

SOUTHEAST METRO STORMWATER AUTHORITY  
acting by and through  
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION 12-20

Authorization to Approve GESC Permitting Policy

WHEREAS, the Colorado Department of Public Health and Environment (CDPHE) issues and administers discharge permits and other control mechanisms as provided by the Colorado Water Quality Control Act (25-8-101 et seq., CRS, 1973) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.,; the “Act”); and

WHEREAS, SEMSWA has been authorized to discharge stormwater associated with their Municipal Separate Storm Sewer (MS4) systems in accordance with the Colorado Discharge Permit System (CDPS) General Permit No. COR-080021 (MS4 Permit), specifically for discharges wholly or partly within the Cherry Creek Reservoir drainage basin; and

WHEREAS, in accordance with the MS4 Permit, CDPHE required permittees to implement six stormwater control measures (Programs), of which Program Four requires permittees to ensure adequate design, implementation, maintenance, and enforcement related to construction site stormwater runoff; and

WHEREAS, the SEMSWA Board of Directors adopted the SEMSWA Grading, Erosion, and Sediment Control (GESC) Manual as Resolution No. 10-42, to set forth Program Four, Construction Site Controls, for the purposes of ensuring compliance with the MS4 Permit through adequate design, implementation, maintenance, and enforcement of Best Management Practices (BMPs) at construction sites in the City of Centennial; and

WHEREAS, in accordance with the GESC Manual, the mechanism to ensure adequate implementation, maintenance, and enforcement at construction sites includes the issuance of GESC permits; and

WHEREAS, SEMSWA has developed a GESC Permitting Policy that establishes a framework to permit land disturbances as regulated by the SEMSWA GESC Manual and provide a permitting program that will promote environmentally-sound construction practices in the City of Centennial while using staff resources suitably and efficiently.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board adopts the SEMSWA GESC Permitting Policy, as attached hereto as Exhibit A.
2. The Board authorizes the use of the SEMSWA GESC Permitting Policy in administering and enforcing Program Four within the boundaries of the City of Centennial.
3. The Board authorizes the Executive Director to make any minor non-substantive modifications to the GESC Permitting Policy without prior Board approval.

SOUTHEAST METRO STORMWATER AUTHORITY  
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SEMSWA WATER ACTIVITY ENTERPRISE

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:

Attorney for  
Southeast Metro Stormwater Authority

By: \_\_\_\_\_  
Edward J. Krisor

# GESC Permitting Policy

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## POLICY INTENT

The intent of this policy is to establish a framework under which to permit land disturbance activities as regulated by the SEMSWA Grading Erosion and Sediment Control (GESC) Manual to meet SEMSWA's MS4 Permit requirements for construction site controls. This policy will provide a structure for permitting the following categories of land disturbance:

1. **Low Impact Permit**, a permitting process for short-term land disturbance activities under one acre.
2. **Small Site Permit Process**, a permitting process for single-ownership land disturbance without phased grading activities up to 5 acres.
3. **Annual Permit**, a permitting process for standardized maintenance or installation activities utilizing a uniform design and construction approach.
4. **Standard Permit**, a permitting process for land disturbance activities generally greater than 5 acres, or one acre or greater developed as part of a larger common plan of development.

Additionally, this Policy will establish a framework to exclude a permitting process for land disturbance activities less than one acre that are not expected to contribute potential pollutant sources like sediment to the stormwater system and are defined as "Low Risk". This level of construction activity does not have the potential to adversely impact drainage patterns or result in sedimentation of the stormwater system and as such will not cause a violation of a water quality standard.

It is the intent of this Policy to define areas within the GESC Manual permit criteria that will allow for an abbreviated process for Low Impact, Small Site, and Annual Permit designations. For the purposes of clarification, and to illustrate the progression of permitting as land disturbance sites become more complex, this Policy will also re-state some conditions that require a Standard GESC Permit, with no option for an abbreviated permit process per the framework contained in this Policy.

