

SPLASH Nonstandard MS4 Permit Training

DECEMBER 6, 2021



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A scenic mountain landscape with a blue lake and a dark overlay containing text. The background shows a vast mountain range under a clear blue sky, with a bright blue lake in the middle ground. The foreground features rocky, grassy slopes. A dark, semi-transparent rectangular box is overlaid on the left side of the image, containing the title 'Goals' and two bullet points.

Goals

Understand how to use the PDD template and the Compliance Toolkit

Know what supporting documentation is sufficient for compliance

What's Changed?

- Expanded Permit Areas
- Specific Requirements
- Specific Recordkeeping
- Monitoring!





Pros and Cons

Cons

- 🦌 So. Much. Work.
- 🦌 Less freedom.
- 🦌 Complicated.



Pros

- ❖ Less guess work
- ❖ More stormwater work

(haha)



DISCLAIMER

These documents, 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.

These documents may contain omissions or errors and therefore any use of this will be entirely at your own risk.

The templates are an example only. There are many methods to comply with the COR-070000 MS4 Permit and many types of permittees. Edit these documents as needed based on your specific programs.



PDD Template(s)

1

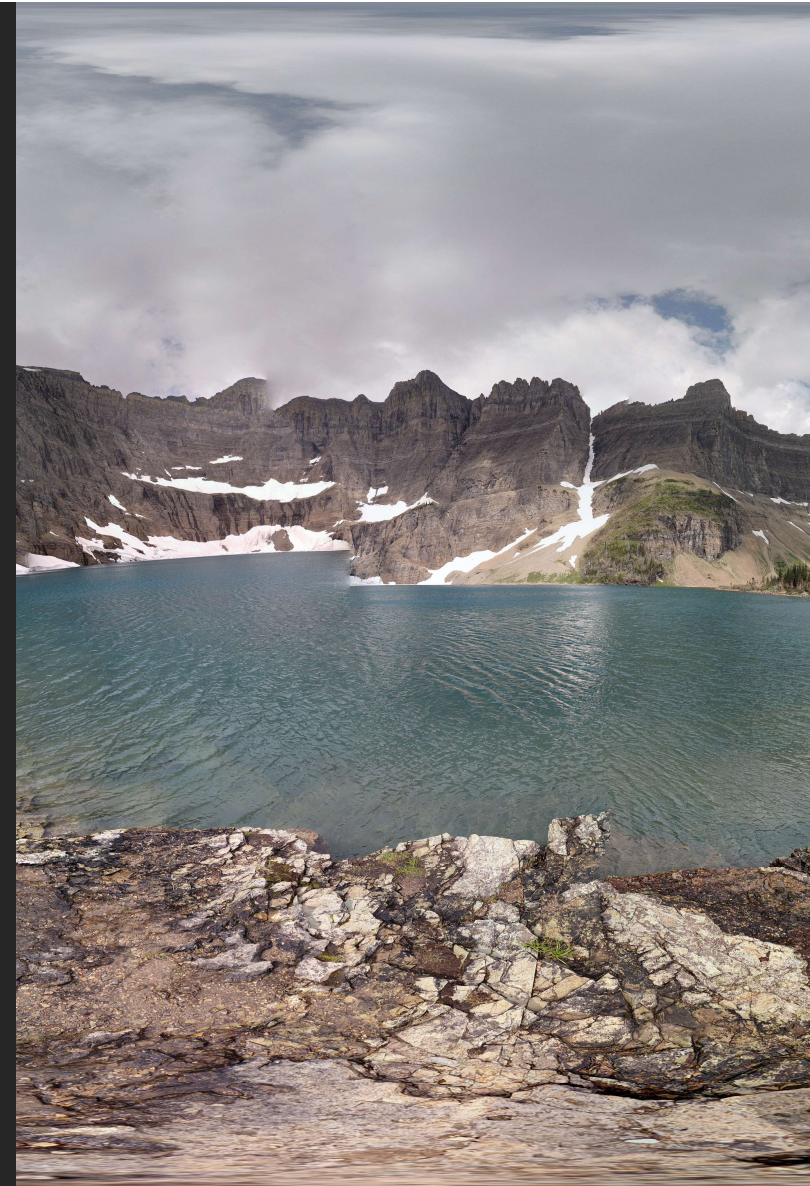
Template including Cherry Creek Basin permit requirements, for permittees implementing their own Construction and Post-Construction Programs.

