



1290 S. Public Road • Lafayette, Colorado 80026 • (303) 665-5588 Fax (303) 665-2153

May 23, 2011

Lisa Knerr Environmental Protection Specialist, Permits Unit Water Quality Control Division 4300 Cherry Creek Drive South Denver, CO 80246-1530

Re: CDPS Permit COR090030, Construction Site Screening / Stormwater Management Program

Dear Ms. Knerr:

Enclosed is an updated Stormwater Management Program Description document for the City of Lafayette. It addresses weaknesses we have identified in our stormwater program and proposes actions to be taken in response to the review of our documentation.

In response to the construction screening performed by the state on December 2 and 3, 2010, we were asked the following:

1. Are the City of Lafayette's requirements and authority sufficient to prohibit and respond to inadequate BMPs or other violations of its program?

The City of Lafayette reviewed its regulatory mechanism to require BMPs and sanctions to ensure compliance. As a result, Ordinance No. 2, Series 2005 was repealed and replaced by by Ordinance No. 13, Series 2011, which was adopted on April 19, 2011. Please refer to Construction Sites Runoff Control, C. Program Elements, Item 1, of the Program Descriptions.

2. Are City of Lafayette's requirements and authority adequate to provide the required compliance assessment of construction sites for all stages of construction from overlot grading through public improvements followed by individual lot construction to final stabilization?

These requirements are addressed in Construction Sites Runoff Control, C. Program Elements, Items 4-7, of the Program Descriptions.





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Submission of Incorrect or Incomplete Information

In reviewing our actions reported under Public Education and Outreach, the city discovered errors in in the annual reports of 2008, 2009 and 2010. In those reports, the city reported that:

- "All stormsewer manhole lids state "'Drains to Creek.'" This is incorrect. Replacement of all non-labeled *standard-sized* storm sewer manhole lids was completed in 2008. However, non-standard-sized lids were not replaced. The city will inventory non-standard-sized lids and will procure and install lids labeled "Drains to Creek." This is addressed in item 3.a. under Public Education and Outreach, C. Program Elements, Item 3, Signage and Stencilling of the enclosed Program Description.
- 2. The city's Program Description requires that we inspect "a minimum of twenty percent of the city's storm sewer manhole inlets" to ensure that the inlet label is in place. The city's documentation is inadequate to show that this in fact took place.

Since both items 1 and 2 above demonstrate the inadequacy of our tracking procedures, a Measurable Goal will be added under Pollution Prevention/Goodhousekeeping for Municipal Operations since the stormwater system maintenance is covered under this category. The city will review existing documented procedures and will develop new written procedures as necessary for the implementation of an operation and maintenance program to prevent or reduce pollutants in runoff from the permittee's municipal operations. The documentation will list specifically the activities and facilities that are impacted by this operation and maintenance program.

The only other modifications to our plan are under Illicit Discharge Detection and Elimination, C. Program Elements, 3. Illicit Discharge Detection and Elimination Plan:

- 1. The city has a measurable goal requiring 50 outfall inspections per year. Under the changed goal, the city would inspect one large or several smaller basins per year with a goal of inspecting all drainage basins within a three-year cycle.
- 2. The city has written a Lafayette-specific "Plan for Illicit Discharge Detection, Elimination and Enforcement." This plan identifies procedures for identifying priority areas, tracing illicit discharges to their source, removing the source of illicit dischyarges, and enforcing and ensuring compliance.

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 gather and evaluate 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, 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.

Douglas M. Short, P.E. Public Works Director

Cc: Michelle DeLaria Gary Klaphake Mick Forrester Peter Johnson Mike Olson Bob Hosier Al Gomez Gil Torrez Jenny Conlon Kris Ottoson

Water Supply • Water Treatment • Water Distribution • Street Improvement & Maintenance • Engineering Traffic Control • Fleet Maintenance • Storm Water Drainage • Wastewater Collection • Water Reclamation

CDPS MS4 Phase II STORMWATER MANAGEMENT PROGRAM DESCRIPTIONS FOR CITIES AND COUNTIES March 2008 – March 2013

Resubmitted May 23, 2011

Agency Name	City of Lafayette	
Permit Certification Number	COR - 090030	
MS4 Location Description	City(s) Permitted: City of Lafayette	
(most permit certifications will	County Permitted: None	
cover a single city or county)	Non-Standard MS4(s) Permitted (including location	
	descriptions):	
Мар	Attach MS4 Boundary Map Showing:	
	• Jurisdictional Boundary (including all city, county and	
	non-standard MS4s covered under your certification)	
	• Permit Boundary (refer to Page 1 of your permit)	
CDPS Program Descriptions	Attached: Original Program Description dated June 10, 2008	
Program Implementation Area		
(Counties only)	Permitted Area Entire Jurisdiction	
Joint Submittal	No Yes	

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Certification: The following certification must be signed by the Legally Responsible Person. The signer must be either a principal executive officer, ranking elected official or other duly authorized employee.

"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 gather and evaluate 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, 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."

Name (printed):

Title:

Signature: Date:

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MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations

CDPS Stormwater Management Program Descriptions Instructions

A. Applicability

This template is applicable for all permittees covered under the MS4 general permits COR-080000 and COR-090000. This template is **not** applicable to non-standard MS4s permitted under the COR-070000 general permit.

B. Filling out the Template

This template is intended to be filled out electronically, with additional lines added to the sections as descriptions are entered.

C. Submitting the Program Description

A complete program description, including the original signed certification on page 2, was submitted to the Water Quality Control Division by **June 10, 2008**. This program description reflects changes made following a review of our program conducted in 2010 and 2011.

The submittal <u>must</u> include an original signature. E-mailed or faxed copies will not be accepted.

D. Completeness

The form must be completed accurately and in its entirety, or it will be deemed incomplete. This template is intended to be a summary of all of the content for the CDPS Stormwater Management Program Submittal required by Part I.A.6 of the MS4 general permits, COR-080000 and COR-090000. The descriptions provided must be detailed enough for the Water Quality Control Division to determine the permittee's general strategy for complying with the required items in each of the six CDPS Stormwater Management Program Minimum Control Measures (Parts I.B.1-6 of the general permits).

E. Cited Permit Requirements

Subsection B of this template for each of the six Minimum Control Measures includes citations of the specific permit requirements. Where permit requirements have been significantly modified from the previous versions of the general permits, the new language is identified in the template as either a "Clarified" or "New" permit requirement. Refer to Part II.H of the permit rationales for additional information on these changes.

Perspective Program Descriptions 2008 - 2015
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The Keep It Clean Partnership

The Keep It Clean Partnership (KICP) is a regional stormwater quality management program serving the communities of Boulder, Lafayette, Longmont, Louisville, Erie, Superior, and Boulder County (the Partners). The primary goal of the KICP is to implement a regional stormwater management program, to comply with federal Phase II stormwater regulations, and to address broader water quality issues in the Boulder and St. Vrain watersheds.

Boulder and St. Vrain Watersheds and Communities

The Boulder and St. Vrain Watersheds are large (encompassing 741 square miles) and diverse, starting from elevations over 14,000 feet in the high alpine areas in Rocky Mountain National Park down to the semi-arid desert plains region at elevations less than 5,000 feet. Land uses include national forest and local parkland and open space, agriculture, and urban and industrial areas representing one of the nation's largest concentrations of research laboratories and high-tech industries.

The KICP has developed programs that meet the requirements of the six minimum measures and protect state waters. The initial steps have begun in addressing water quality concerns, with the primary focus on impacts of urban development on water quality. To further focus efforts, a 2006 Water Quality Roundtable was conducted where experts from local, federal, and state agencies identified six areas of concern typical of urban runoff. These include: pathogens (e.g., E coli), sediment, nutrients, flow modification, metals, and pesticides. These impacts are considered when implementing programs.

