

COLORADO
STORMWATER
COUNCIL

2013
Annual Report



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Colorado Stormwater Council

2013 ANNUAL REPORT

A MESSAGE FROM THE CHAIR

The Colorado Stormwater Council (CSC) had a very challenging year with the Phase II MS4 Permit renewal but emerged stronger as a result of our dedication and professionalism throughout this process. During the past year, our various committees and permit renewal workgroups have accomplished an incredible amount of work.

Here are a few highlights from this past year:

Draft Phase II MS4 General Permit, COR090000

Starting in November, 2012, the CSC participated in numerous permit renewal meetings with the Colorado Department of Public Health and Environment Water Quality Control Division (Division). We provided technical and policy responses to each of these Division-sponsored meetings, developed a fifteen page White Paper articulating our overarching issues with the renewal process and engaged with Ryley Carlock & Applewhite for legal assistance. The Council provided comments and position statements to the Division in two formal listening sessions that were attended by various stakeholders. When the draft permit was issued November 1st, 2013, the CSC permit renewal workgroups started crafting formal comments that culminated in a sixty-seven page spreadsheet documenting our proposed language, technical comments and rationale for our positions. In addition, the CSC submitted a three part engineering analysis commissioned by a Council member and jointly conducted by Muller Engineering Company, Inc. The CSC also developed a workscope for a permit renewal cost benefit analysis and contracted with BBC Research & Consulting. The Council worked with BBC to analyze three case studies addressing potential outcomes of the draft permit language. A formal cost benefit analysis report was submitted during the public comment period. As a result of the quality and magnitude of CSC written and oral comments provided to the Division, the Division announced that they will rewrite the draft permit in 2014 and initiate another public comment period.

Colorado Regulation 85 Nutrient Data Gap Analysis Report

The Water Quality Control Commission adopted Regulation #85 Nutrients Management Control Regulation in June, 2012. One of the provisions of this regulation is that MS4 permittees must identify information that exists and the need for additional monitoring to be

conducted in the future to determine the approximate nitrogen and phosphorus contribution to state waters due to discharges from MS4s. The CSC partnered with Urban Drainage and Flood Control District (UDFCD) this year to implement and fund a study that will result in satisfying this requirement of the regulation without soliciting additional fees from our membership. The Council and District contracted with Wright Water Engineers, Inc., Geosyntec Consultants, Dr. Robert Pitt, University of Alabama and Dr. Larry Roesner, Colorado State University to prepare the report. Findings from this effort are required to be provided to the Water Quality Control Division by the MS4 permittees that funded the project. The report is due by October 31, 2014, and is required to document the availability of existing data, and provide a “Gap Analysis” that identifies the need for additional information in accordance with the requirements of the regulation. A steering committee from the Council conducted numerous meetings with the consultants and elicited technical review from two independent experts. This focused collaborative effort led to the issuance of a draft report in late summer. The Council is on track to have a final report published and reviewed by the Division well before the October, 2014, deadline.

MS4 Issues Workgroup

The MS4 issues workgroup, established through the Water Quality Forum, continued to have effective communications with the Division throughout the year. Numerous workgroup meetings were conducted and attended by all levels of the Division including senior management. A major goal of the workgroup was accomplished through roadway reconstruction discussions between the MS4s and Division. As a result of this collaborative process, the Division provided a clear direction as to when permanent post construction BMPs need to be implemented on pavement management projects specific to roadways. The MS4 Issues Workgroup will continue to thrive in the coming years and act as a venue for discussing all pertinent stormwater regulations or policies that impact MS4 permittees.

The Colorado Stormwater Center

The Colorado Stormwater Center was established through a partnership with CSC, Urban Drainage and Flood Control District (UDFCD), Colorado Department of Transportation (CDOT), Colorado State University (CSU), the Colorado Association of Stormwater and Floodplain Managers and the Colorado Water Institute. Funding to establish the Center was provided by CSC, UDFCD and grants provided by CSU. There was a definitive need in Colorado to develop a statewide stormwater management/best management practices (BMP) training program to reduce pollutants to state waters and to assist MS4 programs with fulfillment of their requirements for education and public outreach. The CSU Extension Service will be the primary mode of development and delivery throughout the state. With dedicated assistance from the CSC and its partners, the Colorado Stormwater Center is up and running with a full

slate of classes developed and being delivered. Colorado is recognized regionally and nationally for its stormwater leadership and dedication to meeting regulatory requirements while continually maintaining and improving our natural resources and environment.

