

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 WYNKOOP STREET  
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et seq; "the Act"), except as provided in Part 1.3 of this permit,

**Fort Carson**

hereinafter "permittee", is authorized to discharge from all municipal separate storm sewer outfalls existing as of the effective date of this permit

to receiving waters which include B-Ditch, Clover Ditch, the Central Unnamed Ditch, and Rock Creek and other associated waters of the United States within the exterior boundaries of Fort Carson,

in accordance with the conditions and requirements set forth herein.

This permit shall become effective April 30, 2009.

This permit and the authorization to discharge shall expire at midnight, April 29, 2014.

Signed this        day of

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Authorized Permitting Official

██████████ Acting Assistant Regional Administrator  
Office of Partnerships and Regulatory Assistance

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## **Part 1. Coverage Under This Permit**

### **1.1 Permit Area**

This permit covers all areas served by the municipal separate storm sewer system (MS4) within the exterior boundary of Fort Carson. This includes both the cantonment area and the downrange area of Fort Carson and does not include the Pinon Canyon Maneuver Site operated in conjunction with Fort Carson.

### **1.2 Discharges Authorized Under This Permit**

1.2.1 During the effective dates of this permit, the permittee is authorized to discharge stormwater to Waters of the United States from the following areas, under the conditions of this permit:

1.2.1.1 All portions of the MS4 operated by Fort Carson.

1.2.2 This permit also authorizes the discharge of stormwater commingled with flows contributed by process wastewater, non-process wastewater, and stormwater associated with industrial activity, provided that the stormwater is commingled only with those discharges set forth in Part **1.3** of this permit.

### **1.3 Limitations on Permit Coverage**

1.3.1 Non-Stormwater Discharges. The permittee must prohibit all types of non-stormwater discharges into its MS4, except for allowable non-stormwater discharges described in **Part 1.3.2**.

1.3.2 Allowable Non-Stormwater Discharges. The following sources of non-stormwater discharges are allowed to be discharged into the MS4 unless the permittee determines they are significant contributors of pollutants. If the permittee identifies any of the following categories as a significant contributor of pollutants, the permittee must include the category as an illicit discharge (see **Part 2.4**):

- Discharges authorized by a separate NPDES permit;
- Discharges in compliance with instructions of an On-Scene-Coordinator pursuant to 40 CFR part 300 or 33 CFR 153.10(e);
- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration;
- Uncontaminated pumped ground water;
- Discharges from potable water sources;
- Foundation drains;

- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps;
- Footing drains;
- Lawn watering;
- Individual residential car washing;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Street wash water;
- Power washing where no chemicals are used;
- Roof drains;
- Fire hydrant flushings;
- Non-storm water discharges resulting from a spill which are the result of an unusual and severe weather event where reasonable and prudent measures have been taken to minimize the impact of such discharge;
- Emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges; and
- Discharges or flows from fire fighting activities occurring during emergency situations.

- 1.3.3 Stormwater Discharges Associated with Industrial Activity. This permit does not authorize stormwater discharges associated with industrial activity as defined in 40CFR §122.26(b)(14)(i)-(ix) and (xi).
- 1.3.4 Stormwater Discharges Associated with Construction Activity. This permit does not authorize stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15).
- 1.3.5 Discharges that are causing or contributing to an exceedance of applicable numeric or narrative water quality standards. EPA will notify the permittee if its MS4 discharges are likely to cause or contribute to a water quality impairment, or whose discharges contribute directly or indirectly to a 303(d) listed waterbody. If EPA determines that discharges from the MS4 are causing or contributing to a water quality impairment, the permittee's stormwater management program (SWMP) must include a section describing how the program will control the discharge of the pollutants of concern and ensure discharges from the MS4 will not cause or contribute to instream exceedances of the water quality standards. This documentation must specifically identify measures and Best Management Practices (BMPs) that will collectively control the discharge of the pollutants of concern. The permittee may be required to provide additional information to EPA to determine whether its discharge is causing or contributing to a water quality impairment.
- 1.3.6 Discharges of pollutants into waters which a Total Maximum Daily Load (TMDL)

has been either established or approved by EPA unless the discharge is consistent with that TMDL. The permittee must incorporate any conditions and requirements applicable to discharges from the MS4 into the Stormwater Management Program in order to remain eligible for permit coverage. EPA will notify the permittee if a TMDL has been developed that specifies a wasteload allocation (WLA) for discharges from the MS4. The notification will require the MS4 operator to assess and document whether the WLA is being met through implementation of existing storm water control measures or if additional control measures are necessary. The notification may also include requirements to describe and document an implementation schedule for controls, calculations, and monitoring or other proof that show that the WLA is being met. This may involve an iterative process of controls and evaluation. All documentation related to these requirements must be included as part of the records for the SWMP.