2

Template for permittees in the Cherry Creek Basin relying on another entity for the Construction and Post-Construction MS4 Programs.

3

Template including Cherry Creek Basin permit requirements, additional comments in RED to highlight differences from the Standard Permit (COR08/09).



Part I.E.2.a.ii. Regulatory Mechanism:

Program Requirements (Part I.E.2.a)	Recordkeeping (Part I.E.2.b)	Compliance Schedule
ii. Regulatory Mechanism: The permittee’s regulatory mechanism must: (A) Prohibit illicit discharges into the MS4 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, (C) Provide the permittee the legal ability to cease or require to be ceased and remove, or require and ensure the removal of, and impose penalties for all illicit discharges for the period from when the illicit discharge is identified until removed.	ii. Regulatory Mechanism: The applicable policies, contracts, codes, resolutions, ordinances, specifications, operating procedures, and other documents used to meet the permit requirements.	Part I.E.2.a.ii Completed November 1, 2025 Part I.E.2.b.ii Completed November 1, 2024

Permit Section Reference and Name

Program Requirement, Recordkeeping Requirement, Compliance Schedule

What is required to be documented in your PDD

PDD Requirement:
Current Documents and Electronic Records: A list of citations for documents and electronic records used to comply with permit requirements. It is not required that the PDD repeat the information included in the cited documents. The PDD must include the names of the most recent version of the documents, date of the document, and location(s) where the supporting documentation is maintained.

General Layout

OPTIONAL guidance taken from the COR 080000 and COR 090000 MS4 permits

FILL THIS SECTION IN!!

This is where you write in the title of the document where the requirement is addressed- resolutions, contracts, procedures, manuals, etc.

FILL THIS SECTION IN!!