When provisions of this Policy are met, SEMSWA will pursue an abbreviated plan, report, and a streamlined permitting process for land disturbance activities identified as Low Impact, Small Site, and Annual. In addition, when provisions of this Policy are met, SEMSWA will not actively pursue formal permitting of land disturbance activities that are considered to be Low Risk.

## STATEMENT OF PURPOSE

The purpose of this policy document is to establish SEMSWA's framework for permitting land disturbance activities. This Policy document will also define and establish the parameters of the GESC Manual criteria that will be used to determine the type of permit required to manage discharges from land disturbance activities.

SEMSWA will issue permits for sites identified as Low Impact, Small Site, and Annual with a streamlined permit issuance process. Designations of Low Impact, Small Site, and Annual are anticipated to minimize unnecessary efforts of owners, design engineers, contractors, and SEMSWA staff for project plan/report

# GESC Permitting Policy

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preparation, review and approval that can be managed with an abbreviated process, as applicable. These designations will help ensure that the right projects are permitted, and the right permit is obtained. Guidance Documents to further clarify these permit classifications have been prepared to assist in matching the appropriate permit to the land disturbance activity.

SEMSWA will not issue permits for activities identified as Low Risk, characterized as having no or the lowest potential risk to water quality. SEMSWA will develop Fact Sheet guidance documents for Low Risk activities. When a construction activity is identified as Low Risk, SEMSWA will not pursue formal or scheduled inspections and associated enforcement so long as the party responsible for the activity implements appropriate construction Best management Practices (BMPs) identified in the Fact Sheets prepared as guidance for this designation of land disturbance activities.

Any land disturbance activity that is determined by the SEMSWA Construction Inspections Manager to require full GESC Plan/Report to manage the complexities of the site will continue to be permitted with a Standard GESC Permit as detailed in the GESC Manual.

Definitions of common terms contained in this Policy document, and not defined within the text of this Policy document, are contained in **Appendix A**.

## REFERENCES

Several documents were reviewed in preparing this Policy, including the following:

- SEMSWA GESC Manual, adopted by the SEMSWA Board, December 2010.
- Low Risk Discharge Guidance, *Discharges from swimming pools, hot tubs, decorative fountains and other similar types of activities*, CO Department of Public Health and Environment, June 2008.
- De Minimis Discharges, Policy No. WQP-27, Colorado Water Quality Division, 2008
- Cherry Creek Control Regulation 72.7, January 2010

## PERMIT DESIGNATIONS

SEMSWA's experience with permitting land disturbance activities has resulted in a clarification of permit designations contained in the GESC Manual in an effort to correlate the potential impact to water quality from a construction site to the resources required by the Project Owner, Design Engineer, Contractor and SEMSWA staff for plan/report preparation, permit issuance, and inspection. Based on this experience, SEMSWA has determined that the following designations will provide the permitting structure necessary to manage discharges from construction activities and maintain water quality:

- Low Impact
- Small Site
- Annual
- Standard

Additionally, SEMSWA's experience has indicated that there are land disturbance activities under one acre and not part of a larger common plan of development that are not expected to change drainage

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patterns or contribute pollutants to the drainage system or drainageway, and as such, these Low Risk construction activities will not be subject to a permitting process.

## LOW IMPACT PERMIT

Low Impact permitted sites are less than one acre of disturbance, do not impact the floodplain, and are short in duration with small footprints that can be controlled with standard construction BMPs and materials management good housekeeping BMPs. Low Impact permitted projects do not require engineered construction BMPs (such as those BMPs that require volume sizing). Typical potential pollutant sources at small construction sites that are identified as Low Impact are sediment and varying amounts of construction waste materials from work products with manageable import and export of material. These sites have a low level of a complexity such that construction BMPs can be presented adequately in a simple sketch plan developed with or without the assistance of SEMSWA. The sketch plan with attached details for the designated construction BMPs will constitute the GESC Plan/Report per the GESC Manual. These projects are typically single-family lots or small additions to commercial slab-on-grade construction activities that don't require a separate Engineering Process or alter established drainage patterns.