Colorado Clean Water Coalition

Many CSC members joined the Colorado Clean Water Coalition (Coalition) which was formed this year as a diverse group of stakeholders dedicated to protection of Colorado's water resources through the implementation of thoroughly vetted, flexible and regionally-appropriate stormwater regulations and programs. The Coalition represents over 3 million Colorado residents, local governments and members of the business community. A number of CSC members wrote or signed letters on behalf of the Coalition regarding the renewal of the EPA's General Stormwater Permit. The Coalition continued to urge the EPA to ensure that the proposed stormwater permit rule will be pursued with diligence and with regard to the potential costs it could create for many municipalities in Colorado. Many cities and counties in Colorado have developed robust geographically specific stormwater programs that have proven to be successful for the specific water quality concerns they were designed to address. This illustrates the importance of renouncing a one-size-fits-all rule that ignores the complexity and variation in geography across the state and country. The Coalition urged the EPA to work with stakeholders at the local level to identify specific water quality concerns, if any, and develop cost-effective and regionally appropriate solutions to identified problems.

So many good things have been accomplished this past year, and there is a great deal to be proud of. Many sincere thanks to all of the dedicated professionals that make the Colorado Stormwater Council one of the best stormwater associations in the country. It has genuinely been a pleasure to serve as your Chair.

Sincerely,



Steve Miller
*Arapahoe
County
Colorado Stormwater Council, Chair*

CONSTRUCTION COMMITTEE

Committee Chair: Debra Kula (City of Aurora)

Committee Purpose

The Construction Committee explores variations of municipal construction site programs and identifies successful components pertaining to inspections, enforcement, documentation and plan review. Additionally, the Committee investigates opportunities to offer statewide training and certifications for inspectors of the local jurisdictions. The Committee fosters communication with the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (Division) specific to the execution of Construction Site Runoff Control programs with the goal of setting clear expectations and improving consistency.

2013 Deliverables

- ◆ Question and Answer session with Colorado Contractors Association held at Southeast Metro Stormwater Authority (SEMSWA) with Denver, Glendale, Aurora & Douglas County.
- ◆ Actively participated in the Phase II permit workgroup comment sessions.
- ◆ Continued to update the webpage with meeting minutes, agendas, training opportunities, educational and informational materials and other deliverables from the committee.

2014 Goals

- ◆ Coordinate with ERO to provide 404 training for inspectors.
- ◆ Track and provide meeting place for pertinent web casts.
- ◆ Membership with IECA.
- ◆ Continue to update the CSC construction web page with committee minutes, agendas and other relevant information throughout 2014.
- ◆ Research other training opportunities as issues arise.
- ◆ Continue to share details with CSC Members for review to see if consistency might be able to be achieved.
- ◆ Create contact list for construction activity personnel.
- ◆ Evaluate providing a Native Grass Class with City of Aurora Parks and Open Space.

EDUCATION & OUTREACH COMMITTEE

Committee Chair: Joe Chaplin (City of Loveland)

Committee Purpose

The Education and Outreach Committee researches, consolidates, and organizes existing educational materials on a statewide level. The Committee evaluates the feasibility of presenting, distributing and collaborating with local and national entities desiring to provide education and outreach within Colorado. The Committee recommends cost effective programs and assists with implementation of these programs for the CSC membership. Efforts may include a proposed budget, a cost-benefit analysis, and strategy for quantifying the success of each program recommended to the CSC.

2013 Deliverables

- ◆ Published the 2013 Colorado Stormwater Council Annual Report documenting the accomplishments of the Council and its goals for the upcoming year.
- ◆ Continued to serve as the communication hub for the CSC by sending out weekly communication to all members via “Tuesday Topics”.
- ◆ Oversaw the Minimum Control Measure (MCM) 1 - *Public Education and Outreach* workgroup created to develop comments on the Colorado Discharge Permit System (CDPS) draft Phase II MS4 General Permit.