Program Implementation

Implementation of KICP programs is governed by a five-year intergovernmental agreement (IGA) and supporting bylaws. The 2008-2012 IGA was adopted by each of the Partners on December 12, 2007 and adopted again in 2011 with the addition of Lafayette as a Partner.

The IGA identifies the Steering Committee as the managing entity; it is made up of one voting representative from each Partner community. The Steering Committee directs the KICP programs and budget. The IGA identifies Boulder County Public Health (BCPH) as the contracting/fiscal agent. BCPH is also the employer of the KICP Coordinator. Each of the Partner communities provides staff, who participate in work groups. These work groups direct the work or implement activities of the KICP Stormwater Management Program.

Permit Compliance

Implementation of each of the programs uses a variety of approaches, including the following:

Individual Programs: Program elements that are exclusively the responsibility of individual Partners to implement. An example is the local adoption and enforcement of an erosion control ordinance. The Partner communities have assigned responsibilities to various departments to ensure compliance with the state stormwater discharge permit and improved water quality.

Common Elements: Program elements that are shared by all Partners. Examples include:

- The City of Boulder Water Education Program, which provides community outreach materials and school programs in each of the Partner jurisdictions.
- Boulder County's Partners for a Clean Environment (PACE) Program, which provides outreach materials and conducts site visits for Keep It Clean Partners, addressing commercial and municipal operations.

Individual and Shared Responsibilities

Although the state does not issue joint permits or watershed-wide permits, aspects of the KICP Stormwater Management Program are implemented as such. Therefore, the program descriptions included in this permit application include a description of the shared and individual responsibilities.

Summary description of the overall water quality concerns, priorities, and goals specific to the permittee that were considered in the development of the CDPS Stormwater Management Program:

Provide information on conditions that were considered in developing your overall program. (Examples: water quality impairments or concerns, other watershed concerns, community specific pollutant concerns)

Add Description Here

The City of Lafayette's (City) highest stormwater pollution concern is Escherichia coli (E-coli). In an effort to minimize or eliminate this stormwater quality threat, the City is focusing its efforts on areas within the City's municipal boundaries that have the greatest probability of having the highest concentration of E-coli. The areas that have the greatest probability of having the highest concentration of E-coli include the City's parks and trails. The City believes that one of the main causes of the potentially higher than normal concentration of E-coli is the improper disposal of pet waste. Therefore, the City will focus its efforts on the improper disposal of pet waste.

Other areas of concern are areas with septic systems, older parts of town, and areas within the city that are under private maintenance.

CITY OF LAFAYETTE

PUBLIC EDUCATION & OUTREACH

STORMWATER DISCHARGES ASSOCIATED WITH MS4s Program Descriptions 2008 – 2013

A. Program Perspective: The goal of the Public Education and Outreach Program is to increase public knowledge of local water quality problems caused by urban runoff in order to maintain public support for local stormwater quality programs. This support ranges from individuals changing their daily actions to community backing for all stormwater program elements. The program should take into account pollutants commonly associated with the urban environment.

B. Permit Requirements

The permittee must implement a public education program in an effort to promote behavior change by the public to reduce water quality impacts associated with pollutants in stormwater runoff and illicit discharges that includes: (Clarified permit requirement)

- 1) targeting specific pollutants and pollutant sources determined by the permittee to be impacting, or to have the potential to impact, the beneficial uses of receiving waters;
- 2) conducting outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff; and (Clarified permit requirement)
- 3) informing businesses and the general public of the municipality's prohibitions against, and/or the water quality impacts associated with, illegal discharges and improper disposal of waste.
- **C. Program Elements:** By using existing, ongoing program elements to meet the permit requirements, the MS4 is committed to continuing each of these program elements. Any changes would require use of the program modification process as outlined in Part I.E.2. of the permit.

Address the existing program elements, including those developed during the first permit term. If elements developed during the first term will be discontinued in the second term, include a brief summary of the discontinued element(s). For "Implementation Year," provide the year the element will be implemented, or list as "Ongoing."

1. <u>Forming Partnerships</u> –List and briefly describe any partnerships and memberships and describe their relevance. (Examples: Colorado Stormwater Council, Project Wet, Keep It Clean partnership, local watershed organizations, etc.).

	Public Education Program Element - Partnerships List each program element, briefly describe. Provide the year(s) for implementation or state "ongoing" for currently implemented programs.	Implementation Year or "Ongoing"
1.a	Member of Colorado Stormwater Council (CSC): The CSC provides a forum for the exchange of ideas and information with other MS4s, Urban Drainage and Flood Control District, and personnel from the state's stormwater permitting division.	Ongoing
1.b	Member of Keep It Clean Partnership: Keep It Clean Partnership (KICP) is a regional stormwater quality management program serving the communities of Boulder, Longmont, Lafayette, Erie, Superior, and Boulder County. Its primary goal is to implement a regional stormwater management program, to assist its members in compliance with federal Phase II stormwater regulations, and to address broader water quality issues in the Boulder and St. Vrain watersheds.	2011

2. <u>Using Educational Materials and Strategies</u> – List and briefly describe your programs/methods for distributing educational materials or conducting outreach activities that have the goal of promoting changes in behavior to protect water quality.

	Public Education Program Element – Educational Materials and Strategies List each program element, briefly describe. Provide the year(s) for implementation or state "ongoing" for currently implemented programs.	Implementation Year or "Ongoing"
2.a	The City's annual Colorado Discharge Permit System (CDPS) Permit report that is due to the Colorado Department of Health and Environment's Water Quality Control Division (WQCD) shall be available to the public free of charge on the City's website no later than March 15 of the year in which the report is due.	Ongoing
2.b	The City shall provide a webpage on its municipal website strictly dedicated to stormwater quality (www.cityoflafayette/stormwater.com). The webpage shall include information about the City's Management Plan (SWMP) and general stormwater quality information for contractors, businesses and the general public.	Ongoing
2.c	City-created brochures regarding pet waste are available to the public at City Hall and at the Library. These brochures are available in both English and Spanish. Other stormwater-related brochures are also available at City Hall. The city will also include stormwater information in at least one mailing per year to utility customers beginning in 2011.	Ongoing 2011
2.d	Television messages regarding stormwater quality issues will continue to be broadcast on the local government access channel.	Ongoing

3. <u>Signage and Stenciling</u> –List and briefly describe any outreach incorporating signage, inlet stenciling, etc. As applicable, include in the description any commitments to maintain and/or

replace signage and stenciling as necessary, including those implemented under the previous permit.

	Public Education Program Element – Signage and Stenciling	Implementation
	List each program element, briefly describe. Provide the year(s) for implementation or	Year or
	state "ongoing" for currently implemented programs.	"Ongoing"
3.a	Replacement of all non-labeled standard-sized storm sewer manhole lids with	Ongoing
	storm sewer manhole lids labeled "Drains to Creek" was begun in 2008. All	
}	new manhole lids will be labeled.	
	MODIFICATION: Non-standard sized storm sewer manhole lids will be	2011
	inventoried. Lids labeled "Drains to Creek" will be procured and installed.	
3.b	A minimum of twenty percent (20%) of the City's storm sewer inlets will be	Ongoing
	checked each year to ensure that the inlet label "No Dumping, Drains to	
	Creek" is not missing. If the label is missing, a new label will be installed.	
3.c	Forty pet waste stations were installed in locations deemed by the City to	Ongoing
	have a concentration of pet waste and/or in locations deemed by the City to	
	provide the greatest benefit in reducing or eliminating a pet waste disposal	
	problem.	
	Each pet waste station contains pick-up bags, pick-up bag dispenser, and a	
	sign reading "Dog waste pollutes our water, transmits disease, threatens our	
	health, degrades our city. Leash and clean up after your dog. It's the law!	
	Maximum \$1000 fine." Additional stations will be added as a need is	
	identified.	
	Trash containers are also provided through the stormwater program to support	
	this effort.	

