

# **COLORADO** **S** **TORMWATER** **C** **ouncil**

## **2014** **Annual Report**



**CONTENTS**

A MESSAGE FROM THE CHAIR ..... 3

CONSTRUCTION COMMITTEE ..... 5

    Committee Purpose ..... 5

    2014 Deliverables..... 5

    2015 Goals ..... 5

EDUCATION & OUTREACH COMMITTEE ..... 6

    Committee Purpose ..... 6

    2014 Deliverables ..... 6

    2015 Goals..... 6

LEGISLATIVE COMMITTEE ..... 8

    Committee Purpose: ..... 8

    2014 Deliverables ..... 8

    2015 Proposed Activities ..... 9

NON-STANDARD COMMITTEE ..... 11

    Committee Purpose ..... 11

    2014 Deliverables ..... 11

    2015 Goals..... 12

PERMIT COMPLIANCE COMMITTEE ..... 13

    Committee Purpose ..... 13

    2014 Deliverables..... 13

    2015 Goals..... 14

TECHNICAL REVIEW AND ADVISORY COMMITTEE ..... 15

    Committee Purpose ..... 15

    Past Deliverables ..... 15

    2015 Goals ..... 16

# Colorado Stormwater Council

## 2014 ANNUAL REPORT

### A MESSAGE FROM THE CHAIR

Thank you for the opportunity to provide leadership to the Colorado Stormwater Council for the 2014 Calendar year. 2014 was certainly a whirlwind of activity in the stormwater community at the national, state and local level. Our accomplishments were successful due to the countless hours of our dedicated members who are comprised of the local agency stormwater professionals in the State of Colorado.

This annual report summarizes the accomplishments of our dedicated committees, Construction, Education and Outreach, Legislative, Non-Standard, Permit Compliance and the Technical Review and Advisory. The Council also delivered on special efforts from our dedicated membership working on the Colorado Regulation 85 Nutrient Data Gap Analysis Report, comments on the Waters of the United States Ruling, and active participation with the Colorado Stormwater Center, Colorado Clean Water Coalition and the MS4 Issues workgroup.

In 2014, the Water Environment Foundation approached the Council to participate in the first National Stormwater Summit with consideration on forming a National Municipal Stormwater Association, a stormwater coalition of state and regional stormwater groups. We came to find that many of the concerns brought up by the Council were a common thread amongst other agencies across the nation. As a local agency member myself, I was asked the question “*what are the top 5 challenges faced by your community?*” I have three, which I think demonstrate the benefits of Council membership:

1. Staying current and apprised of the national level issues and looking to the State agency for support to ensure a common voice, and issues are appropriate to our respective region. As a headwaters state, we as Colorado MS4 permittees, take pride in supporting the Clean Water Act, as protecting and preserving water quality contributes to high quality of life that makes Colorado a desirable place to visit, work and live.
2. Continuing to foster a collaborative environment and compliance assistance with regulatory agencies (federal, state and among local agencies). This can be achieved through communication, clarity and flexibility with implementing regulations to meet the specific needs of a local agency, and ensuring these regulations are cost effective,

regionally appropriate and feasible while meeting the goal of preserving and protecting water quality.

3. The local agencies' staff has limited resources. We manage multiple responsibilities and "wear more than one hat," therefore, a national and/or statewide orientation is a great opportunity to provide guidance to interpret issues for those of us who are at times unable to filter through the information and stay current with the flurry of activity.

It is through challenges like these that we are fortunate to have the Colorado Stormwater Council, who provides a common voice for advocacy and assistance to our members on interpreting and implementing regulatory requirements and other benefits that are too numerous to mention. The CSC represents over 98% of permitted MS4 permit holders in Colorado and has an active membership that I am proud to say is recognized not only at the state but at the national level as well. I encourage you to be an active member of any organization you are involved in, whether it is the Colorado Stormwater Council or any other professional affiliation. These opportunities will enable you to network, learn from each other, and work towards the common goal to foster water quality in this beautiful state we live in.

Don't take my word for it, the committees are who make the Council successful, are recognized as one of the best stormwater associations in the country. To the next generation of leaders, it was my pleasure to serve as your chair and continue as an active member of the Colorado Stormwater Council.

Yours Truly,

Wanda W. DeVargas  
Chair, Colorado Stormwater Council 2014

## **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.

### **2014 Deliverables**

- ◆ Coordinated 404 Presentation with Thomas Parker, FHWA, held in Lakewood in October.
- ◆ Tested Rubberosion in Aurora and provided feedback to the manufacturer.
- ◆ Tested Woodstraw in Aurora & Douglas County and provided feedback to the manufacturer.
- ◆ Continue to work with CDPHE in creating “Compliance Conversations”. A document that our goal is to share with the construction community and other MS4s. This work is still in progress and not yet finalized.

