



2015 ANNUAL REPORT



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A MESSAGE FROM THE CHAIR

Colorado Stormwater Council Chair: Mary Dawson (City of Aurora)

It would be overly Dickensian to describe 2015 as the best of times and the worst of times. It was more like a tale of two Councils...

Having received the 2.0 version of the State's draft Phase II MS4 permit early in the year, the period of time marking the next few months was a whirling flourish of committee work and comment gathering. Backing up a bit, in 2014 there was a general consensus among the parties at the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) and the membership of the Colorado Stormwater Council (CSC) that the initial permit period of draft, review, and commentary was less than collaborative. As a result, the new leadership of both the regulators and the permittees established a renewed working relationship of open dialogue and mutual communication. Meetings with WQCD were hosted throughout the state, in response to CSC members' urging, whether in person or by electronic media, to ensure not only the needs of CSC's Front Range members were met, but also the needs of our Western Slope and southern members as well. For months, the Council's network of committees and corresponding leadership worked tirelessly soliciting feedback on proposed permit requirements and gathering relevant information from the membership. Marking the end of June deadline with a finalized product, Council comments were submitted to the State with an appreciation for the open format process and with an exhausted sense of member accomplishment. That's it; that's all we can do. Happy 4th of July! Now we wait.

The second half of 2015 can be described as a well-deserved respite, or as I like to call it, our latent period. But as much as I would like to say that our collective laurels were deservedly rested upon, advocacy to our membership never takes a vacation. Among other endeavors, the Council navigated a slightly uphill current toward a statewide water education campaign and publicly provided information on both state and federal stormwater legislation and the possible affect to member MS4s. We also kept our fingers on the pulse of EPA's proposed Phase II remand rule, discussing what changes might mean to current programs and trying to ensure that whatever decisions are forthcoming, they are not detrimental to existing successful programs.

The following pages will provide a detailed summary of the entire year that was 2015. As the presiding Chair, I can't be more proud of the effort and commitment of our members to the success of this network. I thank each and every person who attended meetings, volunteered on a committee (or two), and served in a leadership role, and/or provided insight and historical perspective. Each member entity is a valued asset to this diverse organization of stormwater professionals.

It is my great expectation that more, much more, is to come.



Mary Dawson
City of Aurora, Colorado

CONSTRUCTION COMMITTEE

Committee Chairs: Jon Allen (City of Longmont) and Dennis Rodriquez (City of Broomfield)

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.

2015 Deliverables

- ◆ 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.

2016 Goals

- ◆ Continue to update the CSC construction web page with committee minutes, agendas and other relevant information throughout 2016.
- ◆ Research training opportunities as issues arise such as training for capital improvement projects, construction site inspection training, and successful revegetation techniques.
- ◆ Continue to share details with CSC Members for review to see if consistency might be able to be achieved.
- ◆ Coordinate field trips to construction sites to observe successful and/or innovative site practices.
- ◆ Review and provide comments to the Water Quality Control Division on the draft CDPS Construction Stormwater General Permit.
- ◆ Assist CSC Members with implementation of the new MS4 Construction Sites Program requirements found in the MS4 Permit.

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.

2015 Deliverables

- ◆ Published the 2014 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”.
- ◆ Collaborated with Colorado Water Wise to craft 14 stormwater messages to accompany the Live Like You Love It (LLYLI) Campaign.
- ◆ Continued to Partner with Amy Conklin to develop a proposal for Water Supply Reserve Account (WSRA) grant through the Colorado Water Conservation Board (CWCB). The CSC has agreed to contribute \$10,000 toward the project if funded, and provide an in-kind inventory of all education and outreach strategies. At the beginning of 2016, 5 of the 9 Basins had agreed to contribute to the effort.
- ◆ Tracked the CDPHE Nonpoint Source/Water Congress Corona survey and focus group progress and supplied images to be ‘tested’.

2016 Goals

- ◆ Produce and distribute weekly topics of interest to CSC members via “Tuesday Topics.”
- ◆ Continue to pursue a statewide water quality education campaign.
- ◆ Work on the education component for Regulation #85 regarding nutrients.
- ◆ Review the final CDPS Phase II MS4 General Permit Outreach and Education requirements.
- ◆ Publish the 2015 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 impact existing permit requirements. The Committee forms associations with other local and national entities who also track environmental policy and legislative issues.