Low Impact permitted activities are anticipated to require minimal inspections by SEMSWA, typically an initial inspection once construction has started to confirm functioning construction BMPs and a final re-vegetation inspection at closeout, as applicable.

Low Impact Permit implementation procedures are contained in a Guidance Document that provides details about the plan preparation, review and approval, and the issuance, inspection and enforcement components of the permit.

## SMALL SITE PROCESS

Land disturbance activities characterized as requiring a Small Site permitting process are typical development and redevelopment projects up to 5 acres of disturbance and not part of a larger common plan of development, are singular ownership with no phased earthwork, and have a level of complexity that requires engineered drawings. In addition, if any of the following conditions are within the above described threshold, the Small Site permitting process will be required:

- Site construction activities resulting in impervious area that trigger implementing permanent post construction BMPs.
- Site construction activities that are within 100 feet of a drainageway and/or result in a disturbance in the floodplain that requires a floodplain engineering analysis or modification and have an impact to the floodplain.
- Site construction activities that alter established drainage patterns and require a drainage engineering analysis or other Engineering Process.

These Small Site projects are short in duration, but with extensive grading and/or some magnitude construction waste materials generated. Typical potential pollutant sources are sediment, fluids

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generated from concrete washout operations, and varying amounts of construction waste materials. These pollutants can be managed using standard construction BMPs and materials management good housekeeping BMPs, which can be presented concisely and clearly on a single GESC drawing that an engineer has prepared to show all construction BMPs needed for the project from initial site preparation to final site close-out. Details of construction BMPs attached to the drawing and GESC considerations narrative constitute the GESC Plan and Report per the GESC Manual. There are numerous projects of this nature, primarily involving developer-driven commercial site construction activities and linear reconstruction projects.

Small site process permitted activities are typically performed by experienced commercial contractors who know what they need to do for erosion and sediment control and have the ability to efficiently install construction BMPs. The complexity of a Small Site process project requires an ongoing inspection approach by SEMSWA throughout the project.

The Small Site process implementation procedures are contained in a Guidance Document that provides details about the one-page engineered drawing and GESC considerations narrative preparation, review, and approval, and the issuance, inspection and enforcement components of the permit.

### **ANNUAL PERMIT**

Land disturbance activities for similar and repetitive maintenance operations, and dry utility installation projects, are characterized as Annual and are generally short term, frequent in occurrence, typically use the same or substantially similar design and construction processes, have the same type of waste discharge to manage, and require the same operational construction BMPs. These projects are generally owned by public agencies or entities that provide a public service. Typical pollutants of concern at these sites are sediment, process water generated from concrete washout operations, and varying amount of construction waste materials. These pollutants can be managed using construction BMPs and materials management good housekeeping BMPs detailed on Fact Sheets, a set of Permit Special Conditions, and a typical detail of BMPs with standard notes, prepared for each identified activity. These documents constitute the GESC Plan/Report per the GESC Manual and have incorporated the experience of owners familiar with the BMPs necessary to manage sites.

These projects typically are done by owners that perform the work with in-house staff or use experienced “short listed” or “on-call” contractors vetted and familiar with the requirements of maintenance and installation of public facilities. These types of projects will require minimal inspections by SEMSWA, anticipated to be an initial inspection once construction has started to confirm functioning BMPs, periodic reconnaissance inspections, and a final vegetation closeout inspection, as applicable.

The Annual Permit implementation procedures are contained in a Guidance Document that provides details about the Fact Sheet, Permit Special Considerations, and typical detail with standard notes, the permit issuance, and the inspection and enforcement components of the permit.

