the utility company could be prohibited from obtaining coverage even though	Revise I.A.2.h to read, “Discharges from surfaces where High Polyaromatic Hydrocarbon Sealant is applied as part of the Construction Activity.”	See comment 14 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				the paving will not be performed by the utility itself.		
17	Permit	I.A.2.i Reclaimed Water	Aurora Water	(Page 4) Adding reference to Regulation 84 as a limitation of coverage under this permit is unnecessary. The use of reclaimed water for dust suppression is authorized under Regulation 84 and is not a stormwater discharge. Additionally, the permit already indicates “non-stormwater” discharges as not being authorized under this general permit and reference to Regulation 84 should be removed from this permit to prevent further confusion.	Aurora Water recommends the following language be removed: “Discharges of reclaimed water for construction approved for use in dust suppression in accordance with Regulation 84.”	See comment 20 .
18	Permit	I.A.2.i Reclaimed Water	GE Johnson	What is the state considering “reclaimed water”? If stormwater accumulation on the site in areas such as depressions or pond, then pumped and used for dust control, is this practice approved provided the water does not run off the site?	Add a definition or clarify what reclaimed water is and is not.	See comment 20 . Regulation 84 is the regulation which governs the use of treated wastewater in approved applications from wastewater treatment plants. The definition from Regulation 84 is, “Reclaimed Water is domestic wastewater that has received secondary treatment by a domestic wastewater treatment works (centralized system or a localized system) and such additional treatment as to enable the wastewater to meet the standards for approved uses.”
19	Permit	I.A.2.i Reclaimed Water	City of Arvada	Regulation 84 references and limitations are confusing. Regulation 84 allows for the use of reclaimed water for dust suppression under specific requirements including, but not limited to, producing no runoff. Listing Regulation 84 reclaimed water as not being covered by the	Remove Part I.A. 2.i pertaining to Discharges associated with Regulation 84. If it follows Regulation 84, it should be covered if it meets the dust	See comment 20 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				COR400000 permit implies that the discharge to the surface itself is not allowed. This contradicts Regulation 84 and other references in the COR400000 permit requiring that Regulation 84 reclaimed water be listed as a potential pollutant source if used onsite. The current language is contradictory and confusing.	<p>suppression requirements listed in Part I. B.a.i.j.</p> <p>Alternatively, if there needs to be a specific reference to Regulation 84 in COR400000 Part I.A.2., then suggested language outlining what is not covered under COR400000 should read “Discharges of reclaimed water for dust suppression associated with construction that are applied at a rate that is not in accordance with Regulation 84”.</p>	
20	Permit	I.A.2.i Reclaimed Water	Boulder County Colorado Stormwater Council	<p>Discharges of reclaimed water for construction approved for use in dust suppression in accordance with Regulation 84.</p> <p>Regulation 84 references and limitations are confusing. Regulation 84 allows for the use of reclaimed water for dust suppression under specific requirements including, but not limited to, producing no runoff. Listing Regulation 84 reclaimed water as not being covered by the COR400000 permit implies that the discharge to the surface itself is not allowed. This contradicts Regulation 84 and other references in the COR400000 permit requiring that Regulation 84 reclaimed water be listed as a potential pollutant source if used onsite. The current language is contradictory and confusing.</p>	<p>Delete Part I.A. 2.i. pertaining to discharges associated with Regulation 84. Part I. B.a.i.j. addresses requirements for dust suppression.</p> <p>Alternatively, if there must be a specific reference to Regulation 84 in COR400000 Part I.A.2., then recommend changing to:</p> <p>“Discharges of reclaimed water for construction approved for use in dust suppression that are not in</p>	<p>Change partially incorporated.</p> <p>The division agrees that reclaimed water, as defined in Regulation 84 and approved for dust suppression through the Regulation 84 permitting process, is not an allowable non-stormwater discharge. The division has included it under the limitations on coverage to be a reminder to the owner/operator that the only non-stormwater discharges authorized by this permit are at Part I.A.1.b.</p> <p>Additionally, under Regulation 84, the application of reclaimed water used for dust suppression should</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
					accordance with Regulation 84.” “Discharges of reclaimed water for dust suppression associated with construction that are applied at a rate that is not in accordance with Regulation 84”	not result in ponding or runoff. Regulation 84.5(33) and Regulation 84.22 requires reclaimed water used for dust suppression to be used “where there is no public exposure to reclaimed water under normal operations and only limited and controlled contact with reclaimed water by trained workers” and “Approval is conditional on the user demonstrating that the application rate for these uses will not result in ponding or runoff into waters of the state, and that off-property transport of airborne particulate matter will be minimized.”
21	Permit	I.A.2.j Chemical Additions	City of Arvada	This language is vague and may cause confusion about slope stabilization and dust suppressant product use. It is our understanding the intent is to limit direct chemical additions of flocculants to stormwater. Permit language should reflect this intent as it is implied in the Fact Sheet (Part I K. 3. Summary of changes/Changes for specificity (Page 12)).	Recommend changing language to “Chemical treatment of stormwater is not authorized. This includes but is not limited to flocculants”	Change incorporated. The division intended chemical additions to be in reference to chemicals added to the treatment process common in NPDES permitting and not to hydromulch or fertilizers, herbicides, and insecticides, etc.
22	Permit	I.A.2.j Chemical Additions	Home Builders Association of Metro Denver	<i>“j. Chemical additions. Any chemical addition to stormwater associated with construction activities is not authorized.”</i> The essence of the National Pollutant Discharge Elimination System (“NPDES”) is to minimize and prevent the discharge of pollutants into state and federal waters by managing a facility’s stormwater discharge through the	Therefore, we request that Part I.A.2.j of the draft CGP be deleted in its entirety as follows: “j. ———— Chemical additions. Any chemical addition to stormwater associated with	See comment 21 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				implementation of stormwater control measures. The language added to Part I.A.2.j of the draft CGP is ambiguous and could create unnecessary liability for permittees. CDPHE does not include any further definition or discussion on what is meant by “ <i>Any chemical addition...</i> ”. For example, “ <i>Any chemical addition...</i> ” could refer to nutrients in fertilizers that have been applied in accordance with the stormwater management plan and the manufacturers specifications.	construction activities is not authorized.”	
Permit Certification & Submittal Procedures						
23	Permit	I.A.3.g QLP	City of Golden	Sections of Part II that deal specifically with Division processes, such as those addressing Transfer of ownership (II.L.3.) or Fees (II.W.), etc. should not apply to QLP.	Please include in section I.A.3.g., specific sections of Part II that are not applicable to QLP.	Change incorporated.
24	Permit	I.A.3.h.i and ii Transfer Forms	GE Johnson	Regarding the wording that the “old permittee” completing transfer forms, it is our understanding that in CEOS the “new” permittee must initiate the permit transfer (based on the CEOS user guide). Therefore, this wording would be inaccurate to say that the “old” permittee must provide new permit number or other information they may not know. Also new permit numbers are not provided by the state until the transfer or other application are processed within the state. Therefore the old permittee may not have that information at the time of the transfer.	Consider rewording this to follow the requirements of CEOS.	Change partially incorporated. The division updated the language in Part I.A.3.h.i to reference only modifications for acreage that currently has alternative permit coverage and termination to remove acreage. See modification form. The division added language to clarify that when a permittee transfers permit coverage to another permittee, the “new” permittee must provide an agreement completed and signed by the “old” permittee. See the transfer application supplement

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						form.
25	Permit	I.A.3.h.ii Transfer	Home Builders Association of Metro Denver	<i>“When a permittee transfers or terminates all or portions of permit coverage to another permittee, the “old” permittee completing the transfer or termination must provide to the division documentation of due diligence when the new permittee is not obtaining permit coverage. Documentation of due diligence may include certified letters, multiple attempts at email and phone contact.”</i>	The addition of the Parts I.A.3.h.i and I.A.3.h.ii in the draft CGP requiring the “old” permittee to provide the “new” permittee’s certification number, or having the “old” permittee document their due diligence correspondence with the “new” permittee to obtain permit coverage, is a burdensome administrative task to the industry and does not provide any benefit to water quality. CDPHE has required that permit transfers be conducted through the Colorado Environmental Online Services (“CEOS”) public portal since January 1, 2022. CEOS already requires that each transfer document include the contact information for the new permittee and the previous permittee, as well as each party’s binding digital signatures accepting the transfer of permit coverage and the legal obligations associated with the transfer.	No change. The division formalized this existing process in the general permit. See modification form that is already required.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
26	Permit	I.A.3.h.i Partial Transfer	Home Builders Association of Metro Denver	<i>“When a permittee transfers, modifies or terminates all or portions of permit coverage to another permittee, the “old” permittee completing the transfer, modification or termination must provide to the division the new permittee’s certification number(s) (ie. a land developer selling lots to home builders, etc).”</i>	Additionally, Parts I.A.3.h.i and I.A.3.h.ii in the draft CGP imply that partial permit transfers are allowed in the CGP: <i>“When a permittee transfers, modifies or terminates all or portions of permit coverage to another permittee...”</i> (Part I.A.3.h.i); and <i>“When a permittee transfers or terminates all or portions of permit coverage to another permittee...”</i> (Part I.A.3.h.ii).	No change. The division recognizes the terminology was confusing. Partial removals of acreage are allowed. The division updated the language to clarify requirements for transfers of permit coverage. See comment 24 .
27	Permit	I.A.3.i.ii Certificate of Occupancy	Home Builders Association of Metro Denver	describes the conditions that must be satisfied so that the permittee may remove residential lots from the area under permit coverage. In addition to the residential lot being sold, less than one acre of disturbance, final stabilized, and all construction activities being completed, Part I.A.3.i.ii of the CGP also states: <i>“A certificate of occupancy, or equivalent, is maintained on-site and is available during division inspections;”</i>	Residential construction companies build and close on tens of thousands of homes annually in the State of Colorado. Every residential lot with active construction has an associated building permit that was obtained through the local permitting authority (“LPA”). The same LPA will then issue a certificate of occupancy before the residential builder and the home buyer can close on the sale of the home. There were 25,061 building permits	Request not adopted. The permit already allows for an equivalent which could be a list and the ability to get the certificate of occupancy if requested. The division did update the language to allow for electronic records to match the stormwater management plan.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
					<p>issued in the State of Colorado in 2022. Requiring permittees to track and retain thousands of copies of the certificates of occupancy at their facilities is unreasonable and unduly burdensome, is duplicative to the building permitting process already in place with the LPA's, and provides no water quality benefit. Therefore, we request that Part I.A.3.i.ii of the draft CGP be deleted in its entirety as follows: <i>“ii. A certificate of occupancy, or equivalent, is maintained on-site and is available during division inspections;”</i></p>	
28	Permit	I.A.3.i.iv; I.C.2.j.ii Sale of Residence to Homeowner - Temporary Stabilization	Vanguard Homes	<p>On the fact sheet it states that unstabilized areas “may” contribute to sediment migrating off the lot. It is not clear that this is the sole reason. It is also unclear what type of temporary stabilization control measures will be required. It is very possible that many of these measures will be removed soon after the homeowners take possession of their house because they will be having landscaping installed. Seems like a waste of money. Any measures taken will raise the cost of the homes and push the housing industry further from offering more affordable housing.</p>		<p>No change.</p> <p>Division inspections indicated that permittees were not removing lots that met the criteria from their stormwater management plans and found it difficult to know which lots qualified.</p> <p>Adding a short list of lot numbers to the stormwater management plan will resolve that issue without overly burdening the permittee.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>We are still looking for what would be acceptable for the temporary stabilization. Seeding and crimping or hydro mulch? Why would there be a requirement for temporary stabilization if the homeowner is going to have a landscaper come and tear everything or apart a day to a week after closing. From our initial research this could cost anywhere from \$500-\$1,000 per lot. If there is stabilization than what is the point of have erosion control measures etc.</p> <p>Why are we adding costs to the home that will be destroyed right after closing and not be effective?</p> <p>With rates and the cost of homes these days this is just one more expense that will not only take people out of the market but will also add to the price of homes and long term expense to the end user when they lump it into their mortgage.</p> <p>Also, with this you are going to require additional hours for the documentation, inspections and filing of closings and removal of lots from permits.</p>		<p>The division will review, and consider updating as needed, the guidance documents regarding permittees not being responsible for control measures if they are directly installed on the removed property.</p> <p>See comment 27.</p>
29	Permit	I.A.3.i.iv Sale of Residence to Homeowner - Temporary Stabilization	Boulder County	<p>Residential lot temporary stabilization requirements are beneficial to prevent a lack of stabilization between the builder and private owner’s landscaping activities.</p> <p>iv. All construction activity conducted on the lot(s) by the permittee is complete, including installation of temporary stabilization on</p>	Support current proposed language.	Comment noted.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				remaining disturbance where the permittee is not responsible for final stabilization (i.e. backyard of single family home, etc);		
30	Permit	I.A.3.i.iv Sale of Residence to Homeowner - Temporary Stabilization	Classic Homes	Maintenance of temporary stabilization after change of ownership is not addressed yet has been a point of contention in the field.	We'd like to see an additional statement added that clearly states: <u>The permittee is not responsible for the ongoing maintenance of temporary stabilization after the lot(s) has(have) been sold to the homeowner(s).</u>	The division appreciates this comment and will not provide a formal response as it was received after the public notice date.
31	Permit	I.A.3.i.iv Sale of Residence to Homeowner - Temporary Stabilization	CMS Environmental Solutions	As a part of the homeowner exclusion policy part 1.A.3.i.iv of the permit states " <i>All construction activity conducted on the lot(s) by the permittee is complete, including installation of temporary stabilization on remaining disturbance where the permittee is not responsible for final stabilization (i.e. backyard of single family home, etc)</i> " Single family residential homebuilders will often convey the lots to private residences with front yard landscaping and erosion control measures installed in the concentrated flow areas (beneath down spouts and drainage swales) as well as sediment control measures installed at the down gradient side of the lot to prevent sediment from migrating off of the lot. This practice has been successful in preventing sediment from exiting the rear lot of the closed home, ensuring that sediment does not enter adjacent properties, or Colorado's waterways. Requiring temporary stabilization on the entire disturbed area, including areas protected by sediment control measures would substantially	Rewording to state that " <i>All construction activity conducted on the lot(s) by the permittee is complete including installation of temporary stabilization on remaining disturbance where the permittee is not responsible for final stabilization (i.e. backyard of single family home, etc), or a combination of sediment and erosion control measures that follow good engineering hydrologic pollution control practices that prevent sediment from exiting the lot</i> "	Change incorporated. The division included the ability to install sediment or erosion control measures to minimize sediment from the lot.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				increase costs to homebuilders and ultimately home buyers, without adding tangible benefit to the environment or adjacent properties. Recommend rewording to state that <i>“All construction activity conducted on the lot(s) by the permittee is complete including installation of temporary stabilization on remaining disturbance where the permittee is not responsible for final stabilization (i.e. backyard of single family home, etc), or a combination of sediment and erosion control measures that follow good engineering hydrologic pollution control practices that prevent sediment from exiting the lot</i>		
32	Permit	I.A.3.i.iv Sale of Residence to Homeowner - Temporary Stabilization	Earthworks Environmental, LLC	There has been an added requirement for temporary stabilization on a rear yard that is sold to a homeowner. We are requesting that you also add text regarding an equivalent perimeter control measure in lieu of stabilization. The homeowner may not want seeding, straw, etc. and there should be the option to place perimeter silt fence, wattles, etc. as an alternative control measure in this scenario.	Please amend this section with added text, such as: <i>“All construction activity conducted on the lot(s) by the permittee is complete, including installation of temporary stabilization or perimeter control measures on remaining disturbance where the permittee is not responsible for final stabilization (i.e. backyard of single family home, etc);</i>	See comment 31 .
33	Permit	I.A.3.i.iv Sale of Residence to Homeowner - Temporary Stabilization	Raw Land Detailing, Inc.	Re: Temporary stabilization for single family lot; 1. Temporary stabilization application will be destroyed within weeks if not days by the homeowner, children dogs or regrading. 2. If there is no regulatory requirement or enforcement what is the point? 3. How do you temporarily stabilize a lot that has 1 foot of	Change to temporary stabilize or perimeter control; Or remove requirement	See comment 31 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				frost and or covered in 6” snow? 4. With the constant increase in the cost of building a home why would the WCD want to increase the cost of builder and homebuyer for a requirement that can’t and won’t be managed?		
34	Permit	I.A.3.i.iv Sale of Residence to Homeowner - Temporary Stabilization	Raw Land Detailing, Inc.	When a builder (operator) and homeowner (owner) are on the permit, the builder completes his contract to build the hosue and is removed from the state permit, the owner is also on the permit. Is the homeowner now responsible for the stabilization even if it takes him a year to complete?	Define the requirement.	No change. If the site has not achieved final stabilization, whomever is listed on the permit is responsible for the permit requirements until final stabilization occurs. If a home owner is made the owner and operator on a permit after the building is complete, the homeowner is responsible for compliance with the permit terms and conditions. Because the homeowner is the permittee, and is responsible for final stabilization of the lot, the Sale of Residence to Homeowner exclusion in Part I.A.3.i of the Permit does not apply.
35	Permit	I.A.3.i.iv Sale of Residence to Homeowner - Temporary Stabilization	Southeast Metro Stormwater Authority (SEMSWA)	The permittee may remove residential lots from permit coverage once the lot(s) meet the criteria in parts i. through vi., where Part iv. reads “All construction activity conducted on the lot(s) by the permittee is complete, including installation of temporary stabilization on remaining disturbance where the permittee is not responsible for final stabilization (i.e. backyard of single family home, etc.);”.	Recommend that the language include perimeter sediment controls as an acceptable alternative to temporary stabilization to contain disturbed soil. Perimeter sediment controls, in some cases, may be less likely to incur	See comment 31 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>Temporary stabilization of remaining disturbance will be effective in most cases and help reduce the occurrence of illicit discharges from residential lots once permit coverage has been terminated. However, in this application, surface roughening, seed and mulch, and hydroseed may not be feasible methods of temporary stabilization, and thus the use of erosion control blanket may be most frequently used to meet this requirement. Implementing erosion control blanket to cover the entire remaining disturbance of a residential lot may not be feasible.</p> <p>During the CDPHE Stakeholder meeting on November 2nd, 2023, the Division indicated that perimeter sediment controls may also be adequate to contain remaining disturbance on a residential lot until final stabilization is established where the permittee is not responsible for final stabilization. Please update the permit language accordingly.</p>	<p>damage from residential homeowner activities and may adequately prevent the discharge of sediment from the disturbed lot until final stabilization can be completed.</p> <p>Recommend changing language to: “All construction activity conducted on the lot(s) by the permittee is complete, including installation of temporary stabilization on remaining disturbance, or installation of perimeter sediment controls to contain remaining disturbance, where the permittee is not responsible for final stabilization (i.e. backyard of single family home, etc.);”.</p>	
36	Permit	I.A.3.i.iv Sale of Residence to Homeowner - Temporary Stabilization	Home Builders Association of Metro Denver	It is typical for single family residential homebuilders to include front-yard landscaping in the contract of sale, but less typical for single family residential homebuilders to include rear-yard landscaping in that same contract. Prior to closing and receiving a certificate of occupancy, a combination of sediment and erosion control measures should be installed in the rear of lots where disturbed surfaces exist with a potential to discharge offsite to remain	Recommend rewording to state that “ <i>including installation of temporary stabilization on remaining disturbance where the permittee is not responsible for final stabilization (i.e. backyard of single family home, etc), or a combination of</i>	See comment 31 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>in compliance with the current CDPS General Permit (COR40000). This practice has been successful in preventing sediment from exiting the rear lot of the closed home untreated, reducing impact to adjacent properties and Colorado’s waterways. Requiring temporary stabilization on the entire remaining disturbed area (typically the rear of the yards) would substantially increase costs to homebuilders and ultimately home buyers (estimated to be at least 50% but up to potentially 200% increase in cost of additional controls needed per lot, depending on overall lot disturbance), without adding significant benefit to water quality and the environment. Additionally, confirmation of implementation and maintenance of temporary stabilization would not be feasible for MS4s, compliance managers, and the Division without permission from the property owners post-closing.</p>	<p><i>sediment and erosion control measures that follow good engineering and hydrologic pollution control practices.”</i></p>	
37	Permit	<p>I.A.3.i.v Sale of Residence to Homeowner - Final Stabilization</p>	<p>Home Builders Association of Metro Denver</p>	<p><i>As a part of the homeowner exclusion policy part 1A.3.i.v states “The permittee is not responsible for final stabilization of the lot(s);”</i>. It is typical for single family residential homebuilders to include front yard landscaping in the contract of sale. In the winter months when sod cannot be installed (through a combination of supply shortage and installation/watering restrictions from municipalities, the property is transferred to the private homeowners with a combination of sediment and erosion control measures installed that prevent sediment from leaving the lot untreated. Once the lot is turned over to the homebuyer, the lot becomes private property</p>	<p>To make permit compliance achievable, we recommend the Division add the language listed in the published COR400000 FAQ document that states <i>“Additionally, in cases where all the conditions of the “sale of residence to homeowner” exclusion in the permit have been met, except for Part 1.A.3.i.V, and when the permittee is not able to implement final stabilization (i.e. sod</i></p>	<p>No change. The permit contains provisions for reduced inspection frequency for sites awaiting final stabilization, including the installation of sod. See Part I.D.4.b.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				and the permittee legally cannot enter the lot without the homeowner's permission. Due to this, if the homeowner damages control measures and does not allow the permittee to maintain the damaged control measures, compliance to the permit would be unachievable due to this legal restriction.	<i>not being cut for the season), the permittee may remove the lot from their permitted area until the spring when sod will be cut again. When the permittee installs final landscaping they will be responsible for inspecting and maintain the work area, and will be responsible for installing and maintaining control measures in accordance with the permit conditions."</i>	
Effluent Limitations: Requirements for Control Measures Used to Meet Effluent Limitations						
Part I.B.1.a.i - Control Measures for Erosion and Sediment Control						
38	Permit	I.B.1.a.i Control Measures for Erosion and Sediment Control	Boulder County Colorado Stormwater Council City of Arvada	Temporary vegetation, permanent vegetation, mulching, sod stabilization, and slope roughening are non-structural controls. In the past, structural controls have been defined as CMs that are designed to remove pollutants from stormwater runoff or reduce the volume whereas non-structural were focused on preventing the mobilization or creation of the pollutant as well as administrative and program control measures.	Move these control measures to the non-structural control measure section.	Change partially incorporated. The division combined the two lists together.
39	Permit	I.B.1.a.i(a) Vehicle Tracking Controls	Boulder County	(a) Vehicle tracking controls must be implemented to minimize vehicle tracking of sediment from disturbed areas. Vehicle tracking controls may include tracking pads, minimizing site access, wash racks, graveled parking	Recommend the requirement must include a structural control measure. Recommend change to: "Vehicle tracking controls	Change incorporated. The division modified Part I.B.1.a.i(a) as follows: Vehicle tracking controls must be implemented to minimize vehicle