4. <u>Reaching Diverse Audiences</u> – Describe how the program elements listed in the tables in Items 1, 2, and 3, above, are providing outreach to diverse audiences. Provide in your descriptions cross references to the applicable program elements listed in the tables. Examples: using bilingual materials, free household chemical collection, events are free and open to public, information and materials distributed are free and readily available, etc.

Add Description Here

All written material produced by the City as a part of program element 2.c shall be available in both Spanish and English. The information is available at no cost to residents.

Through an IGA with Boulder County, the city provides its residents with a means of disposing of household hazardous waste at no charge to residents. Information regarding the HHW disposal facility is available on our website.

The city conducts a city-wide free pick-up of organic garden waste in the spring. A free pumpkin and leaf drop-off is provided in the fall for all residents.

5. <u>Illicit Discharge Education to Businesses and the Public</u>- Describe how the program elements listed in the tables in Items 1, 2, and 3, above, inform businesses and the general public of impacts associated with illegal discharges and improper disposal of waste. Provide in your descriptions cross references to the applicable program elements listed in the tables. Examples: distributing educational materials, maintaining a website with applicable information, offering household chemical curbside pickup service, coordination with Industrial Pretreatment Program

for business inspections, publishing or distributing information targeting specific business sectors, etc.

Add Description Here

- Educational materials are distributed through direct mailing.
- The city's website has a dedicated stormwater page (www.cityoflafayette.com/stormwater).
- Organic garden waste is picked up from residences in the spring and a free leaf and pumpkin drop-off is provided in the fall.
- If the city becomes aware of a specific stormwater problem, letters are sent to targeted residences (e.g., letter sent to require removal of illegal driveway ramps in gutters).
- Partners for a Clean Environment (PACE) program reaches restaurants, vehicle service facilities, and other businesses that have the potential to adversely impact water quality. Outreach is performed either by direct personal contact, educational materials, or web resources. A minimum of two businesses are contacted by PACE annually.
- 6. <u>Additional Requirements Cherry Creek Reservoir Basin discharges (COR-080000 only) –</u> Describe how the program elements listed in the tables in Items 1, 2, and 3, meet the additional education requirements for discharges to the Cherry Creek Reservoir Basin in Part I.B.1(a)(4) of COR-080000. Provide in your descriptions cross references to the applicable program elements listed in the tables. Specifically describe how the program elements result in the distribution of educational materials or equivalent outreach that address pollutant sources that have a significant potential to contribute phosphorus and nitrogen loads to State waters at a rate that could result in, or threaten to result in, exceedance of the chlorophyll a standard in Cherry Creek Reservoir. The outreach should focus on residential, industrial, agricultural, and/or commercial sources within the MS4.

Add Description Here

D. Measurable Goals

Inclusion of measurable goals should not be necessary, as the elements described in Part C, above, should constitute full program implementation and a commitment to continue these elements.

II. PUBLIC PARTICIPATION/INVOLVEMENT

A. Program Perspective

Public participation/involvement is often discussed in the context of the public education measure because they share a common goal – reaching out to citizens to improve awareness and achieve program compliance. The distinction between the two programs is that public participation/involvement provides a conduit for citizens to participate in the development and implementation of the publicly funded stormwater program.

B. Permit Requirements

Public involvement/participation. The permittee must implement a public involvement program as follows:

- The permittee must comply with the State and local public notice requirements when implementing the CDPS Stormwater Management Programs required under this permit. Notice of all public hearings should be published in a community publication or newspaper of general circulation, to provide opportunities for public involvement that reach a majority of citizens through the notification process.
- 2) The permittee must provide a mechanism and process to allow the public to review and provide input on the CDPS Stormwater Management Program.
- **C. Program Elements:** By using existing, ongoing program elements to meet the permit requirements, the MS4 is committed to continuing each of these program elements. Any changes would require use of the program modification process as outlined in Part I.E.2. of the permit.

Address the existing program elements, including those developed during the first permit term. If elements developed during the first term will be discontinued in the second term, include a brief summary of the discontinued element(s). For "Implementation Year," provide the year the element will be implemented, or list as "Ongoing."

1. <u>Public Notices</u> – List your local public notice requirements.

Add Description Here

The City requires all public notices to be advertised in the local newspaper at least two weeks prior to any public hearing or meeting, or to send out individual letters to each affected household within the City.

2. <u>Mechanism and Processes for Public Involvement/Feedback</u> –List and briefly describe your method(s) of publicizing contact information and directing inquires to appropriate staff. Examples are website, brochure, phone book listing, internal phone lists, hot line, etc.

	Public Involvement/Participation Program Element – Public Feedback	Implementation
	List each program element, briefly describe. Provide the year(s) for implementation or state	Year or
	"ongoing" for currently implemented programs.	"Ongoing"
2.a	A stormwater hotline is available to the public 24 hours a day, 365 days a year,	Ongoing
	except for routine repair and maintenance.	
2.b	A stormwater quality information counter attended by a live person shall be	Ongoing
	provided during normal working hours.	
	The intent of providing this service is to allow the public to voice their	
	stormwater quality concerns and ask stormwater quality related questions.	
2.c	The City's phone number is provided on all City-produced stormwater	Ongoing
	materials.	

D. Measurable Goals

Inclusion of measurable goals should not be necessary, as the elements described in Part C, above, should constitute full program implementation and a commitment to continue these elements.

A. Program Perspective

The goal of the Illicit Discharge Detection and Elimination Program is, to the maximum extent practicable, to reduce the frequency and environmental impact of illicit discharges in which pollutants are intentionally or accidentally discharged into the storm sewer system.

B. Permit Requirements

The permittee must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at 61.2) into the permittee's MS4. Illicit discharges do not include discharges or flows from fire fighting activities, or other activities specifically authorized by a separate CDPS permit.

The permittee must:

- 1) Develop and maintain a current storm sewer system map, showing the location of all municipal storm sewer outfalls and the names and locations of all state waters that receive discharges from those outfalls.
- 2) To the extent allowable under State or local law, effectively prohibit, through ordinance or other regulatory mechanism, illicit discharges (except those identified in subparagraph 5 and 6 of this section) into the storm sewer system, and implement appropriate enforcement procedures and actions. (Clarified permit requirement)
- 3) Develop, implement, and document a plan to detect and address non-stormwater discharges, including illicit discharges and illegal dumping, to the system. The plan must include the following three components: procedures for locating priority areas likely to have illicit discharges, including areas with higher likelihood of illicit connections; procedures for tracing the source of an illicit discharge; and procedures for removing the source of the discharge.
- 4) Develop and implement a program to train municipal staff to recognize and appropriately respond to illicit discharges observed during typical duties. The program must address who will be likely to make such observations and therefore receive training, and how staff will report observed suspected illicit discharges. (New permit requirement)
 - i) Specific Deadline for Renewal Permittees: Renewal Permittees must comply with the requirement of subparagraph (4) by no later than December 31, 2009.
- 5) Address the following categories of non-stormwater discharges or flows (i.e., illicit discharges) only if the permittee identifies them as significant contributors of pollutants to the permittee's MS4: landscape irrigation, lawn watering, diverted stream flows, irrigation return flow, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),

uncontaminated pumped ground water, springs, flows from riparian habitats and wetlands, water line flushing, discharges from potable water sources, foundation drains, air conditioning condensation, water from crawl space pumps, footing drains, individual residential car washing, dechlorinated swimming pool discharges, and water incidental to street sweeping (including associated side walks and medians) and that is not associated with construction. (Clarified permit requirement)

The permittee may also develop a list of occasional incidental non-stormwater discharges similar to those in the above paragraph, (e.g., non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-stormwater discharges must 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 water bodies, BMPs, etc.). The permittee must document in their program any local controls or conditions placed on the discharges. The permittee must include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

- 6) The following sources are excluded from the prohibition against non-stormwater discharges and the requirements of subsections (2) and (3) above:
 - *i)* Discharges resulting from emergency fire fighting activities. Such discharges are specifically authorized under this permit (see Part I.A.2).
 - *ii)* Discharges specifically authorized by a separate CDPS permit.
- **C. Program Elements:** By using existing, ongoing program elements to meet the permit requirements, the MS4 is committed to continuing each of these program elements. Any changes would require use of the program modification process as outlined in Part I.E.2 of the permit.

