COR070000 Illicit Discharge Detection and Elimination Program Procedures TEMPLATE

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*DISCLAIMER:*

*This document, courtesy of SPLASH members, has been provided for* ***educational purposes only*** *to assist other permittees regarding the MS4 Non-standard Permit, effective November 1, 2021.*

*This document may contain omissions or errors and therefore any use of this will be entirely at your own risk.*

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(The following template is an example only. There are many methods to comply with the COR-070000 MS4 Permit and many types of permittees. Edit this document as needed based on your specific program.)

*Insert Document Revision number and date here.*

# Introduction

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

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

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

*(ii)* (C) *Illicit discharge detection and elimination. The permittee must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at 61.2) into the permittee's small MS4.*

*(I) The permittee must:*

*(a) Develop, if not already completed, a storm sewer system map, showing the location of all municipal storm sewer outfalls and the names and location of all state waters that receive discharges from those outfalls;*

*(b) To the extent allowable under State or local law, effectively prohibit, through ordinance or other regulatory mechanism, nonstormwater discharges into the storm sewer system, and implement appropriate enforcement procedures and actions; and*

*(c) Develop and implement a plan to detect and address nonstormwater discharges, including illicit discharges and illegal dumping, to the system. The plan must include the following three components: procedures for locating priority areas likely to have illicit discharges; procedures for tracing the source of an illicit discharge; and procedures for removing the source of the discharge.*

*(II) The permittee needs to address the following categories of nonstormwater discharges or flows (i.e., illicit discharges) only if the permittee identifies them as significant contributors of pollutants to the permittee's small MS4: landscape irrigation, lawn watering, diverted stream flows, irrigation return flow, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, springs, flows from riparian habitats and wetlands, water line flushing, discharges from potable water sources, foundation drains, air conditioning condensation, water from crawl space pumps, footing drains, individual residential car washing, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-stormwater and need only be addressed where they are identified as significant sources of pollutants to state waters).*

As required in the MS4 general permit (COR-070000) Illicit Discharge Detection and Elimination, a program to effectively prohibit illicit discharges must be implemented.

## Purpose of Document

This procedure, titled *Illicit Discharge Detection and Elimination (IDDE) Program Procedures*, documents the process for complying with the Illicit Discharge Detection Elimination Program in the Non-Standard MS4 Permit (COR-070000).

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

## Illicit Discharges

The term “illicit discharge” is defined in the Phase II MS4 Permit as “Any discharges to an MS4 that is not composed entirely of stormwater except discharges specifically authorized by a CDPS or NPDES permit and discharges resulting from emergency fire fighting activities.”

There are many types of illicit discharges that in accordance with the permit need to be prohibited. Only the discharges listed in Part.I.2.a.v. of the MS4 Permit can be excluded from being effectively prohibited (to be referenced as “allowed non stormwater discharges” from this point forward).

# Section 1: Storm Sewer System Map (Part I.E.2.a.i)

This section, titled Storm Sewer System Map, documents the process used to meet the requirements of the IDDE Program for maintaining the outfall map.

Permit Requirement:

Part I.E.2.a.i Storm Sewer System Map: *The permittee shall maintain a current map of the location of all MS4 outfalls within the jurisdictional boundary, interconnections with other MS4s, and the names and location of all state waters that receive discharges from those outfalls.*

Part I.E.2.a.ix. Priority Areas: *The permittee must locate priority areas with a higher likelihood of having illicit discharges, including areas with higher likelihood of illicit connections.*

*Click here to enter text.*

*Describe the process for updating the outfall map when new outfalls are found or constructed.*

*Describe where the map is stored/the system used for documenting where the outfalls are located.*

*Describe how priority areas were determined and list or insert a map of what areas have a higher chance of illicit discharge.*

# Section 2: Regulatory Mechanisms (Part I.E.2.a.ii and iii)

This section, titled Regulatory Mechanisms, documents the regulatory mechanisms used to meet the requirements of the IDDE Program.