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				As written, street sweeping or other non-structural control measures can be used to meet the vehicle tracking requirements. Recommend that a structural, sediment control must be installed and may be used in conjunction with a non-structural control measure.	must be implemented to minimize vehicle tracking of sediment from disturbed areas onto paved public roadways. Vehicle tracking controls must include a structural, sediment control measure and may include non-structural controls such as tracking pads, minimizing site access, wash racks, graveled parking areas, restricting vehicle traffic to paved areas, street sweeping and sediment control measures.”	tracking of sediment from disturbed areas. Vehicle tracking controls must include a structural control measure (e.g. tracking pad or wash rack) and may include a non-structural control measure (e.g. sweeping or restricting vehicle traffic to paved areas).
40	Permit	I.B.1.a.i(f) Soil Compaction	Boulder County	(f) Soil compaction must be minimized for areas where infiltration control measures are implemented or where final stabilization will be achieved through vegetative cover. Soil compaction must be minimized for areas where stabilization will be achieved through vegetative cover does not account for temporary access or staging in areas that will be revegetated. Even though this exception could be covered under Part I.C.2.c.x a description of any effluent limitation that is infeasible and why, language could be added to clarify that if compaction occurs that decompaction is required prior to implementing final stabilization control measures.	Recommend changing to: “Soil compaction must be minimized for areas where infiltration control measures are implemented or where final stabilization will be achieved through vegetative cover. If compaction does occur in areas where final stabilization will be achieved through vegetative cover, then decompaction of the soil must occur.”	Change incorporated. The division agrees it can be difficult to establish vegetation in compacted soils.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
41	Permit	I.B.1.a.i(f) Soil Compaction	City of Arvada	Soil compaction must be minimized for areas where stabilization will be achieved through vegetative cover does not account for temporary access or staging in areas that will be revegetated. Even though this exception could be covered under Part I.C.2.c.x a description of any effluent limitation that is infeasible and why, language could be added to clarify that if compaction occurs that decompaction is required prior to revegetating.	Recommend adding a sentence: "If minimizing soil compaction is infeasible in an area where final stabilization will be achieved through vegetative cover, decompaction of the soil must occur."	See comment 40 .
42	Permit	I.B.1.a.i(g) Topsoil preservation	Home Builders Association of Metro Denver	<i>"Preservation can be left in place or stockpiled."</i>	This language is vague and ambiguous. We request that the second sentence in Part I.B.1.a.i(g) of the draft CGP be modified for greater clarity.	See comment 44 .
43	Permit	I.B.1.a.i(g) Topsoil preservation	HDR Engineering	The permit indicates "Preservation can be left in place or stockpiled."	Provide clarification what this means. Does this mean contractor can leave the topsoil in place and drive over it in lieu of scraping?	See comment 44 . Areas that will not have vegetative final stabilization (e.g. pavement) or used for infiltration do not require the preservation of topsoil. The topsoil can be left in place if vehicle or equipment traffic will not result in compaction.
44	Permit	I.B.1.a.i(g) Topsoil Preservation	Tri-State Generation and Transmission Association, Inc.	Editorial suggestion to replace "Preservation" with the phrase "Preserved topsoil".	Adjust wording	Change incorporated.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
45	Permit	I.B.1.a.i(i)(1) Diversions	Boulder County Colorado Stormwater Council City of Arvada	(1) Lined or piped structures that result in no erosion in all flow conditions. This language is in the current COR400000; however, it does not consider that temporary diversions are sized based on several factors including risk, duration of the project, and anticipated flows. Diversions that are oversized cause more disturbance, cost more, and are harder to install. MHFD developed temporary diversion criteria that provides information on the factors that should be accounted for when sizing temporary diversion structures.	Recommend changing to: “Lined or piped structures that result in no erosion for anticipated flow conditions in all flow conditions. ”	Change incorporated. The division has developed guidance related to diversions and refers to selecting the diversion based on the timing and duration of the project and the anticipated flows during the time the diversion is in place. See the WQ Construction Compliance Assistance and Guidance webpage for more information.
46	Permit	I.B.1.a.i(i)(1) Diversions	Wright Water Engineers	It is our view that the requirement that lined or piped structures function without any erosion under all flow conditions is more restrictive than the standards set forth for good engineering, hydrologic, and pollution control practices. Per the definition provided with the draft permit, such practices reflect best industry practices and standards and are appropriate for the conditions and pollutant sources. The EPA Construction General Permit (CGP) requires permittees to account for “the expected amount, frequency, intensity, and duration of precipitation” when developing stormwater control measures (see 2.1.1.a). WWE interprets this to mean that the standard of practice set by the CGP is to design diversions for anticipated conditions, not all conditions. This approach is also consistent with the methodology endorsed by the Mile High Flood District in the current edition of the Urban Storm Drainage Criteria Manual, which	Revise I.B.1.a.i(i)(1) to read, “Lined or piped structures that are designed to minimize erosion under the range of anticipated flow conditions.”	See comment 45 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>provides guidance to engineers on how to adjust sizing for diversions based on factors such as seasonality and project duration. Lined and piped diversions are often preferred diversion methods because they can provide construction projects with a relatively inexpensive diversion method that avoids contact between diverted water and disturbed soil, and also does not require constant monitoring the way that a pumped diversion does. Requiring that lined or piped diversions be sized to manage all flow conditions will necessitate unnecessarily large diversions that are capable of handling the probable maximum flood and may thus discourage permittees from using these effective methods. WVE recommends revising the language of this section to state that lined or piped structures must be designed to minimize erosion under the range of anticipated flow conditions. This allows the SWMP designer to use good engineering judgment to assess the sizing of a diversion based on factors such as duration and time of year.</p>		
47	Permit	I.B.1.a.i(i) Diversions	Aurora Water	<p>(Page 9) The control measure requirements regarding diversion channels, berms, and coffer dams are overly prescriptive and should be modified to address the intent rather than design. Additionally, this section requires the permittee to ensure the lined or piped structure results in no erosion in “all” flow conditions which makes this requirement infeasible. Diversion control measures cannot account for conditions that may occur during extreme and rare weather events. Since there are several</p>	<p>Aurora Water recommends removing the conditions associated with diversion channels, berm, and coffer dams (Part I.B.1.a.i.1-3) from this section.</p>	<p>No change.</p> <p>The division has developed guidance related to diversions and refers to selecting the diversion based on the timing and duration of the project and the anticipated flows during the time the diversion is in place. See the WQ Construction Compliance Assistance and Guidance webpage</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				components specific to each construction site that are factored into the design of this control measure, Aurora Water recommends removing the language in this section to align with the intent of this section.		for more information.
48	Permit	I.B.1.a.i(i) Diversions	Aurora Water	(Page 9) This section indicates the criteria listed applies to all diversion control measures, however non-engineered diversions should be able to be installed on a site if that diversion drains to an engineered control measure, such as a sediment basin. Aurora Water recommends modifying the language in this section to include diversion control measures that flow to a sediment basin as an additional condition the permittee may meet.	Aurora Water recommends adding: “4) Flows to a sediment basin onsite.”	No change. Diversions in this section are related to clean water diversions. See comment 51 .
49	Permit	I.B.1.a.i(i) Diversions	Home Builders Association of Metro Denver	Part 1.B.1.a.i(i) draft permit states <i>“Diversion control measures must minimize soil transport and erosion within the entire diversion, minimize erosion during discharge, and minimize run-on into the diversion. The permittee must minimize the discharge of pollutants throughout the installation, implementation and removal of the diversion. Diversions must meet one or more of the following conditions:</i> <i>(1) Lined or piped structures that result in no erosion in all flow conditions.</i> <i>(2) Diversion channels, berms, and coffer dams must be lined or composed of a material that minimizes potential for soil loss in the entire wetted perimeter during anticipated flow conditions (e.g. vegetated swale, non-erosive soil substrate). The entire length of the diversion channel must be designed such that the maximum flow</i>	In the Mile High Flood Control District EC-10 (Earthen Dikes and Drainage Swales) control measure specification; ED-1, DS-1, and DS-2 specification allow for unlined diversion structures. Per common industry practices, diversion structures may be unlined and still follow good engineering and hydrology pollution prevention practices. Requiring all diversion control measures to be lined will substantially increase costs, without adding a tangible benefit	Change incorporated. The division updated the definition of diversion to reference clean water diversions. Additionally, it is not the division’s intent to require all clean water diversions to be lined or piped. See the WQ Construction Compliance Assistance and Guidance webpage for more information on diversions.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p><i>velocity for the type of material(s) exposed to the anticipated flows ensures the calculated maximum shear stress of flows in the channel is not expected to result in physical damage to the channel or liner nor result in discharge of pollutants. Additionally, the conditions relied on to minimize soil loss must be maintained for the projected life of the diversion (e.g. use of a vegetated swale must be limited to a period of time that ensures vegetative growth, minimizes erosion and maintains stable conditions)."</i></p>	<p>to the environment. If it is the intent of the permit to require lining/piping of clean water diversions (diversions defined in the "definitions" 1.E.(9) of the permit), recommend the Division include language that specifies the type of diversion structure (i.e. "Clean water diversion control measures must minimize...") so that the requirement is not misinterpreted to mean all diversion control measures.</p>	
50	Permit	I.B.1.a.i(i) Diversions	CMS Environmental Solutions	<p>Part 1.B.1.a.i.(i) of the draft permit states "Diversion control measures must minimize soil transport and erosion within the entire diversion, minimize erosion during discharge, and minimize run-on into the diversion. The permittee must minimize the discharge of pollutants throughout the installation, implementation and removal of the diversion. Diversions must meet one or more of the following conditions: (1) Lined or piped structures that result in no erosion in all flow conditions. (2) Diversion channels, berms, and coffer dams must be lined or composed of a material that minimizes potential for soil loss in the entire wetted perimeter during anticipated flow conditions (e.g. vegetated swale, non-erosive soil substrate). The entire length of the</p>	<p>Clarifying if it is the intent of the permit to require lining/piping of clean water diversions (only diversions defined in the "definitions" 1.E.(9) of the permit), and if so, recommend specifying that so that the requirement is not misinterpreted to mean all diversion control measures.</p>	See comment 51 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p><i>diversion channel must be designed such that the maximum flow velocity for the type of material(s) exposed to the anticipated flows ensures the calculated maximum shear stress of flows in the channel is not expected to result in physical damage to the channel or liner nor result in discharge of pollutants. Additionally, the conditions relied on to minimize soil loss must be maintained for the projected life of the diversion (e.g. use of a vegetated swale must be limited to a period of time that ensures vegetative growth, minimizes erosion and maintains stable conditions)."</i> In the Mile High Flood Control District EC-10 (Earthen Dikes and Drainage Swales) control measure specification; ED-1, DS-1, and DS-2 specification allow for unlined diversion structures. Per common industry practices, there are instances where diversion structures may be unlined and still follow good engineering and hydraulic pollution control practices. Requiring all diversion control measures to be lined will substantially increase costs, without adding a tangible benefit to the environment. If it is the intent of the permit to require lining/piping of clean water diversions only (diversions defined in the "definitions" 1.E.(9) of the permit), recommend specifying that so that the requirement is not misinterpreted to mean all diversion control measures.</p>		
51	Permit	I.B.1.a.i(i) Diversions	Southeast Metro Stormwater Authority	<p>Diversion control measures are not defined. Please clarify the types of control measures that are classified as "Diversion control measures" and subject to requirements in part (i). For</p>	<p>Recommend clarifying that diversion control measures refer exclusively to clean water diversions; consider</p>	<p>Change incorporated.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
			(SEMSWA)	<p>example, diversion ditches may be interpreted as a diversion control measure, but Part I B 1. a. i. (i) states “Diversion control measures must minimize soil transport and erosion within the entire diversion, minimize erosion during discharge, and minimize run-on into the diversion. [emphasis added]”.</p> <p>Without further clarification, diversion ditches may be interpreted as a diversion control measure, even though diversion ditches are intended to receive run-on and therefore do not meet the requirements of diversion control measures as stated here.</p>	<p>changing the first sentence of this section to read:</p> <p>“Diversion control measures used for clean water diversions must minimize soil transport and erosion within the entire diversion, minimize erosion during discharge, and minimize run-on into the diversion.”</p>	
52	Permit	I.B.1.a.i(i) Diversions	Colorado Department of Transportation (CDOT)	When speaking of Diversions, they can mean different things to different professions. Examples would be to a hydraulic engineer, a diversion would mean a stream diversion. To environmental staff, it could be a clean water diversion. Some of these activities are covered under ACE permits, and would conflict with direction of this permit.	CDOT requests the type of diversion be clarified in this section, specifically noting surface water vs on-site flow vs stormwater.	See comments 49 and 51 .
53	Permit	I.B.1.a.i(j) Dust	Tri-State Generation and Transmission Association, Inc.	As written, the last sentence of this permit provision appears to prohibit any discharge of dust control water from the site. There is no reference here to the sub-set of dust suppression water that is reclaimed wastewater under Colorado Regulation 84. This draft sentence appears functionally equivalent to the list of unauthorized discharges found in Permit Part I.A.2. While this provision might be feasible and reasonable for typical residential and commercial construction sites, this provision is infeasible for linear utility projects that have narrow and long construction sites	<p>Revise the draft permit to follow the EPA permit on this topic and indicate dust control water is an allowable non-stormwater discharge.</p> <p>Alternatively, replace the word “prevent” with “minimize” in the last sentence of this draft permit provision.</p>	<p>Comment partially incorporated.</p> <p>Regulation 84 does not authorize the discharge of reclaimed water used for dust suppression.</p> <p>Water used for dust suppression is not an allowable non-stormwater discharge and instead should be applied at a rate to avoid discharge as noted in Part I.B.1.a.i(j). Potable water is sometimes used</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>that may be only a couple hundred feet wide and many miles long. The combined requirement of needing to apply dust control water while also retaining 100% of it on-site all the time is unworkable for utility projects and associated access road maintenance and construction projects.</p> <p>We note that the 2022 EPA Construction General Permit takes a different approach regarding dust control water in that it is specifically listed as an authorized non-stormwater discharge in EPA permit section 1.1.2(e). Relevant to the potential use of potable water for dust control, the EPA permit also authorizes the discharge of uncontaminated potable water line flushings in section 1.2.2(f) and fire hydrant flushings in permit section 1.2.2(b).</p>		<p>for dust suppression which contains chlorine. Chlorine when introduced to surface waters can be toxic to aquatic life.</p> <p>The division did update the language to make it clear that this permit would not prohibit a discharge if it was authorized by a separate permit. The division has not issued any permits in the state for the discharge to surface waters from dust suppression. If an entity did apply for an individual permit for such a discharge, the permit would need to include effluent limits that take into account the pollutants that could occur.</p>
54	Permit	I.B.1.a.i(k) Discharge Points	Aurora Water	<p>(Page 8) The permit requires the permittee to “control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.” However, as drafted, this requirement is redundant with the requirement: “Selection of control measures should prioritize the use of control measures that minimize the potential for erosion (i.e. covering materials). Selection should also prioritize phasing construction activities to minimize the amount of soil disturbance at any point in time throughout the duration of construction.” Additionally, the requirement under this general permit to install and implement control measures for</p>	<p>Aurora Water recommends the following language be removed: “Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.”</p>	<p>No change.</p> <p>Due to this requirement being a technology based requirement as an effluent limitation guideline (40 CFR 450.21(a)(2)), the division must include it in the permit.</p> <p>The division will review, and consider updating if necessary, guidance documents on this topic. Similar to diversions, peak flowrate could be based on timing and duration of the project and the anticipated flows during the time of construction and the amount of</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				construction activities is to control stormwater discharges and effectively prevent erosion, sediment transport and releases of pollution. Aurora Water recommends eliminating redundant language.		acreage directed to the discharge point to determine the volume. If an upset occurs, the permittee would follow the upset provisions in the permit.
55	Permit	I.B.1.a.i(k) Discharge Points	Southeast Metro Stormwater Authority (SEMSWA)	This section currently states, “Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.” Peak flowrates and total stormwater volume are not reasonable and may be unclear.	Consider changing to “adequately control stormwater discharges with good engineering, hydrologic and pollution control practices” or “minimize impacts and erosion at discharge points”.	See comment 54 .
56	Permit	I.B.1.a.i(k) Discharge Points	City of Arvada	Proposed language of “Minimize construction stormwater discharges from construction activities” is vague and hard to understand the intent or requirement. Peak flow and total stormwater are typical design elements associated with permanent water quality and drainage features. For construction sites, increasing infiltration where feasible and minimizing erosion are more appropriate requirements. Additionally, limited construction sites discharge directly to streams.	Recommendation changing language to: “Minimize construction stormwater discharges from construction activities.”	No change. See comment 54 .
57	Permit	I.B.1.a.i(k) Discharge Points	City and County of Denver	This requirement as written insinuates that flow and volume of stormwater are being included as a pollutant of concern and to be regulated. This should be removed as this is addressed through the requirement that “control measures must be selected, designed, installed and maintained in accordance with good engineering, hydrologic and pollution control practices”.	Remove or consider suggested edit	See comment 54 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				Or suggested edit would be “Control stormwater discharges to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points with good engineering, hydrologic and pollution control practices.		
58	Permit	I.B.1.a.i(k) Discharge Points	Boulder County Colorado Stormwater Council	(k) Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of the discharge point Proposed language is vague and hard to understand the intent or requirement. Peak flow and total stormwater are typical design elements associated with permanent water quality and drainage features. For construction sites, increasing infiltration where feasible and minimizing erosion are more appropriate requirements. Additionally, limited construction sites discharge directly to streams.	Recommend changing to: “Control stormwater discharges from construction activities to the extent feasible by infiltrating onsite and minimizing , including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of the discharge point.”	See comment 54 .
59	Permit	I.B.1.a.i I.B.1.a.i(a) I.B.1.a.i(e)	Tri-State Generation and Transmission Association, Inc.	The requirements for erosion and sediment control measures and the 50-foot vegetated buffer are unclear. Multiple types of vegetation-related structural and non-structural control measures are listed, yet I.B.1.a.i.(e) further conditions the use by also requiring perimeter controls when relying on vegetative buffers. These interrelated permit provisions are challenging for linear utility construction projects such as power lines and pipelines which are very different from residential and commercial developments in that they may be only a couple hundred feet wide by many miles long. These utility line projects also often	Revise the permit to provide greater clarity and flexibility to linear utility projects related to erosion and sediment control measures, the 50-foot buffer requirement, perimeter controls, and vehicle tracking requirements. More specifically, the final permit should incorporate several aspects of the 2022	No change. The permit always requires the use of an upgradient control measure along with the vegetative buffer. The use of existing vegetation should be used as a “finishing component” of a control measure treatment train as outlined in division Guidance on Existing Vegetation. See the WQ Construction Compliance Assistance and Guidance webpage for more information.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>traverse remote and rural areas where construction disturbances may be far removed from potential receiving waters or paved surfaces with stormwater collection systems. It is generally infeasible and unreasonable to expect perimeter controls along the entire length of utility line construction projects without consideration of site-specific conditions. It is also common for utility line construction disturbances to be much greater than 50 feet from receiving waters and the vegetative buffers could exceed ½ mile in some instances. Accordingly, there should not be an automatic requirement for perimeter controls in these types of settings where reliance on vegetated buffers of 50 or more feet sufficiently protects receiving waters.</p> <p>The 2022 EPA Construction General Permit is clearer and more practicable on these points for utility line projects. Section 2.2.1 of the EPA permit includes three compliance alternatives regarding buffers for stormwater discharges within 50 feet of receiving waters. These alternatives range from sole reliance on a 50-foot buffer to no buffer of any size.</p> <p>The 2022 EPA permit also provides flexibility for linear construction sites within Section 2.2.3.d by creating an exception to perimeter controls when they are infeasible and allowing permittees to implement “other practices” to minimize pollutant discharge.</p> <p>The 2022 EPA permit also provides greater</p>	<p>EPA permit including:</p> <p>Adopt the three-tiered compliance alternative framework regarding vegetative buffers (Section 2.2.1).</p> <p>Adopt the linear construction site exception (Section 2.2.3(d)).</p> <p>Adopt the linear utility construction site exception for stabilization (Section 2.2.4.b.i).</p> <p>The final permit should also clarify that vehicle tracking controls do not apply in instances where construction sites exit onto un-paved or gravel roads.</p> <p>The final permit should also clarify what erosion and sediment control measures apply to remote construction projects in circumstances with large undisturbed buffers to receiving waters that exceed 50 feet.</p>	<p>Given the semi-arid environment in Colorado, the existing vegetation may be very sparse at times. The 2022 EPA CGP also includes the requirement for perimeter control and outlines methodologies for compliance. Linear construction projects may find the 50 foot vegetative buffer infeasible due to site constraints like limited right of ways. The division’s expectations for permittees in these scenarios would be to maintain as much vegetative buffer as possible and install control measures necessary to ensure erosion and sediment transport are minimized. The division disagrees that the permit does not require vehicle tracking controls where construction sites exit onto un-paved or gravel roads. See Permit Part I.B.1.a.i(a). The division will review, and consider updating, guidance documents for clarity.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>clarity regarding the need for vehicle tracking controls in that it specifies exit points onto paved roads. The draft permit could be interpreted to mean that vehicle tracking control is necessary between a construction site and an un-paved or gravel road. The EPA permit also includes flexibility for utility line projects through the exception at Section 2.2.4.b.i.</p>		
Part I.B.1.a.ii - Practices for Other Common Pollutants						
60	Permit	I.B.1.a.ii(a) Containment	GE Johnson	<p>Permit states that products 55-gallons or greater must be in secondary containment, however, inspectors have also required smaller containers (such as 5-gallon fuel cans) to be in containment. What is the expectation for containers smaller than 55-gallon? It is understood that spills must be managed but when inspectors write up smaller containers not in containment with no evidence of a spill, how is that a violation of the permit requirements when the permit states 55-gallons or greater?</p>	<p>Clarify requirements for smaller volumes of liquid products and whether they should be in containment or not required.</p>	<p>No change.</p> <p>The division will review, and may consider updating, guidance. While the permit does require products greater than 55 gallons to be in secondary containment, stormwater management plans also must describe requirements for material storage, including liquids. Plans will often state that individual containers of any size need to be adequately stored if they are not in use.</p> <p>In accordance with industry standards and good engineering, hydrologic, and pollution control practices, the installation and implementation specifications for good housekeeping practices developed by Mile High Flood District directs to place all hazardous and toxic material wastes in secondary containment.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						<p>Provide storage in accordance with Spill Protection, Control and Countermeasures (SPCC) requirements and plans and provide cover and impermeable perimeter control, as necessary, for hazardous materials and contaminated soils that must be stored on site.</p> <p>Furthermore, inspectors generally do not identify containers that are in use as pollutant sources of concern, unless of course there is an obvious issue with the container.</p>
61	Permit	I.B.1.a.ii(b) Spills and Leaks	City of Arvada	Clarify that action toward the outcome must be taken immediately, to acknowledge and allow for multiple factors that influence the ultimate outcome to contain and mitigate.	Spills and leaks must be addressed immediately upon identification in accordance with the spill prevention plan requirements.	Change incorporated.
62	Permit	I.B.1.a.ii(c) Washout Waste	HDR Engineering	Control measures designed for Concrete washout waste, masonry operations, <u>stucco waste, vehicle/equipment washing, and external building washdown</u> must be implemented.	Stucco, vehicle/equipment washing and external building washdown are listed as discharges not authorized by this permit under Part I.A.2. but they are listed here implying they are allowed with use of control measures. Seems conflicting.	See comments 8 and 12 .
63	Permit	I.B.1.a.ii(d)	Home Builders	<i>"In the event that water remains onsite and contains pollutants either from the firefighting</i>	<i>"In the event that water remains onsite and</i>	No change.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
		Firefighting	Association of Metro Denver	<p><i>activities or picked up from the site (i.e. in a gutter, sediment basin, etc.) after active emergency response is complete, the permittee must ensure the remaining water containing pollutants is properly removed and disposed of in order to minimize pollutants from discharging from the site, unless infeasible.”</i></p> <p>Additionally, Part I.B.1.c(ii) of the draft CGP states: <i>“If applicable, the permittee must remove and properly dispose of any unauthorized release or discharge within and from the permitted area (e.g., discharge of non-stormwater, untreated stormwater containing pollutants such as sediment, spill, or leak not authorized by this permit.) The permittee must clean up any contaminated surfaces, if feasible, to minimize discharges of the material in subsequent storm events, including water remaining from the response that contains pollutants after active emergency firefighting response is complete. Permittees are prohibited from hosing down an area to clean surface spills or leaks unless the wash water is adequately captured to not discharge off the site or to land and the captured water is properly disposed. In addition, the permittee must remove any accumulation of sediment outside of the site boundaries.”</i></p> <p>The above language is referring to water that remains onsite after active emergency firefighting activities are complete. However, Part I.A.1.c authorizes the discharge of water resulting from active firefighting activities and</p>	<p><i>contains pollutants either from the firefighting activities or picked up from the site (i.e. in a gutter, sediment basin, etc.) after active emergency response is complete, the permittee must ensure the remaining water containing pollutants is properly removed and disposed of in order to minimize pollutants from discharging from the site, unless infeasible.”; and Part I.B.1.c.ii of the draft CGP be modified as follows: <i>“If applicable, the permittee must remove and properly dispose of any unauthorized release or discharge within and from the permitted area (e.g., discharge of non-stormwater, untreated stormwater containing pollutants such as sediment, spill, or leak not authorized by this permit.) The permittee must clean up any contaminated surfaces, if feasible, to minimize discharges of the</i></i></p>	<p>Firefighting is an allowable discharge during active emergency response.</p> <p>For sediment, the division updated the language from “remove” to “mitigate.”</p> <p>If sediment is transported off the site, the permittee should coordinate with any other property owners.</p> <p>Sediment must be minimized off the construction site boundaries, and the division’s compliance and enforcement units may consider site-specific factors, when relevant.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>states: <i>“Emergency Fire Fighting Discharges resulting from emergency firefighting activities during the active emergency response are authorized by this permit.”</i></p>	<p><i>material in subsequent storm events, including water remaining from the response that contains pollutants after active emergency firefighting response is complete. Permittees are prohibited from hosing down an area to clean surface spills or leaks unless the wash water is adequately captured to not discharge off the site or to land and the captured water is properly disposed. In addition, the permittee must remove any accumulation of sediment outside of the site boundaries.”</i> <i>“In addition, the permittee must remove any accumulation of sediment outside of the site boundaries.”</i> While the accumulation of sediment outside of the site boundaries should be prevented to the maximum extent practicable, there may be conditions or constraints that prevent the permittee from being able to remove sediment</p>	