- 1.3.7 Discharges that do not comply with Colorado’s anti-degradation policy for water quality standards. Colorado’s anti-degradation policy can be obtained from the Colorado Department of Public Health and Environment or from its web site: <http://www.cdphe.state.co.us/op/regs/waterqualityregs.asp> (The anti-degradation rules are contained within Regulation 31 - Basic Standards and Methodologies for Surface Water).
- 1.3.8 Discharges and discharge-related activities that affect endangered species. Coverage under this permit is available only if the permittee’s stormwater discharges, allowable non-storm water discharges, and discharge-related activities are not likely to:
- Jeopardize the continued existence of any species that are listed as endangered or threatened (“listed”) under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA (“critical habitat”); or
  - Cause a prohibited "take" of endangered or threatened species (as defined under Section 3 of the Endangered Species Act and 50 CFR 17.3), unless such takes are authorized under sections 7 or 10 of the Endangered Species Act.

“Discharge-related activities” include: activities which cause, contribute to, or result in stormwater point source pollutant discharges; and measures to control stormwater discharges, including the citing, construction, and operation of Best Management Practices (BMPs) to control, reduce, or prevent stormwater pollution.

- 1.3.9 Discharges that Affect Historical Properties. Coverage under this permit is available only if the permittee’s stormwater discharges, allowable non-stormwater discharges, and discharge-related activities are:
- Not likely to affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the

Interior; or

- In compliance with a written agreement with the State Historic Preservation Officer (SHPO) that outlines all measures the permittee will undertake to mitigate or prevent adverse effect to the historic property.

## **Part 2. Stormwater Management Program (SWMP)**

### **2.1 General Requirements**

- 2.1.1 The permittee must continue to develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy Colorado's water quality standards. The SWMP must include management practices; control techniques, system design, engineering methods, and other provisions the permittee or EPA determines appropriate for the control of pollutants in discharges from the MS4.
- 2.1.2 The permittee must fully implement the SWMP, including meeting its measurable goals. Implementation should take place in approximate equal intervals throughout the permit and progress will be tracked in the annual report (see **Part 3.3**).
- 2.1.3 The SWMP must include each of the minimum control measures of **Parts 2.2-2.7**. For each of the minimum control measures the SWMP must include the BMPs that will be implemented and the measurable goals for each of the BMPs including, as appropriate, the months and years in which the required actions will be started and completed, and the frequency of the action.
- 2.1.4 The permittee must conduct an annual review of the SWMP in conjunction with preparation of the annual report required under **Part 3.3**.
- 2.1.5 EPA may request documentation of the minimum control measures as required by the SWMP. EPA may review and subsequently notify the permittee that changes to the SWMP are necessary to:
- Address discharges from the MS4 that are causing or contributing to water quality impacts;
  - Include more stringent requirements necessary to comply with new Federal or State statutory or regulatory requirements;
  - Include other conditions deemed necessary by the EPA to comply with water quality standards, ESA related requirements, and/or other goals and requirements of the CWA; and/or
  - Address the SWMP requirements of the permit, if EPA determines that the permittee's current SWMP does not meet permit requirements.
- 2.1.5.4 EPA may request changes in writing and can require including a schedule to develop and implement the changes. The request will offer the permittee the

opportunity to propose alternative program changes to meet the objectives of the requested modification.

- 2.1.5.5 Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation. The permittee must implement the SWMP on all new areas added to the permittee's MS4 (or for which the permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.
- 2.1.6 If EPA notifies the permittee that changes are necessary pursuant to ensure that stormwater discharges are not causing or contributing to a violation of water quality standards, the notification will offer the permittee an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the permittee must implement any required changes according to the schedule set by EPA.

**2.2 Public Education and Outreach on Stormwater Impacts.** The permittee must:

- 2.2.1 Continue to implement an education and outreach program for Fort Carson which targets project managers, contractors, tenants, students, and environmental staff in an effort to provide education and outreach about the impacts of stormwater discharges on local water bodies and the steps that can be taken to reduce pollutants in stormwater runoff;
- 2.2.2 At a minimum, produce and disseminate informational material to inform the public (i.e., project managers, contractors, tenants, students, and environmental staff) of the effects of erosion and runoff on water quality. Informational materials shall be updated and distributed as necessary throughout the duration of this permit, and should provide a location where all annual reports and/or SWMP updates as required by this permit may be viewed;
- 2.2.3 Provide and document training to all planning staff, project managers, contracting officers and other parties as applicable to learn about LID practices, green infrastructure practices, and to communicate the specific requirements for post-construction control and the associated BMPs laid out within the SWMP;

