



# 2021 Annual Report



# COMMITTEE ACHIEVEMENTS & GOALS

A snapshot of the Colorado Stormwater Council Committees' achievements from this past year and the intended goals for 2022 are found below.

## CONSTRUCTION COMMITTEE

*Committee Chair: Ashley Tucker, Town of Firestone*

### 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) WaterQuality Control Division (Division) specific to the execution of Construction Site Runoff Control programs with the goal of setting clear expectations and improving consistency.

### 2021 Achievements

- ◆ Provided the following trainings:
  - Three virtual Capital Improvement Project Stormwater Compliance trainings to internal members and external members (94 trained in total)
  - Two virtual MS4 Stormwater Inspector trainings to internal members (47 trained in total)
  - Generated CIP training recording and materials on CSC website for internal members to provide to CIP contractors and staff (6 trained)
- ◆ Partnered with:
  - PCC to develop draft Construction Program documents for new non-standard permit
  - Colorado Stormwater Center and the CSC Education Committee to match funds for Colorado Water Conservation Board grant "Advancing Language Justice in Stormwater Education"

### 2022 Goals

- ◆ Continue to offer training for CIP Erosion and Sediment Control to members and their CIP contactors.
- ◆ Coordinate field trips to construction sites, as feasible, to observe successful and/or innovative sitepractices.
- ◆ Coordinate with other committees to develop compliance assistance resources related to construction.
- ◆ Continue to update the CSC construction web page with committee minutes, agendas and other relevant information.

## **POST-CONSTRUCTION (SUB-COMMITTEE)**

*Sub-Committee Chair: Jake Moyer, City of Arvada*

The Post-Construction Sub-Committee was voted in 2021 to be a formal committee for 2022. The committee purpose, overall goals and goals for 2022 have been included below. Jake Moyer (City of Arvada) and Jeremiah Unger (CDOT) will serve as the committee chairs in 2022.

### **Committee Purpose**

The purpose of the Post-Construction Committee is to provide compliance assistance, guidance and training related to an MS4's Post-Construction Program.

### **Overall Goals**

- ◆ Provide guidance documents, checklists and templates for Post-Construction permit compliance and general repository for these documents
- ◆ Work with and help fund the Colorado Stormwater Center or other appropriate organizations to provide annual trainings related to Post-Construction compliance, design review, construction inspections and oversight inspections.
- ◆ Coordination with other committees such as: MO, TRAC, PEO, PCC to provide public outreach and training.

### **2022 Goals**

- ◆ Provide examples of as-builts and O&M checklists and templates for Post-Construction permit compliance.
- ◆ Compile a list of companies that perform maintenance on post construction control measures (Not an endorsement) Noting completion of trainings. i.e., CIP training, CSU I&M training etc. Per Tyler: maintenance services vs. just the inspection services or both.
- ◆ Review volume-3 updates to MHFD summarizing major changes and potential impacts to design review. How this will affect membership.

## **EDUCATION & OUTREACH COMMITTEE**

*Committee Chair: Heather Otterstetter, City of Westminster*

### **Committee Purpose**

The Education and Outreach (E & O) 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.

### **2021 Deliverables**

- ◆ Continued Radio campaigns
  - Fountain Creek
  - Northern Colorado
    - Spanish Radio Campaign
  - Added KDUR out of Durango in November. Will look to add another station on the Western slope for 2022.
- ◆ Denver Bike Tour
- ◆ Urban Cycle Tour Co. Spr
- ◆ Contributed funds (\$1,250) to the Colorado Stormwater Center to translate training to Spanish
- ◆ Colorado Association of Code Enforcement – Alan gave an IDDE presentation on behalf of CSC.

### **2022 Goals**

- ◆ Continue developing educational materials for the CSC members to incorporate into their programs.
- ◆ Look into adding another on the Western slope for 2022 related to the radio campaigns.
- ◆ Continue assisting with the Urban Cycle Tour and Denver Bike Tour

## 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.

### **2021 Deliverables**

- ◆ Feeling like human pinballs as we followed the CDPHE Dredge & Fill potential permit requirements
- ◆ Provided written and verbal comments on CDPHE Dredge and Fill proposals
- ◆ Provided comments to all legislators on the Interim Water Resource Committee to successfully stop surprise CDPHE legislation to fund enforcement of the nonexistent Dredge and Fill program
- ◆ Followed the EPA revisions of WOTUS and provided clear updates to all Council members
- ◆ Provided comments to EPA and USACE on revising “Navigable Waters” WOTUS definition to exclude stormwater facilities/MS4s
- ◆ Followed 25 pieces of state legislation that had potential implications to our MS4 permits. Provided updates to Council members and made suggestions to support or oppose as individual jurisdictions.
- ◆ Effectively worked with Rep Amabile of Boulder, CML and the MHFD to stop a surprise Division fee bill specifically for E. coli enforcement and enforcement staffing.
- ◆ Continuing to follow the PFAS issues and discussions from EPA & CDPHE
- ◆ Provided comments on the Denver Permit and Non-Std Permit renewals and assisted with the ongoing CSC legal strategy.