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## STANDARD PERMIT

Land disturbance activities characterized as Standard are typical development and redevelopment projects greater than 5 acres of disturbance or one or more acres of disturbance as part of a larger common plan of development. Standard projects may have multiple ownership, or after development will contain multiple lots that can be sold to a new owner(s). In addition, if any of the following conditions are within the above thresholds, the Standard GESC permitting process will be required:

1. Site construction activities result in an increase in impervious area of redeveloped impervious area that requires permanent post construction BMPs.
2. The site construction activities are within 100 feet of a drainageway and/or result in a disturbance in the floodplain that requires a floodplain engineering analysis or modification, and results in an impact to the floodplain.
3. The construction site activities alters established drainage patterns and requires a drainage analysis.
4. The project requires an Engineering Process through the City, County, and/or SEMSWA.
5. The construction site activities require a substantially large volume staging of material, significant concrete or grouting work, or considerable waste material storage or generation as flagged by the SEMSWA Construction Inspections Manager.
6. The SEMSWA Construction Inspections Manager determines that the land disturbance activity has the potential to adversely impact drainage patterns, result in sedimentation of the stormwater system or is of a sufficient volume to contribute to a water quality violation.

The Standard Permit implementation procedures are contained in the GESC Manual.

## LOW RISK

SEMSWA has determined that Low Risk sites can be managed without a formal permit, as long as there is adherence to BMPs specified for the activity. Low Risk construction activities are generally residential in nature, and typical of construction activities a homeowner or handyman service would undertake. Some smaller commercial construction incidental activities may also be considered Low Risk. The land disturbance is less than one acre and not part of a larger common plan of development, is out of the floodplain, and would not require any other SEMSWA permit. The activity would be a one-time project, short in duration, and would not have the potential to affect established drainage patterns. Typical potential pollutant sources are sediment and minor amounts of work material wastes. These pollutants can be managed using effective construction BMPs and good housekeeping materials management BMPs detailed on Fact Sheets. Fact Sheets prepared for this designation of land disturbance activities minimize any potential discharge by specifying construction BMPs that should be used during active construction.

SEMSWA will not inspect or pursue enforcement as long as appropriate construction BMPs identified in the Fact Sheet are being used. The Low Risk Fact Sheets are available on the SEMSWA website, [www.semswa.org](http://www.semswa.org). A Guidance Document provides additional details about this permit designation.

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## **CORRELATION OF GESC MANUAL CRITERIA TO POLICY**

Presently, various land disturbance activities may require a Standard GESC Permit, without the option of a streamlined permit process. The GESC Manual criteria that 'trigger' a standard process, with no option for an abbreviated Plan/Report, include the '50 cubic yard of excavated material or fill', the '1,000 linear feet for utility installation', the 'any clearing, grading, grubbing or filling operations within 100 feet of a drainageway' and the 'over an acre in disturbance' thresholds, and the 'new development and redevelopment (regardless of size)' classification.

### **50 cubic yard Criteria**

The '50 cubic yard' criteria was envisioned to account for the movement and placement of a volume of material by an owner, contractor, or a homeowner, in a short amount of time with little thought given to the potential impact on the stormwater system. The largest impact associated with this material movement is a possible change to a drainage pattern, so the GESC plan review and permitting process would be a way to limit potential impacts or reduce the impact. In SEMSWA's experience the volume of material is less of a factor than when and where the land disturbance activity occurs and what will be the activity's final result. For this reason, when an under-an-acre land disturbance project exceeds the '50 cubic yard criteria', the permitting process will be evaluated as to proximity to a drainageway and stormwater infrastructure; complexity of work and waste materials; and size, duration and scope. This evaluation will determine if the construction activity is considered Low Risk and not permitted; permitted with a streamlined process as Low Impact, Annual or Small Site; or identified as requiring a Standard GESC Permit. The Guidance Documents provide additional discussion of the applicability of this GESC Manual requirement to the different permitting structures.