Address the existing program elements, including those developed during the first permit term. If elements developed during the first term will be discontinued in the second term, include a brief summary of the discontinued element(s).

1. <u>Outfall map</u> -. Describe the status of your outfall map; i.e., has it been completed as required by the previous permit? Briefly describe the process that has been implemented for updates to the map when new outfalls are constructed.

Add Description Here

Outfall maps of the entire stormwater system were completed in 2006. These maps were scanned into the city's GIS system. As infrastructure is added to our system, the associated drawings are scanned and submitted to our GIS contractor.

2. <u>Regulatory mechanism</u>-List all ordinances (or other applicable controls) used to implement the Illicit Discharge Detection and Elimination program. For all ordinances/controls, provide the title, date of adoption/revision, and a brief description of the authority granted (e.g., provides enforcement authority, inspection authority, etc.).

Add Description Here Ordinance No. 2, Series 2005, Stormwater Quality, approved on February 25, 2005, was repealed on

April 19, 2011, and reenacted as Ordinance No. 13, Series 2011, Stormwater Quality.

Section 104-34 Illicit Discharge Prohibited; Exemptions lists illicit discharges and exempts properly managed discharges.

Chapter 104 gives the city the authority to:

- 1. Prevent illicit connections
- 2. Address specific pollutants
- 3. Address threatened discharges
- 4. Enter and inspect properties and facilities
- 5. Require notification of spills
- 6. Require permits
- 7. Enforce penalties and initiate legal proceedings
- 8. Require maintenance of post-construction permanent BMPs

Ordinance 3, Series 2008 as amended (Nuisances), adopted also provides the city with the ability to assess civil penalties against violators.

- 3. <u>Illicit Discharge Detection and Elimination Plan</u> –Briefly describe plans and procedures in place for the following required actions:
 - Locating priority areas likely to have illicit discharges
 - Tracing the source of illicit discharges
 - Removing the source of illicit discharges

Add Description Here

MODIFICATION: The city currently has a measurable goal requiring 50 outfall inspections per year. The modified goal would focus on **drainage basins** instead of a fixed number of outfall inspections. Concentrating on drainage basins will enable the city to develop a broader understanding of the entire city and the likely discharges associated with each drainage basin. Each drainage basin has unique problems. This change would help us to more effectively identify and address illicit discharges in all areas of the city. The city will continue to monitor outfalls in the Coal Creek and Rock Creek drainage areas throughout the year since these areas are known areas of concern.

The city would inspect one large or several smaller basins per year with the goal of inspecting all drainage basins within a three-year cycle.

MODIFICATION: The city has been using the "Illicit Discharge Detection and Elimination
Plan" guidance document developed by the University of Alabama and the Center for
Watershed Protection for the core of its illicit discharge detection and elimination program.
The city has written a Lafayette-specific "Plan for Illicit Discharge Detection, Elimination
and Enforcement." This plan identifies procedures for identifying priority areas, tracing illicit
discharges to their source, removing the source of illicit discharges, and enforcing and
ensuring compliance.2011

4. <u>Staff Education –</u> List program(s) to educate staff and contractors in the field on observing, reporting, and responding to illicit discharges. You may provide a cross reference to the Municipal Operations program if this program element is covered there. Briefly describe the type (e.g., class room, web based, briefings, etc) and frequency of training program(s)

conducted. If training has not been fully implemented, provide a measurable goal in Part D, below.

The City's current illicit discharge training program entails watching a 30 minute video followed by a question and answer session. This training is mandatory for new field and responsible employees. The training class is formally scheduled once per year.	Ongoing
As part of the training, the city also provides an easy-to-read, non-technical handbook to employees. This handbook includes but is not limited to: identifying an illicit discharge, what to do when an illicit discharge is seen, and a field report form.	Ongoing
PACE provides yearly and as-requested training to Lafayette municipal staff on observing and reporting illicit discharges. This training is provided to field personnel during classroom and/or tail-gate training.	2011

D. Measurable Goals

Future Measurable Goal - Proposed	Due Date	Status
The city will inspect one large or several smaller basins per year with	12/31/2011	Ongoing
the goal of inspecting all drainage basins within a three-year cycle.		

A. Program Perspective

The goal of the Construction Sites Runoff Control Program is to reduce, to the maximum extent practicable, sediment and other construction-related pollutants from entering the municipal separate storm sewer system.

B. Permit Requirements

The permittee must:

- Develop, implement, and enforce a program to reduce pollutants in any stormwater runoff, and to reduce pollutants in, or prevent when required in accordance with I.B.3, non-stormwater discharges that have the potential to result in water quality impacts (e.g., construction dewatering, wash water, etc.), to the MS4 from construction activities that result in a land disturbance of one or more acres. Reduction of pollutants in discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one or more acres. If the Division waives requirements for stormwater discharges associated with a small construction activity in accordance with 61.3(2)(f)(ii)(B) (the "R-Factor" waiver), the permittee is not required to develop, implement, and/ or enforce its program to reduce pollutant discharges from such a site. (Clarified permit requirement)
- 2) Develop and implement the program to assure adequate design, implementation, and maintenance of BMP's at construction sites within the MS4 to reduce pollutant discharges and protect water quality. The program must include, at a minimum, the development, implementation, and documentation of:
 - i) Program Requirements, including:
 - A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions and procedures adequate to ensure compliance, to the extent allowable under State or local law.
 - B) Requirements for construction site operators to implement appropriate erosion and sediment control BMP's.
 - C) Requirements for construction site operators to implement BMP's to control waste such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste, and other non-stormwater discharges including construction dewatering and wash water, at the construction site that may cause adverse impacts to water quality. (Clarified permit requirement)
 - *ii)* Compliance Assessment, including:

- A) Procedures for site plan review which incorporate consideration of potential water quality impacts.
- B) Procedures for construction site compliance assessment, including:
 - 1) Site inspections; and
 - 2) Receipt and consideration of information submitted by the public.
- iii) Compliance Assurance, including:
 - A) Procedures for enforcement of control measures that includes documented procedures for response to violations of the permittee's program requirements. Procedures must include specific processes and sanctions adequate to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measures. (New permit requirement)
 - 1) Specific Deadline for Renewal Permittees: Renewal Permittees must comply with the requirement of subparagraph (A) to develop, document and implement response procedures that specifically address chronic and recalcitrant violators by no later than December 31, 2009.
 - B) An education and training program for municipalities, their representatives and/or construction contractors. At a minimum, the program must include an information program for construction site operators unfamiliar with the reviewing authority's regulatory requirements.
- **C. Program Elements**: By using existing, on going program elements to meet the permit requirements, the MS4 is committed to continuing each of these program elements. Any changes would require use of the program modification process as outlined in Part I.E.2. of the permit.