*Note: At the time of the facility audit prior to permit issuance, parties recognized as being impacted by this permit condition included Environmental Project Officers (EPOs), planning staff, Army Corps of Engineers (COE) project officers, and contracting officers.*

- 2.2.4 Within three years from the effective date of this permit, create or adopt age-appropriate educational materials regarding stormwater runoff and water quality

- issues for schools;
- 2.2.5 Provide a stormwater awareness brochure and track its distribution;
- 2.2.6 Ensure, to the extent feasible, that any new residential lease agreements include terms for occupancy which relate to household waste management, pet policy, lawn watering, petroleum management, fertilizer/pesticide management, and car washing;
- 2.2.7 Require the housing personnel and residents to receive training on an annual basis to ensure compliance with SWMP, Low Impact Development (LID), requirements specified in the resident guide and why those are in place and other applicable topics;
- Note: At the time of the facility audit prior to permit issuance, parties recognized as being impacted by this permit condition included Housing Area Mayors.*
- 2.2.8 At a minimum, produce and disseminate informational material to inform the public and contractors working on site of proper hazardous waste collection processes. These materials should be updated and distributed as necessary throughout the duration of the permit; and
- 2.2.9 Document education and outreach activities in the SWMP, including documents created for distribution and a training schedule which notes the dates that trainings occurred and the target audiences reached;
- 2.2.10 The annual report (**See Part 3.3**) must document the following information related to public education and outreach:
- 2.2.10.1 A description of the methods, frequency, type, and target audience of stormwater outreach performed during the permit term;
- 2.2.10.2 A copy or representation of public outreach materials provided to the target audience(s);
- 2.2.10.3 Educational materials, lesson plans, or presentations provided to school age students and other target audience(s) regarding stormwater runoff and water quality issues;
- 2.2.10.4 An estimation of the number of people expected to be reached by the program over each year of the permit term; and
- 2.2.10.5 The name or title of the person(s) responsible for coordination and implementation of the stormwater public education and outreach program.

**2.3 Public Involvement/Participation.** The permittee must:

- 2.3.1 Comply with applicable State and local public notice requirements when implementing a public involvement/participation program;
- 2.3.2 Make all relevant Annual Reports available on the permittee web site or provide links to all relevant Annual Reports posted on the EPA Region 8 web site in a locally available publication;
- 2.3.3 Within two years of the effective date of this permit, and annually thereafter, the permittee help organize and host a community River Clean up Day(s) or similar activity;
- 2.3.4 Provide volunteer activities as practicable to help actively engage residents and personnel at Fort Carson in understanding water resources and how their activities can affect water quality;
- 2.3.5 Maintain a log of public participation and outreach activities performed in the permittee's SWMP;
- 2.3.6 Maintain a copy of the most recent version of the facility SWMP and permit in a publicly accessible format; and
- 2.3.7 Within six months of the effective date of this permit, and as appropriate thereafter, the Stormwater Program personnel convene at least one meeting with the upper management of Fort Carson to discuss the SWMP and collect comments;

*Note: At the time of the facility audit prior to permit issuance, upper management recognized as being impacted by this permit condition included the Environmental Division Chief and the Environmental Compliance Program Manager.*

- 2.3.8 The annual report (**See Part 3.3**) must document the following information related to public involvement/participation:
  - 2.3.8.1 Documentation of any events or other activities to clean up MS4 receiving waters;
  - 2.3.8.2 Documentation of any volunteer activities conducted to help actively engage residents and personnel at Fort Carson in understanding water resources and how their activities can affect water quality; and
  - 2.3.8.3 The name or title of the person(s) responsible for coordination and implementation of the storm water public education and outreach program.

**2.4 Illicit Discharge Detection and Elimination.** An illicit discharge is any discharge to a municipal separate storm sewer that is not composed entirely of stormwater. Exceptions are described in **Part 1.3.2**. The permittee must:

- 2.4.1 Implement a program to detect and eliminate illicit discharges into its MS4. The program shall include procedures for detection, identification of sources, and removal of non-stormwater discharges from the storm sewer system. This program shall address illegal dumping into the storm sewer system, and include training for staff on how to respond to reports of illicit discharges;
- 2.4.2 Effectively prohibit, through ordinance or other regulatory mechanism available under the legal authorities of the MS4, non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions;
- 2.4.3 Provide a mechanism for reporting of illicit discharges and provide this number on the Fort Carson stormwater web site and any outreach materials as appropriate;
- 2.4.4 Analyze spill reports and response summaries generated by Fort Carson response personnel for trends in illicit discharge reports;
- 2.4.5 Investigate any illicit discharge within fifteen (15) days of its detection, and shall take action to eliminate the source of the discharge within forty five (45) days of its detection (or obtain permission from EPA for such longer periods as may be necessary in particular instances);
- 2.4.6 Maintain an updated storm sewer system map. At a minimum, the map or system of maps maintained within a Geographic Information System (GIS) shall show jurisdictional boundaries, the location of all inlets and outfalls, names and locations of all waters that receive discharges from those outfalls, locations of post-construction BMPs installed since the effective date of this permit, and locations of all facilities operated by the permittee, including any public or private snow disposal sites. The map shall be available in electronic or digital format as appropriate;
- 2.4.7 Develop and maintain an Illicit Discharge Detection and Elimination (IDDE) database which tracks dry weather screening efforts and the location and any remediation efforts to address identified illicit discharges;
- 2.4.8 Conduct dry weather screening annually at each of the major drainages within the cantonment for the presence of non-stormwater discharges. The screening should include field tests of selected chemical parameters as indicators of discharge sources where dry weather flows are detected. Screening level tests may utilize less expensive “field test kits” using test methods not approved by EPA under 40 CFR Part 136, provided the manufacturer’s published detection ranges are adequate for the illicit discharge detection purposes. The permittee shall investigate any illicit discharge within fifteen (15) days of its detection, and shall take action to eliminate the source of the discharge within forty five (45) days of its detection;
- 2.4.9 Address the categories of non-stormwater discharges or flows listed in **Part 1.3.2** and require local controls or conditions on these discharges as necessary to ensure that they are not as significant contributors of pollutants to the small MS4. If the

- permittee identifies any of these non-stormwater discharges as a significant contributor of pollutants, the permittee must include the category as an illicit discharge, include the non-stormwater discharge in the list of potential pollutants in the SWMP, and implement a plan of action to minimize or eliminate the illicit discharge as soon as practicable;
- 2.4.10 Develop a list of other similar occasional incidental non-stormwater discharges (e.g., non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-stormwater discharges shall not be reasonably expected (based on information available to the permittee) to be significant sources of pollutants to the MS4 because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.);
  - 2.4.11 Have a household hazardous waste collection day as needed or as practicable, either as a separate Fort Carson activity or in conjunction with nearby civilian jurisdictions;
  - 2.4.12 Continue to stencil storm drains within the cantonment area with approximately 90% of the storm drains stenciled by the end of year four of the permit;
  - 2.4.13 As practicable, update support service contracts (e.g., KIRA) to include maintenance of post-construction BMPs; and
  - 2.4.14 Consider mechanisms for construction site dewatering and the potential need for permit coverage or alternative BMPs during the project review process or within the Fort Carson Stormwater Program's requirements.
  - 2.4.15 The annual report (See **Part 3.3**) must document the following information related to illicit discharge detection and elimination:
    - 2.4.15.1 A description of the program used to detect and eliminate illicit discharges into the MS4s, including procedures for detection, identification of sources, and removal of non-stormwater discharges from the storm sewer system;
    - 2.4.15.2 A description of the location and method of dry weather screening performed;
    - 2.4.15.3 A description of illicit discharges located and all actions taken to eliminate sources of illicit discharges;
    - 2.4.15.4 A description of training materials used and the frequency at which training was provided to the target audience(s) on how to respond to reports of illicit discharges;

- 2.4.15.5 A description or citation of the established ordinance or other regulatory mechanism used to prohibit illicit discharges into the MS4;
- 2.4.15.6 A copy or excerpt from the information management system used to track illicit discharges;
- 2.4.15.7 A description of the categories of non-stormwater discharges evaluated as potentially being significant contributors of pollutants to the MS4 and any local controls placed on these discharges;
- 2.4.15.8 A description of occasional incidental non-stormwater discharges (See **Part 2.4.10**) and any controls placed on these discharges;
- 2.4.15.9 A description of hazardous waste collection events and summary data which generally covers what was collected; and
- 2.4.15.10 An inventory of industrial facilities that discharge into the permittee's MS4 or to waters of the United States within Fort Carson. The types of industrial activities that must be inventoried are set forth in 40 CFR §122.26(b)(14)(i) through (xi). This inventory must include the location of the activity, the location of its outfall and corresponding receiving water, and the NPDES permit status for its stormwater discharge.