### **1,000 linear feet Criteria**

The '1,000 linear feet' criteria was envisioned for utility work that had the potential to generate substantial amounts of excavated material. For example, when installing wet utilities, like sanitary pipe, to depths of 4 to 18 feet, or dry utilities using a large-width trenching method with significant equipment that would require access, staging, vehicle tracking controls, and substantial re-vegetation activities. SEMSWA's experience indicates that the length of the utility work is less important than if the utility is wet or dry, what the width of the trench is, the type of utility operation, the construction equipment being used, and the location of where the work is occurring. For this reason, when the land disturbance activity an acre exceeds the '1,000 linear feet' criteria for utilities, the permitting process will be evaluated as to private property or public Right-of-Way; proximity to a drainageway and stormwater infrastructure; complexity of work and waste materials; staging and access areas; size of trench and length of trenching; duration and scope; and the extent of the re-vegetation required for site stabilization. This evaluation will determine if the utility construction activity is Low Risk and not permitted; permitted with a streamlined approach as Low Impact, Annual or Small Site; or identified as requiring a Standard GESC Permit. The Guidance Documents provide additional discussion of the applicability of this GESC Manual requirement to the different permitting structures.

### **New development or redevelopment Criteria**

The 'new development or redevelopment (regardless of size)' criteria was envisioned to capture those land disturbance sites that had a land use agency planning process. These land development cases are required to meet a formal construction drawing (CD) process that requires an engineered approach to

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the construction activity, including a full GESC Plan/Report and Standard Permit. It is SEMSWA's experience that many cases can proceed through an abbreviated process, while dovetailing seamlessly with the land use planning process. SEMSWA's experience also indicates that all new development or redevelopment cases should be evaluated with size as a factor, such that the majority of land disturbance activities under an acre should have the ability to be effectively managed as a Low Risk, Low Impact, Annual and Small Site according to the framework detailed in this Policy document. The Guidance Documents provide additional discussion of the applicability of the criteria to the permitting structures.

### **Any clearing, grading, grubbing or filling operations within 100 feet of a drainageway Criteria**

Projects within 100 feet of a SEMSWA defined drainageway may require a Floodplain Development Permit to ensure that the proposed activities are in compliance with approved floodplain management standards. Drainageway corridors comprise an important natural resource with habitat, open space, and aesthetic value, and any construction activity requires special care and attention. It is critical that construction activities be designed to reduce any adverse impacts and to be compliant with SEMSWA, State, and Federal floodplain permitting processes. SEMSWA's experience indicates that land disturbance activities within 100 feet of a drainageway should be evaluated as to floodplain impact, such that some of the land disturbance activities may have the ability to be effectively managed as a Low Risk, Low Impact, Annual and Small Site with a No Impact Floodplain Development Permit, according to the framework detailed in this Policy document. If a Standard Floodplain Development Permit is determined to be required for construction activities within 100 feet of a drainageway, the project will require a Small Site or Standard GESC Permit. The Guidance Documents provide additional discussion of the applicability of this GESC Manual requirement to the different permitting structures.

### **Over an acre in disturbance Criteria**

Land disturbance projects over one acre trigger a Colorado Department of Public Health and the Environment (CDPHE) Construction Stormwater Permit, which is managed by CDPHE using a Stormwater Management Plan (SWMP), providing for a site-specific grading and erosion controls detailing appropriate construction BMPs, inspection, and maintenance frequencies as well as identifying potential pollutant sources. While SEMSWA's MS4 Permit requirements do not need to address requirements of CDPHE permits, the anticipation was that the GESC Standard Permit process would provide the Owner/Contractor with the ability to efficiently utilize the GESC Plan/Report for the SWMP process. The Low Impact streamlined permit approach will not provide the level of detail required for stormwater management of sites over an acre, so it is not anticipated that the Low Impact permitting structure will be used for land disturbance activities over one acre. Some Annual Permit typical plans with standard notes will provide the level of stormwater management to efficiently meet the CDPHE Permit requirements, so the Annual permitting structure may be used for land disturbance activities over an acre, as appropriate. Additionally, the Small Site permit structure has the level of GESC Plan/Report detail that should allow sites over one acre to use this streamlined approach to meet all site stormwater management requirements. The Guidance Documents provide additional discussion of the applicability of this GESC Manual requirement to the different permitting structures.