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
					<p>outside of the site boundaries. For example, the sediment accumulation outside of the site boundaries could be on private property in which the permittee does not have an easement or a right of access to; could be in a location that is unsafe for workers and/or machinery to access (e.g., steep ravine); or could be in such a de minimus volume that the mechanical removal of the sediment would cause further degradation to the affected area. Therefore, we request that Part I.B.1.c.ii be modified as follows: <i>“In addition, the permittee must remove any accumulation of sediment outside of the site boundaries, unless impracticable.”</i></p>	
64	Permit	I.B.1.a.ii(d) Firefighting	Colorado Department of Transportation (CDOT)	Discharge from emergency firefighting: CDOT's projects are mostly on highways open to the traveling public, this could be unfair to put on the permittee to remediate and reclaim post firefighting activities that are caused by the travelling public. Other governing agencies, including CDPHE, dictate the removal of these	Clarification needed, including a possible rider noting hazmat and spill responses caused by travelling public.	<p>No change.</p> <p>For instances such as the one listed and the permittee is uncertain on how to proceed, contact the division's compliance unit and the CDPHE emergency spill line (1-877-</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				spills and this should not fall under the COR400000 as many of these pollutant sources are not noted in the potential pollutant sources for construction activities. This is especially burdensome if the firefighting activity includes PFAs.		518-5608).
65	Permit	I.B.1.a.ii(e) Practices for Other Common Pollutants	Southeast Metro Stormwater Authority (SEMSWA)	Part I B 1. a. ii. (e) states, “Minimize the exposure of fertilizers, pesticides, and herbicides to stormwater per manufacturer’s directions.” While SEMSWA agrees and appreciates the intent of this requirement, the application of fertilizers to vegetation per manufacturer’s directions may inherently expose them to stormwater.	Consider changing to “Apply fertilizers, pesticides, and herbicides per manufacturer’s directions and minimize exposure to stormwater during storage.”	Change incorporated.
66	Permit	I.B.1.a.ii(f)	HDR Engineering	For washing applicators and containers used for paint, form release oils, curing compounds, or other construction materials, the wash water must be directed into a leak-proof container or leak-proof and lined pit designed so no discharges to groundwater occur or overflows occur due to inadequate sizing or precipitation. Liquid and hardened wastes must be appropriately disposed.	It is good that this statement is included as to the expectation of collecting this pollutant source because these operations do occur on construction sites but they are a prohibited discharge.	Comment noted.
67	Permit	I.B.1.a.ii(f) Practices for Other Common Pollutants	City of Golden	<i>For washing applicators and containers used for paint, form release oils, curing compounds, or other construction materials, the wash water must be directed into a leak-proof container...</i> The term “other construction materials” is too broad.	Please replace “other construction materials” with “similar construction materials” for clarification.	Change incorporated.
68	Permit	I.B.1.a.ii(f)	Southeast Metro	Part I B 1. a. ii. (f) states, “For washing applicators and containers used for paint, form	Recommend changing “other construction	See comment 67 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
		Practices for Other Common Pollutants	Stormwater Authority (SEMSWA)	<p>release oils, curing compounds, or other construction materials, the wash water must be directed into a leak-proof container or leak-proof and lined pit designed so no discharges to groundwater occur or overflows occur due to inadequate sizing or precipitation.”</p> <p>The description of “other construction materials” is too broad. The requirement may be better applied to “similar construction materials”.</p>	materials” to “similar construction materials” for clarification.	
Part I.B.1.a.iii - Stabilization Requirements						
69	Permit	I.B.1.a.iii Stabilization - Prohibit Weeds	Mile High Flood District	<p>I think you should add a vegetation cover criteria that prohibits Colorado Department of Agriculture (CDA) State List A noxious weed species and limits CDA’s State List B noxious weed species. The CDA’s noxious weed list is linked below. https://ag.colorado.gov/conservation/noxious-weeds/species-id</p>	Add a vegetation cover criteria that states “No Colorado List A species and less than 10 percent Colorado List B species”	<p>No change.</p> <p>As noted in the Fact Sheet, the division at this time is not considering changes regarding weeds. Part I.B.a.iii(b)(2)b includes native vegetation as a guide for determining vegetative cover. Final stabilization would be 70% of native vegetation coverage and must be of plant species which are evenly distributed perennial vegetation (which could include trees and shrubs). While weeds may be present, weeds would not typically be included in the 70% analysis as they are typically annuals and not perennials.</p> <p>See the division guidance on final stabilization on the WQ Construction Compliance Assistance and Guidance webpage</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						for more information.
70	Permit	I.B.1.a.iii.(c)(6) Cropland	Southeast Metro Stormwater Authority (SEMSWA)	SEMSWA appreciates the addition of conversion of construction sites back to prior cropland use. However, Part I B 1. a. iii. (b) (2) notes that a return to cropland requires division approval. Please clarify if a return to cropland is an allowed final stabilization or if it is an alternative final stabilization that requires division approval.	Please clarify if converted cropland is a final stabilization or if it is an alternative final stabilization that requires division approval.	Change incorporated. The division's intent was that conversion of the construction site back to cropland did not require division approval.
71	Permit	I.B.1.a.iii.(b).(2).b and I.C.2.c.iv	Tri-State Generation and Transmission Association, Inc.	In this permit, we understand that the word "native" does not imply an ecological or botanical context. However, other agencies involved in construction projects do have requirements for revegetation with native species from an ecological standpoint. Use of this term has the potential to create confusion with other agencies and perhaps permittees. The Division should use this renewal as an opportunity to select a different word in reference to "native" vegetation for the purposes of this permit.	Replace the word "native" in the permit with an alternative such as "pre-project" or "pre-construction" or "locally appropriate." Alternatively, the word "native" may not be necessary at all for the purpose of this permit and could be omitted entirely.	No change. The division appreciates the differences between different agencies. The division already has an established practice for defining "native" and it refers to determining how to return the site to 70% of native vegetative coverage for final stabilization.
72	Permit	I.B.1.a.iii.(b)(2)	Wright Water Engineers	WWE recommends that a portion of this section be revised to read, "Alternative final stabilization criteria may be applied by the permittee in cases where a private landowner dictates those criteria, so long as the landowner's requirements are documented in the SWMP." WWE's reasons for this comment are three-fold: The permittee would face a challenging legal situation if division approval must be obtained prior to applying alternative stabilization	Revise I.B.1.a.iii.(b)(2) to read, "Permanent stabilization methods are complete. Permanent stabilization methods include, but are not limited to, permanent pavement or concrete, hardscape, xeriscape, stabilized driving surfaces and storage areas,	No change. The division is unsure under what scenario this would apply. Several examples include: Cropland has been added which typically involves a landowner who may want a certain stabilization. Streambank restoration would need to be stabilized. Rangeland owners typically would want rangeland