**2.5 Construction Site Stormwater Runoff Control.** The permittee must:

- 2.5.1 Provide adequate direction or education to ensure that “representatives” of “regulated construction activities” obtain permit coverage under the NPDES General Permit for Stormwater Discharges for Construction Activity in Colorado, COR10000F (Construction General Permit). “Representatives” include entities engaging in “regulated construction activities” on Fort Carson including, but not necessarily limited to, contractors administered by the Directorate of Contracting, Fort Carson; the Army COE; the Army and Air Force Exchange System; Fort Carson Family Housing, LLC; and the Defense Commissary Agency. For the purposes of this permit, “regulated construction activities” include development and re-development that results in a land disturbance of greater than or equal to one acre or disturbs less than one acre if the development or redevelopment is part of a larger common plan of development or sale that would disturb one acre or more. If EPA waives the permit requirements for storm water discharges associated with a specific small construction activity (i.e., a single project) in accordance with §122.26(b)(15)(i)(A) or (B), the permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from that particular site;
- 2.5.2 Use an ordinance or other regulatory mechanism available under the legal authorities of Fort Carson to require erosion and sediment controls and sanctions to ensure compliance with the terms of the NPDES General Permit for Stormwater Discharges

- for Construction Activity in Colorado, COR10000F (Construction General Permit);
- 2.5.3 Maintain a list of policies and procedures which can be used to enforce construction site compliance within Fort Carson independent of EPA staff directly enforcing the CGP;
  - 2.5.4 Implement procedures for site plan review which incorporate consideration of potential water quality impacts;
  - 2.5.5 Implement procedures for receipt and consideration of information, including complaints of construction site non-compliance, submitted by the public;
  - 2.5.6 Review the Scope of Work for Fort Carson projects, in order to ensure compliance with SWMP specifications for construction BMPs;
  - 2.5.7 Pursue methods for Fort Carson staff to stop work on construction sites in non-compliance independent of contracting procedures;
  - 2.5.8 Implement an inspection plan and keep a copy of that plan in the SWMP which provides inspection triggers, a priority for order of inspections, and a required timeframe upon which construction sites must be inspected by Fort Carson staff. All sites within this plan must be inspected at a minimum quarterly;
  - 2.5.9 Provide, as practicable, review to address construction site dewatering BMPs and available land prior to awarding construction contracts;
  - 2.5.10 Maintain a site inspection form in the SWMP for use by Fort Carson stormwater managers at sites;
  - 2.5.11 Provide, as practicable, herbicide/pesticide applicators with the opportunity to comment during the design review process for new construction projects to deal with returning vegetation to pre-construction conditions and eliminating weeds through intelligent design;
  - 2.5.12 Evaluate annually inspections performed by representatives of Fort Carson staff (other than the Fort Carson Stormwater Program personnel) to ensure that inspection criteria being inspected by these representatives are consistent with those noted in the inspection criteria provided in the inspection form in the SWMP;
  - 2.5.13 Include language in Requests For Proposal (RFPs) for new construction projects which requires compliance with the SWMP;
  - 2.5.14 Maintain a list of construction site BMPs in the SWMP with criteria for maintenance and installation; and

- 2.5.15 Maintain and utilize a Notice of Termination (NOT) form for Fort Carson independent of the CGP NOT form and have Fort Carson stormwater staff inspect all construction sites prior to termination to ensure that 70% vegetative cover has been met at all areas of the site.
- 2.5.16 The annual report (See **Part 3.3**) must document the following information related to construction site stormwater runoff control:
- 2.5.16.1 A description of “regulated construction activities” which occurred at Fort Carson during the term of this permit;
  - 2.5.16.2 A description or citation of the established ordinance or other regulatory mechanism used to require erosion and sediment controls;
  - 2.5.16.3 A description of the sanctions and enforcement mechanisms Fort Carson uses to ensure that all “regulated construction activities” are in compliance with the terms of the Construction General Permit. This should include a description of any methods developed for Fort Carson staff to stop work on construction sites in non-compliance independent of contracting procedures;
  - 2.5.16.4 A description of the procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts and applicable contract language;
  - 2.5.16.5 A description of the procedures for receipt and consideration of information submitted by the public;
  - 2.5.16.6 A description of the procedures for site inspection, including how sites will be prioritized for inspection, including documentation of the frequency of site inspections and methods for prioritizing site inspections; and
  - 2.5.16.7 The name or title of the person(s) responsible for coordination and implementation of the construction site runoff control program.
- 2.6 Post-construction Stormwater Management for New Development and Redevelopment.** The permittee must:
- 2.6.1 Starting the first day of the reissued permit, coordinate NEPA review procedures and review contracts to ensure that no projects shall be made available for bidding without procedures, best management practices, and costs provided to ensure that runoff from newly developed or re-developed impervious surfaces equal to or greater than one acre meets pre-development hydrology as defined by the watershed modeling process outlined in the SWMP;