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## **OTHER SEMSWA PERMITS**

Floodplain development permits are required for all activities in a floodplain. When a construction activity is issued a No-Impact Floodplain Development Permit, and does not permanently impact the floodplain, it may be permitted as Low Impact, Small Site, Annual, or Standard. The Low Risk designation will not be applied if any work is in the floodplain. If an activity is determined to require a Standard Floodplain Development Permit, and requires a floodplain engineering analysis or a floodplain modification study, or impacts the floodplain, the activity may be permitted as a Small Site or Standard.

Public Improvement Permits are required for any permanent public infrastructure or improvement constructed during a land disturbance activity. When an activity is determined to need a Public Improvement Permit, the activity may be permitted as Small Site, Annual, or Standard. The Low Risk designations will not be applied to a land disturbance activity if the site requires a permanent public infrastructure improvement. The Low Impact designation will not be applied to a land disturbance activity if the site requires a permanent water quality BMP public improvement.

## **POLICY AUTHORITY FOR ACCESS TO SITES AND ENFORCEMENT**

An issued SEMSWA GESC Permit provides SEMSWA with certain rights for accessing property for the purpose of inspection and compliance enforcement. Since this Policy will utilize a Low Impact, Small Site, or Annual Permit for land disturbance activities, these rights are in force with permit issuance. For those sites that are designated Low Risk and therefore not permitted, SEMSWA, under this Policy, reserves the right to observe these land disturbance activities primarily via public right-of-way or public accessible property. However, if it is necessary to bring a site into compliance to meet the conditions of the SEMSWA MS4 Permit, SEMSWA reserves the right to enter the site for the sole purpose of ensuring that the enforcement requirements are carried out in support of its MS4 Permit, which may include utilizing the Illicit Discharge, Detection, and Elimination (IDDE) regulatory mechanisms, SEMSWA GESC Program enforcement procedures, and/or other local and state regulations, as applicable.

If any site requires enforcement in order to meet the conditions of the MS4 Permit, SEMSWA may utilize the GESC Manual, the IDDE regulatory mechanisms, GESC Program enforcement procedures, and/or other regulations, including SEMSWA resolution(s) that further outline enforcement tools.

## **POLICY EXEMPTIONS/LIMITATIONS**

SEMSWA reserves the right to amend this Policy and adjust the methodology used to define a Low Impact, Small Site, Annual or Low Risk activity. Minor non-substantive modifications may be made by the Executive Director without prior Board approval. No major adjustment will occur without proper notification during a public hearing of the Board of Directors.

## **APPEALS PROCESS**

Appeals of the *GESC Permitting Policy* decisions may be brought to the SEMSWA Board of Directors by sending a formal written Request for Appeal to the Executive Director.

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## Appendix A: Definitions

**Larger Common Plan of Development or Sale** - a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan. The larger common plan of development or sale also applies to other types of land development such as industrial parks or well field (EPA).

**Pollutant** – any material, not stormwater in nature, unless specifically allowed by the CDPHE and adheres to the Clean Water Act (CWA) 33 U.S.C.A. § 1251 et seq.

**Drainage Pattern** – the flow path by which drainage is routed prior to the proposed project

**Engineering Process** – a process, as determined by SEMSWA, City, and/or County staff by which the level of complexity results in requiring the design and/or drainage analysis of a Professional Engineer, to include a Phase I, II, or III Drainage Report, Technical Letter, Letter of Drainage Conformance, Construction Drawings, O&M Manual, or other process further defined in the Stormwater Management Manual as requiring a Professional Engineer.

**Land Disturbance** – earthwork activity(s) that results in bare soil that could cause erosion or sedimentation, to include grading, grubbing, excavating, filling, stockpiling.

**BMPs** – Best Management Practices are controls utilized to minimize or eliminate potential pollutants to stormwater. **Construction BMPs** are utilized during the construction process, are typically temporary, and can include silt fence, sediment basins, and concrete washout. **Permanent BMPs** are designed to treat flows after construction is complete, and can include grass swales, extended detention basins, and porous landscape detention facilities. **Good Housekeeping BMPs** or **Non-structural BMPs** can include strategies or techniques that reduce or eliminate pollutants, to include spill prevention plans, landscaping schedules, and operator training.