Address the existing program elements, including those developed during the first permit term. If elements developed during the first term will be discontinued in the second term, include a brief summary of the discontinued element(s).

 <u>Regulatory Mechanism to require BMPs and sanctions to ensure compliance</u> – List all ordinances (or other regulatory mechanisms) your Construction Sites program is operating under that allow you to require BMPs and enable sanctions to ensure compliance. For all ordinances/mechanisms, provide the title and date of adoption/revision.

Add Description Here

Ordinance No. 13, Series 2011, adopted April 19, 2011

Section 104-40, requires a stormwater quality permit for:

- 1. Disturbed areas of one acre or more.
- 2. Less than one acre if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
- 3. A disturbed area regardless of size in conjunction with approval of a final subdivision plat, special use permit, or site development plan, or if the construction activities are adjacent to a watercourse or wetlands.

Section 104-41 requires:

- 1. The preparation of a SWMP in accordance with the engineering, hydrologic and pollution control practices outlined in the city's current Standards and Specifications.
- 2. That the SWMP be on site.
- 3. Inspection of BMPs at least every 14 days and within 24 hours after a runoff event and that these inspections be conducted by an individual who has successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the city. A certification of successful completion of such training must be available for inspection upon request.
- 4. Continuous maintenance of BMPs.
- 5. That minor modifications to the SWMP be noted in the BMP and implemented as stated on site.
- 6. Major modifications to the SWMP be first submitted for approval to the city for review and approval. Major modifications are those that would have a significant effect on the hydrology or potential for discharge of pollutants to the MS4 or receiving waters.
- 7. That records of inspection be maintained on site with the SWMP to be available to the city inspector upon request,

Section 104-42 requires that all BMPS be designed to comply with "Urban Storm Drainage Criteria Manual," Volume 3 – Best Management Practices, current edition.

Section104-44 allows the city to require security in the form of an irrevocable letter of credit generally based on 115% of the estimated cost of the work required to ensure compliance with the permit's terms and conditions and requirements of this section.

Section 104-45 provides enforcement options.

- 1. All authorized personnel under the supervision of the director of public works shall have the power to conduct inspections, give verbal direction, use notices of violations and implement other enforcement actions.
- 2. If there is cause to believe that there exists or potentially exists any condition which constitutes a violation of this article, the director of Public works shall have the right to enter the premises. If entry is refused after a request has been made, the city is empowered to seek court assistance in obtaining entry.
- 3. If the violation constitutes an immediate danger to public health or public safety, entry may be taken without giving prior notice to take measure necessary to abate the violation and/or restore the property. The owner will be charged for the cost of abatement plus administrative costs. Provisions are also made for property owner protest, a hearing, and the filing of liens if necessary.
- 4. Provisions are made for stop work orders, criminal penalties, violations deemed a public nuisance, and a statement that unless otherwise noted, the penalties are cumulative and not exclusive.

Ordinance 3, Series 2008 (Nuisances), adopted October 7, 2008, provides the city with the ability to assess civil penalties against violators.

Article 1 defines a nuisance as a thing, act, failure to act, occupation, activity, condition or use of any building, land, substance or property which:

- the continuous use or condition of which presents a substantial danger or hazard to the health, safety or welfare of the community; or
- The continuous use or condition of which violates any ordinances of this city; or

- Shall otherwise constitute or be known or declared a nuisance by virtue of common law, state statutes or the ordinances of the city; or
- Pollutes or contaminates any surface or subsurface waters; or
- Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of any department or officer of the city, continues to be conducted or continues to exist in violation of any statute or this Code or in violation of any regulation of the city, county, or the state.
 - <u>Requirements for construction site operators to implement appropriate erosion and sediment</u> <u>control BMPs and materials handling BMPs</u> - List the design criteria, BMP manuals, or fact sheets used to guide construction site operators in the selection and design of appropriate BMPs, stabilization methods and materials handling practices. For all items, provide the title and date of adoption/revision.

Add Description Here

City of Lafayette uses its Standards and Specifications, December 2004, Section 1505.1 requires that measures designed to prevent construction site runoff and waste control be in conformance the "Urban Storm Drainage Criteria Manual," volume 3. It goes on to state that "all land-disturbing activities within the City of Lafayette shall be in compliance with applicable Colorado Discharge Permit System (CDPS) Stormwater, Colorado Air Quality Control Commission regulations, and the NPDES Phase II storm water regulations when applicable."

Ordinance No. 13, Series 2011, Section 104-40 Applicability of Permit, requires a permit for:

- Less than one acre if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
- The city may also require a stormwater quality permit regardless of the size of the total disturbed area in conjunction with approval of a final subdivision plat, special use permit, or site development plan, or if the construction activities are adjacent to a watercourse or wetlands.
- Discharges from constructions sites less than one acre that do not require a permit are considered illicit discharges and are covered Section 104-34 Illicit Discharges Prohibited;
 - 3. <u>Requirements for construction site operators to control waste including discarded building</u> <u>materials, concrete truck washout, chemicals, litter, and sanitary waste</u> –List all ordinances (or other regulatory mechanisms) used that require construction site waste control. For all ordinances/mechanisms, provide the title and date of adoption/revision.

Add Description Here

Ordinance 13, 2011, adopted April 19, 2011, Section 104-34, lists specific illicit discharges prohibited. Among these are:

- 1. Chemicals, petroleum products, paint, varnishes, solvents, oil and grease and other automotive fluids, pesticides, herbicides, and fertilizers, or other toxic materials.
- 2. Construction activities wastes and residues including, but not limited to, painting, paving,

concrete placement, saw cutting, material storage and earthwork.

- 3. Hazardous materials, sewage, fecal coliform and pathogens, dissolved and particulate metals.
- 4. Wastes and residues that result from mobile washing operations; discharges from toilets; sinks; industrial processes; cooling systems; boilers; fabric cleaning; equipment cleaning.

Section 104-41 requires that BMP's be installed and maintained to prevent the discharge of pollutants to the MS4 or receiving waters.

City of Lafayette's Standards and Specifications, Section 1500 (Storm Drainage Design and Technical Criteria), 2004 Edition.

1505. NPDES Phase 2 Compliance Addition adopted December 2004, requires that "The Developer and Contractor must take all necessary precautions to prevent pollution of streams, lakes and reservoirs from fuels, oils, bitumens, calcium chloride or other harmful materials. They will conduct and schedule their operations to avoid or minimize siltation of streams, lakes and reservoirs. A grading and erosion control permit including a plan for erosion protection, as required by the NPDES Regulations and/or Corps of Engineers Stormwater Rules, will be submitted to the City for approval before starting work and must conform to all local, state and federal Regulations.

1505.1 Erosion Control

Erosion control measures shall be designed in conformance with Volume 3 of the Urban Drainage and Flood Control District (UDFCD) Urban Storm Drainage Criteria Manual.

- 4. <u>Procedures for site plan review which incorporate consideration of potential water quality</u> <u>impacts</u> –
 - a. Site Plan Development: Briefly describe your requirements for construction site operators to develop stormwater control site plans based on the minimum design criteria.
 - b. Site Plan Review: Briefly describe your site plan submittal, review, and preliminary approval process (e.g., is a checklist used?). Describe your system to track status of stormwater control site plans. Describe procedures for ongoing review of site plans during active construction (e.g., how are plans reviewed after construction starts and is additional approval required for revisions?) The MS4 is not required to review and/or approve all plans, but must demonstrate adequate project oversight to prevent inadequate plans.