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>criteria where dictated by a private landowner. If the landowner insists that the land be returned in a condition that would not otherwise meet the criteria prescribed in the permit but the division declines to approve those criteria, the permittee would be in a position of choosing between trespassing against the landowner to implement additional stabilization measures or failing to comply with the permit.</p> <p>Section I.B.1.a.iii(c)(6) indicates that there is at least one case in which the division already recognizes that private landowners may dictate a lack of stabilization measures and does not mention that division approval of this stabilization method is required. Updating the language as suggested above would unify the intent of these two sections.</p> <p>There are cases other than cropland disturbances under which landowners do not wish to receive final stabilization measures on their land. By widening the scope of this section to allow private landowners to make this choice for their property regardless of its use, this language incorporates the full array of circumstances where division guidance on the relationship between permit requirements and private property rights are needed.</p>	<p>vegetative cover, or equivalent permanent alternative stabilization methods. Alternative final stabilization criteria may be applied by the permittee in cases where a private landowner dictates those criteria, so long as the landowner's requirements are documented in the SWMP and the locations are documented on the site map. Vegetative cover must include the following criteria....”</p>	<p>returned. The division may consider updating guidance documents if more information is provided on specific scenarios.</p>
73	Permit	I.B.1.a.iii.(b)(2)a-c. Local Jurisdictions	Wright Water Engineers	<p>WWE recommends that this section be revised to address pervasive weed infestations. There are a number of non-noxious weeds which often make up a substantial portion of the vegetation found in chronically disturbed areas such as roadside shoulders or around prairie dog colonies, where conditions inherently limit the</p>	<p>Revise this section to read “a. Evenly distributed vegetation comprised of species representing what would have been found in a local area undisturbed by construction activities or</p>	<p>Change incorporated into c. The division will review, and consider updating, guidance based on these comments a. and b.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				emergence of robust, perennial vegetation. Since most weed species are annuals and may not fall into the category of vegetation that would be found in a local, undisturbed area under certain interpretations of the term “undisturbed,” this language may compel projects working in chronically disturbed areas to provide stabilizing vegetation that is very different from that which would otherwise emerge and remain in the area under the dynamic equilibrium condition over time. WWE also recommends that part c of this subsection be modified to advise permittees of additional local jurisdictional species requirements which may apply, rather than compelling the permittee to comply with local jurisdictions in order to meet the terms of COR400000, as the local jurisdiction has adequate authority to enforce its own permitting requirements.	adequate reference site. Vegetation should include perennial grasses, forbs, trees, and shrubs if applicable; and b. Vegetation coverage equal to or greater than 70 percent of what would have been found in a local area undisturbed by construction activities or adequate reference site. c. Adherence to these minimum requirements does not negate the permittee’s obligation to comply with any local jurisdictional plant species requirements.”	
74	Permit	I.B.1.a.iii(a) Temporary Stabilization	Colorado Department of Transportation (CDOT)	Hydroseed alone does not work well in our climate.	It should be specified that hydroseed should be paired with mulching or fiber-bonded matrix.	Change incorporated.
75	Permit	I.B.1.a.iii(b)(1) Construction Activities	Colorado Department of Transportation (CDOT)	This section does not state if construction activities need to be complete for the entire project or just a portion of the site. This is clarified later (see referenced sections below), but it could improve clarity if it was specified here too. Part 1.D.4.b - "When the site, or portions of a site, are awaiting establishment of a vegetative ground cover and final stabilization..."	Request including full definition or specifying whether this is referring to the whole site or a portion of the site in this section to improve clarity.	No change. The division will review, and consider updating, guidance documents accordingly. Final stabilization could be achieved on portions or on all of a site. By the definition of construction activity, it refers to “ground surface disturbing and associated activities

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				Part 1.D.4.b.i "All construction activities resulting in ground disturbance are complete;"		(land disturbance).” There may be times where a site has no more construction activities, met all the permanent and/or vegetative stabilization requirements and can terminate the permit even if the project has not completed interior painting, for example.
76	Permit	I.B.1.a.iii(b)(2) Alternative Final Stabilization - Cropland	Home Builders Association of Metro Denver	“The division may approve alternative final stabilization criteria for specific operations (e.g. return to cropland).” However, Part 1.B.1.a.iii.c.(6) of the permit states “Conversion of construction site back to prior cropland use. The permittee is not required to plant the crop prior to termination; and” .	Part 1.B.1.a.iii.b.(2) as written, can suggest that the permittee needs to reach out to the state to get approval for returning the site to cropland as an alternate stabilization method; however, part 1.B.1.a.iii.b(2) does not require approval from the state. Recommend clarifying if prior approval for this alternate stabilization method is required.	See comment 70 .
77	Permit	I.B.1.a.iii(b)(2) Alternative Final Stabilization	Southeast Metro Stormwater Authority (SEMSWA)	Part I B 1. a. iii. (b) (2) states, “The division may approve alternative final stabilization criteria for specific operations (e.g. return to cropland).” There is no process outlined for the division’s approval of “alternative final stabilization”.	Please provide a process and associated timeline for obtaining approval for alternative final stabilization criteria for specific operations.	No change. The division will review, and consider updating, guidance. Typically, this could involve emailing the division with what the final stabilization criteria is and the justification and requesting approval.
78	Permit	I.B.1.a.iii(b)(City of	<i>The division may approve alternative final</i>	Please define and include	See comment 70 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
		2) Alternative Final Stabilization	Golden	<i>stabilization criteria for specific operations (e.g. return to cropland).</i> What is the process to obtain approval from the division? What is the remedy for the permittee if alternative final stabilization criteria affecting the final disposition and intended use is not approved?	the process for obtaining approval by the division in the permit.	
79	Permit	I.B.1.a.iii(b)(2)a Stabilization Requirements	Aurora Water	(Page 10) Requiring vegetative cover to include “evenly distributed perennial vegetation, including trees and shrubs, if applicable” may be applicable but not be feasible, therefore Aurora Water would recommend the language in this section be modified to provide clarity.	Aurora Water recommends the following language: “Evenly distributed perennial vegetation, including trees and shrubs, if feasible.	The division modified the language to make it clearer that trees and shrubs may be included in evenly distributed perennial vegetation. The requirements for Final stabilization have been in place for many years. A permittee may contact the division if there is a case-by-case scenario.
80	Permit	I.B.1.a.iii(b)(2)a Xeric Planting	Colorado Department of Transportation (CDOT)	Xeric plantings should be included in this section.	CDOT suggests change to “Evenly distributed perennial vegetation, including trees and shrubs, xeric plantings, if applicable;”	No change. Xeric plantings (trees, shrubs, perennial bulbs, etc.) are those that could be considered under perennial vegetation.
81	Permit	I.B.1.a.iii(b)(2)b Adequate Reference Site	Colorado Department of Transportation (CDOT)	It may be challenging to select adequate reference sites for some locations and project types. For example, when changing a prairie to a cut (road). Many projects create a microclimate that is unrelatable to adjacent reference sites. Many linear projects take sheet flow and transform it to channel flow.	Consider clarifying or providing guidance on what is considered an adequate reference site.	No change. The division will review, and may consider updating, guidance.
82	Permit	I.B.1.a.iii(b)(2)b Native	Colorado Department of Transportation	Native species and nonnative species are common throughout the state. Ex. Sod is not a native species. Natives are not by definition in a landscape of	Better definition of “Native Species” is needed in the Permit.	No change. Part I.B.a.iii(b)(2)b includes native vegetation as a guide for

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
		Vegetation	on (CDOT)	ornamental grasses, shrubs, trees, and perennials		determining vegetative cover. Final stabilization would be 70% of native vegetation coverage and must be of plant species which are evenly distributed perennial vegetation (which could include trees and shrubs). Final stabilization itself does not need to be native to the area.
83	Permit	I.B.1.a.iii(b)(2)b Weeds	Colorado Department of Transportation (CDOT)	CDOT believes the intent is to reduce invasive species and noxious weeds.	This permit needs to address weeds in order to meet the 70% establishment needs to include if weeds are or are not included in the original vegetative cover.	No change. As noted in the Fact Sheet, the division at this time is not considering changes regarding weeds. Part I.B.a.iii(b)(2)b includes native vegetation as a guide for determining vegetative cover. Final stabilization would be 70% of native vegetation coverage and must be of plant species which are evenly distributed perennial vegetation (which could include trees and shrubs). While weeds may be present, weeds would not typically be included in the 70% analysis as they are typically annuals and not perennials.
84	Permit	I.B.1.a.iii(b)(2)c	Tri-State Generation and Transmission Association, Inc.	Some local jurisdictions such as counties or land management agencies may have plant species requirements that are more restrictive than those otherwise found in this permit. For example, a project could achieve the 70% cover metric of this permit yet still not meet other requirements of local jurisdictions. We could foresee project scenarios where a permittee	To avoid confusion in both directions, omit this provision in the final permit.	See comment 73 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				desired to terminate permit coverage except that the project had not yet met the other jurisdiction's plant requirements. We suggest this permit avoid that possible scenario. Additionally, there might be local jurisdictions that have plant species requirements that are less restrictive than those in this permit and this could create confusion. It is also unclear if this permit provision is referring only to local stormwater jurisdictions or a broader understanding of local jurisdictions.		
85	Permit	I.B.1.a.iii(b)(2) Definitions, and Fact Sheet Naturally occurring	HDR Engineering	Final stabilization requirements for vegetation are for 70% of what would have been provided by native vegetation. Definitions describe "native vegetation" as "naturally occurring...and have adapted to and are well suited for..".	Clarify whether 'naturally occurring' includes non-native species that have become naturalized to an area.	No change. The division will review, and consider updating, guidance documents.
86	Permit	I.B.1.a.iii(b)(2) Stabilized Driving Surface	Raw Land Detailing, Inc.	Stabilized driving surface	Indicate if millings or crushed concrete is allowed	No change. The division will review, and consider updating, guidance documents. Asphalt millings cannot act as final stabilization because the millings are a pollutant source, and do not provide permanent stabilization. This is similar to recycled concrete, which can be viewed as onsite waste disposal. However, if the stormwater management plan includes sufficient engineered design criteria for the installation of