- 2.6.2 Use an ordinance or other regulatory mechanism to require the installation and maintenance of post-construction stormwater controls;
- 2.6.3 Implement a program which ensures the adequate long-term operation and maintenance of post-construction BMPs;
- 2.6.4 Review Department of Defense (DoD) Form 1391 Military Construction Project Data Sheets prior to submittal by the COE to ensure that all new construction projects funded with Military Construction appropriations (MILCON) disturbing one acre or more are designed and provide sufficient funds to ensure pre-development hydrology can be attained from newly developed impervious surfaces utilizing the watershed modeling process outlined in the SWMP or another equivalent process;
- 2.6.5 Ensure, to the maximum extent possible, that a line item is included in every new proposal (e.g., DoD Form 1391) for new development to ensure that post-construction stormwater requirements are met. This should include a line item for cost for post-construction BMPs based on cost estimates noted in the SWMP along with a specific performance specification (i.e., maintaining pre-development hydrology) or BMP specification which ensures that all new projects disturbing one acre or more are designed to maintain pre-development hydrology as defined by the process referenced in the SWMP and validated through the XP SWMM hydrologic subwatershed modeling process or another equivalent process;
- 2.6.6 Where practicable, include training for COE (local/Omaha District) and architect engineers (AEs) working on design-build projects related to post-construction stormwater controls, LID, and SWMP at Fort Carson;
- 2.6.7 Utilize the Fort Carson Notice of Termination (NOT) form so that construction site operators provide maintenance specifications for post-construction BMPs to Fort Carson prior to receiving authorization from stormwater managers to submit a NOT form to discontinue coverage under the CGP;
- 2.6.8 Review the Scope of Work for DPW projects to ensure compliance with SWMP specifications for post-construction BMPs. All statements of work for DPW projects disturbing one acre or more must be designed to ensure pre-development hydrology from newly developed impervious surfaces as defined by the watershed modeling process outlined in the SWMP;
- 2.6.9 As part of the NEPA process for new construction projects disturbing equal to or greater than one acre, review all projects to ensure that they meet pre-development hydrology as defined by the watershed modeling or similar process outlined in the SWMP;
- 2.6.10 Ensure that all new post-construction BMPs are tracked and georeferenced in a data management system that includes maintenance requirements and schedules for post-

- construction BMPs;
- 2.6.11 By the end of year 3 of the permit term, complete watershed modeling or similar assessment efforts for the four zones recognized in the SWMP such that post-construction BMPs can be both recommended and evaluated within the context of each of the four separate sub-watersheds;
- 2.6.12 Consider a one-year review coinciding with the 1-year warranty provided in contracts to ensure functioning of post-construction BMPs. There could also be a ½ year inspection for post-construction stormwater BMPs as part of the file inspection for contracts. File inspection could also include targeted outreach to the end user; and
- 2.6.13 By the end of year 4 of the permit term, provide the appropriate Fort Carson staff with training regarding the design and purpose for post-construction stormwater controls.

*Note: At the time of the facility audit prior to permit issuance, parties recognized as being impacted by this permit condition included Environmental Compliance and Assessment Team (ECAT) inspectors.*

- 2.6.14 The annual report (See **Part 3.3**) must document the following information related to construction site stormwater runoff control:
- 2.6.14.1 A description of the program to ensure that the pre-development hydrology is met for new development and re-development projects as required in **Part 2.6.1** and the mechanism used to review the adequacy of post-construction BMPs;
- 2.6.14.2 A description of the ordinance or other regulatory ordinance used to require the installation and maintenance of post-construction stormwater controls;
- 2.6.14.3 A description of the program which ensures the long-term operation and maintenance of post-construction BMPs, including an excerpt from any data management system that includes maintenance requirements and schedules for post-construction BMPs installed during the year;
- 2.6.14.4 A description of the process used to ensure that all Fort Carson and COE contracts initiated after the effective date of the permit contain language which requires the installation of post-construction stormwater controls and an excerpt of applicable contract language; and
- 2.6.14.5 The name or title of the person(s) responsible for coordination and implementation of the post-construction stormwater management program.