**Impervious Area** – surface material that doesn't allow or greatly reduces water infiltration, such as asphalt, gravel, concrete, as compared to native, vegetated conditions.

**No Impact Floodplain Development Permit** – a Floodplain Development Permit issued for construction activities within a SEMSWA defined floodplain where there is no permanent impact to the floodplain from the activities. This permit may require certification by an engineer, as determined by the Floodplain Administrator. A **Standard Floodplain Development Permit** will be required if the floodplain is impacted by activities.

## Grading, Erosion, and Sediment Control (GESC) Process Matrix

	Existing Permit Framework	Proposed Permit Framework: Definition of Permit Types	Example of Proposed Projects
EXEMPT ACTIVITIES	No Plan No Report No Permit, therefore \$0 fee	Projects with no earthwork or disturbance; projects that are exempted by law.	Emergency activities such as floods, fires, and accidents, mowing, graves, weed control, irrigation.
LOW RISK ACTIVITIES	<b>Does not exist now</b> Typically permitted as Low Impact (see below) if SEMSWA contacted/involved	A Project with less than one acre of disturbance and not part of a larger common plan of development with the disturbance located outside of the floodplain; does not require an engineering process; is not a repetitive or ongoing activity(s); does not change established drainage patterns; and doesn't require any other SEMSWA permit. <b>GESC Consideration Fact Sheets for guidance/outreach. No fee. No inspections.</b>	Residential cedar fence installation and repair, residential driveway, generator pad, sound berms, mill and overlay, monument signs, tennis court resurfacing, neighborhood garden, patio, gazebo.
LOW IMPACT	Under an Acre Sketch Plan, with attached site-specific details No Report \$470 review fee/\$250 Permit fee Full review period, 3 week, 2 week, 1 week 2 required inspections: pre-con and closeout	Projects with less than one acre of disturbance and not part of a larger common plan of development; disturbance located outside of the floodplain; is not repetitive or an ongoing activity; has no affect or change to existing drainage patterns; is one parcel and singular ownership; and does not require the construction of a permanent BMP. Projects have only minimal potential to impact water quality due to small quantity of import and/or export, duration of the project, quantity of concrete work, and other materials deemed to have a low potential impact to water quality. Same Permit framework as existing, except <b>review period 24 - 48 hours</b> . Same fee. Same inspection schedule.	Infill single-family home construction, small building additions.
SMALL SITE	Under an acre Abbreviated Plan (all construction phases on 1 sheet), standard notes, and standard details Abbreviated Report (format varies by project) Minimum of \$1,135 review fee/\$1,135 permit fee Full review period, 3 week, 2 week, 1 week Inspection as necessary to match impact.	Projects with <b>up to 5 acres of disturbance</b> where the project does not include phased earthwork; resulting development is on one parcel and singular ownership; and the initial/interim/final BMPs can adequately be shown on one sheet. If the project is within a drainageway, the water control plan can be shown on a separate sheet. Any projects that require an Engineering Process and/or change drainage patterns are required to complete a Small Site plan at a minimum. Same Permit framework as existing, except larger acreage up to 5 acres. Same Fee. Same inspection schedule.	Regional or Sub-regional ponds, one lot retail or one lot commercial projects, masonry walls, wet utility installation.
STANDARD	Any size if meets GESC criteria, primarily over 1 acre Full Plan, standard notes, and standard details Full report Minimum of \$1,135 review fee/\$1,135 permit fee Full review period, 3 week, 2 week, 1 week Inspection as necessary to match impact.	Projects that generally <b>exceed 5 acres of disturbance</b> , or exceed one acre of disturbance and have phased earthwork and/or result in development on multiple lots, require an Engineering Process and/or change the drainage pattern. Same Permit structure as existing. Same Fee. Same inspection schedule.	Channel stabilization, mixed use development and redevelopment.
ANNUAL PERMIT	<b>Exists only as pilot projects; this Policy formalizes</b> Under an acre with exception of stream stabilization 'Typical Plan', including standard details No Report: GESC Considerations Fact Sheet Fees dependent on annual permit type: \$0 - \$2,500 at this time No review period	<u>UDFCD Annual Permit</u> – Work completed under the UDFCD maintenance program with project costs less than \$400K. No Fee - our projects. <u>SEMSWA Annual Permit</u> – Routine Maintenance as defined by the Maintenance SOPs. No Fee – our staff. <u>Park and Recreation Annual Permit</u> – repair, replacement, or maintenance of existing improvement. Fee to be determined. <u>City/County Concrete and Asphalt Program</u> – minor asphalt and concrete repair or maintenance under City/County annual programs. No Fee - reciprocity. <u>Utility Annual Permit</u> – activities associated with dry utility boring, open trench that doesn't exceed 12-inch width with no trenching within the floodplain, utility pole replacement or repair, and utility box installation and repair. Fee is \$2500 for multiple sites; \$500 for single site (becomes multiple at 2 <sup>nd</sup> project)	Telecommunication boring projects, electrical boring projects, City curb and gutter replacement program, stormsewer maintenance, tennis court resurfacing, trail repair, pond sediment removal.