Describe how consideration of potential water quality impacts is achieved (e.g., ordinance requires a permit, which requires a plan, which requires that water quality impacts be considered; water quality impacts are required to be addressed by development code; etc.). The MS4 is not required to review and/or approve all plans, but must demonstrate adequate project oversight to prevent inadequate plans.

Add Description Here

Section 1505.1, Construction Site Runoff and Waste Control, of the city's Standards and Specifications, adopted in 2004, requires that all subdivisions include an erosion control plan that has,

at a minimum:

- A general location map with sufficient detail to identify drainage flow entering and leaving the development and general drainage patterns.
- Major construction (i.e., development, irrigation ditches, existing detention facilities, culverts, storm drainage lines) along the path of drainage.
- Basins and divides identified with topographic contours.
- Specifications and details for erosion control measures.
- A transition grading/drainage plan for construction activities that are phased or sequenced.. All residential developments re a transition grading plan.

Erosion control measures must be provided to protect:

- Inlets and culverts
- Drainageways having channel flow lines which exceed 1% slope
- Streams or other water bodies that are immediately adjacent to land disturbed by construction activity
- Cut and fill areas where exposed soil exists
- Properties and improved streets adjacent to construction activity

Standard details and specifications are provided in Standard Drawings 400-11 to 400-17 of the city's Standards and Specifications. Applicable details of additional erosion control measures should be obtained the "Urban Storm Drainage Criteria Manual, current edition.

Section 26-17 of the Lafayette Municipal Code of Ordinances, sets forth drawing and report requirements.

Section 16-17-4, Applications—Sketch Plan, the submissions requires a site plan drawn to scale and supporting maps and supporting written materials

Section 26-17-5, Same—Preliminary Plans

The preliminary plan shall include the information required by the sketch plan, but in an updated and more detailed form. It will also include, but is not limited to:

- Preliminary information sufficient to indicate that the final plat will meet the requirements established pursuant to C.R.S. 38-51-102, Land Survey Plat.
- Contours of the land proposed for subdivision at five-foot intervals (ten-foot intervals on rugged topography), and unique natural features.
- The location of the 100 year flood plain and floodway.
- A vicinity map
- Acreage to be subdivided and acreage intended for each use.

Section 1500 of the City of Lafayette Standards and Specifications, 2004, provides checklists for submittals to the Engineering Division. It is during the preliminary plan stage that engineering documents are submitted separately to the city engineer. These include a drainage plan, geological stability information, and construction drawings showing proposed cut and fill as applicable to the proposed site plan and existing topography. These documents are reviewed by the city engineer. The city engineer identifies problems and asks the developer/owner correct them. The documents may pass between the city engineer and the developer/owner many times during this process until the final document meets acceptable engineering design standards. During preliminary approval, the SWMP is also reviewed by the city engineer. The project does not pass into the final approval process until all submittals have been approved by the city.

Section 26-17-6. Same—Final plans and plats.

During this stage the submissions include: final maps, a legal description, reception number, notarized Certificate of ownership, surveyor's certificate, council approval and acceptance. At this point, the city engineer/public works director also submits a certificate.

Section 26-17-6 requires that an agreement between the city and property owner include, among other things, a guarantee in the form of an escrow, letter of credit, or other financial guarantee acceptable to the city administrator and city attorney, ensuring that the property owner will complete all public improvements.

Section 26-17-8. Same—Minor subdivision and Section 26-17-8. Same—Special use application requirements for minor subdivisions and special use applications.

Construction sites less than one acre must receive site plan approval. During this process, a grading and drainage plan shall be submitted if required by the city engineer (Section 26-29-4, Development and Zoning Code). At this time, water quality impacts and BMP requirements are assessed and addressed if necessary.

5. Procedures for receipt and consideration of information submitted by the public. Describe how inquiries are processed (i.e., received by, or forwarded to the MS4 Stormwater Program) and responded to. Describe how complaints are tracked and documented.

Add Description Here

When information is received from the public, the information is forwarded to the stormwater quality manager and to the site inspector. The site inspector will perform an on site investigation to see if the concern is valid. Photographs will be taken and a written report created. The information in the report will be provided to the site supervisor so that he or she can address the any problems immediately. Depending on the degree of the violation, other enforcement actions may be taken.

6. Procedures for site inspection and enforcement of control measures

- a. <u>Inspections</u>: Describe procedures used for inspections, and list any manuals or other documentation used by your staff that includes inspection procedures. Include a description of how inspections are documented; how the frequency of inspections is determined; how sites are prioritized for inspections, if past experiences with construction site operators influence frequency; and how sites and inspections are tracked. Describe procedures for regularly scheduled compliance inspections, complaint response inspections, and reconnaissance inspections, as applicable to your program.
- b. <u>Enforcement</u>: Describe procedures used for enforcement, and list any manuals, response guides, or other documentation used by your staff that dictate how and when a response to non-compliance is carried out and those enforcement actions are tracked. Describe enforcement tools used (e.g., withholding permits, inspections, plan review, C.O., letter of non-compliance, stop work, permit revocation, notice of violation, monetary fines, summons). Describe how enforcement actions are escalated as needed to prevent repeat violations associated with chronic or recalcitrant violators. If procedures are not already

fully implemented to address chronic and recalcitrant violators, provide a measurable goal in Part D, below.

Add Description Here

Inspections will be performed using the following procedures:

- Inspectors will look for pollutants leaving the site
- Inspectors will identify sources or potential sources of pollution
- Inspectors will check to see if BMPs are missing, installed incorrectly and/or are poorly maintained, inadequate or inappropriate for the application.
- Inspectors will provide the site operator/owner with a statement of why threats to state waters exist; if the potential for a discharge exists, a clear statement specifically addressing why there is a threat; an explanation of why the protections provided on-site are inadequate, etc.; and the city's expectation to correct the deficiency.

Our enforcement options are given in Section 104-45 (Enforcement and Penalties) of Ordinance 13, Series 2011 adopted April 19, 2011.

- 1. Abatement if the violation constitutes an immediate danger to public health or public safety.
- 2. Stop work order
- 3. Criminal penalties
- 4. A means of seeking civil penalties for violations deemed a public nuisance under Ordinance 3, Series 2008 as amended (Nuisances).

The remedies in Section 104-45 are cumulative and "the exercise of any one or more remedies shall not prejudice any other remedies that may be pursued. These remedies are not exclusive of any other applicable federal, state or local law. Cumulative remedies may be sought.

Lafayette's inspectors strive to maintain a mutually respectful professional relationship with contractors working in the city. Inspections and enforcement actions are tracked and reported to the CDPHE in the annual report.

Training and Education for Construction Site Operators – This program element must, at a
minimum, include an informational program for construction site operators unfamiliar with
the MS4's (reviewing authority's) regulatory requirements. Describe how
training/education is implemented. Describe the use of any fact sheets, pre-development
documents, permit applications, pre-construction meetings, web sites, etc. that outline the
MS4 (and/or State) construction requirements pertaining to stormwater.

Add Description Here

The city will provide information to owners/construction site operators regarding the city's regulatory requirements.

The city also has copies of the XCAL "Ground Control: Stormwater Pollution Prevention for Construction Sites" available in both English and Spanish. These are available to contractors and their employees.

Our city website provides links to state construction requirements pertaining to stormwater.

D. Measurable Goals

Measurable Goals are required for the requirement in Part I.B.4(a)(2)(iii) of the permit (Permit Requirement (2)(iii) in Part B, above) unless this new permit requirement is already being met. Additional measurable goals should not be necessary if the elements described in Part C, above, constitute full program implementation and a commitment to continue these elements for all additional permit requirements.

Check Box 1 or 2, below. The Table in Part 3 must be filled out if you check Box 2.

1. Procedures, as listed in Part C.5.b, above, have already been fully implemented to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measures.