2014 Goals

- ◆ Produce and distribute weekly topics of interest to CSC members via “Tuesday Topics.”
- ◆ Work on the education component for Regulation #85 regarding nutrients.
- ◆ Continue to coordinate with the MCM1 workgroup to develop comments on the CDPS draft Phase II MS4 General Permit.
- ◆ Plan and organize the Annual CSC half day field trip in the fall.
- ◆ Evaluate topics and venues for future conferences.
- ◆ Publish the 2014 CSC Annual Report documenting the accomplishments of the CSC and its goals for the upcoming year.

LEGISLATIVE COMMITTEE

Committee Chair: Erik Nelson (Douglas County)

Committee Purpose:

The Legislative Committee monitors state and federal legislative issues and activities and assesses their impact on the Council members. The Committee prepares advisory or educational statements for transmittal to the appropriate legislative body or agency. The Committee works with the Division on policies derived from regulations, especially those policies which have had little stakeholder input and may add to existing permit requirements. The Committee forms associations with other local and national entities who also track environmental policy and legislative issues.

2013 Deliverables

- ◆ The Committee took the lead on developing a cost benefit analysis (CBA) based on the CDPS draft Phase II MS4 Permit renewal requirements. The CBA complemented the comments developed by the CSC on the CDPS draft Phase II MS4 Permit.
- ◆ The Committee participated in the CDPS draft Phase II MS4 Permit renewal workgroups to develop comments on the proposed Permit renewal requirements.
- ◆ The Committee provided information and general permit-holder perspective to the Senate Bill (SB) 13-073 sponsors through the development and passage of this legislation. SB 13-073 is a bill concerning a requirement that the Division of Administration of the Colorado Department of Public Health and Environment follow specific rule-making procedures when proposing changes to general permits related to water quality control.
- ◆ One of the provisions of the WQCC's adoption of Regulation 85 Nutrients Management Control, requires the MS4 permittees to provide a data gap analysis to identify existing information and the need for additional monitoring to determine nutrient (nitrogen and phosphorous) contribution to state waters from MS4 discharges. The Committee continued with the development of this Discharge Assessment Data Report and Gap Analysis by partnering with UDFCD, developing a Request for Proposal and awarding the contract to Wright Water Engineers for the Gap Analysis. The Committee oversaw the work of the consultant team and will finalize the report for submittal to the Division by the deadline of October 31, 2014.
- ◆ Worked with the Colorado Water Quality Forum, MS4 Issues Workgroup, Roadway Subcommittee on the new development and redevelopment requirements for roadways issue.
- ◆ During the Colorado General Assembly session, select committee members attended the weekly meetings of the Colorado Water Congress State Affairs Committee to stay

current on any proposed state water quality-related legislation. Water bill summaries and 2013 bill status reports were distributed to Committee members throughout the session.

- ◆ Select Committee members attended the Colorado Water Quality Forum annual retreat to ensure municipal stormwater remained a high priority for the Forum. Provided a verbal report to the CSC.
- ◆ The Committee continued to monitor the status of the proposed EPA Stormwater Rule update and several members met with EPA representatives in 2013 to discuss issues of particular importance to Colorado.
- ◆ Tracked new policy being proposed by EPA regarding the definition of and authority over Waters of US.
- ◆ Tracked changes to water quality standards published in the Federal Register in the fall of 2013.
- ◆ A Committee representative traveled to Washington, D.C. to meet with Colorado senators, representatives and Colorado Water Congress to discuss potential water quality bills, and to offer CSC assistance with reviewing these bills relative to how they may impact the stormwater community.
- ◆ A Committee member attended the National Association of Clean Water Agencies' (NACWA) national meeting in Washington, DC and participated in visits to the Colorado congressional delegation.
- ◆ A Committee member attended the National Association of Counties (NACO) meeting and helped craft a letter to EPA on the national stormwater rule, signed by the Republican delegation.

2014 Goals

- ◆ Continue to participate in the Water Quality Forum MS4 Issues Workgroup. Previously identified topics include Regulation #85 compliance implementation, regional watershed-level water quality facilities, potential Total Maximum Daily Load (TMDL) requirements and Division compliance oversight and assistance.
- ◆ The Committee has identified a number of specific issues regarding proposed federal/state stormwater regulatory requirements impacting local governments. These issues will be defined, including potential costs/benefits, in White Papers that will be available to educate City Councils, Boards of County Commissioners and Special District Boards of Directors.
- ◆ Continue to actively participate in the Colorado Water Congress.
- ◆ Continue to support the Colorado Legislative Delegation in Washington, D.C.
- ◆ Continue to participate in National Association of Clean Water Agencies (NACWA) and National Association of Flood & Stormwater Management Agencies (NAFSMA) national

meetings and conference calls.