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						millings as final stabilization, it may be allowable.
87	Permit	I.B.1.a.iii(b)(2) Vegetative Cover	Raw Land Detailing, Inc.	Re: Vegetative cover, there is a difference between cover vs. density. Do you want cover which could include tree canopy, logs, boulders, beer cans or whatever covers the surface. Or, do you want density of plant growth? Vegetative cover, do you want density or coverage, there is a difference.	Please define what you really want. Define cover.	No change. The division has a final stabilization document and FAQs on this topic and no change has occurred in implementation of this – meaning the percent of the ground that is covered by vegetation. The division does not require any particular methodology to determine percent cover of vegetation.
88	Permit	I.B.1.a.iii(c)(4) Final Stabilization	Colorado Department of Transportation (CDOT)	Consider also including appropriate erosion controls as needed until final stabilization is achieved	Suggest change to: "Appropriate sediment and erosion control measures as needed until final stabilization is achieved;"	No change. Part I.B.1.a.iii(c)(3) already includes requirements to minimize erosion.
89	Permit	I.B.1.a.iii(c)(5) Xeriscape	Colorado Department of Transportation (CDOT)	Xeriscape does not belong in this group as there are additional considerations above and beyond the other hardscaping methods listed.	CDOT suggests that xeriscape be included as a separate line item as xeriscape has aspects of both hardscape and vegetation.	No change. This is intended to just be a list of possibilities.
Parts I.B.1.b and c - Routine Maintenance and Corrective Actions						
90	Permit	I.B.1.b	Tri-State Generation and Transmission Association, Inc.	Editorial comment on the last sentence of this provision. The activities of routine maintenance are not subject to the requirements in Part I.B.1.c below rather than the "section" of the permit.	Replace "This section" with "Routine Maintenance" in the last sentence of this permit provision.	Change partially incorporated.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
91	Permit	I.B.1.b I.B.1.c	Tri-State Generation and Transmission Association, Inc.	<p>Both the existing and the draft permit language regarding Routine Maintenance and Corrective Actions remain unclear, specifically the difference between “repairs or modifications” as Routine Maintenance and “inadequate control measures” necessitating corrective action and resulting in noncompliance. It is especially concerning that the existence of “inadequate control measures” is considered noncompliance with the permit regardless of whether a stormwater discharge and/or a control measure failure had occurred. Noncompliance due to inadequate control measures should be based on the occurrence of an unacceptable stormwater discharge rather than more simply the existence of inadequate controls. Permittees should have the opportunity to adjust, modify and improve controls before a stormwater discharge occurs without automatically being in noncompliance. We understand the desire to be proactive and prevent sediment discharges. However, there is a wide spectrum of situations where the potential inadequacy of controls would be much less clear than the photo example used during the stakeholder process. This can be subjective and reasonable minds could disagree on what is routine maintenance versus correcting an inadequate control. Corrective Action is also a term that can lead to additional reporting obligations by permittees, and it is important for permittees to clearly understand the difference between Routine Maintenance and Corrective Actions, so they know how to remain in compliance.</p>	<p>Further revise these two sections to more clearly distinguish between Routine Maintenance and Corrective Actions.</p> <p>Add permit language specifying that corrective action and noncompliance are triggered by a stormwater discharge from inadequate control measures rather than simply the existence of such control measures.</p>	<p>No change.</p> <p>The division disagrees that noncompliance due to inadequate control measures should be based on the occurrence of an unacceptable stormwater discharge rather than the existence of inadequate controls. Control measures are the means by which permittees comply with practice-based effluent limitations. This permit is based primarily on the assumption that compliance with practice-based limits and requirements will be protective of water quality. If control measures are not designed or implemented in accordance with the requirements of the permit and/or are not implemented to operate in accordance with their design, then they are not compliant with practice-based limits. This undermines the assumption of protectiveness through prevention. Allowing an exception for non-functional control measures is not protective of water quality.</p> <p>The division disagrees that additional clarification of the section is necessary. The terms and sections provide sufficient information for permittees to</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						determine if a control measure is functioning as designed and is meeting permit limits.
92	Permit	I.B.1.b Routine Maintenance	Aurora Water	(Page 11) Control measures are designed to be repaired or replaced once they become ineffective, therefore permittees can't "ensure that all control measures remain in effective operating condition". Aurora Water believes it the language used is important to prevent confusion, therefore Aurora Water would recommend the language in this section be modified to provide clarity.	Aurora Water recommends the following language: "The permittee must ensure all installed control measures are routinely maintained to operate effectively from contributing pollutants in stormwater runoff and in accordance with good engineering, hydrologic and pollution control practices."	No change. If replacement of a control measure is the only way to ensure it remains in effective operating condition, then that would qualify under this section.
93	Permit	I.B.1.b Routine Maintenance	Colorado Department of Transportation (CDOT)	Include final stabilization with all control measures needing to remain in effective operating condition.	Recommend additional language: "The permittee must ensure that all control measures, <u>including final stabilization control measures</u> , remain in effective operating condition and are protected from activities that would reduce their effectiveness". CDOT's intent is to ensure that the site achieving final stabilization is adequately seeded, and re-seeded if necessary, and does not lie fallow.	No change. All control measures includes those for final stabilization.
94	Permit	I.B.1.c	Home	Part 1.B.1.c.i of the permit states " <i>The</i>	To make permit	No change.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
			Builders Association of Metro Denver	<p><i>permittee must take all necessary steps to minimize or prevent the discharge of pollutants from the permitted area and manage any stormwater run-on onto the site until a control measure is implemented and made operational and/or an inadequate control measure is replaced or corrected and returned to effective operating condition. If it is infeasible to install or repair the control measure immediately after discovering the deficiency, the following must be documented in the stormwater management plan in Part I.D.5.c and kept on record in accordance with the recordkeeping requirements in Part II.</i></p> <p>Also stated <i>“The permittee is in noncompliance with the permit until the inadequate control measure is replaced or corrected and returned to effective operating condition in compliance with Part I.B.1 and the general requirements in Part I.B.3.”</i></p> <p>It is typical for homebuilding sites to have supplies stored offsite by the erosion and sediment control contractor. Typically, supplies cannot be stored on site due to the high likelihood of theft, lack of usable space, logistical challenges, etc. ESC contractors are not on-site during inspections and therefore unavailable immediately upon identification of corrective actions. Work order processing, scheduling conflicts, and labor/supply shortages will commonly render an immediate response time infeasible.</p>	<p>compliance achievable, we recommend the Division changes the requirement to more closely align with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) for Stormwater Discharges from Construction Activities which states <i>“When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational</i></p>	<p>Per the division’s Stormwater Discharge FAQ on the WQ Construction Compliance and Assistance and Guidance webpage, the requirement for an “immediate” corrective action is a recognition that the control measures should have been proactively maintained in operating condition, and once they become in need of corrective action the permit has already been violated and a return to compliance is needed.</p> <p>Alternatively, the permit requires that additional information be provided in the inspection report to indicate: 1) why corrective actions could not be initiated immediately, and 2) a schedule for installation or repair. See Permit Part I.B.1.c.(i)</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
					<p><i>as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work"</i></p>	
95	Permit	I.B.1.c.i Corrective Actions	Aurora Water	<p>(Page 11) As drafted, the requirements for the permittee to “take all necessary steps to minimize or prevent the discharge of pollutants from the permitted areas and manage any stormwater run-on onto the site until a control measure is implemented and made operational and/or an inadequate control measure is replaced or corrected and return to effective operating condition” is contradictory to other sections within the draft permit when using the term until. Therefore, Aurora Water would recommend the language in this section be modified to provide clarity.</p>	<p>Aurora Water recommends the following language: “The permittee must take all necessary steps to actively correct inadequate control measures immediately to minimize or prevent the discharge of pollutants from the permitted area and any stormwater run-on onto the site.”</p>	<p>No change.</p> <p>The division does not agree that the language is contradictory. The reason for minimizing and preventing discharge until adequate control measure is implemented is that there may be a gap of time before that control measure is installed. During such a gap, there is still a requirement to prevent pollution from leaving the site. The site is still in violation because the control measure or lack of control measure meets the definition of corrective action.</p>
96	Permit	I.B.1.c.ii	Home Builders Association of Metro Denver	<p><i>“In addition, the permittee must remove any accumulation of sediment outside of the site boundaries.”</i></p>	<p>If sediment escapes a site boundary and is reclaimed, the permittee can cause a greater negative impact to the environment when removing deposited</p>	<p>Comment partially incorporated.</p> <p>The division updated the language from “remove” to “mitigate.”</p> <p>If sediment is transported off the</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
					<p>sediment from established vegetation (ie. operating equipment to remove a small sediment plume from a field, etc). To rectify this common industry practice is to implement final stabilization on the sediment beyond the site boundaries so that the sediment cannot migrate further and encourage vegetation to reestablish itself. We recommend the Division reword to “In addition, the permittee must remediate any accumulation of sediment outside of the site boundaries and restore the affected area to pre-existing conditions.”</p>	<p>site, the permittee should coordinate with any other property owners.</p> <p>Sediment must be minimized off the construction site boundaries, and the division’s compliance and enforcement units may consider site-specific factors, when relevant..</p>
97	Permit	I.B.1.c.ii	Wright Water Engineers	<p>Stabilizing small deposits of sediment is often a more effective and less disruptive approach than removing the sediment and stabilizing the ground below. Additionally, the language as written presents a legal circumstance in which permittees may be required to choose between trespassing on private property or complying with the permit terms.</p> <p>By requiring the sediment be removed, this section of the permit lacks flexibility in addressing offsite discharge in the least invasive way possible. Since the intent of the permit is to minimize discharges of sediment and other</p>	<p>Revise this section to read, “...the permittee must remove or stabilize sediment outside of the site boundaries to the maximum extent practicable. ‘Maximum extent practicable’ in this case refers both to what is physically reasonable and what is permitted by the landowner.”</p>	<p>See comment 96.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>pollutants to state waters, WWE’s view is that including the option to stabilize deposited sediment provides an opportunity for improved compliance within the intent of the permit. As noted above, the requirement to remove any accumulation of sediment outside of the site boundaries without any qualifying language on the extent to which private property owners have the right to limit access to their property leaves permittees in a legally challenging situation. Part II.G of the permit explicitly addresses the relationship between issuance of a certification under the permit and property rights, so WWE recommends that section I.B.1.c.ii. be modified to explicitly limit discharge cleanup requirements to activities that are authorized by the property owner.</p>		
98	Permit	I.B.1.c.ii Corrective Actions	Southeast Metro Stormwater Authority (SEMSWA)	<p>Part I B 1. c. ii states, “Permittees are prohibited from hosing down an area to clean surface spills or leaks unless the wash water is adequately captured to not discharge off the site or to land and the captured water is properly disposed. In addition, the permittee must remove any accumulation of sediment outside of the site boundaries.”</p> <p>SEMSWA appreciates and agrees with the intent of this requirement. However, in most cases when off-site sediment occurs, it becomes impractical to remove thin layers of remaining sediment without further disturbing the affected area. In such cases, the affected area is restored by removing sediment to the maximum extent practicable, and then re-stabilizing the affected area with a stabilization</p>	Recommend rephrasing the last sentence to read “In addition, the permittee must remove any accumulation of sediment outside the boundaries to the maximum extent practicable.”	See comment 96 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				method such as seed and erosion control blanket.		
99	Permit	I.B.1.c.ii Sediment Offsite	Tri-State Generation and Transmission Association, Inc.	The last sentence of this modified permit provision mandates removal of any accumulation of sediment outside of the site boundaries. We understand the intent of this sentence but have two comments on it. First, use of the words “must”, and “any” carry a lot of weight. The word “any” is an absolute term which could imply a tablespoon of sediment as a hyperbolic example. Not all construction projects occur in urban or suburban settings, and utility projects regularly occur in remote rural settings. In these remote/rural settings, small amounts of sediment that inadvertently leave a construction site may also have very low potential of reaching a water of the state and affecting downstream water quality. In some instances, removal of such sediment could cause greater disturbance than leaving the sediment in place. Second, permittees would need to obtain landowner permission to remove offsite sediment accumulations and depending on the landowner, it could be very difficult or not possible to obtain permission.	Remove the word “any” from the last sentence of this permit provision. Add the phrase “subject to offsite landowner approval” at the end of this sentence.	See comment 96 .
100	Permit	I.B.1.c Corrective Actions	Colorado Department of Transportation (CDOT)	"The permittee is in noncompliance with the permit until the inadequate control measure is replaced or corrected...": How would this impact noncompliance reporting?	CDPHE may consider redefining this or using alternate language in place of "noncompliance" here, if noncompliance reporting is not CDPHE's intent. Possible solution to incorporate Low Risk Guidance into permit.	Change partially incorporated. The division changed the language to “not in compliance.” The permit acknowledges differences in circumstances between when the permittee must perform corrective actions as part of keeping the site in compliance and when the permittee must report

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						noncompliance. The division is open to additional feedback that may be address in guidance documents.
101	Permit	I.B.1.c Corrective Actions - Immediately	Colorado Department of Transportation (CDOT)	inadequate control measure: There is no timeline for corrective actions given.	CDPHE has defined two separate timelines for inadequate vs maintenance, but this is not stated in Permit. CDPHE needs to clearly define timelines associated with inadequate and needs maintenance control measures in the permit to what CDPHE will audit projects. Clear and measurable expectations would be beneficial in meeting compliance needs as the word “immediate” will be translated differently by different parties. Ex: I have immediately started on the corrective action to be addressed by planning a closure of traffic lanes, mobilizing crews etc. This action will be immediately corrected in 3 days. CDOT suggests that all actions be named as “needing repair” and “corrected as soon as possible, immediately in	See comment 94 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
					most cases”.	
Effluent Limitations: Discharges to an Impaired Waterbody or Outstanding Water						
102	Permit	I.B.2.a.ii Total Maximum Daily Load (TMDL)	Aurora Water	(Page 11) The draft language for this section indicates the division may “notify the permittee of the WLA and amend the permittee’s certification to add specific effluent limits and other requirements, as appropriate.” However, there is no indication that a compliance schedule would be associated with the additional effluent limitations or other requirements included in an amended certification. Aurora Water recommends the language in this section be modified to allow for a compliance schedule to be included as necessary per Regulation 61.8(2). This will allow the permittee to prepare, implement, and comply with the additional requirements that may be amended with the permit certification.	Aurora Water recommends the following language: “Notify the permittee of the WLA and amend the permittee’s certification to add specific effluent limits and other requirements, as appropriate. A schedule of compliance shall accompany an amended certification that establishes effluent limits consistent with the WLA established under the approved TMDL, as necessary.”	Change incorporated. Compliance schedules are allowable per Regulation 61 and division Clean Water Policy #3.
103	Permit	I.B.2.a Total Maximum Daily Load (TMDL)	Colorado Department of Transportation (CDOT)	As there is no offramp once you have been named to a TMDL, how would a WLA apply as temporary user (permittee)? Since the COR400000 is a practice-based permit and TMDLs are numeric based, CDOT is confused on how this would work. How would WLA be affected by on-site flows?	Additional clarification requested.	No change. At this time, no TMDLs direct a WLA or other requirements to this construction stormwater permit. Each TMDL is specific in its language, and public comment is available when TMDLs are developed. The division recommends reaching out to our watershed section on TMDL development and the permitting section with specific questions on TMDL implementation.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
104	Permit	I.B.2.b Discharges to an Outstanding Water	Boulder County Colorado Stormwater Council	<p>Discharges to outstanding waters must be short-term and have a long-term ecological or water quality benefit or clear public interest. A state outstanding waters map can be found here.</p> <p>Limited home building, utility work, trails, and other construction activities may occur in outstanding water watersheds. Utility and trail work may be covered as a clear public interest; however, private property may not be covered. Home building may not have direct runoff to an outstanding waterway. The outstanding water may be listed as the receiving water even though it is highly unlikely that the runoff will reach the waterway due to location of the waterway relative to the home building activity. Limiting coverage of COR400000 should be specified for direct discharges to outstanding waterways or it may be more practical to limit the COR400000 coverage when construction activities that are within 100 feet of the outstanding water without division approval.</p> <p>Additionally, shouldn't a limitation of coverage be under Part I.A.2 Limitations on Coverage?</p>	<p>Recommend changing to:</p> <p>“Discharges within 100 feet of to outstanding waters must be short-term and have a long-term ecological or water quality benefit or clear public interest or have division approval. A state outstanding waters map can be found here.”</p>	<p>Change partially incorporated.</p> <p>The division included language in the limitations on coverage to be explicit on what is not allowed in outstanding waters based upon Regulation 31.8(1)(a).</p> <p>The antidegradation requirements for outstanding waters apply to “discharges” and not just “direct discharges.”</p> <p>As noted in the fact sheet, there are a limited number of such discharges, and if a permittee is unsure they will discharge to an outstanding waters segment, they may contact the division’s permit staff for assistance.</p>
105	Permit	I.B.2.b Discharges to an Outstanding Water	City of Arvada	<p>Some limited home building, utility work, trails, and other construction activities occur in outstanding water watersheds. Although the home building may not be within close proximity to the outstanding water, the outstanding water may be listed as the receiving water even though it is highly unlikely that the runoff will reach the waterway. To account for these activities, there should be a special review by the division for construction activities</p>	<p>Recommend changing language to: “Discharges to outstanding waters from construction activities that are within 100 feet of the outstanding water must be short-term and have long-term ecological or water quality benefit or clear public interest or approval</p>	<p>See comment 104.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				discharging directly to an outstanding waterway or it may be more practical to limit this restriction to construction activities that are within 100 feet of the outstanding water without division approval.	from the division”	
106	Permit	I.B.2.b Discharges to an Outstanding Water	Aurora Water	(Page 12) Under this general permit, permittees are required to minimize the discharge of pollutants in stormwater runoff regardless of the receiving water classification. However, it is understood that strict antidegradation requirements are placed on “outstanding” waters, therefore Aurora Water recommends modifying the language in this section to indicate the additional requirements are for direct discharges to outstanding waters.	Aurora Water recommends the following language: “Direct discharges to outstanding waters must be protective of the existing water quality and comply with antidegradation requirements. May result in individual or alternate general permit coverage being required.”	See comment 104 .
Effluent Limitations: General Requirements						
107	Permit	I.B.3.c General Requirements	Colorado Department of Transportation (CDOT)	What is the order of precedence between the Army Corps of Engineers(ACE) and general construction permit? Especially in ACE permits where we're getting 2 permits implemented and no clear delineation between them. CDPHE in the past has noted that the water level definition deviates between these two permits. CDOT has found it near impossible to maintain compliance due to the ebb and flow of water levels. Control measures could change location multiple times per day.	Clarification on the order of precedence, particularly for the COR400000 and ACE permits.	No change. The division will review, and consider updating, its guidance documents. If erosion occurs under the water's surface of a Water of the U.S., the requirements to control pollution associated with that erosion are expected to be included in the 404 permit only, and not in the CDPHE stormwater discharge permit. However, note that pollutants in discharges into a Water of the US from erosion occurring above the waters' surface are subject to the requirements of the stormwater

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						permit, even though the 404 permit may also include requirements associated with the pollutant source.
108	Permit	I.B.3.d General Requirements	Southeast Metro Stormwater Authority (SEMSWA)	Part I B 3. d. states, "The division may include additional requirements as specified in the applicable watershed protection Control Regulations 71-74".	Similar to the COR070000 Permit, please incorporate the appropriate sections of Control Regulation 72 Requirements into the permit.	No change. At this time, there are no applicable requirements specified in Regulation 72 for this permit. There are applicable requirements for construction projects within MS4s and required within an MS4 permit.
Stormwater Management Plan: General Requirements						
109	Permit	I.C.1.a.ii Public emergency related sites	HDR Engineering	Unsafe conditions may prevent SWMP developers or other non-emergency personnel to enter a site for longer than 14-days from the commencement of emergency construction activities.	Add a caveat which allows for an exceedance of the 14-day requirements if safety conditions preclude SWMP preparers from entering the site.	No change. It is best to note the beginning and end date in the stormwater management plan and state the reason for not being able to do the inspections. Then, in your first inspection back onsite also make a note of the emergency and the timeframe of missed inspections. Second, you will want to report this as an upset condition. To do this you can access our online noncompliance notification form here: https://cdphe.colorado.gov/wq-construction-compliance-assistance-and-guidance .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
110	Permit	I.C.1.c Stormwater Management Plan General Requirements	Aurora Water	(Page 13) Additional language to this section should be added to provide clarity. Aurora Water recommends modifying the language to be more specific as to how a copy of the SWMP can be obtained the type of approval from the division. This will prevent misunderstandings between the permittee and the local agency.	Aurora Water recommends the following language: “A copy of the SWMP must be accessible and retained online or physically onsite while the permit remains active. The permittee may specify another location with approval from the division in writing.”	Change incorporated. The division approval will be in written format via email, letter, or other form.
111	Permit	I.C.1.c Electronic Inspection Reports	Home Builders Association of Metro Denver	Part I.C.1.c.ii of the draft CGP affords the permittees to prepare, sign and keep the stormwater management plan electronically and states: <i>“A copy of the stormwater management plan must be retained onsite or be onsite when construction activities are occurring at the site unless the permittee specifies another location and obtains approval from the division. The stormwater management plan may be prepared, signed, and kept electronically, rather than in paper form, if the records are: In a format that can be read in a similar manner as a paper record; and Immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be.”</i> Additionally, Part I.C.2.k of the draft CGP states: <i>“Inspection Reports. The stormwater management plan must include documented inspection reports in accordance with Part I.D.5.c.”</i> Part I.C.2.k of the draft CGP is stating that the	“Inspection Reports. The stormwater management plan must include documented inspection reports in accordance with Part I.D.5.c. Alternatively, the inspection reports may be prepared, electronically signed, and kept electronically, rather than in paper form, if the inspection reports are: i. In a format that can be read in a similar manner as a paper record; and Immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be.”	Change incorporated. The division updated Part I.C.1.c to be explicit about the use of electronic inspection reports as has been the common practice for a number of years.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				stormwater management plan must include inspection reports completed by the permittee. Part I.C.2.k has not been updated to align with Part I.C.1.c.ii of the draft CGP which allows the permittees to prepare and keep an electronic stormwater management plan. Many permittees and third-party inspection firms that work in the State use online inspection management software tools. These online systems allow the permittees to keep completed inspection reports in electronic form. Therefore, we request that Part I.C.2.k of the draft CGP be modified to allow the inspection reports to be prepared, electronically signed, and retained as follows:		
112	Permit	I.C.1.c Stormwater Management Plan General Requirements	Aurora Water	(Page 14) All stormwater management plans required under this permit are considered reports that must be available to the public under Section 308(b) of the CWA And Section 61.5(4) of the CDPS regulations. However, if the permit will allow for the stormwater management plans to be electronically available than the permit should also require the plan to be in accordance with American Disabilities Act (ADA). The Department of Justice does not have a regulation setting out detailed standards, but the Department’s longstanding interpretation of the general nondiscrimination and effective communication provisions applies to web accessibility per 42 U.S.C. §§ 12132, 12182(a); 28 C.F.R. §§ 35.130, 35.160(a), 36.201, 36.303(c). Therefore, Aurora Water recommends modifying the language to include additional provisions to this section of the draft permit renewal.	Aurora Water recommends the following language: “The stormwater management plan may be prepared, signed, and kept electronically, rather than in paper form, if the records are: In a format that can be read in a similar manner as a paper record; and ii. Immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be. iii. In accordance with ADA requirements associated with web accessibility.	No change. Nothing about coverage under this permit precludes a permittee from having to follow any other applicable federal, state, or local law, regulation, or rules.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
113	Permit	I.C.1.c Stormwater Management Plan Location	Colorado Department of Transportation (CDOT)	Retaining a SWMP onsite: Highways projects usually have an off-site construction office building.	CDOT suggests rephrasing this to "can produce at time of inspection" instead of requiring that it be kept on site.	No change. The intent of the stormwater management plan is that it is accessible to anyone who needs to reference or update it. The permit currently includes a provision that the permittee may specify another location with division approval.
Stormwater Management Plan: Content						
114	Permit	I.C.2	Tri-State Generation and Transmission Association, Inc.	Editorial comment. The blanket statement at the start of this section obviates the need for the similar statements that begin many of the sub-sections with the phrase "The stormwater management plan must..." Given the number of these instances, this is an opportunity to make the permit more concise without altering the substance of the permit.	Rely on the blanket statement at the beginning and remove the repeating statements that begin sub-sections.	Change partially incorporated.
115	Permit	I.C.2.b. Stormwater Management Plan Content Other Permits	City of Golden	<i>The stormwater management plan must list the applicable CDPS permits and low-risk discharge policies associated with the permitted site (including the COR400000 general permit and the certification associated with the site) and the activities occurring on the permitted site (e.g. a CDPS Dewatering Permit).... A copy of this general permit, applicable permit certification, and any applicable low-risk discharge policies must be included in the stormwater management plan for each construction site.</i> There is only one low-risk discharge policy (WQP-27), and multiple low-risk discharge guidance documents. The current wording is not	Please use consistent wording to provide clarity necessary for compliance. If the intent is to regulate best management practices set forth in low-risk discharge guidance documents, the conditions for discharges should be included in the permit, not just by reference, to allow an opportunity for public comment.	Change partially incorporated. The division updated the language from policy to guidance. The permittee must include whether they are utilizing low risk discharge guidance documents for discharges (to surface or groundwater) from specific areas of their site that aren't covered under this permit. This allows inspectors and site personnel to understand coverage. The division disagrees that this provision in the permit limits the public comment process on low risk