\times (It is not necessary to complete Part 3 below if you check this box.)

2. Procedures have **NOT** already been fully implemented to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measures.

(You must complete Part 3 below if you check this box.)

3. Construction Sites Program Measurable Goals: The Measurable Goal has been provided. Include the year by which full implementation of procedures will be achieved to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measures will be implemented. **Measurable Goals must be completed by 2009.**

CITY OF LAFAYETTE

POST-CONSTRUCTION STORMWATER MANAGEMENT

A. Program Perspective

The goal of the Post-Construction Stormwater Management program is to implement planning procedures and enforcement mechanisms to reduce, to the maximum extent practicable, stormwater impacts resulting from areas of new development and significant redevelopment.

B. Permit Requirements

Post-construction stormwater management in new development and redevelopment.

The permittee must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The permittee must:

- 1) Develop, implement, and document strategies which include the use of structural and/or nonstructural BMPs appropriate for the community that address the discharge of pollutants from new development and redevelopment projects, and/or that maintain or restore hydrologic conditions at sites to minimize the discharge of pollutants and prevent in-channel impacts associated with increased imperviousness; (Clarified permit requirement)
- 2) Use an ordinance or other regulatory mechanism to address post- construction runoff from new development and redevelopment projects to the extent allowable under State or local law;
- 3) Develop, implement, and document procedures to determine if the BMPs required under Item (1), above, are being installed according to specifications. (This may be developed in conjunction with the Construction program area, as described in Part I.B.4);
- 4) Develop, Implement, and document procedures to ensure adequate long-term operation and maintenance of BMPs, including procedures to enforce the requirements for other parties to maintain BMPs when necessary; (Clarified permit requirement)
- 5) Develop, implement, and document an enforcement program, which addresses appropriate responses to common noncompliance issues, including those associated with both installation (subparagraph (3), above) and long term operation and maintenance (subparagraph (4), above) of the required control measures; (Clarified permit requirement)
- 6) Develop and implement procedures and mechanisms to track the location of and adequacy of operation of long-term BMPs implemented in accordance with the program. (Clarified permit requirement)

C. Program Elements: By using existing, ongoing program elements to meet the permit requirements, the MS4 is committed to continuing each of these program elements. Any changes would require use of the program modification process as outlined in Part I.E.2. of the permit.

Address the existing program elements, including those developed during the first permit term. If elements developed during the first term will be discontinued in the second term, include a brief summary of the discontinued element(s).

 <u>Regulatory mechanism</u> – List all ordinances (or other applicable controls) used to implement the post-construction program. For all ordinances/controls, provide the title, date of adoption/revision, and a brief description of the authority granted (e.g., provides enforcement authority, inspection authority, etc.). The ordinance or other mechanism must have language requiring that new development and significant redevelopment projects disturbing more than or equal to one acre, and those less than one acre but part of a larger common plan of development or sale, incorporate stormwater management BMPs.

Add Description Here

Ordinance No. 1986-01, § 2, 2-4-86 is cited as "Development and Zoning Code" and is Chapter 26 of the Code of Ordinances of Lafayette. This ordinance allows the City to require post-construction BMPs.

Under Section 26-17-5. Same—Preliminary Plan, paragraph B.1.iii Drainage Plan: All new and redevelopments shall conform to the City of Lafayette's Storm Drainage Design and Technical Criteria Manual, now part of the city's Standards and Specifications, 2004, Section 1500, Design Criteria – Storm Drainage. The city recommends that any storm drainage plan submitted for approval use the Urban Storm Drainage Criteria Manual as a guide in designing the storm drainage system whenever the city's Standards and Specifications to not provide specific guidance.

Section 15012. Requires that analysis and determination of the amount of flow at various points in the drainage system be made by approved methods such as the Rational Method, Colorado Urban Hydrograph Procedure, or other means approved by city council or its designated representative.

Section 1501.7 and following sets forth the minimum detention volume, maximum release rates and gives examples of detention computation.

Section 1502 sets design standards for drainage structures.

Section 1504 provides a checklist for storm drainage reports and construction plans and provides instructions for submittals.

The mechanisms listed above allow the City to legally require that all new developments incorporate stormwater management BMPs. Redevelopment projects will be reviewed by the city engineer. Though the city has the authority to require post-construction BMPs in redevelopment, the city engineer will determine whether or not redevelopment projects are considered "significant" redevelopment. We do not have a mechanism to require a BMP from an already approved and recorded subdivision. However, all sites go through site plan review, and at this point, drainage plans shall be submitted if required by the city engineer.

Ordinance 13, Series 2011, Section 104-43 Post Construction Requirements of Permanent BMPs,

requires permanent BMPs, Section (a), requires certification of permanent BMPs (b), and requires ongoing inspection and maintenance of permanent BMPs.

 <u>Design Criteria and Standards</u>- List any SOPs or Design Criteria required, such as Urban Drainage Flood Control District's Volume 3 –BMP Manual, or plan review checklists, for the selection and design of appropriate structural and non-structural BMPs appropriate for the community. List any planning tools such as Master Plans, Comprehensive Plans, Zoning Plans and regional BMPs.

Add Description Here

The City uses Urban Drainage and Flood Control District's Volume 3 – BMP manual and Urban Drainage and Flood Control District's Volume 2 for its water quality capture volume design criteria. The City verifies the adequacy of designs submitted for approval using the Rational Method, the Colorado Urban Hydrograph Procedure or other methods approved City Council or its designated representative. Our requirements are further detailed in Section 1500 Storm Drainage Design and Technical Criteria of Lafayette's Standards and Specifications.

It is the City's policy to require on-site detention for all new development. The need for on-site detention for redevelopment will be determined by the city engineer. (See response to C. Program Elements, item 1. Regulatory Mechanism.)

3. Review and Approval Procedures

- i. Plan Review Briefly describe your process for review and approval of permanent water quality control plans. Describe your system to track status of plans.
- ii. Field verification Describe how the correct installation of BMPs is confirmed, and the enforcement procedures used when BMPs have not been built as approved.
- iii. If different procedures are used for municipal projects, roadway construction, etc., include a description here.

Add Description Here

See response to C. Program Elements, item 1. Regulatory Mechanisms for plan review information. Requirements.

Section 106 Acceptance Procedures of the City of Lafayette Standards and Specifications, 204, requires that prior to final inspection or acceptance:

- 1. All temporary structures, debris, mud and waste materials be removed from public property.
- 2. A complete and accurate set of as-built drawings shall be submitted to the city engineer for approval. Changes to original design drawings must be supported by documentation which contains the signature and seal of a Colorado Registered Professional Engineer.
- 3. All relevant testing certifications and documentation shall be submitted to the city engineer for approval. All required certifications must contain the signature and seal of a Colorado Registered Professional Engineer.
- 4. All other supporting documentation must be submitted to the city engineer for approval.

Final Inspection (Section 106.2.1) – Contractors and/or owners representative conducts their own inspection and makes all necessary corrections. They may use an inspection checklist provided by the city's engineering division. When the improvements are ready for final inspection by the city, the owner shall contact Public Works. After the inspection, a list of deficiencies will be prepared by the city engineer and presented to the developer. Within one week, the developer shall submit a time schedule for correction of the deficiencies. The deficiencies must be corrected within 45 days of receipt of the list from the city engineer. When the developer and contractor have corrected deficiencies, the city will be informed that repairs have been made and a follow-up inspection will be scheduled.

Streets and other public improvements within subdivisions are provisionally accepted at time of completion, but final acceptance is made at the end of the three-year warranty period.

Inspections and approval of public improvements contracted by the City are specified in the City's contract documents, General Conditions, Article 14 Payment to Contractor and Completion approved on July 20, 2009.