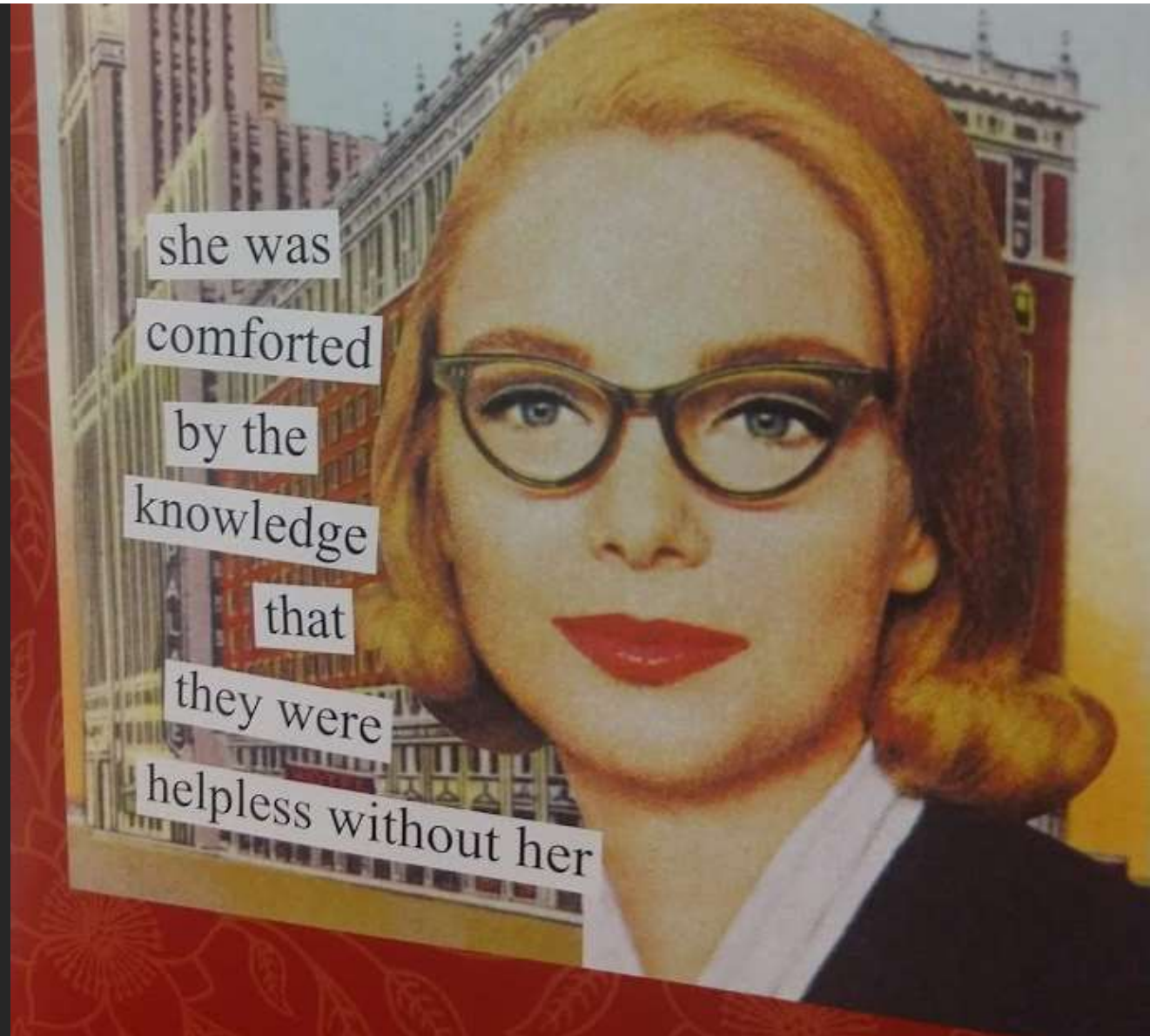
This is where you write in the location of the document- website address, file folder location on your network, etc.

~~<OPTIONAL Guidance from COR08/09> *Regulatory Mechanism: A list of the citation(s) and location(s) of the required elements of the regulatory mechanism, including a list of the associated program documents used to meet the regulatory mechanism requirements.*~~

Title	Document Location
Example: Standard contract language for contractors or vendors etc., dated 10/10/2021	Example: List the address of the folder on the network where the contract templates can be found. (e.g., S:\Contracts\TEMPLATES\)
Resolution 2012-09, Illegal discharges, passed 10/10/2012	List web site where the Resolution is listed (e.g., www.ourresolutions.com)
Illicit Discharge Detection and Elimination Program Procedures, Section 2: Regulatory Mechanism dated 11/16/2021	List the address of the folder on the network where the IDDE Program can be found. (e.g., S:\Storm Water\PROGRAMS\IDDE\Recordkeeping

General Layout

Compliance Toolkit



Compliance Toolkit

1. Public Education and Outreach Strategy Template
2. Illicit Discharge Detection and Elimination Program Procedures Template
3. Construction Program Procedures Template
4. Post-Construction Program Procedures Template
5. Good Housekeeping and Pollution Prevention Program Procedures TEMPLATE



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

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

MS4 Permit Requirement:

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

- (A) *The ability to implement sanctions against entities responsible for applicable construction activities*
- (B) *Require control measures to be implemented for all applicable construction activities from initial disturbance until final stabilization.*

Part I.E.3.a.xi Cherry Creek Watershed Requirements:

(A) *Regulated Activities. The permittee must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that disturb land, including, but not limited to, the following:*