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>clear about what is required.</p> <p>WQP-27 removes the burden to the division of individually permitting the discharges or drafting general permits for the discharges. However, including guidance by reference in the construction permit results in a process without an ability to comment on the guidance.</p>		<p>discharge guidance documents, as those documents are finalized through a separate public notice process, when necessary.</p>
116	Permit	I.C.2.c.iii Soils Data	Raw Land Detailing, Inc.	<p>Re: Soils Data, in the entire industry the soils type or erodibility has never been taken into account. In my 20+ years of compliance inspections, SWMP preparing and MS4 plan submittals never has any Engineer, EPA inspector, State inspector, City inspector or County inspector ever has said “Oh, you have Blakeland Crowfoot Tomah soils you have inadequate Control Measures”</p>	<p>Remove requirement for soils data, maybe a statement to define the erodibility would be adequate even though it will be ignored by all entities mentioned above.</p>	<p>No change.</p> <p>The current language doesn’t require a suite of soils data, but does allow for a summary that focuses on the erodibility of the soils.</p>
117	Permit	I.C.2.c.v	Wright Water Engineers	<p>Utility companies and highway contractors frequently perform construction in areas with chronically marginal or poor soils, such as roadside shoulders. These areas generally lack robust vegetative growth and topsoil, and the soil that does exist is often permeated by salt from road de-icing activities and other byproducts of vehicle use. Effectively, these areas are chronically disturbed and will remain so indefinitely as a result of their location and use. Under the existing description, WWE understands that these entities would be required to utilize a nearby reference site showing what undisturbed vegetation would look like along the roadside shoulder and use that reference site to guide stabilization. However, the use of a nearby reference site to dictate stabilization requirements in a roadside</p>	<p>Revise the text of the permit here to read “A description of the percent cover from native vegetation on the site if the site is not disturbed by construction activity, or the percent cover from native vegetation in a similar, local undisturbed area or adequate reference area if the site is disturbed by construction activity....”</p>	<p>No change.</p> <p>The division will consider updating its final stabilization guidance on roadside shoulders.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				shoulder or other area of marginal growth conditions results in unnecessarily burdensome compliance requirements for permittees working in these marginal areas with little benefit to erosion control. Given that the disturbance on roadside shoulders and other marginal areas arises from the use and location of that land, once maintenance of those areas by a permittee ceases, it can be reasonably expected that the conditions that led the area to be disturbed will arise again.		
118	Permit	I.C.2.c.v Site Description - Native Vegetation	Colorado Department of Transportation (CDOT)	What is the intention behind "native vegetation"? Please note sod isn't native but is acceptable.	Additional clarification/definition requested. Better definition of "Native Species" is needed in the Permit.	See comment 83 .
119	Permit	I.C.2.c.x Site Description	Colorado Department of Transportation (CDOT)	A description of any effluent limitations that are infeasible and why they are infeasible, if applicable (Part I.B.1.a.i.(d, e, and g) and I.B.1.a.ii.(d).	Possibly wordsmith this requirement as we are unclear to the meaning. Part I.B.1.a.i.(d, e, and g) and I.B.1.a.ii.(d) does not describe effluent limitations.	Clarification made to I.C.2.c.xi. Part B is titled "Effluent Limitations" and they are in the form of practice-based limitations for this permit. Those areas of the permit have the reference "unless infeasible", so the stormwater management plan needs to have a description on why a permittee determines those practices infeasible.
120	Permit	I.C.2.d.vii Site Map - Significant Materials	Colorado Department of Transportation (CDOT)	The permit does not describe what constitutes "significant materials"	CDOT requests a definition of significant materials	No change. The permit currently contains a definition for significant materials.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						See comment 121 .
121	Permit	I.C.2.d.vii Site Map, Other Significant Materials	CMS Environmental Solutions	<p>Part 1.C.2.d.vii of the permit states that the active site map must include “<i>Locations of other significant materials not listed in iii. through vi.</i>”and the permit defines significant materials as “<i>Include, but not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the permittee is required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges</i>” Gas cans on construction sites can move on a minute to minute basis, cars contain fuel and come and go multiple times a day on a construction site. Likewise, painters can use solvents within multiple houses on the same day. Metallic products could include nails, screws, beams, cans, etc. for which there could be multiple thousands of on a construction site on any given day, and which could change locations with great regularity. Due to these materials being so commonly used on construction sites, and their locations changing multiple different times per day, including their locations on the site map would not be achievable or practical. Recommend changing the definition of significant materials to more closely align with the National Pollutant Discharge Elimination</p>	<p>Changing the definition of significant materials to more closely align with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) for Stormwater Discharges from Construction Activities and require the site map to contain “<i>Locations of all potential pollutant-generating activities identified in Part 7.2.3g</i>” and defines pollutant generating activities as, “pollutants or pollutant constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) associated with that activity, which could be discharged in stormwater from your construction site.</p>	<p>Change partially incorporated. Significant materials as defined by the permit and Regulation 61 - definition 97, are addressed under Materials Handling in Part I.C.2.f. As such, to minimize confusion, the division updated the language which may include areas where materials handling of significant materials occurs.</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				System (NPDES) Construction General Permit (CGP) for Stormwater Discharges from Construction Activities and require the site map to contain “Locations of all potential pollutant-generating activities identified in Part 7.2.3g” and defines pollutant generating activities as, “pollutants or pollutant constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) associated with that activity, which could be discharged in stormwater from your construction site.		
122	Permit	I.C.2.d.xiii Site Map - Flow Direction	HDR Engineering	Locations where stormwater has the potential to discharge off the construction site. Stormwater has the potential to discharge off of a construction site at all down-gradient locations in the form of sheet flow.	What exactly is the Division looking for on the map? Labels of where concentrated flow discharges? What about sheet flow? Can there be a blanket statement in the map notes regarding sheet flow. What is the expectation of showing stormwater discharges on a 60-mile linear project. This information can clearly be interpreted by looking at the SWMP map flow arrows and contours within the project area.	Change partially incorporated. The division updated the permit to remove I.C.2.d.xiii and made clarifying changes to I.C.2.d.ii. The division will review, and consider updating, guidance on this topic.
123	Permit	I.C.2.d.xiii Site Map - Flow Direction	Wright Water Engineers	Construction site boundaries and flow arrows are included in the control measure site map requirement already and are sufficient to illustrate where sheet flow discharges have the potential to discharge along the construction	Revise this section to read, “Locations where concentrated flows of stormwater have the potential to discharge off	See comment 122 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				site boundary. By updating this language to clarify that concentrated discharges should be shown, the division would still obtain the information needed without crowding site maps with additional symbology for sheet flow discharges.	of the construction site.”	
124	Permit	I.C.2.d.x Site Map - Locations, Names	Home Builders Association of Metro Denver	<i>Locations and names, as listed in Part I.C.2.c.vi, of springs, streams, wetlands, diversions and other state waters within or adjacent to the site...”</i>	Having the site map include the location and names of state waters “...adjacent to the site...” is ambiguous. We request that CDPHE revise the language to state that adjacent means those state waters that immediately border the property that is covered by the Permit.	Change partially incorporated. The division updated the language of “adjacent” to “bordering.”
125	Permit	I.C.2.d.x Site Map - Locations, Names	City of Arvada	Proposed language states that “Locations and names, as listed in Part I.C.2.c.vi, of springs, streams, wetlands, diversions and other state waters need to be illustrated on the site map. The new requirement to add adjacent features is problematic and vague. Evaluations on adjacent sites are not typically allowed due to property access.	Recommend changing to: “Locations and names, as listed in Part I.C.2.c.vi, of springs, streams, wetlands, diversions and other state waters within the site, including areas that require pre-existing vegetation be maintained within 50 feet of a receiving water, where determined feasible in accordance with Part I.B.1.a.i(e).”	See comment 124 .
126	Permit	I.C.2.d Site Map - Significant	Home Builders Association of Metro	“Locations of other significant materials not listed in iii. through vi.”and the permit defines significant materials as “Include, but not limited to, raw materials; fuels;	Gas cans on construction sites can move on a minute to minute basis, cars contain fuel and come and	See comment 121 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
		Materials	Denver	<i>materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the permittee is required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges”</i>	go multiple times a day on a construction site. Likewise, painters can use solvents within multiple houses on the same day. Metallic products could include nails, screws, beams, cans, etc. for which there could be multiple thousands on a construction site on any given day, and which could change locations with great regularity. Due to these materials being used so commonly on construction sites, and their locations changing multiple different times per day, including their locations on the site map would not be achievable. We recommend the Division remove this from the site map requirements, and instead require the SWMP evaluate significant materials in the potential pollutants section.	
127	Permit	I.C.2.e.ii(h) Batch Plants	Colorado Department of Transportation (CDOT)	Would this conflict with the new industrial permit requirements concerning batch plants?	Note which permit would take precedence over temporary batch plants-- industrial or general construction.	No change. Under Part I.C.2.e.ii(h) dedicated asphalt, concrete batch plants and masonry mixing stations are on the list of potentially needing to be

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						<p>included in the stormwater management plan. This would be the case if the plant is dedicated to only the permitted site and the permittee is putting coverage under this permit.</p> <p>In the case of the plant permitted under a separate NPDES/CPDS permit (e.g. nonextractive industrial stormwater or sand and gravel) the permit requirements outlined in that permit are required to be followed. If there is potential for run-on to the construction site from the separately permitted industrial site, any run-on is now the responsibility of the permittee covered under this permit (Part I.C.2.e - The stormwater management plan 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.) The permittee may choose to divert the run-on around the site or may choose to install control measures to manage any potential pollutant sources and flows.</p> <p>Additionally, corrective actions require the mitigation of run-on. In</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						order to make it clearer, the division separately included a reference to run-on under Part I.B.1.
128	Permit	I.C.2.e Potential Sources of Pollution	Boulder County Colorado Stormwater Council	i. The stormwater management plan must include the following pollutant sources as these pollutants relate to every construction site: (a) Disturbed and stored soils; (b) Vehicle tracking of sediments; (c) On-site waste management practices (waste piles, liquid wastes, dumpsters) Support the change to limit the evaluation of potential pollutants to three required sources with other potential sources that may be added as needed.	Support current proposed language.	Comment noted.
129	Permit	I.C.2.e Potential Sources of Pollution	City of Arvada	Support the change to limit the evaluation of potential pollutants to three required sources with 10 other potential sources that may be added as needed.	Modify language to exclude number of sources.	This comment is noted. No change. This section does not require the permittee to list the number of sources, but what the actual potential sources of pollution might be.
130	Permit	I.C.2.i Offsite Control Measures Stormwater Management Plan	Aurora Water	(Page 15) A documented use agreement between the permittee and the property owner should be required instead of an agreement between the permittee and the owner or operator of any control measure located outside the permitted area. In many cases, the permittee (i.e. developer) is the owner or operator of a control measure, such as an Eco Pan or dumpster, which would make the requirement for a use agreement unnecessary. An agreement should be documented when the	Aurora Water recommends the following language: “The SWMP must include a documented use agreement between the permittee and the property owner of any control measures installed outside the permitted area, that are utilized by the permittee’s construction	No change. See the division’s Stormwater Discharge FAQ on the WQ Construction Compliance Assistance and Guidance webpage for more information regarding use agreements. The use agreement can be with the property owner and/or operator depending on the control measure and who has day