4. <u>Tracking</u> – Describe how permanent BMP locations and maintenance history are tracked.

Add Description Here

Permanent BMP locations are tracked by updating the City of Lafayette's the stormwater facility information in the public works GIS system. Information regarding new BMPs, modifications to BMPs, or removal of BMPs is provided to our GIS contractor, who after a BMP feature has been modified, removed, or added.

The City performs yearly inspections of privately maintained BMPs and notifies owners of any needed maintenance. The City also performs yearly inspections of municipal swales and ponds and is establishing a method of recording the maintenance history of all permanent municipal BMPs. All permanent BMPs included in a final drainage plan must undergo ongoing inspections to document maintenance and repair needs to ensure that the BMP is functioning properly.

5. <u>Requiring long-term operation and maintenance of BMPs</u> – Describe how you require the long-term operation and maintenance of permanent water quality controls. List methods used, such as drainage easements; language on recorded plats requiring legal title holder be responsible for BMP maintenance; legal authority to inspect, require, perform maintenance and recoup costs; requiring creation of HOA or owner's association; and procedures to determine if BMPs are installed or constructed in accordance with specifications.

Add Description Here

Maintenance responsibility is outlined on the recorded plats and subdivision agreements. Under the new ordinance, No. 13, Series 2011, the City will require any owner who sells or conveys ownership of the site to notify the new owner of their obligation to maintain the BMP and will also provide a copy of the notice to the city. Failure to send or receive this notice will not absolve the current owner of its obligation to maintain the BMP. (Section 104-43 Post-Construction Requirement of Permanent BMPs).

6. Monitor long-term compliance -

- a. <u>Inspections</u> Describe your inspection programs, including routine and complaint response inspections.
- b. <u>Enforcement</u>-List appropriate enforcement responses used, such as verbal warning to the developer/property owner, letter of noncompliance, notice of violation, chargeback to contractor for work completed by MS4 representatives, and/or municipal summons.

Add Description Here

The City performs yearly inspections of privately maintained BMPs and notifies owners of any needed maintenance. The City also performs yearly inspections of municipal swales and ponds and is establishing a method to record the maintenance history of all permanent municipal BMPs. All permanent BMPs included in a final drainage plan must undergo ongoing inspections to document maintenance and repair needs to ensure the BMP is functioning properly.

If a complaint comes in that a BMP is not working as intended or that maintenance is needed, the BMP in question is inspected immediately. If corrective action is needed, the owner is contacted and given a due date of when the corrections are to be made. Depending on the type of work necessary to perform the maintenance or repairs, the time period may be negotiated when the first contact is made.

D. Measurable Goals

Inclusion of measurable goals should not be necessary, as the elements described in Part C, above, should constitute full program implementation and a commitment to continue these elements.

MS4 NAME

POLLUTION PREVENTION/ GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

STORMWATER DISCHARGES ASSOCIATED WITH MS4s Program Descriptions 2008 - 2013

A. Program Perspective

The goal of the Pollution Prevention/Good Housekeeping for Municipal Operations program is to reduce, to the maximum extent practicable, the amount and type of pollution that is generated by municipal operations or from municipally-owned property.

B. Permit Requirements

The permittee must develop and implement an operation and maintenance program that includes an employee training component and has the ultimate goal of preventing or reducing pollutants in runoff from municipal operations. The program must also inform public employees of impacts associated with illegal discharges and improper disposal of waste from municipal operations. The program must prevent and/or reduce stormwater pollution from facilities such as streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by the permittee, and waste transfer stations, and from activities such as park and open space maintenance, fleet and building maintenance, street maintenance, new construction of municipal facilities, and stormwater system maintenance, as applicable. The permittee must:

- Develop and maintain written procedures for the implementation of an operation and maintenance program to prevent or reduce pollutants in runoff from the permittee's municipal operations. The program must specifically list the municipal operations (i.e., activities and facilities) that are impacted by this operation and maintenance program. The program must also include a list of industrial facilities the permittee owns or operates that are subject to separate coverage under the State's general stormwater permits for discharges of stormwater associated with industrial activity; (New permit requirement)
 - *i)* Specific Deadline for Renewal Permittees: Renewal Permittees must comply with the requirements of subparagraph (1) by no later than December 31, 2009.
- 2) Develop and implement procedures to provide training to municipal employees as necessary to implement the program under Item 1, above. (Clarified permit requirement)
- **C. Program Elements:** By using existing, ongoing program elements to meet the permit requirements, the MS4 is committed to continuing each of these program elements. Any changes would require use of the program modification process as outlined in Part I.E.2 of the permit.

Address the existing program elements, including those developed during the first permit term. If elements developed during the first term will be discontinued in the second term, include a brief summary of the discontinued element(s).

 Implementation of an operation and maintenance program - Describe your Pollution Prevention and Good Housekeeping program. Address how oversight of the program's implementation is conducted (e.g., internal audits or reporting). As discussed in Part D, below, you have until 2009 to develop written procedures for all operations and facilities addressed under the Pollution Prevention/Good Housekeeping program. Most permittees will need to provide a measurable goal to fully audit existing procedures and to document at least some additional procedures to meet this permit requirement. The 2009 Annual Report (due March 10, 2010) must include an inventory of all documented procedures. Therefore, it is not necessary to document all currently existing procedures in this submittal.

Add Description Here

The City has developed a Stormwater Management Plan (SWMP) for the city facilities and activities that have the greatest potential for an adverse effect on stormwater quality. The City has also developed written procedures for those facilities and activities that fall within the pollution prevention and good housekeeping program. (City of Lafayette, Stormwater Standard Operating Procedures for Municipal Operations, 2009).

2. <u>Employee Training program</u> - Describe your program(s) to educate municipal employees on implementing procedures for the Pollution Prevention and Good Housekeeping program.

Add Description Here

The City's current training program includes a 30 minute video followed by a question and answer session. This training is mandatory for new field and responsible employees and is provided during orientation and is scheduled once a year. The city's training program also covers specific SOPs for individual sites.

PACE also provides as-requested training to municipal staff on operational BMPs and on observing and reporting illicit discharges. This training is provided to field personnel during classroom and/or tail-gate sessions.

Additional training will be provided by PACE, either in the form of classroom or tailgate training.

D. Measurable Goals

Measurable Goals are required as per Part I.B.6(a)(1) of the permit (Permit Requirement (a)(1) in Part B, above), unless this new permit requirement is already being met. Additional measurable goals should not be necessary if the elements described in Part C, above, constitute full program implementation and a commitment to continue these elements for all additional permit requirements.

Check Box 1 or 2, below. The Table in Part 3 must be filled out if you check Box 2.

1. Written procedures and lists, as listed in Part C.3, above, for the implementation of an operation and maintenance program to prevent or reduce pollutants in runoff from the permittee's municipal operations, have already been developed.

(It is not necessary to complete Part 3 below if you check this box.)

2. Written procedures and lists for the implementation of an operation and maintenance program to prevent or reduce pollutants in runoff from the permittee's municipal operations have **NOT** already been fully developed.

(You must complete Part 3 below if you check this box.)

3. Pollution Prevention/ Good Housekeeping Measurable Goals: The Measurable Goal has been provided. Include the year when written procedures for the implementation of an operation and maintenance program to prevent or reduce pollutants in runoff from the permittee's municipal operations will be fully developed. Measurable Goals must be completed by 2011.

impacted by this operation and maintenance program.	The city will review existing documented procedures and will develop new written procedures as necessary for the implementation of an operation and maintenance program to prevent or reduce pollutants in runoff from the permittee's municipal operations. The documentation will list specifically the activities and facilities that are impacted by this operation and maintenance program.	2011
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