Permit Requirement:

Part I.E.2.a.ii. Regulatory Mechanism: *To the extent allowable under state or local law, the permittee must implement a regulatory mechanism to meet the requirements in Part I.E.2.a. “To the extent allowable under state or local law” is a standard of implementation of permit requirements and refers to the extent that the permittee is not constrained by state or local laws. Local laws, standard operating procedures, contracts, and other documents that can be legally changed by the permittee to allow implementation of permit requirements do not constitute a barrier to implementation of a permit requirement. The permittee’s regulatory mechanism must:*

*(A) Prohibit illicit discharges into the MS4 unless excluded from being effectively prohibited in accordance with Part I.E.2.a.v;*

*(B) Have a procedure to request access to property(ies), as necessary to implement the illicit discharges procedures; and*

*(C) Provide the permittee the legal ability to cease or require to be ceased and remove, or require and ensure the removal of, and impose penalties for all illicit discharges for the period from when the illicit discharge is identified until removed.*

The following methods are used to meet the regulatory mechanism required to effectively prohibit illicit discharges.

*Click here to enter text.*

*Describe the regulatory mechanism(s). Regulatory mechanisms can include policies, codes, contracts, resolutions, etc. They are the mechanisms by which the MS4 prohibits illicit discharges.*

*Cite the specific sections of policies, codes, contracts, etc. that provide for the following:*

* *Prohibit illicit discharges*
* *Allow for access to property/buildings to implement IDDE procedures such as tracing, tracking, and investigating illicit discharges.*
* *Ability to stop an illicit discharge and ensure cleanup of illicit discharges.*

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# Section 3: Exemptions (Part I.E.2.a.iii) and Allowed Non-stormwater Discharges (Part I.E.2.a.v)

This section, titled Exemptions and Allowed Non-stormwater Discharges, documents the requirements for illicit discharges that are exempted from being considered illicit discharges to ensure all exemptions meet the requirements in the IDDE Program.

MS4 Permit requirement:

Part I.E.2.a.iii. Regulatory Mechanism Exemptions: *The permittee must implement procedures to ensure that any exclusions, exemptions, waivers, or variances included in the regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.*

Part I.E.2.a.v.Discharges that Could be Excluded from Being Effectively Prohibited: *The following discharges do not need to be effectively prohibited and the permittee is not required to address the discharges as illicit discharges in accordance with the requirements of this permit. The permittee must list all discharges excluded from being effectively prohibited in their regulatory mechanism as an allowable non stormwater discharge. Any discharges listed below that are not listed in the permittee’s regulatory mechanism must be effectively prohibited.*

*(A) Landscape irrigation*

*(B) Lawn watering*

*(C) Diverted stream flows*

*(D) Irrigation return flow*

*(E) Rising ground waters*

*(F) Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers.*

*(G) Uncontaminated pumped groundwater (…) all dischargers of groundwater (contaminated and uncontaminated) to surface waters of the state must obtain authorization to discharge under a CDPS or NPDES permit (see Part V below) or under a division policy, (…)*

*(H) Springs*

*(I) Flows from riparian habitats and wetlands*

*(J) Water line flushing in accordance with the division’s Low Risk Policy Discharge Guidance: Potable Water.*

*(K) Discharges from potable water sources in accordance with the division’s Low Risk Discharge Guidance: Potable Water. (…)*

*(L) Foundation drains, water from crawl space pumps, and footing drains. (…)*

*(M) Air conditioning condensation*

*(N) Individual residential car washing*

*(O) Dechlorinated swimming pool discharges in accordance with the division’s Low Risk Discharge Guidance (…)*

*(P) Water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction.*

*(Q) Dye testing in accordance with the manufacturers recommendations*

*(R) Stormwater runoff with incidental pollutants*

*(S) Discharges resulting from emergency firefighting activities.*

*(T) Drainage from watercraft, vehicles, and trailers used for recreation, wildlife management operations, or maintenance operations when removed from a water body. Drainage must not contain other non-stormwaters and must not contain a sheen or discoloration.*

*(U) Discharges authorized by a CDPS or NPDES permit*

*(V) Agricultural stormwater runoff*

*(W) Discharges that are in accordance with the division’s Low Risk Policy guidance documents (…)*