2015 Deliverables

- ◆ Many committee members worked on the development of legislative language for Senate Bill 15-212 *“Concerning a Determination that Water Detention Facilities Designed to Mitigate the Adverse Effects of Storm Water Runoff do not Materially Injure Water Rights”*, and subsequently worked with the Urban Drainage and Flood Control District to develop a state-wide tool for all developers to demonstrate compliance with the revised statute (CRS §37-92-602(8)).
- ◆ Committee members continued tracking the progress of potential impacts to MS4s on the revised Definition of Waters of the U.S. by the EPA and U.S. Army Corps of Engineers.
- ◆ 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 2015 bill status reports were distributed to Committee members throughout the session.
- ◆ Select Committee members attended the Colorado Water Quality Forum (WQF) annual retreat to ensure municipal stormwater remained a high priority for the Forum. Provided a verbal report to the Council.
- ◆ Committee Member Northglenn attended the 10th Annual EWRI Austin Chapter Workshop, Municipal Water Infrastructure Council Symposium: Adaptive Management and presented a brief history of the CSC and an explanation of how to form a similar state-wide organization.

2016 Proposed Activities

The following is a brief summary of proposed/possible activities for the Colorado Stormwater Council Legislative Committee to undertake in 2016:

- ◆ Work with other national associations and organizations in preparation of comments to the EPA Phase II Remand Rule. Prepare comments on behalf of CSC on that rule.
- ◆ Attend the National Stormwater Summit hosted by NACWA, WEF and NAFSMA in Washington, DC in April 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.
- ◆ Work with the Permit Compliance Committee on the renewal of the Colorado Phase II MS4 Discharge Permit.
- ◆ Submit written comments to the upcoming EPA WOTUS/Stormwater Rules when they are posted in the Federal Register.
- ◆ 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 WQF MS4 Issues Workgroup.
- ◆ Attend the Colorado WQF annual retreat and provide a verbal report to the Council.
- ◆ Participate, if necessary, in the Water Quality Control Division workgroup(s) on a potential Fee Bill.
- ◆ Continue to track bills sponsored by the Interim Water Resources Review Committee of the Colorado General Assembly.
- ◆ 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, U.S. Army Corps of Engineers and Water Quality Control Division Memos, Policy and Guidance that might impact CSC members.

- ◆ Continue to participate in Water Environment Federation, National Association of Clean Water Agencies and National Association of Flood & Stormwater Management Agencies 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.

2015 Deliverables

- ◆ Continued to coordinate and address issues that are unique to non-standard MS4 permit holders.
- ◆ 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.
- ◆ One of the committee members is also on the Legislative Committee which assists the non-standard permit holders in keeping abreast of legislative issues.

2016 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 is currently meeting on an as needed basis.
- ◆ The committee will also continue to open communication lines with Division staff and address the unique challenges of the non-standard permit.

PERMIT COMPLIANCE COMMITTEE

Committee Chair: Lisa Klotz (City of Aurora)

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.

2015 Deliverables

- ◆ In preparation of the Phase II MS4 permit Public Notice and stakeholder meetings, PCC finalized its review and process and mobilized workgroups.
- ◆ Coordinated and lead permit renewal comment development workgroups, attended stakeholder meetings and conducted weekly webinars for members to provide timely updates on comment development and stakeholder meetings.
- ◆ Compiled comments developed through the workgroup process the second issuance of Phase II MS4 permit for submission to the Division by the CSC Chair on behalf of the CSC.
- ◆ Updated the MS4 Quick Reference Guide for Stormwater Permits to include finalized Policy for Discharge from Water-Based Fire Suppression Systems.
- ◆ Reviewed, and contacted CDPHE for clarification when necessary, the following documents for permit program impact and applicability.
 - Technical Memorandum - Utilization of Existing Vegetation (Vegetated Buffer) as a Control Measure
 - State Hydrostatic Permit
 - CDOT MS4 permit
 - Surface Water Discharge Associated with Residential and Landscape Irrigation Policy
- ◆ Collaborated with other CSC committees to develop questions for new Division Director, Patrick Pfaltzgraff, for the March 2015 General Council meeting.
- ◆ Coordinated an ECHO database training presented by the Division for CSC members.
- ◆ Hosted a Construction Dewatering presentation by the Division for CSC members.

- ◆ 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.
- ◆ Advised new Construction Committee Chair on reviving the committee and developing comments on the state construction permit renewal process.
- ◆ Participated in permit compliance related webinars for continued professional development in support of CSC membership.

2016 Goals

- ◆ Upon issuance of the final Phase II MS4 permit, develop tools and assist CSC members and committees with implementation of new permit requirements.
- ◆ Work with Legislative Committee and CSC members to review and provide comments on the proposed EPA Remand Rule for small MS4s.
- ◆ Work with Construction Committee to review and provide comments on the Stormwater Discharges associated with Construction Activity general permit, COR030000.
- ◆ Update the MS4 Quick Reference Guide for Stormwater Permits to reflect current Division permits and applicability and share with the general council membership.
- ◆ 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 other 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.

2015 Deliverables

- ◆ TRAC was inactive in 2015.

2016 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.
- ◆ Evaluate water quality treatment technologies and alternatives.