

## Water Resources Review Committee

State Capitol Building  
House Committee Room 0112  
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### Topic: Storm Water Discharge Permit Requirements

#### Introduction

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- The Colorado Water Quality Control Act, "the State Act," establishes policy of the state with respect to water quality, and assigns the administration and enforcement of water quality control provisions and programs to the Water Quality Control Division.
- The Division implements the federal Clean Water Act, "the Federal Act," in Colorado
- The Division administers the permit system provided for in the both the Federal and State Acts.

#### Permit System

- A key permit system provision included in the Federal and State Acts is routine review. Permit terms are limited to no greater than 5 years and operators must reapply prior to expiration for continued permit coverage.
- Administration of the permit system is further directed by federal permit regulations promulgated by EPA and state permit regulations promulgated by the Water Quality Control Commission (WQCC).
- Many types of permits are issued by the Division. This includes approximately 10,000 active permits/authorizations for discharges to surface water and groundwater, from a variety of sources including sewage systems, commerce and industry, construction, municipal separate storm sewer systems (MS4s), biosolids, and reclaimed water.

#### Stormwater Permits

- In accordance with the Federal and State Acts, stormwater runoff, snow melt runoff, and snow melt runoff and drainage are point sources subject to permit requirements.
- The need for a state stormwater permitting program was documented in the early 1990s, and was based on national evidence that stormwater runoff was a leading cause of water quality impairment, and state information that stormwater discharges were a cause of water quality degradation.
- Stormwater permits consist of the following three types:
  - Industrial
  - Construction
  - Municipal (MS4s)

- Prior to 1992 stormwater permits were issued in Colorado for a limited number of sources, primarily mining sites and coal pile runoff at power plants
- In 1992 and 1993, the Division issued many more stormwater permits, primarily to meet the new federal permitting requirements.
- The majority of substantive requirements in stormwater permits have been narrative, or practice based, rather than numeric. This approach is based on the following concepts
  - emphasizing pollution prevention over active treatment of stormwater, and
  - the “plan-do-check-act cycle”, which translates to: plan (anticipate pollutant sources and identify appropriate controls), do (implement those controls), check (monitor their effectiveness), and act (modify as needed)

**Industrial Stormwater Permit Renewals:**

The Division has been actively working on industrial stormwater permit renewals since 2011, and is planning to continue this work through 2014. The Division prioritized these permits for comprehensive review based on the following:

- The time frame (20 years) since the permits have been comprehensively reviewed and significantly modified
- Division observations of non-compliance during inspections
- Sampling results for years 2000-2010 for industrial sectors required to conduct annual sampling of stormwater discharges
- Scientific literature
- EPA’s industrial stormwater permit documents
- Case law clarifying permit requirements

**Non-Extractive Industrial Stormwater Permit: renewed in 2011/2012.**

- This permit is a general permit with 1,000 authorizations statewide
- There are many types of industrial sources included in the permit. Examples include:
 

○ timber products	○ automobile salvage yards
○ chemical manufacturing	○ scrap recycling
○ asphalt paving	○ steam electric generation
○ concrete manufacturing	○ air transportation
○ landfills	○ domestic wastewater treatment works
- The Division conducted an extensive stakeholder process on the permit renewal including the following:
  - Pre public notice stakeholder meeting
  - Written input in advance of developing a draft permit
  - Public Notice (60 day comment period) on draft permit
  - Public Meeting on draft permit

- 10 outreach meetings on draft permit
- Pre Issuance response to comments document on final permit
- Pre Issuance meeting on final permit with all commentors
- Individual communication with commentors
- Delayed effective date of permit following issuance
- The renewal permit has some significant changes from the previous permit, particularly in regards to site inspections and discharge monitoring. The substantive requirements continue to emphasize pollution prevention over treatment and the “plan-do-check-act cycle”
- The Division received significant input on the draft and final permits and made substantive revisions based on the input received.
- Many permittees and industry trade associations were involved in development of the permit. While there was significant comment and disagreement on some issues in the permit development process, many operators are making good efforts to fully understand and comply with permit requirements. The Division is currently conducting compliance assistance and outreach to help these operators meet permit requirements.
- The Division has communicated extensively with the cement manufacturing and concrete batch plant industries represented here today and covered under this renewal permit. These industries have commented that the comprehensive review of the permit was not justified, and that the costs to industry were not adequately evaluated. The Division disagrees. The Division determined a comprehensive review of the permit was necessary and appropriate, and that costs were considered. Examples of permit conditions where the Division considered the cost burden and made changes and/or ensured flexibility in requirements include: site inspections, and discharge monitoring.

**Metal Mining Stormwater Industrial Permit and Processwater and Stormwater Combined Industrial Permit: to be renewed in 2012/2013.**

- These permits are general permits with approximately 120 authorizations statewide
- These permits cover two industrial sources: metal/hardrock mining, and coal mining.
- The Division plans to conduct an extensive stakeholder process. To date that process has included the following
  - Statewide notice of the intent to renew these permits to develop a list of interested stakeholders
  - Meeting with the Water Quality Committee of the Colorado Mining Association
  - Meeting with Environmental Organizations
  - Pre public notice stakeholder meeting
  - Written input in advance of developing a draft permit
- The Division is currently reviewing written input and plans to begin development of draft permit documents this fall.