- ◆ Track water quality related bills that are sponsored in the upcoming Colorado General Assembly.
- ◆ Continue to track and to provide thoughtful, thorough, and rational analysis of proposed state and federal stormwater legislation with an emphasis toward practical implementation and water quality protection and improvement. As necessary, prepare informational statements regarding proposed legislation that may have positive or negative impacts to MS4 permit holders.
- ◆ Develop a definition list of acronyms that are frequently encountered in the stormwater industry.

NON-STANDARD COMMITTEE

Committee Chair: Forrest Dykstra (Highlands Ranch)

Committee Purpose

The Non Standard Committee coordinates the requirements and needs of Non-Standard MS4s as they relate to compliance with the requirements of the CDPS Phase I and Phase II MS4 Permits. The non-standard permit holders include school districts, higher education institutions, and special districts. The Committee identifies and addresses issues and needs unique to the various non-standard permittees in Colorado. The Committee interacts with other sub-committees to ensure concerns and needs of non-standard permittees are considered when developing programs within the CSC. In order to minimize duplication of efforts, the Committee fosters relationships between non-standard and standard permittees and provides advice and expertise to non-standard permittees that may not have resources to address all the stormwater issues relative to compliance with the permits.

2013 Deliverables

- ◆ Continued to coordinate and address issues that are unique to non-standard MS4 permit holders.
- ◆ Added new Non Standard Permittees to both the CSC and the Committee.
- ◆ Developed a letter of agreement between MS4's and Non-Standard Permit Holders documenting the Non-Standard's selection of following the Standard's program for MCM's 1 and 2 or whether they were developing their own program. This is anticipation of this being a requirement in the renewal of the Non-Standard MS4 permit.
- ◆ Closely monitored the MS4 permit renewal process in anticipation that some of the requirements in the new MS4 permit may carry over to the Non-Standard permit. This process will continue with the MS4 permit process.
- ◆ The committee will also continue to open communication lines with Division staff and address the unique challenges of the non-standard permit.
- ◆ One of the committee members is also on the Legislative Committee which assists the non-standard permit holders in keeping abreast of legislative issues.

2014 Goals

- ◆ Keep track of the standard permit renewal and see how it applies to the non-standard permits, to address legal authority issues with the Division, and working on clarifying the definition of permit boundaries and MS4 for the Non-Standards.
- ◆ Continue to work on increasing membership to the CSC to help foster good working relationships among MS4 permit holders.
- ◆ The committee meets bi-monthly and will continue to do so in 2014.

PERMIT COMPLIANCE COMMITTEE

Committee Chair: Al Quintana (City of Thornton)

Committee Purpose

The Permit Compliance Committee (PCC) provides expertise on compliance with all MS4 permit programs including implementation of permit requirements and documentation of permit compliance. The PCC continues to act as a conduit for communication with the Division on defining/determining compliance, with activities related to the required programs under the Phase II MS4 Permit. The PCC may create subcommittees concerning particular program elements. The PCC has established mentoring relationships among Council members and has addressed issues relating to program audits, permit renewals, and the impact of other regulatory activities such as other discharge permits and Total Maximum Daily Loads. As Permit Power Users, the PCC is able to provide insight for Permittees into the vast and various implications of “language” in ordinances, permits, and program descriptions.

2013 Deliverables

- ◆ The PCC spent the majority of the year on the permit renewal process for the Division’s CDPS draft Phase II MS4 General Permit. During the first part of the year, PCC attended and worked on addressing new permit concepts with the Division’s pre-public notice meetings. The PCC dedicated the last part of the year providing written comments on the CDPS draft Phase II MS4 Permit and provided assistance to other CSC committees concerning language presented in the Division’s pre-public notice meetings for the CDPS draft Phase II MS4 permit.
- ◆ Compiled proposed alternative concepts and submitted language to the Division in response to the pre-public notice process to renew the Phase II MS4 Permit.
- ◆ Created and led a process for workgroups to develop comments for submittal to the Division during public notice of the CDPS draft Phase II MS4 permit. The process ensured all members had the opportunity to provide input on the proposed Permit language.
- ◆ Prepared the final detailed CSC Comment Table for submittal to the Division in response to the public notice for the CDPS draft Phase II MS4 Permit.
- ◆ Identified the high-level issues and provided input on, and alternatives for the Cost/Benefit Analysis of the CDPS draft Phase II MS4 Permit.
- ◆ Updated the MS4 Quick Reference Guide for Stormwater Permits to reflect current Division permits and applicability.
- ◆ Reviewed and provided comments to the Division on the Construction Dewatering general permit, COG070000.
- ◆ Reviewed and provided comments to the Division on the Subterranean Dewatering or

Well Development general permit, COG603000.