### **2022 Goals**

- ◆ Continue following proposed Federal legislation providing comments and clear updates to all Council members
- ◆ Provide additional comments to EPA and USACE on revising the proposed WOTUS definition to specifically exclude MS4s
- ◆ Follow state legislation that has potential implications for MS4 permit programs. Provide timely updates to Council members with suggestions on whether to support or oppose as individual jurisdictions.
- ◆ Work with CDPHE, CML and the CWC on a future WQCD specific fee bill for introduction in the 2022 Legislative Session
- ◆ Continue to follow the PFAS issues, proposed regulations/guidance and discussions between EPA & CDPHE
- ◆ Provide comments and assistance to assist the ongoing CSC legal strategy.
- ◆ Continue participation in the Water Quality Forum.

## **NON-STANDARD COMMITTEE**

*Committee Chair: Forrest Dykstra, Highlands Ranch Metro District*

### **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.

### **2021 Deliverables**

- ◆ The Non-Standard committee started the year by being involved with CDPHE and counsel regarding the permit and requirements. Meetings were held in March to discuss permit issues with no resolution.
- ◆ The Non-Standard MS4 permit was issued April 30, 2021 and became effective November 1, 2021.
- ◆ CDPHE conducted stakeholder meetings after issuing the permit. Documentation of the stakeholder meetings is on CDPHE website <https://cdphe.colorado.gov/wq-municipal-ms4-general-permits>
- ◆ The non-standard committee took an active role in the legal challenges to the permit. Some were dismissed due to administrative issues but there is a current appeal in process. Expect a ruling no later than January 14.
- ◆ Provide comments to CDPHE which results in permit modification 1 which cleaned up typos and annual report dates. This removed requirement for two annual reports for 2021.

### **2022 Goals**

- ◆ Continue to work with counsel on legal challenges
- ◆ Work with PCC to develop templates for PDD and compliance schedules.
- ◆ Provide compliance assistance for members.
- ◆ Encourage non-member NS permittees to join CSC.

## **MUNICIPAL OPERATIONS COMMITTEE**

*Committee Chair(s): Jessica Clayton, City of Colorado Springs & Jeremiah Unger, CDOT*

### **Committee Purpose**

The Municipal Operations Committee provides training and educational resources to council members for permit related compliance related to municipal operations.

### **2021 Deliverables**

- ◆ Developed and distributed Illicit Discharge Training for Colorado MS4 permit holders.
- ◆ Finalized and distributed LTAP MS4 training.

### **2022 Goals**

- ◆ Assistance with SOP Development.
  - Over the next few months, we will request that the general membership provide examples of SOPs they would like assistance with. This could range anywhere from Maintaining Permanent Control Measures that have Endangered Species limitations, Culvert Cleaning, or even Pollution Prevention/Good Housekeeping SOPs.
  - General membership involvement is highly encouraged to make sure we deliver SOPs that will add the most value to permittees.
- ◆ Asset Management 2.0 training.
  - We have initiated correspondence with a firm that may be able to assist with the development of this training.
- ◆ 811 Training & Senate Bill 18-167 refresher class.
  - We have reached out to 811 for assistance with this.

## **PERMIT COMPLIANCE COMMITTEE**

*Committee Chair: Brian Hathaway, City of Greeley*

### **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 PermitPower Users, the PCC is able to provide insight for Permittees into the vast and various implications of “language” in ordinances, permits, and program descriptions.

### **2021 Deliverables**

- ◆ PCC worked with the Division to come up with a reasonable approach for gathering receiving water data for Phase II reapplications
- ◆ 2021 Annual Report Workshop
- ◆ PCC released an interpretative fact sheet to help permittees determine what kind of agreement would be appropriate for cooperation between standard and non-standard permittees
- ◆ PCC worked with the NS committee to gather comments and provide guidance on the new non-standard permit
- ◆ PCC worked on compliance tools for non-standard permittees
- ◆ Members of PCC worked with representatives from Colorado Springs to schedule a presentation to CSC on their lessons learned from their proceedings with EPA and CDPHE

### **2022 Goals**

- ◆ Continue to help the non-standard permittees with any compliance assistance issues they may run into.
- ◆ Monitor developments for permits that are being developed, especially Phase I and Phase II permits that are imminent.
- ◆ Host another annual report workshop for 2022.



# TECHNICAL REVIEW AND ADVISORY COMMITTEE

*Committee Chair: Juliana Archuleta, Adams County*

## **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.

## **2021 Deliverables**

- ◆ Continued to facilitate the success of the CSIC system on behalf of the Colorado Stormwater Council.
- ◆ Coordinated a field trip to the city of Thornton to observe how a Cyclone Hydrodynamic Separator (Bio-Clean) was being installed. Notes/presentation provided to CSC in August.

## **2022**

- ◆ The Technical Review and Advisory Committee will be disbanded in 2022 as the Council shifts its focus on post-construction technical review and advisory through other committees. Juliana Archuleta with Adams County will serve as the CSIC coordinator.