**2.7 Pollution Prevention and Good Housekeeping for Municipal Operations.** The permittee must:

- 2.7.1 Not later than four years from the effective date of this permit, evaluate existing street cleaning operations, catch basin cleaning operations, and street sanding/salt/deicing/anti-icing practices occurring within its jurisdiction to minimize any negative impacts to water quality. This evaluation must also examine the existing practices for the disposal of waste and maintenance operations. This evaluation must identify any actions or improvements necessary to minimize negative impacts on water quality, and timelines for incorporating such actions or improvements;
- 2.7.2 Provide annual training for public education and outreach for facility maintenance contracted companies, EPOs, and other people identified as having fleet maintenance activities in line with the SWMP. Each of the categories of municipal activities referenced in the SWMP should receive stormwater training;
- 2.7.3 Consider deicing training if available to minimize the use of and runoff from chemical deicers and traction aggregates;
- 2.7.4 Develop and implement a schedule for cleanout of storm sewer inlets in a manner which prevents significant deposition of sediment or other debris to receiving waters and provide data or a description of this schedule and its implementation in the SWMP for the facility;
- 2.7.5 Consider adding a stormwater module to “Assessment Manager” for ECAT inspections;
- 2.7.6 Develop and implement a schedule for sweeping streets in a manner which prevents significant deposition of sediment or other debris to receiving waters and provide data or a description of this schedule and its implementation in the SWMP for the facility; and
- 2.7.7 Consider the need for and application of cover to prevent airborne deposition of particulates from storage piles at the municipal materials storage yard.
- 2.7.8 The annual report (See **Part 3.3**) must document the following information related to pollution prevention and good housekeeping for municipal operations:
  - 2.7.8.1 A description of the operation and maintenance program intended to prevent or reduce pollutant runoff from municipal operations including a list of each of the activities evaluated under this program and a description of the controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, snow disposal areas, and salt/sand storage locations;
  - 2.7.8.2 A description of the contents and frequency of the training program (see **Part 2.7.2**) for municipal personnel and a list of the personnel or positions trained

during the term of the permit; and

- 2.7.8.3 A description of the evaluation performed on the street cleaning operations, catch basin cleaning operations, and street sanding/salt practices and any measures taken as a result of the evaluation to minimize negative impacts to water quality.

### **Part 3. Monitoring, Recordkeeping and Reporting**

#### **3.1 Monitoring**

- 3.1.1 Not later than three years from the effective date of this permit, the permittee must develop a program to evaluate the water quality in B-Ditch, Clover Ditch, the Central Unnamed Ditch, and Rock Creek B-Ditch, as it enters Fort Carson and leaves Fort Carson. This program shall at a minimum include evaluations of streambank stabilization, and water quality.
- 3.1.2 The water quality monitoring program may include indicators such as chemical monitoring, assessment of macroinvertebrates or other aquatic life, or watershed assessment of river stability and sediment supply, provided that the monitoring program provides meaningful data to evaluate the effectiveness of the stormwater management program. The permittee is responsible for evaluating data for analysis of trends.
- 3.1.3 The water quality monitoring program description must be sent to EPA with the Annual Report for year 3 of this permit term. Programs will be assessed by the water quality monitoring coordinator for EPA Region 8 to determine whether the program meets the goals of this permit and whether the data is being collected and reported in compliance with EPA test procedures approved under 40 CFR Part 136.

#### **3.2 Recordkeeping**

- 3.2.1 The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the EPA at any time.
- 3.2.2 The permittee must submit the records referred to in **Part 3.2.1** to EPA only when specifically asked to do so. The permittee must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the EPA. The permittee must make records, including the application and the description of the SWMP, available to the public if requested to do so in

writing.

### 3.3 Annual Reports

The permittee must submit an annual report to EPA for each year of the permit term. The first report is due April 1, 2010, and must cover the activities during the period beginning on the effective date of the permit through December 31, 2009. Each subsequent annual report is due on April 1 of each year following 2009 for the remainder of the permit term. Reports must be signed in accordance with the signatory requirements in **Part 4.7**. Reports may be posted on the EPA Region 8 web site. Therefore, parts of the annual report which cannot be publicly available should be marked as “confidential” or “for official use only.” Reports must be submitted to EPA at the following address:

Stormwater Coordinator (8P-W-WW)  
Small MS4 Annual Report  
US EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

## Part 4. Standard Permit Conditions

### 4.1 Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

#### 4.1.1 *Criminal Violations.*

4.1.1.1 *Negligent Violations.* The CWA provides that any person who *negligently* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. In the case of a second, or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

4.1.1.2 *Knowing Violations.* The CWA provides that any person who *knowingly* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act,

is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second, or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or by imprisonment of not more than 6 years, or both.

4.1.1.3 *Knowing Endangerment.* The CWA provides that any person who *knowingly* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction be subject to a fine not more than \$250,000 or by imprisonment for not more than 15 years, or both. In the case of a second, or subsequent conviction for a knowing endangerment violation, a person shall be subject to criminal penalties of not more than \$500,000 per day of violation, or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

4.1.1.4 *False Statement.* The CWA provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See section 309(c)(4) of the Clean Water Act).

4.1.2 *Civil Penalties.*

The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318, or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.

#### 4.1.3 *Administrative Penalties.*

The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318, or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to an administrative penalty as follows:

- 4.1.3.1 *Class I penalty.* Not to exceed \$11,000 per violation nor shall the maximum amount exceed \$27,500.
- 4.1.3.2 *Class II penalty.* Not to exceed \$11,000 per day for each day during which violation continues nor shall the maximum amount exceed \$137,500.

