

3.3.5 Water Quality

3.3.5.1 All development and redevelopment (as defined in Section 1.3) shall comply with the terms and conditions of Denver's Colorado Discharge Permit System (CDPS) stormwater discharge permit for the purpose of minimizing the discharge of pollutants to receiving waters to the maximum extent practicable.

3.3.5.2 All development and redevelopment projects (as defined in Section 1.3) located within Denver shall provide specific measures to enhance the water quality of storm-generated runoff from the fully developed project site, as specified in Chapter 14 of these DENVER CRITERIA. All BMPs identified in Volume 3 of the DISTRICT MANUAL are applicable to all development and redevelopment projects within Denver. Water quality BMPs shall be implemented in accordance with the requirements of Chapter 14 of these DENVER CRITERIA.

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3.3.5.3 All development and redevelopment projects (as defined in Section 1.3) located within Denver are required to implement BMPs to control erosion, sedimentation, and pollutant laden stormwater discharges during construction activities in accordance with Chapter 15 of these DENVER CRITERIA and Volume 3 of the DISTRICT MANUAL.

3.3.5.4 Denver reserves the right to require implementation of temporary and permanent BMPs on development and redevelopment sites less than one acre in size.

SECTION 2 - When is a Construction Activities Stormwater Discharge Permit (CASDP) Required?

Denver requires a Construction Activities Stormwater Discharge Permit (**CASDP**) for all clearing, grading, grubbing, demolition, and construction activities within the City and County of Denver that will exceed 1 acre of disturbance. Sites under one acre **may** also require a CASDP if they do not meet specific exemption requirements.

Estimating Area of Disturbance

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Denver uses the following definitions for “area of disturbance” when assessing the need for a CASDP. The following excerpt was taken from the *State of Colorado Stormwater Fact Sheet – Construction, Updated 6/2005*:

“What is the total estimated area of disturbance?”

The area of disturbance is the total area at the site where any construction activity is expected to result in disturbance of the ground surface. This includes any activity that could increase the rate of erosion, including, but not limited to, clearing, grading, excavation, and demolition activities, as well as haul roads and areas used for staging where traffic will result in the disturbance of the ground surface. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.”

For example, a CASDP is not required for a roadway resurfacing project that requires milling and overlay; however a CASDP is required for roadway reconstruction projects that require removal, grading and pavement reinstallation to complete the project.

Sites Requiring Construction Activities Stormwater Discharge Permit (CASDP)

(One Acre and Larger and Non-Exempt Smaller Sites)

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A Construction Activities Stormwater Discharge Permit (**CASDP**) is required for all construction, demolition, clearing, and grading operations within the City and County of Denver that disturb one (1) acre or more of land. Sites with less than one acre of total disturbance are currently exempt from the CASDP requirements providing they meet *all* of the following site specific criteria:

CASDP Exemption Criteria

1. The site is not part of a 1 acre or larger development or sale plan.
2. The site has not been identified by the public works plan reviewer as having a significant potential for erosion, based on site characteristics including steep topography.
3. The site is not known to contain contaminated soils or pre-existing environmental impairment.
4. The site is not directly adjacent to receiving waters (i.e. creek, stream, river, pond, lake, etc.).

A site disturbing less than one (1) acre and not meeting all criteria listed above does not qualify for the CASDP exemption and is required to obtain a CASDP prior to beginning any demolition or construction activities.

Underground utilities, street reconstruction, drainage-way improvement, and landscaping construction projects shall obtain a CASDP if the entire project will impact an area of 1 acre or more.

Some examples of non-exempt site conditions are: properties located in direct or close proximity to drainage features, properties with significant elevation changes across the site, projects that are part of a larger sale plan or filing that requires a CASDP, etc. Please contact Denver's permitting office if you have questions as to whether a CASDP is required for your particular situation. Payment of permit fees is required upon both submission of the Management Plan and issuance of the CASDP.

Utility Projects

The following methods shall be used to determine the area of disturbance for utility projects that do not meet the standard criteria listed above:

1. If the project encompasses the entire width of public Right-of-Way (R.O.W.) or is not covered by an existing CASDP:
 - a. Define the construction limits of the project.
 - b. Include all construction areas involved with the project.
 - c. Include all area to be used for equipment ingress, egress, lay down and material storage areas.
 - d. Indicate the calculated disturbance area enclosed by the construction limits.
2. If the project is contained in a portion of public R.O.W., the area is calculated as follows:
Area = $(1/2 \text{ R.O.W. Width} \times \text{Project Length})$ + areas used for ingress, egress, lay down and stock pile.

The CASDP permit is required in addition to any similar permits issued by the State of Colorado under its Colorado Discharge Permit System (CDPS). It is not "in lieu" of the State Permit and is required even though a State issued permit may already be in place.

Who Applies for Permit Coverage

The **permittee** must be a legal entity that meets the definition of either the owner and/or contractor and/or their authorized agent of the construction site in order for this request for permit to legally cover the activities occurring at the site. The permittee must have day-to-day control over demolition and construction activities at the site and is responsible for implementation of the SWMP as discussed in Section 3. Although it is acceptable for the Permittee to meet this requirement through the actions of a contractor, as discussed in the examples below, the Permittee remains liable for violations resulting from the actions of their contractor. Examples of acceptable permittees include:

1. **Owner** - An owner or developer who is operating as the site manager or otherwise has supervision and control over the site, either directly or through contract with an entity such as those listed below.
2. **Contractor** - A contractor or operator with contractual responsibility and operational control (including Management Plan acquisition and implementation) to address the impacts construction activities may have on stormwater quality.
3. **Authorized Agent** - Other agents, such as a consultant acting as construction manager under contract with the owner or operator or developer, with contractual responsibility and operational control to address the impacts construction activities may have on stormwater quality (including Management Plan implementation).

An entity engaged in construction activities may be held liable for operating without the necessary permit coverage if a site does not have a CASDP in place that is issued to either an owner and/or operator. For example, if a site (or