- 1) *Clearing, grading, or excavation of land;*
- 2) *Construction, including expansion or alteration, of a residential, commercial, or industrial site or development; and*
- 3) *Construction of public improvements and facilities such as roads, transportation corridors, airports, and schools.*

(B) *Individual Homes. For individual home construction, including any land disturbance or development for a single home that disturbs less than once acre of land, where the owner of the single home holds a permit for construction of only one dwelling within the subdivision, if any, the permittee must meet the requirements of Part I.E.3.a.xi(E)1(d), but does not have to meet other requirements under Part I.E.3.a.xi. This exception does not apply to activities of land disturbance for roads, road gutters or road improvements associated with the home construction.*

Permit Section Reference and Name

Program Requirement

Orange sections are specific to the Cherry Creek Basin

General Layout

FILL THIS SECTION IN!!

This is a narrative of how you meet the permit requirement- document your processes here.

[Click here to enter text.](#)

Describe the regulatory mechanism(s). Regulatory mechanisms can include codes, contracts, design standard, application/permit requirements, etc. They are the mechanisms by which the MS4 requires erosion, sediment, and waste control at construction sites. These requirements must apply to all types of "applicable construction" projects and all phases of "applicable construction" (site grading, public improvements) and require control measures from initial disturbance to final stabilization.

For permit areas excluded based on adequate land use authority without a formal Participation Agreement, provide documentation that the city/county has sufficient authority to implement and enforce their local construction program and regulatory mechanism on the non-standard MS4's jurisdictional boundary and actively does so.

Describe the process used to comply with the local entities program (plan submittal requirement, criteria manual, permit(s) required, etc). Documentation must consist of:

- a description of an effective legal means or process such as issuance of a local grading and erosion control permit.
- a description of how the non-standard MS4 is legally held to the city, county, or quasi-governmental MS4 permittee's construction program requirements.

<<Pro Tip: Check with your local city/county for any flow charts or documentation they may have on erosion control requirements. The information above may already exist. For example, check out Longmont's Construction Permit Fact Sheet. It has the regulatory mechanism (Code section) listed as well as the City's requirements for permitting.

[>>https://www.longmontcolorado.gov/home/showpublisheddocument/27510/637184065120130000>>](https://www.longmontcolorado.gov/home/showpublisheddocument/27510/637184065120130000)

General Layout

Tips and Tricks

- 1) Use the program templates to identify gaps in your program(s)
- 2) Ask your friendly local city and/or county for their program information
- 3) Just the facts, ma'am



Compliance Schedule Resource



Color-coded
compliance schedule
in order of due date



Recordkeeping and File Organization

WHAT SUPPORTING
DOCUMENTATION IS
SUFFICIENT FOR
COMPLIANCE?



- ▼  File Organization 1
 - ▼  Construction
 - ▼  Program Procedure Documents
 -  Criteria Manual
 -  Regulatory Mechanisms
 - ▼  Recordkeeping
 -  2020
 -  2021
 -  2022
 - ▼  Education and Outreach
 -  Program Procedure Documents
 - >  Recordkeeping
 - ▼  GHPP
 -  Program Procedure Documents
 - >  Recordkeeping
 - ▼  IDDE
 -  Program Procedure Documents
 - >  Recordkeeping

Recordkeeping and File Organization



- ▼ 📁 File Organization 2
- ▼ 📁 2020
 - ▼ 📁 Construction
 - 📁 Inspections
 - 📁 Plan Review
 - 📁 Program Materials
 - 📁 Education and Outreach
 - 📁 GHPP
 - 📁 IDDE
 - 📁 Post Construction
- ▼ 📁 2021
 - > 📁 Construction
 - 📁 Education and Outreach
 - 📁 GHPP
 - 📁 IDDE
 - 📁 Post Construction

Recordkeeping and File Organization



By the way...Is it
stormwater or
storm water?

Contact

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