#### **4.2 Continuation of the Expired Permit**

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act (5 U.S.C. §551 et seq.), and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earliest of:

- 4.2.1 Reissuance or replacement of this permit, at which time the permittee must comply with the conditions of the new permit to maintain authorization to discharge; or
- 4.3.2 Issuance of a general permit for the discharges; or
- 4.3.3 A formal permit decision by the EPA not to reissue this permit, at which time the permittee must seek coverage under an alternative permit.

#### **4.3 Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### **4.4 Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

#### **4.5 Duty to Provide Information**

The permittee shall furnish to the EPA, within a reasonable time, any information which the EPA may request to determine whether cause exists for modifying, revoking and

reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the EPA, upon request, copies of records required to be kept by this permit.

#### **4.6 Other Information**

If the permittee becomes aware that the permittee has failed to submit any relevant facts in the Notice of Intent or submitted incorrect information in the Notice of Intent, or in any other report to the EPA, the permittee must promptly submit such facts or information.

#### **4.7 Signatory Requirements**

All Notices of Intent, Notices of Termination, reports, certifications, or information submitted to the EPA, or that this permit requires be maintained by the permittee, shall be signed and certified as follows:

- 4.7.1 *Notices of Intent.* All Notices of Intent/Termination shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- 4.7.2 *Reports and other information.* All reports required by the permit and other information requested by the EPA or authorized representative of the EPA shall be signed by a person described in **Part 5.7.1** or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 4.7.2.1 The authorization is made in writing by a person described in **Part 5.7.1** and submitted to the EPA; and
  - 4.7.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matter for the regulated entity.
- 4.7.3 *Changes to authorization.* If an authorization under **Part 4.7.2** is no longer accurate because a different individual or position has responsibility for the overall operation of the MS4, a new authorization satisfying the requirements of **Part 5.7.2** must be submitted to the EPA prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.
- 4.7.4 *Certification.* Any person signing a document under **Parts 4.7.1 or 4.7.2** shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a

system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

#### **4.8 Property Rights**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations

#### **4.9 Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the conditions of the permittee’s storm water management program. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

#### **4.10 Inspection and Entry**

The permittee shall allow the EPA or an authorized representative (including an authorized contractor acting as a representative of the Administrator) upon the presentation of credentials and other documents as may be required by law, to:

- 4.10.1 Enter upon the permittee’s premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit;
- 4.10.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 4.10.3 Inspect at reasonable times, any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
- 4.10.4 Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

#### **4.11 Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### **4.12 Permit Transfers**

This permit is not transferable to any person except after notice to the EPA. The EPA may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

#### **4.13 Anticipated Noncompliance**

The permittee shall give advance notice to the EPA of any planned changes in the permitted small MS4 or activity which may result in noncompliance with permit conditions.

#### **4.14 State/Tribal Environmental Laws**

- 4.14.1 Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by section 510 of the Act.
- 4.14.2 No condition of this permit releases the permittee from any responsibility or requirements under other environmental statutes or regulations.

#### **4.15 Severability**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

#### **4.16 Procedures for Modification or Revocation**

Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

### **Part 5. Definitions**

All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified

explanations of some regulatory/statutory definitions have been provided but, in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

- 5.1 *Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 5.2 *Control Measure* as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.
- 5.3 *CWA or The Act* means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
- 5.4 *Discharge*, when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 CFR 122.2.
- 5.5 *Discharge-related Activities* include: activities which cause, contribute to, or result in storm water point source pollutant discharges and measures to control storm water discharges, including the siting, construction, and operation of best management practices to control, reduce or prevent storm water pollution.
- 5.6 *EPA* means the EPA Regional Administrator or an authorized representative.
- 5.7 *Illicit Connection* means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- 5.8 *Illicit Discharge* is defined at 40 CFR 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.
- 5.9 *MEP* means "maximum extent practicable," the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34.
- 5.10 *Measurable Goal* means a quantitative measure of progress in implementing a component of a storm water management program.
- 5.11 *MS4* means "municipal separate storm sewer system" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System. The term, as used

within the context of this permit, refers to small MS4s (see definition below) and includes systems operated by a variety of public entities (e.g., military facilities, prisons, and systems operated by other levels of government).

- 5.12 *Municipal Separate Storm Sewer* means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.
- 5.13 *NOI* means Notice of Intent to be covered by this permit (see Part 2.3) and is the mechanism used to apply for coverage under this general permit.
- 5.14 *NOT* means Notice of Termination.
- 5.15 *Outfall* means a point source (defined below) at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.
- 5.16 *Point Source* means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- 5.17 *Small Municipal Separate Storm Sewer System* is defined at 40 CFR 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as “large” or “medium” municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospital or prison complexes, and

highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas such as individual buildings.

- 5.18 *Stormwater* is defined at 40 CFR 122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 5.19 *Storm Water Management Program (SWMP)* refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.