*(X) Other discharges that the permittee will not consider as an illicit discharge when approved by the division: (…)*

*Click here to enter text.*

*Insert any allowed non-stormwater discharges that are allowed by your MS4. Exclusions cannot be something that would be required to comply with the IDDE program; they are only those non-stormwater discharges that are specifically listed in the MS4 permit. Review the allowed exclusions listed in the permit and determine which of those you will allow (e.g. dye testing, etc.).*

*Your regulatory mechanism* ***MUST*** *include any allowed non-stormwater discharges that you allow.*

# Section 4: Tracing an Illicit Discharge (Part I.E.2.a.iv)

This section, titled Tracing an Illicit Discharge, documents the process used for meeting the requirement to trace illicit discharges when reported or identified.

MS4 Permit Requirement:

Part I.E.2.a.iv. Tracing an Illicit Discharge: *The permittee must implement procedures as soon as possible, but within 72 hours, to respond to reports/identification of illicit discharges. Except as related to dry weather monitoring for total maximum daily loads (TMDLs) required under Part III, the permittee is not expected to actively seek out unreported illicit discharges, but is required to identify and respond to illicit discharges observed during all work activities. All reported /known illicit discharges must be investigated; however investigation is only required to take place during normal work hours. The permittee must document and implement procedures, including the tools needed, to trace the source of an illicit discharge when identified within the MS4. This may include contacting the division to identify unpermitted discharges of groundwater that that do not meet water quality standards.*

Part I.E.2.b.iv.(B) *The permittee must maintain centralized recordkeeping systems of illicit discharge responses conducted by the permittee. Records maintained by other departments can be in different centralized recordkeeping systems. The centralized record keeping system must contain the information in Part 1.E.2.b.vi(A) or provide a reference to where the information is maintained and how information is shared between separate functional groups within the permittee’s organization*

*Click here to enter text.*

*Describe the process used to trace and respond to reports/identification of illicit discharges. This typically includes tracing via the storm sewer system map, visual observation of flow lines/curb and gutter, manhole observation, and/or dye tracing.*

*Discuss the process for reporting and documenting reports and investigations of illicit discharges, including how a centralized recordkeeping system is maintained, if applicable.*

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# Section 5: Removing an Illicit Discharge (Part 1.E.2.a.vi)

This section, titled Removing an Illicit Discharge, documents the requirements for removing illicit discharges to ensure compliance with the IDDE Program.

MS4 Permit Requirement:

##### Part I.E.4.a.vi. Removing an Illicit Discharge: *When an illicit discharge is identified, the permittee must remove or require the removal of the source of the illicit discharge. The permittee must also cease or require the cessation of the illicit discharge. After the illicit discharge has been ceased, the permittee must also minimize surface contamination by removing or requiring the removal of surface residue or other type of pollutant source, if feasible. The removal requirement can be met by notifying the division and the operator responsible for the discharge through a written report when CDPS or NPDES general permit coverage is available for a discharge and the discharge is not subject to prohibitions against issuance of a permit in regulation 61.8(1). The permittee must also have written procedures for requiring cleanup from the operator and procedures for cleanup conducted by the permittee, when necessary, to remove materials associated with the illicit discharge.*

Part I.E.4.b.vi. Removing an Illicit Discharge: *The permittee must document and maintain records of each illicit discharge identified by the permittee that includes the following information, or identifies that the information is unknown or not applicable:*

*1) The date that the illicit discharge was reported to and/or identified by the permittee.*

*2) The date the permittee responded to the reported/identified illicit discharge or notified a surrounding MS4 permittee.*

*3) The location of the illicit discharge.*

*4) Responsible party for the illicit discharge (if identified).*

*5) A description of the source and nature of the illicit discharge.*

*6) A description of how the source of the illicit discharge was eliminated/resolved.*

*7) Documentation of enforcement actions (if applicable).*

*Click here to insert text.*

*Describe your process for:*

* *stopping an illicit discharge*
* *requiring the operator to cleanup the discharge*
* *ensuring residual pollutants are removed after the illicit discharge has been stopped*
* *cleanup conducted by the MS4*
* *documenting/maintaining records of identified illicit discharges, including the 7 items listed above.*

*If you have a form/report/spreadsheet used to document illicit discharge investigations, attach it to this document as an appendix.*

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# Section 6: Coordination with Surrounding MS4 Permittees (Part I.E.2.a.vii)

This section, titled Coordination with Surrounding MS4 Permittees, documents the requirements for coordination with surrounding MS4 Permittees to ensure compliance with the IDDE Program.