### **2015 Goals**

- ◆ Track and provide meeting place for pertinent web casts.
- ◆ Evaluate potential membership opportunities with IECA.
- ◆ Continue to update the construction web page with committee minutes, agendas and other relevant information throughout 2015.
- ◆ Actively participate in the review of the Phase II permit during the public comment period and provide feedback to the Permit Compliance Committee.
- ◆ Research other training opportunities as issues arise.
- ◆ Continue to share details with each other for review to see if consistency might be able to be achieved.

## **EDUCATION & OUTREACH COMMITTEE**

*Committee Chairs: Erin Donnelly (Southeast Metro Stormwater Authority [SEMSWA]) and  
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.

### **2014 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 newsletter to all members via “Tuesday Topics”.
- ◆ Planned and organized the Annual CSC half day field trip to Denver International Airport where members learned about de-icing Best Management Practices under the DIA Industrial Stormwater permit.
- ◆ Partnered with Amy Conklin and Susan Thornton of the Barr Milton Watershed Association to present and distribute stormwater educational ads focusing on nutrients to CSC members. Materials are housed on the CSC website for member use.
- ◆ Developed proposal for Water Supply Reserve Account (WSRA) grant through the Colorado Water Conservation Board (CWCB). The E&O Committee presented the proposal to the general CSC, after which the council agreed to contribute \$10,000 toward the project, and to offer an in-kind inventory of all education and outreach strategies. The committee partnered with Amy Conklin and together pitched the proposal to 3 of the 4 target Basin Roundtables.

### **2015 Goals**

- ◆ Produce and distribute weekly topics of interest to CSC members via “Tuesday Topics.”
- ◆ Collaborate with the Colorado Waterwise on their statewide water campaign.

- ◆ Continue to pursue a State wide water quality education campaign.
  - i. Revise WSRA Grant Application.
  - ii. Inventory of CSC Educational Materials.
  - iii. Develop written narratives for the water quality component of the Colorado Waterwise toolkit.
- ◆ Work on the education component for Regulation #85 regarding nutrients.
- ◆ 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.
- ◆ Publish the 2014 CSC Annual Report documenting the accomplishments of the CSC and its goals for the upcoming year.

## LEGISLATIVE COMMITTEE

*Committee Chair: Pam Acre (City of Northglenn)*

### **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.

### **2014 Deliverables**

- ◆ Many committee members attended the Water Quality Control Division stakeholder process of review and update to the existing Water Quality permits fee structure and amounts. Committee developed consistent language for members' use in providing feedback to the WQCD on the various fee proposals.
- ◆ Participating in the state-wide task force on Regional Stormwater Management to resolve Colorado water rights administration issues.
- ◆ Continued with the Regulation #85 development of a Discharge Assessment Data Report and Gap Analysis for nitrogen and phosphorus monitoring. Oversaw the work of the consultant team and finalized the report for submittal to the Water Quality Control Division before the deadline of October 31, 2014. A presentation on the report was made to the Water Quality Control Commissioners on July 24, 2014.
- ◆ 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 2014 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 Council.
- ◆ Committee member Douglas County led the review of potential impacts to MS4s and development of a formal response to the EPA and Corps of Engineers on the revised Definition of Waters of the U.S.

- ◆ A Committee representative again 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 participated and presented stormwater issues at the National Association of Clean Water Agency (NACWA) and EPA sponsored integrated permitting workshop held in Denver.
- ◆ Developed a definition list of acronyms that are frequently encountered in the stormwater universe for posting to the CSC website.
- ◆ Several members presented an update of proposed federal & state regulatory actions to the 1<sup>st</sup> Annual Colorado Chapter APWA conference.

### **2015 Proposed Activities**

The following is a brief summary of proposed/possible activities for the Colorado Stormwater Council Legislative Committee to undertake in 2015:

- ◆ Work with the Permit Compliance Committee on the renewal of the Colorado Phase II Discharge Permit.
- ◆ Submit written comments to the upcoming EPA WOTUS/Stormwater Rules when they are posted in the Federal Register.
- ◆ Continue monitoring of Regulation #85 implementation statewide and provide support for smaller jurisdictions.
- ◆ Continue work on the specific issues identified by the Committee regarding proposed federal/state stormwater regulatory requirements impacting local governments. These issues will be defined appropriately including potential costs/ benefits, in White Papers that will be available to educate City Councils, County Commissioners and Special District Boards of Directors.
- ◆ Continue to participate on the Colorado Water Quality Forum MS4 Issues Workgroup.
- ◆ Attend the Colorado WQF annual retreat and provided a verbal report to the Council.
- ◆ Potentially send Committee representative(s) to Washington, D.C. to meet with Colorado Senators, Representatives and National Water Resources Association membership to discuss local water quality issues, and to offer legislators assistance in reviewing bills relative to how they may impact the stormwater community.
- ◆ Participate if necessary, in the Water Quality Control Division workgroup(s) on the Fee Bill.