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p>permittee is using an area located outside the permitted boundaries to stage control measures used for compliance with the permit. For example, a permittee may own or operate a water tank to use for dust suppression and stage the water tank on an adjacent property, outside of the permittee's area. The permittee should document a use agreement between themselves and the adjacent property owner to use this property for staging purposes.</p> <p>In addition, the permitted area should be amended to reflect the use of other property to ensure the permittee implements final stabilization for all areas disturbed under the permit.</p>	<p>site for compliance with this permit, but not under the direct control of the permittee. Additionally, the site map should reflect the revised permitted area.</p>	<p>to day operational control of the control measure.</p> <p>The use agreement does not need to be overly complicated and is intended to make sure it is known who is responsible and to drive compliance (i.e.: who is responsible for the Eco Pan or detention basin maintenance, etc.).</p>
131	Permit	I.C.2.i Offsite Control Measures Stormwater Management Plan Content	City of Golden	<p><i>The permittee is responsible for ensuring that all control measures located outside of their permitted area, that are being utilized by the permittee's construction site, are properly maintained and in compliance with all terms and conditions of the permit. The stormwater management plan must include all information required of and relevant to any such control measures located outside the permitted area, including location, installation specifications, design specifications and maintenance requirements.</i></p> <p>The responsibility of maintenance and compliance relevant to temporary (versus permanent) control measures needs to be clear. The permit needs to discern between maintenance of typical construction related impacts to an offsite detention basin (e.g.,</p>	<p>Please remove the word "all", or revise the requirement to clearly discern construction related temporary impacts from long-term maintenance of control measures.</p>	<p>No change.</p> <p>If there are components of a control measure (e.g. trash rack, gasket, etc.) that are more appropriately maintained by a property owner or control measure operator, those items would be better outlined in the use agreement than in the general permit. It is still the expectation that all control measures (as a whole) that a permittee uses off the construction site be notated per this section and have a use agreement.</p> <p>See the division's Stormwater Discharge FAQ on the WQ</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				sediment deposition, construction debris), and long-term maintenance of the detention basin unrelated to construction impacts (e.g., trash rack, gasket).		Construction Compliance Assistance and Guidance webpage for more information regarding use agreements.
132	Permit	I.C.2.j.v. Temporary Stabilization, Final Stabilization, and Long Term Stormwater Management	Southeast Metro Stormwater Authority (SEMSWA)	Part I C 2. j. v. states, “The stormwater management plan must describe and locate all planned permanent control measures to control pollutants...” The use of the term “permanent control measures” may be confused with permanent construction-phase control measures (e.g. seed and mulch, erosion control blanket, or landscaping intended to remain after construction).	Recommend changing “permanent control measures” to “permanent post-construction control measures” or “permanent water quality facilities” for clarification.	No change. While final stabilization will be on the site after the permit is closed out, final stabilization is addressed in Part I.C.2.j.iv. The permit also includes examples of permanent control measures to contextually guide the reader to what is intended. The division will review, and consider updating, guidance as necessary.
Stormwater Management Plan: Review and Revisions						
133	Permit	I.C.3 Stormwater Management Plan Review and Revisions	Aurora Water	(Page 16) As drafted, permittees must amend their stormwater management plan when certain situations occur as listed in the permit. However, this section should be expanded to distinguish between revisions and when a formal modification to the permit certification is required. Aurora Water recommends clarifying when a permittee is required to submit a modification request through the Colorado Environmental Online System (CEOS) and when in field revisions are sufficient. Additionally, the term “amend” should be replaced with “modify” when formal modifications to the permit are required to be consistent with the CEOS permit actions. Distinguishing this difference would require	Aurora Water recommends clarifying when a permittee is required to submit a modification request through the Colorado Environmental Online System (CEOS) and when in field revisions are sufficient.	No change. The division appreciates this comment and will ensure guidance documents are updated. Currently the division’s Stormwater Discharge FAQ on the WQ Construction Compliance Assistance and Guidance webpage addresses when modifications need to be submitted for acreage removal.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				permittees to revise their permit when new area is utilized for construction or compliance with the permit and know when a formal modification needs to be made.		
134	Permit	I.C.3.a Maintenance	Colorado Department of Transportation (CDOT)	This permit uses the word maintenance in many contexts. Examples being "inadequate vs maintenance", maintenance of the site, etc. In most cases maintenance is referring to maintenance of control measures, in this case the intent seems different so may consider rewording to meet intent.	Remove or change "maintenance" in: "A change in design, construction, operation, or maintenance of the site requiring implementation of new or revised control measures" to avoid confusion.	No change. How a permittee maintains their site may change. The division has not received comments that, in the context of the portion of the permit, that maintenance is being misunderstood.
135	Permit	I.C.3.e Stormwater Management Plan Review and Revisions	Southeast Metro Stormwater Authority (SEMSWA)	SEMSWA appreciates the clarification included with this new language.	None	Comment noted.
136	Permit	I.C.3.e Stormwater Management Plan Update Timeline	Home Builders Association of Metro Denver	<i>For stormwater management plan revisions made prior to or following a change(s) onsite, including revisions to sections addressing site conditions and control measures, a notation must be included in the stormwater management plan that identifies the date of the site change, the control measure removed, or modified, the location(s) of those control measures, and any changes to the control measure(s). The methods for notation may include notations on site maps, a log of changes, redline changes in the stormwater management plan, or other measures. The permittee must ensure the site changes are reflected in the stormwater</i>	The language implies that the permittee must update the stormwater management plan immediately following changes to site conditions. This would make permit compliance unachievable as changes to site conditions may occur between routine/post-storm inspections or when a qualified stormwater manager is unavailable (sick with COVID-19,	See comment 137 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<i>management plan. The permittee is noncompliant with the permit until the stormwater management plan revisions have been made.</i>	vacation time, etc) To achieve permit compliance, recommend to more closely follow the timeline set forth by the NPDES CDP that states <i>“You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions.”</i>	
137	Permit	I.C.3.e Stormwater Management Plan Update Timeline	Wright Water Engineers	The EPA CGP requires that the type of modifications to stormwater documents referenced in Section I.C.3.e of the draft permit be completed within 7 days (see section 7.4.1.a). Providing a 7-day timeline strikes an appropriate balance between requiring that the SWMP updated frequently enough to accurately reflect site conditions without requiring that personnel be available to update the SWMP the moment a change occurs in order to avoid an instance of non-compliance.	WWE recommends that the division revise the permit to reflect a timeline for SWMP edits that aligns with other regulatory standards, such as the 7-day timeline included in the EPA CGP.	No change. It is the intention that the stormwater management plan reflects current conditions. It is understood that there may be a minimal timeframe between installation, modification, etc. of control measures and the stormwater management plan being updated (i.e. by end of day after the change was made in the field).
138	Permit	I.C.3.e Stormwater Management Plan Update Timeline	CMS Environmental Solutions	Section I.C.3.e of the draft permit states <i>“For stormwater management plan revisions made prior to or following a change(s) onsite, including revisions to sections addressing site conditions and control measures, a notation must be included in the stormwater management plan that identifies the date of the site change, the control measure removed, or modified, the location(s) of those control measures, and any changes to the control measure(s). The methods for notation may</i>	Recommend to more closely follow the timeline set forth by the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) for Stormwater Discharges from Construction Activities that states <i>“You must modify your SWPPP,</i>	See Comment 137 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p><i>include notations on site maps, a log of changes, redline changes in the stormwater management plan, or other measures. The permittee must ensure the site changes are reflected in the stormwater management plan. The permittee is noncompliant with the permit until the stormwater management plan revisions have been made.</i>” This implies that the permittee must update the stormwater management plan immediately following changes to site conditions. It is not always possible to update the stormwater management plan immediately due to qualified stormwater managers not always being immediately aware of changes to site conditions or available to document changes to the stormwater management plans within the “immediate” timeframe. In order to make the permit achievable, recommend to more closely follow the timeline set forth by the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) for Stormwater Discharges from Construction Activities that states “<i>You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions</i>”</p>	<p><i>including the site map(s), within seven (7) days of any of the following conditions”</i></p>	
Site Inspection: Frequency						
139	Permit	I.D.2.c Inspection Frequency	Southeast Metro Stormwater Authority (SEMSWA)	In the event that site conditions become unsafe to perform an inspection, such as in the event of a natural disaster (e.g. flooding or fires), a permittee would be non-compliant with the permit. As written, the permittee would submit a notice of non-compliance for not following the minimum inspection frequency.	Recommend adding an inspection exclusion with documentation requirements to address the event of unsafe site conditions such as natural disasters and fires.	No change. The division has not been made aware that this is a frequent concern for sites. Additionally, the division already has provisions where the permittee may contact the division and request an

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						alternative inspection frequency. The permit also contains the “upset” provisions under Part II.
140	Permit	I.D.3	Tri-State Generation and Transmission Association, Inc.	The map of Outstanding Waters is a helpful tool for permittees. However, given the 5-year permit term, the hyperlink may become outdated and therefore could be better handled via a guidance document which could be more easily revised if needed.	Consider removing the hyperlink in the permit itself and providing it to the public by other means.	No change. The division included the hyperlink to assist permittees.
141	Permit	I.D.4	Home Builders Association of Metro Denver	The reduced inspection frequencies included in Part I.D.4 do not include the potential for the permittee to have an inactive site with temporary stabilization installed, and where the permittee was conducting inspections in accordance with Part I.D.2.a (At least one inspection every 7 calendar days). We request that Part I.D.4 of the draft CGP be modified to align with the 2022 EPA CGP, which affords the permittees a reduced inspection frequency if their facility or a portion of their facility is inactive and has temporary stabilization installed:	“d. Temporarily Stabilized Areas. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month in any area of your site where stabilization measures have been completed in accordance with Part I.B.1.a. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts I.D.2.a, I.D.2.b, or I.D.2.c, as applicable. You must document the beginning and ending dates of this period in the stormwater management plan.”	No change. Maintaining the current inspection frequency ensures that sites that do not have a consistent presence are having their temporary stabilization and control measures accounted for. If a site is not going to have construction activities for an indefinite time period, it is recommended the site follows final stabilization procedures.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
142	Permit	I.D.4.a Post-Storm Inspections	Aurora Water	(Page 17) Additional clarifying language is needed to determine when post-storm event inspection must be conducted prior to re-commencing construction activities. Aurora Water recommends modifying this section of the draft permit to clarify the provisions of the storm event that triggers post-storm inspections. This provides clarity for when storm events last longer than 72 hours (i.e. blizzard conditions).	Aurora Water recommends the following language: "For permittees choosing an inspection frequency pursuant to Part I.D.2.b, post-storm event inspections must be conducted no later than 72 hours after precipitation has ceased that causes surface erosion."	Change incorporated. The division agrees it is the intent to be consistent with Part I.D.2.b.
143	Permit	I.D.4.b.i. Inspections at Completed Sites	Home Builders Association of Metro Denver	Part 1.D.4.b.i. states "All construction activities resulting in ground disturbance are complete" in reference to the requirements to reduce the inspection frequency to once every 30 days.	Occasionally homebuilders will close out all remaining properties to homebuyers during winter. Sod and other softscape is typically unavailable during this window of time, preventing final landscaping from being completed at closing. If all other areas of the site have had final stabilization implemented (i.e. hardscape, native seeding of open spaces, park and tract landscaping complete) and are waiting on required coverage, but landscaping of front yards cannot be completed until sod is available (which could be months away) the site would not qualify for a reduced inspection frequency even though the	Change incorporated. Language was updated in Part I.D.4.b.ii to include sod installation with seed application. With either seed or sod, temporary stabilization is required during this time of waiting.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
					majority of the permitted area would conform to the standards laid out for a reduced inspection frequency. In this case continuing inspections on a 14 day plus post storm basis has relatively low benefits and diverts resources from more active projects. Recommend to add to Part 1.D.4.b.i. and 1.D.4.b.ii so that they allow for the site to go to a 30 day inspection frequency if all final stabilization measures are implemented with the exception of landscaping that cannot be completed due to seasonal conditions, resuming 14 day plus post storm inspections when the landscaping is available and earth disturbing activities resume.	
144	Permit	I.D.4.b Inspections at Completed Sites	Colorado Department of Transportation (CDOT)	For "Inspections at Completed Sites/Areas", "Completed" may not be the right word.	CDOT suggests: "Site Awaiting Final Stabilization"	Change incorporated.
145	Permit	I.D.4.b Stormwater Management	Colorado Department of Transportation	"Stormwater management system": This is the first time this term is mentioned throughout the permit. Definition needed.	Requesting a definition for "Stormwater Management System".	Updated language. Changed from "stormwater management system" to

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
		System	on (CDOT)			“construction site.” Intent is the whole site is inspected.
146	Permit	I.D.4.c.ii Winter Exclusion	Tri-State Generation and Transmission Association, Inc.	We understand the intent of this provision but comment that the use of the word “entire” is an absolute term and there could be examples of construction sites that remain inaccessible due to snow even if less than the entire site is covered in snow. Colorado’s windy conditions can cause irregular patterns of snow erosion and deposition while the site may remain inaccessible.	Delete the word “entire” from this permit provision.	No change. The division has identified multiple instances where permittees are incorrectly applying this exclusion to sites, and does not want to introduce additional areas of confusion. On a particular site where the example provided may be applicable, the permittee may contact the division and request an alternative inspection frequency. It is important to note that if requesting an alternative inspection frequency under this winter conditions there must be no potential for erosion and melting conditions must not exist.
147	Permit	I.D.4.c.i Winter Conditions	Tri-State Generation and Transmission Association, Inc.	We support that the draft permit did not specify an elevation where the winter conditions inspections exclusion applies because this would be hard to define statewide. We also comment that it may be better not to specify an example month range, even if it is only an example rather than a requirement. Reason being that some construction sites could be inaccessible due to snow for a much wider timeframe than December through February and this could extend into May. The public may misinterpret the example to be a permit condition. The focus of this provision should be on the site’s inaccessibility due to winter conditions rather than a specific date range.	Re-word this provision to read as follows. “i. Construction activities are temporarily halted for the winter season due to the site being inaccessible.”	No change. Construction activities may be halted due to inaccessibility but also for other reasons such as supply or labor constraints.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
Site Inspection: Scope						
148	Permit	I.D.5.b.v. Pumped Stormwater Inspection Requirements	City of Golden	<p><i>Assess the adequacy of control measures for pumped stormwater (e.g. sediment plume, suspended solids, unusual color, decreased clarity, presence of odor or foam, etc).</i></p> <p>The existing permit language is broad and all encompassing. Discharges of pumped stormwater, associated control measures, and indicators (such as sediment plume, suspended solids, unusual color, decreased clarity, presence of odor or foam, etc.) are already captured within the current inspection requirements, as noted in italics below. Specifying one pollutant source while omitting others can limit, by exclusion, other potential sources and the areas to which they're discharged. Including specificity for one pollutant source and its possible indicators over other sources and indicators, doesn't provide clarity.</p> <p>Visually verify [<i>i.e., observe for the presence of things such as sediment plume, suspended solids, unusual color, decreased clarity, presence of odor or foam, etc. to determine</i>] whether all implemented control measures [<i>including for pumped stormwater</i>] are in effective operational condition and are working as designed in their specifications to minimize pollutant discharges.</p> <p>Determine if there are new potential sources of pollutants [<i>such as sediment plume, suspended solids, unusual color, decreased clarity, presence of odor or foam, etc. discharged via</i></p>	Please revert to existing language and delete the draft language: "Assess the adequacy of control measures for pumped stormwater (e.g. sediment plume, suspended solids, unusual color, decreased clarity, presence of odor or foam, etc.)."	Change partially incorporated. The division agrees that this may qualify under verification that control measures are adequate. Due to pumped stormwater being different than installing sediment or erosion control such as silt fence, the division wanted to identify the types of assessment that may be conducted on pumped stormwater. The division moved the language under I.D.5.b.i.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p><i>pumped stormwater</i>]. Assess the adequacy of control measures <i>[including for pumped stormwater]</i> at the site to identify areas requiring new or modified control measures to minimize pollutant discharges <i>[such as sediment plume, suspended solids, unusual color, decreased clarity, presence of odor or foam, etc.]</i>. Identify all areas of non-compliance <i>[including pumped stormwater and the presence of indicators such as sediment plume, suspended solids, unusual color, decreased clarity, presence of odor or foam, etc.]</i> with the permit requirements and, if necessary, implement corrective action(s) in accordance with Part I.B.1.c.</p>		
149	Permit	I.D.5.b Inspection Requirements	Colorado Department of Transportation (CDOT)	One of the main focuses of inspections is to control pollutant sources on site. This is not included in this section as an inspection requirement.	Request adding language to this section requiring inspectors ensure all pollutant sources are controlled on site.	No change. The intent of this permit with the practice-based control measures, stormwater management plan, and inspections is to ensure pollutant sources are controlled onsite and any discharges are minimized off the site.
150	Permit	I.D.5.c.xiii Signing inspection reports	Earthworks Environmental, LLC	<p>There is a requirement that all action items be closed prior to signing the inspection report. Per the CGP:</p> <p>After adequate corrective action(s) have been taken, or where a report does not identify any incidents requiring corrective action, the report must contain the following statement and provide the date of the statement:</p>	This attestation requires the signee to state that the site is in compliance with the permit. However, if new corrective actions have been discovered on subsequent inspection reports, the signee is making a false statement. The signee is more	No change. When inspections are conducted by qualified stormwater managers, the inspector must be knowledgeable to assess adequacy of control measures. The inspector is attesting in each inspection report to the current state of the site and not the future state of the

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				"I verify that, to the best of my knowledge and belief, that if any corrective action items were identified during the inspection, those corrective actions are complete, and the site is currently in compliance with the permit.";	accurately attesting that all of the corrective actions have been corrected on a specific inspection report, while there may be new corrective actions open from a later date. We request that this requirement either be removed or simply the "and the site is currently in compliance with the permit" text be removed.	site. When a state inspector inspects records and the site they are assessing for whether the site followed the scope of the inspection requirements and whether the inspections identified the areas of noncompliance.
151	Permit	I.D.5.c.xiv Inspection Report Signature	GE Johnson	This statement is confusing as it just states "document that are required..." not just inspection reports as that is what this section is referring to.	Can this section simply say "inspection reports must be signed by a qualified stormwater manager"?	Change incorporated.
Definitions						
152	Permit	I.E Additional Definitions	Raw Land Detailing, Inc.	Is curb and gutter considered state waters if water flows in it or not. It is not clear to the permittees.	Please define in Permit.	No change. See the division's Stormwater Discharge FAQ on the WQ Construction Compliance Assistance and Guidance webpage for more information regarding MS4s, state waters and curb flow lines.
153	Permit	I.E Additional Definitions	Dadey Engineering	Consider adding a definition for temporary stabilization to Part I, E. (Temporary stabilization of residential lots was discussed much during the presentation but there is not a clear definition for what temporary stabilization entails in the permit. I think a more specific		No change. The division has provided guidance on temporary stabilization in several guidance documents. See the division's WQ Construction

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				method other than the general methods outlined on page 10, iii, should be added. Consider seed and mulch at a specific rate and/or erosion control blankets) I am also making this comment based on the requirement on page 7, i. iv.. Temporary stabilization is not defined there.		Compliance Assistance and Guidance webpage for more information.
154	Permit	I.E.10 Definitions - Final Stabilization	Colorado Department of Transportation (CDOT)	This definition includes "evenly distributed perennial vegetation". Perennial vegetation is not necessarily native vegetation, but the definition goes on to require "70% of what would have been provided by native vegetation" This could also be interpreted as 0% annuals and many agencies use annuals as a nurse crop.	Consider restating that 70% of perennial vegetation counts towards Final Stabilization.	No change. For final stabilization, evenly distributed perennial vegetation does not mean it has to be native vegetation to the area. The reference to native vegetation is specifically to assist the permittee in establishing what the 70% coverage needs to be that they are trying to achieve with the evenly distributed perennial vegetation. This does not preclude the use of annual nurse crops and the division does not discourage the use of annual nurse crops. However, if a permittee used annual nurse crops to help establish evenly distributed perennial vegetation the site would not meet the definition of vegetative final stabilization until the perennial vegetation had been established.
155	Permit	I.E.10 Definitions - Final Stabilization	Colorado Department of Transportation (CDOT)	Consider how achieving 70% would be possible when replacing sod with a different vegetation type. If we're trying to get away from sod, this seems impossible, especially in some regions in the state.	Consider clarifying how sod will be counted towards the 70%.	No change. Within the definition of final stabilization, the permittee is directed to look at the local,