2014 Goals

- ◆ Participate in, and lead the development of comments for submittal for the second public notice of the CDPS draft Phase II MS4 permit.
- ◆ Upon issuance of the final CDPS Phase II MS4 permit, assist CSC members and committees with particular program elements such as:
 - Develop template for Program Description Document.
 - Support the efforts of the Education and Outreach committee on Regulation 85 outreach to ensure permit conditions are met.
- ◆ Review and provide comments on the Stormwater Discharges associated with Construction Activity general permit, COR030000.
- ◆ Explore program evaluation and effectiveness tools and resources that can be shared with the CSC to optimize the implementation of the permit programs.
- ◆ Continue to provide oversight of compliance issues.
- ◆ Continue to work with the Division in consistent application of regulations and ongoing partnering in the development of tools, resources and requirements on behalf of the CSC membership.
- ◆ Prepare comments on any Division documents specific to compliance with permit requirements and implementation of programs not covered by CSC Committees, specifically illicit discharge detection and elimination and municipal operations.
- ◆ Coordinate with other committees on activities or deliverables that may directly or indirectly affect the MS4 Permit.

TECHNICAL REVIEW AND ADVISORY COMMITTEE

2013 Committee Chair: Ashley Byerley, (Southeast Metro Stormwater Authority [SEMSWA])

Committee Purpose

Evaluates newly developed or emerging technologies for viability in Colorado's environment. Provides recommendations to the Council utilizing the membership knowledge base, locally credible data and good science. Monitors trade magazines and published research papers related to stormwater quality, erosion and sediment control and low impact development strategies. Subscribes as necessary to receive and investigate reports from other states, organizations, and the EPA on pollutant reduction facilities and strategies to improve stormwater quality. Explores published state and federal directives issued on the subject of pollutant identification, characterization, and removal based on numerical limits and/or Maximum Extent Practicable methodologies. Validating existing and new technologies may be conducted and summarized by consultants.

Past Deliverables

- ◆ The TRAC group partnered with the UDFCD and CSU on "The BMP Whole Life Cycle Cost Effectiveness Analysis Tool".
- ◆ Provided technical assistance in regard to UDFCD Criteria Manual – Vol. III updates.
- ◆ The TRAC group met with Bill Zawacki with Bio Lynceus, LLC, about the effectiveness of floating islands at removing/reducing nutrients in water bodies that often result in algae blooms and foul odors.
- ◆ The TRAC group met with Eric Crowe with AbTech Industries about the effectiveness of the smart sponge inlet filter inserts at removing/reducing bacteria and other pollutants that are in stormwater runoff.
- ◆ The TRAC group met with Contech about the effectiveness of Low Impact Development best management practices (LID BMPs).
- ◆ Revised the TRAC webpage on the CSC website to include a section entitled "News and Reviews" for member updates on current technology.
- ◆ Developed a list of Permanent Stormwater Quality BMPs that have been installed within CSC member's jurisdictions. The TRAC group continued to meet as needed with vendors, review BMPs, and report to the Council new technologies and their effectiveness on reducing and/or removing pollutants from stormwater runoff.

2014 Goals

- ◆ Meet as needed with vendors, review BMPs, and report to the Council new technologies and their effectiveness on reducing and/or removing pollutants from stormwater runoff.
- ◆ Review EPA proposed rule changes and identify how technology could assist CSC members in their implementation, specifically LID, nutrients, E. coli, etc.
- ◆ Assist the PCC and Legislative Committees with technical components of the CDPS draft Phase II MS4 General Permit Renewal, to include New Development and Redevelopment.
- ◆ Low Impact Development and Green Infrastructure BMP Discussion.
- ◆ Equivalent Water Quality Treatment/Alternative treatment.