- ◆ Obtain party status if appropriate, during the triennial review for Regulation #85 to reduce nitrogen and phosphorus from urban areas.
- ◆ Continue to track bills sponsored by the Interim Water Resources Review Committee of the Colorado General Assembly. These bills from the summer are the first of the 2015 potential legislation and may make changes to general permits related to water quality control.
- ◆ Track relevant water related bills 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, water quality protection and improvement. As necessary, provide technical expertise to clarify how proposed legislation may impact MS4 permit holders.
- ◆ Continue to actively participate in the Colorado Water Congress - as part of any Water Quality Committee, with the Federal and State Affairs Committees.
- ◆ Track EPA, USACE and WQCD Memos, Policy and Guidance that might impact CSC members.
- ◆ Continue to support the Colorado Legislative Delegation in Washington, D.C.
- ◆ Continue to participate in WEF, NACWA and NAFSMA national meetings.
- ◆ Establish contacts on other state stormwater associations.
- ◆ Continue to assist CSC members with specific permit issues.
- ◆ Provide CSC members with important legislative “call to action” alerts.

## **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.

### **2014 Deliverables**

- ◆ Continued to coordinate and address issues that are unique to non-standard MS4 permit holders.
- ◆ A few new Non Standard Permittees were added to both the CSC and the Non-Standard 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 communicate 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.

## **2015 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 Chairs: Al Quintana (City of Thornton) and Kathryn Marko (City of Longmont)*

### **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.

### **2014 Deliverables**

- ◆ Evaluated the permit renewal review process associated with the first issuance of the draft Stormwater Discharges associated with Municipal Separate Storm Sewer Systems (MS4s) general permit COR090000 (Phase II MS4 permit). As a result, changes were made to better utilize CSC workgroup members and provide more timely comments to the general membership for the anticipated reissuance of the Phase II MS4 permit.
- ◆ Monitored the Division’s timeline related to the reissuance of the Phase II MS4 permit. In preparation of the Public Notice and stakeholder meetings, PCC finalized its review process and began mobilizing workgroups.
- ◆ Developed a process for developing guidance in partnership with the Division (i.e. “compliance conversations” fact sheets).
- ◆ Assisted the Construction Committee in the development of the first Compliance Conversation fact sheet on inlet protection.
- ◆ Updated the MS4 Quick Reference Guide for Stormwater Permits to reflect current Division permits and applicability. Added a user-friendly flow chart based on activity type for enhanced MS4 compliance for non-stormwater discharges, as well as potential public outreach.
- ◆ Reviewed CDOT MS4 permit.
- ◆ Reviewed Policy for Discharge from Water-Based Fire Suppression Systems.
- ◆ Reviewed and summarized the EPA Post-Construction Performance Standards & Water Quality-Based Requirements, A Compendium of Permitting Approaches.
- ◆ Reviewed the EPA NPDES Compliance Monitoring Strategy and evaluated its applicability to the Division’s approach to auditing. This evaluation helped inform Fee Structure discussions.

- ◆ Identified need for an ECHO database training presentation from the Division to CSC members.
- ◆ Requested and coordinated a Construction Dewatering presentation from the Division to CSC members.
- ◆ Provided website updates in conjunction with revamping the CSC website.

## **2015 Goals**

- ◆ Participate in, and lead the development of comments for submittal for the second public notice of the Phase II MS4 permit.
- ◆ Upon issuance of the final Phase II MS4 permit, assist CSC members and committees with particular program elements such as:
  - i. Develop template for Program Description Document.
  - ii. 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.
- ◆ Participate in the Compliance Conversation effort with the Division to review and disseminate, as appropriate, information targeting common compliance deficiencies in accordance with (process document). Serve as contact and enlist committee or special workgroups as appropriate.
- ◆ Host Construction Dewatering presentation from the Division to CSC members.
- ◆ Continue to develop permit compliance tools and resources for CSC members such as:
  - i. Implementation of post-construction performance standards
  - ii. Municipal operations
  - iii. Allowable non-stormwater discharge guidance
- ◆ 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 compliance assistance to CSC members by monitoring, summarizing and/or disseminating pertinent compliance assurance activities performed by the Division (MS4 audits, construction compliance advisory actions, etc.).
- ◆ Continue to work with the Division to support consistent application of regulations and ongoing partnering in the development of tools, resources and requirements on behalf of the CSC membership.
- ◆ Prepare comments on 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

*Committee Chair: Alan Searcy (City of Lakewood)*

### **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 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 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 CSC new technologies and their effectiveness on reducing and/or removing pollutants from stormwater runoff.

## **2015 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 tracking.
- ◆ Equivalent water quality treatment and alternatives.
- ◆ Partner with UDFCD to amend Volume 3 of the Urban Storm Drainage Criteria Manual regarding filter media applications for specific permanent stormwater quality BMPs.