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						undisturbed area or adequate reference site to identify native conditions in comparison to the 70% coverage required. Due to this the division does not see any challenges in replacing sod with something different.
156	Permit	I.E.11 Definitions - Good Engineering, Hydrologic and Pollution Control Practices	Home Builders Association of Metro Denver	<i>“Reflect best industry practices and standards”</i>	Recommend take this line out due to the combination of a. c. and d. which together convey the intent of b. The inclusion of b. makes the intent of the other 3 bullet points less clear.	No change. The division agrees that at times (although typically rarely) a control measure may meet a., c. and d. but not yet be recognized by the industry as a best practice or standard. The division’s control measure template allows for the permittee to specify implementation, installation procedures, inspection expectations, and maintenance requirements. More commonly, permittees are looking to the latest industry best practices and standards and those typically contain a., c., and d. as part of their vetting.
157	Permit	I.E.13 Definitions - Inadequate Control Measures	Colorado Department of Transportation (CDOT)	How would this definition be applied to treatment trains of control measures?	Clarification requested. CDOT suggests that all actions be named as “needing repair” and “corrected as soon as possible, immediately in most cases”.	No change. See comment 166 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
158	Permit	I.E.19 Definitions Native Vegetation	Boulder County Colorado Stormwater Council City of Arvada	(19) Native Vegetation - Plant species that are naturally occurring for the particular area (or region) and have adapted to and are well suited for the soil, temperature, nutrients, and precipitation of the particular area (region). This definition could apply to weeds which have adapted to and are well suited to Colorado.	Since Part I.B.a.iii.b.2.c. includes a final stabilization requirements that “if applicable, adhere to local jurisdiction’s plant species requirement”, the proposed language is supported.	Comment noted. Part I.B.a.iii(b)(2)b includes native vegetation as a guide for determining vegetative cover. Final stabilization would be 70% of native vegetation coverage and must be of plant species which are evenly distributed perennial vegetation (which could include trees and shrubs).
159	Permit	I.E.29 Definitions - Qualified Stormwater Managers	Colorado Department of Transportati on (CDOT)	This definition uses "stormwater controls" in place of "stormwater control measures".	Recommend changing "stormwater controls" to "stormwater control measures" to stay consistent.	Change incorporated.
160	Permit	I.E.2 Definitions - Common Plan of Development or Sale	Colorado Department of Transportati on (CDOT)	Clarification needed on this interpretation/definition.	CDOT requests defined activities that would be incorporated into common plan of development. Current interpretation is not clear and measurable, and includes activities outside of CDOT's operational control (examples provided by request).	No change. Incidental activities occurring within ¼ mile of each other does not (alone) trigger common plan of development. The division recommends reaching out to the compliance unit for questions on a case by case basis.
161	Permit	I.E.3 Definitions - Construction Activity	City of Golden	<i>... Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of routine maintenance or for replacement are construction activities and are</i>	Repaving activities should be considered routine maintenance and not be excluded as such in the definition.	No change. The division has long considered the exposure of soils that are an acre or greater at one time during repaving as requiring a permit due

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				<p><i>not routine maintenance. Repaving activities where underlying and/or surrounding soil is exposed as part of the repaving operation are considered construction activities.</i></p> <p>The definition makes clear that routine maintenance to maintain the original line and grade, hydraulic capacity, and original purpose of the facility is not a construction activity. The definition specifically excludes repaving where soil is exposed, although repaving is widely considered a type of routine pavement maintenance. It is also completed within a very short period (e.g., within a few days).</p> <p>The division's low-risk policy and guidance documents have established a process for exempting from permitting, discharges that are short term, infrequent, occur with proper management, and are not expected to contribute to a violation of a water quality standard.</p> <p>Along with being routine maintenance and occurring within a very short period, the policy and guidance documents provide basis for inclusion of repaving as routine maintenance in the definition of construction activity.</p>		to the potential exposure of disturbed soils to stormwater.
162	Permit	I.E.3 Definitions - Construction Activity	Colorado Department of Transportation (CDOT)	Note that "Maintenance" is used several different ways throughout the document. For example, routine maintenance of control measures, vs. a routine maintenance activity that is not considered a construction activity. May need separate definitions or to use different terms for different uses for the word	Recommend better defining different uses of "maintenance".	No change. Maintenance is referred to in multiple locations in the permit. When considered in the context of location in the permit, the division has not been notified of permittee

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				maintenance.		confusion. Maintenance of control measures to stay in compliance with the permit includes both routine maintenance, and control measures that need to be maintained as a corrective action, as they are no longer in line with the specification or with good engineering, hydrologic, and pollution control practices.
163	Permit	I.E.4 Definitions - Construction Site	City of Golden	<p><i>The location where construction activity is occurring and associated discharges are covered by this permit. For use in this permit, the terms construction site, site, and facility are used interchangeably.</i></p> <p>The proposed definition doesn't capture offsite areas such as staging, storage associated with the construction activity, etc.</p>	<p>Please replace with a definition like the EPA CGP: "The location where construction activities will occur and where control measures will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether."</p>	<p>Partially incorporated.</p> <p>The division agrees that the construction activity covered under this permit may be all on the same property and/or include offsite construction activities such as staging or storage.</p>
164	Permit	I.E.5 Definitions - Control Measure	Colorado Department of Transportation (CDOT)	Would Best Management Practices be synonymous with Control Measures?	Clarification requested.	<p>No change requested.</p> <p>See previous renewal fact sheet: The renewal permit replaced the term Best Management Practice (BMP) with the term Control Measure. Regulation 61.2(9) defines best management practices</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						<p>as “schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of ‘state waters.’ BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.” Subsequent to the last construction stormwater general permit renewal process the EPA has been using the term “control measure” in stormwater permits. The permit uses the term “control measure” to be consistent with EPA and State terminology. The term “control measure” has a broader range of meaning than “BMP” since it includes both BMPs and “other methods.” The term “control measure” better describes the range of pollutant reduction practices a permittee may implement. For example, control measures may include the following, not all of which may be encompassed within the definition of BMP: Specific pollution prevention practices for minimizing or eliminating the pollutants or constituents of concern in the</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						discharge; Specific behavioral practices for minimizing or eliminating the pollutants or constituents of concern in the discharge; Narrative requirements to minimize pollutants or constituents of concern in discharges or the discharges themselves; Structural controls including physical structures that provide treatment in place, such as regional detention facilities, silt fence, etc."
165	Permit	I.E.5 Definitions - Control Measure	Colorado Department of Transportation (CDOT)	Recommend including Administrative Control Measures	Recommend adding: "Control measures can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices or administrative control measures."	No change. Control measure already allows for administrative control measures under the current definition - "any best management practice or other method... " (emphasis added)
166	Permit	I.E.6 Definitions - Control Measure Requiring Routine Maintenance	Colorado Department of Transportation (CDOT)	Control Measure Requiring Routine Maintenance - Any control measure that is still operating in accordance with its design and the requirements of this permit, but requires preventative maintenance to prevent a breach of the control measure in subsequent storms.	CDOT suggests that all actions be named as "needing repair" and "corrected as soon as possible, immediately in most cases".	No change. "Needing repair" could be limiting in description of the routine maintenance needed for some control measures. Routine maintenance does need to be timely and if not taken care of in a reasonable timeframe may result in the control measure going from needing routine maintenance to being a corrective action that

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						<p>needs immediately resolved.</p> <p>Note the division has current guidance on routine versus inadequate control measures in a treatment train in the Stormwater Discharge FAQ on the WQ Construction Compliance Assistance and Guidance webpage.</p>
167	Permit	I.E.7 Definitions - Dedicated Asphalt, Concrete Batch Plants and Masonry Mixing Stations	Colorado Department of Transportation (CDOT)	Current definition is broad. As written, this could include temporary industrial batch plants or small 25-gallon concrete mixing stations. How would the COR900000 apply to this?	Additional clarification requested.	<p>No change.</p> <p>Pollutants related to concrete, asphalt and masonry mixing stations need to be identified as potential pollutant sources in the stormwater management plan and have appropriate control measures associated with those pollutant sources, no matter the size of the batch or mixing operation.</p> <p>The previous fact sheet under the renewal of this permit explained that batch plants (of any size) could be covered under the sand and gravel permit, but due to the nature of the activity it could also be covered under this permit if the plant was solely dedicated to a single construction site. Additionally, the batch plant may also be covered under the nonextractive industrial stormwater permit. Typically, small mixing stations are dedicated</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
						solely to one construction site, so they may be more applicable to coverage under this permit.
168	Permit	I.E Additional Definitions	Raw Land Detailing, Inc.	There is some confusion in the industry to determine what the definition of illicit discharge is.	Define specifically what an illicit discharge is.	No change. The Permit does not contain the term, "illicit discharge," and the division has determined that it does not need to be defined in this permit.
169	Permit	I.E Additional Definitions	Earthworks Environmental, LLC	The word "immediately" appears 4 times in the CGP.	We have received feedback from permit holders that they would like to see "Immediately" added to the definitions in Part E.	No change. See comment 94 .
170	Permit	I.E Additional Definitions	Colorado Department of Transportation (CDOT)	There are some terms included in this section that are not defined. Consider adding the following terms to Definitions - -Disturbance, and when stabilization means something is no longer disturbed. Which types of stabilization methods count as disturbance (Temp, Interim, Final) -Evenly Distributed -Native species - shall mean a native plant species that occurs naturally in a particular region, or an ecosystem and/or habitat in Colorado, without direct or indirect human actions. -Invasive Species -Noxious Weeds -Perennial - a non-woody plant that lives more than two years. (Perennial as defined doesn't include trees and shrubs although they are "perennial". native ecosystems have annuals,	Consider including additional definitions.	No change. The division appreciates the recommendations and will ensure guidance and FAQ documents are updated as necessary with regards to final stabilization.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				biennials, perennials, shrubs and trees. Annuals and biennials are often the first to establish making way for the slower to establish perennials.) -Permanent Stabilization -Xeriscape		
171	Permit	I.F Monitoring	Classic Homes	Due to the requirement of a 30 consecutive-day testing period, monitoring could be costly when enforced.	We'd like to see examples of circumstances that may justify monitoring. The permittee shall receive an opportunity to mitigate discharges on each lot prior to a determination for monitoring. Sources for mitigation prior to monitoring may include, but are not limited to, paint, masonry, fuels, oils, form release oils, curing compounds, soaps, solvents or similar construction materials. Case-by-case monitoring shall be limited to a conscious, voluntary act or omission in reckless disregard of the stormwater management plan.	The division appreciates this comment and notes it was received after the public notice date. This provision was included in previous permits and explained in the previous renewal fact sheet that an example when the division may require sampling would be when a TMDL includes a WLA for construction which might require monitoring for a pollutant of concern. At this time, there are no such TMDLs.
Part II						
172	Permit	II.K.1.d Responsible Official	GE Johnson	Allowing someone other than an executive in a company to sign documents/permit applications will be a very good thing for most contractors. But it is unclear with this statement if the written authorization can be submitted only	Clarify if this can be a blanket authorization for all existing and future sites. Include where this authorization should be	Change incorporated. The division issued a memo on June 11, 2019 clarifying, specifically for the COR400000

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
				individually for each site (facility) or if a submittal can be done covering all existing and future sites. Also is there a specific person/department where these authorizations can be submitted? How will this be transferred to CEOS so that that person can be designated as a RO for all company facilities?	submitted (person, department and or address). Clarify that this will transfer to CEOS for future applications and other forms will be able to be submitted without problems.	permit, the responsible official qualifications. The division has updated the language in this section to align with that memo.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
173	Permit	II.L.3 Transfer	Home Builders Association of Metro Denver	The above additions to the draft CGP are in conflict with Part II.L.3 of the CGP which only affords the transfer of the entirety of permit coverage to any person, and states: <i>“Transfer of Ownership or Control: The permittee shall notify the Division, in writing, thirty (30) calendar days in advance of a proposed transfer of the permit. This permit is not transferable to any person except after notice to the Division. The Division may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act...”</i>	<p>“i. When a permittee transfers, modifies or terminates all or portions of permit coverage to another permittee, the “old” permittee completing the transfer, modification or termination must provide to the division the new permittee’s certification number(s) (ie. a land developer selling lots to home builders, etc).”</p> <p>“ii. When a permittee transfers or terminates all or portions of permit coverage to another permittee, the “old” permittee completing the transfer or termination must provide to the division documentation of due diligence when the new permittee is not obtaining permit coverage. Documentation of due diligence may include certified letters, multiple attempts at email and phone contact.”</p>	<p>Change incorporated.</p> <p>The division updated Part II.L.3 to match the prior permit requirement of the permittee providing 10 days notification prior to a transfer and include Regulation 61 requirements that permit transfers include a “written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them.” Reg. 61.8(6)(b)(ii).</p>
174	Permit	II.L.7	Colorado Department of Transportati	When it comes to reporting spills over 25 gallons, or reporting non-compliance (could often be a spill/discharge), we need more clarification - There is a spill hotline, and non-	CDOT would like clarification on when to report to which hotline.	<p>No change.</p> <p>The submission form in Part II.L.7 is to submit your 24 hour</p>

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
			on (CDOT)	compliance reporting.		notification and 5-day report for noncompliance related to the COR4000000 Construction Stormwater General Permit. This form should not be used to report spills that meet reportable quantity criteria or reach a state water. Those events should be reported to the spill hotline at 1-877-518-5608.
175	Permit	II.M.1	Colorado Department of Transportation (CDOT)	Throughout the rest of the permit, all definitions are not included in-line, but defined in Part I.E.	Suggest moving these definitions to the definitions section Part I.E. for consistency.	No change. These provisions are specific to Part II of all CDPS permits and not part of the definitions in Part I.
176	Permit	II.N.1	Colorado Department of Transportation (CDOT)	Throughout the rest of the permit, all definitions are not included in-line, but defined in Part I.E.	Suggest moving these definitions to the definitions section Part I.E. for consistency.	No change. These provisions are specific to Part II of all CDPS permits and not part of the definitions in Part I.
177	Permit	Part II Retention of Records	HDR Engineering	The Retention of Records section has been omitted from the current draft permit in Part II.	Provide guidance for how long a permittee must retain the records for this permit once a certification has been terminated.	Partially incorporated. The division removed the prior Part II.O because it was duplicative to Part II.J for monitoring and records. Three years is still the expectation for this renewal permit. The division added back some of the language from the previous permit into Part II.J - Monitoring and Records.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
Formatting & Typos						
178	Permit	Table of Contents	Tri-State Generation and Transmission Association, Inc.	Editorial comment that it appears the entry for F1 and F2 are unnecessary in the table of contents	Editorial change	Change incorporated.
179	Permit	Typo I.A.1.b.ii	Home Builders Association of Metro Denver	Incorrect reference	<i>“Discharges to the ground of concrete or masonry washout water associated with the washing of concrete or masonry tools and concrete or masonry mixer chutes. Discharges of concrete or masonry washout water must not leave the site as surface runoff or reach receiving waters as defined by this permit. Concrete or masonry on-site waste disposal is not authorized by this permit except in accordance with Part I.B.1.a.ii(c)(b).”</i>	Change incorporated.
180	Permit	Typo I.A.3.h	Colorado Stormwater Council	The hyperlink goes to Part I.A.3.e not Part I.A.2.e. Part I.A.3.e is the submittal signature requirements.	Recommend changing to: “Permittee Initiated permit actions, including but not limited to modifications, contact changes, transfers, and terminations, must be	Change incorporated.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
					conducted following Part II.L., Part I.A.32.e., division guidance and using appropriate division-provided forms.”	
181	Permit	Typo I.A.3.h	Tri-State Generation and Transmission Association, Inc.	The reference to Part I.A.2.e appears to be a typographical error.	Potentially revise the reference to be Part I.A.3.e	Change incorporated.
182	Permit	Typo I.A.3.h	Home Builders Association of Metro Denver	There is an incorrect section reference in Part 1.A.3.h of the draft CGP and it should be modified as follows:	<i>Permittee initiated permit actions, including but not limited to modifications, contact changes, transfers, and terminations, must be conducted following Part II.L, Part I.A.32.e, division guidance and using appropriate division-provided forms.”</i>	Change incorporated.
183	Permit	Typo I.C.2.c	Colorado Stormwater Council	The subsection numbering is incorrect. i. is duplicated.	Recommend renumbering	Change incorporated.
184	Permit	Typo I.C.2.c	GE Johnson	Numbering is off	Fix numbering	Change incorporated.
185	Permit	Typo I.D.1	Home Builders Association of Metro Denver	States “The inspector may be different than the individual(s) listed in Part I.C.2.a.i.”	This may be in reference to the qualified stormwater manager. If this is the case, there may be a typo as the qualified stormwater manager is listed in part	Change incorporated.

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
					I.C.2.a.	
186	Permit	Typo I.D.1	Home Builders Association of Metro Denver	There is an incorrect section reference in Part I.D.1 of the draft CGP and it should be modified as follows:	<i>“The person(s) inspecting the site may be on the permittee’s staff or a third party hired to conduct stormwater inspections under the direction of the permittee(s). The permittee is responsible for ensuring that the inspector meets the definition of a Qualified Stormwater Manager. The inspector may be different than the individual(s) listed in Part I.C.2.a.i.”</i>	Change incorporated.
187	Permit	Typo I.D.4.c	Tri-State Generation and Transmission Association, Inc.	Formatting comment that this section of the permit has two numbered lists underneath the higher order letter c category. The first numbered list was in paragraph form in the current permit, and this may be related to that change.	Reformat this section such that there are not two lists of i-iii under the heading of c.	Change incorporated.
188	Permit	Typo I.D.5.c	HDR Engineering	Inspection records must be retained in accordance with Part II.O.	Part II.O. in the current 2019 permit is Retention of Records. Retention of records has been omitted in this permit and Part II.O. is Reopener Clause.	Change incorporated.
Fact Sheet						
189	Fact Sheet	I.K.3 Summary of	Boulder County	Fact sheet described the changes as “Made limitations on coverage explicit for Reg 84.... other pollutants used in vehicle and equipment	See permit recommended changes that would provide consistency.	See Comments 8 and 12 .

#	Permit or Fact Sheet	Part of the document	Commenter	Comment	Request: Specific change you are asking for	Division Response
		changes/Changes for specificity (Page 12)	Colorado Stormwater Council	operation and maintenance; soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; chemical additions (i.e., flocculant).” The fact sheet and permit limitations language are not consistent. Is the intent to limit soaps and solvents and flocculants? If so the permit language and fact sheet should be more consistent.		
190	Fact Sheet	I.K.3 Summary of changes/Changes for specificity (Page 12)	City of Arvada	Fact sheet described the changes as “Made limitations on coverage explicit for Reg 84... other pollutants used in vehicle and equipment operation and maintenance; soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; chemical additions (i.e., flocculant).” The fact sheet and permit limitations language are not consistent. Is the intent to limit soaps and solvents and flocculants? If so the permit language and fact sheet should be more consistent.	See previous language recommendations to make the permit and fact sheet consistent.	See Comments 8 and 12 .