MS4 Permit Requirement:

Part I.E.2.a.vii. Coordination with Surrounding MS4 Permittees: *If illicit discharges that are within the permittee’s implementation authority are observed to be released to another operator’s municipal storm sewer system, then the permittee must notify the other operator within 72 hours of discovery. If another operator notifies the permittee of an illegal release to the permittee’s MS4 then the permittee must meet the requirements of Part I.E.2.a.*

*Click here to enter text.*

*Describe your process for notifying an MS4 of an observed illicit discharge to your MS4.*

*Describe how that notification is documented.*

# Section 7: Enforcement Response (Part I.E.2.a.viii)

This section, titled Enforcement Response, documents the requirements for enforcement to ensure compliance with the IDDE Program.

MS4 Permit Requirement:

Part I.E.4.a.viii. Enforcement Response:

*(A) To the extent allowable under state or local law, the permittee must implement appropriate written enforcement procedures and actions to eliminate the source of an illicit discharge when identified/reported, stop responsible parties from willfully or negligently repeating or continuing illicit discharges, and discourage future illicit discharges from occurring. The written procedures must address mechanisms for enforcement for all illicit discharges from the moment an illicit discharge is identified/reported until it is eliminated. The permittee must escalate enforcement as necessary based on the severity of violation and/or the recalcitrance of the responsible party to ensure that findings of a similar nature are enforced upon consistently. Written enforcement procedures must include informal, formal, and judicial enforcement responses.*

*(B) If the permittee lacks the authority under state or local law to eliminate the source of an illicit discharge when identified/reported, stop responsible parties from willfully or negligently repeating or continuing illicit discharges, and discourage future illicit discharges from occurring; the permittee must notify the other agency that has regulatory authority (e.g., state federal, other MS4 permittee or other local agency) within 72 hours of discovery.*

*Click here to enter text.*

*Describe procedures used for enforcement, including any response guides, or other documentation used by staff that dictate how and when a response to an illicit discharge is carried out. Detail the types of enforcement (informal, formal, judicial) used. Describe what type is used for common violations and the time period the community will respond within.*

*Describe enforcement tools used (e.g., letter of non-compliance, stop work, permit revocation, notice of violation, monetary fines, summons, reliance on city or county police/code enforcement, etc).*

*Describe how enforcement actions are escalated as needed to prevent repeat violations associated with chronic or recalcitrant violators.*

*Describe how enforcement actions are tracked.*

*If a city or county is used to comply with enforcement requirements, document the process for reporting illicit discharges to them.*

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# Section 8: Training (Part I.E.2.a.x.)

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

MS4 Permit Requirement:

Part I.E.2.a.x. Training: *The permittee must train applicable staff to recognize and appropriately respond to illicit discharges observed during typical duties. The permittee must identify those who will be likely to make such observations and provide training to those individuals. The training must address how suspected illicit discharges will be reported/identified, general information for recognizing and responding to illicit discharges observed during typical duties, information on the sources and types of operations or behaviors that can result in an illicit discharge, and information on the location of priority areas.*

Part I.E.2.b.ix. Training: *A list of brief staff title descriptions and organizational names that must be trained and the frequency of training. Program documents that describe how and when new employees will be trained. Name and department of each individual trained, date of training, the type of training, and a list of topics covered.*

*Click here to enter text.*

*Identify the staff (staff titles/organization) likely:*

* *to observe an illicit discharge*
* *to investigate an illicit discharge.*

*Describe the training provided to staff including:*

* *frequency of training*
* *how/when new employees are trained (including seasonal employees, if applicable)*
* *training materials used*
* *how training is documented (name and department of each individual trained, date of training, the type of training, and a list of topics covered).*