**Change to GESC permit structure as outlined in new GESC Permitting Policy**



## Board Summary Report

**To:** Board of Directors

**From:** Lanae Raymond, WQ & Special Projects Program Manager

**Date:** May 16, 2012

**Re:** Adoption of GESC Permitting Policy

**Board Meeting Date:** May 23, 2012

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### **Purpose and Recommendation**

The purpose of adopting the *Grading, Erosion, and Sediment Control (GESC) Permitting Policy* is to establish a framework under which to permit land disturbances as regulated by the SEMSWA GESC Manual and provide a permitting program that will promote environmentally-sound construction practices in the City of Centennial while using resources efficiently. It is the intent of the *GESC Permitting Policy* to define areas within the GESC Manual criteria that will allow for an **abbreviated process within the permit structure of the Low Impact, Small Site, and Annual designations**. Additionally, this Policy will establish a framework to exclude a permitting process for land disturbance activities less than one acre that are not expected to contribute potential pollutant sources to the stormwater system and are identified as "Low Risk". SEMSWA will **not permit Low Risk construction activities** that do not have the potential to adversely impact drainage patterns or result in sedimentation of the stormwater system and as such have a very low potential of causing a violation of a water quality standard.

### **Background**

The GESC program was developed to ensure adequate design, implementation, maintenance and enforcement of best management practices (BMPs) for stormwater management at construction sites. The GESC Manual that implements the GESC program has been in use since 2005. The Manual was written in response to the issuance of the Colorado Department of Public Health and the Environment's Colorado Discharge Permit System (CDPS) MS4 Permit in 2003. The intent of the MS4 Phase I & 2 CDPS Permit program was to control non-point sources of pollution, of which construction sediment was identified as the number one priority.

Additionally, the GESC Manual was written to meet the need for very specific criteria to establish a level of erosion and sediment control during construction activities that, up to that point, had not been practiced by Contractors building in the County or City. The majority of contractors working in the City and County have now had seven years of experience with the GESC Manual regulations and inspections, and SEMSWA staff have had the same number of years permitting, inspecting, and enforcing the GESC Manual processes.

## Discussion

Staff experience with permitting land disturbance activities since 2005 has identified an opportunity to improve the permit designations contained in the GESC Manual with an effort to correlate the potential impact to water quality from a construction site to the resources required by the Project Owner, Design Engineer, Contractor and SEMSWA staff for plan/report preparation, permit issuance, inspection and enforcement.

SEMSWA will issue permits for sites identified as Low Impact, Small Site, and Annual with a streamlined permitting process. Designations of Low Impact, Small Site, and Annual are anticipated to minimize unnecessary efforts of owners, design engineers, contractors, and SEMSWA staff for project plan/report preparation, review and approval that can be managed with an abbreviated process, as applicable. These permit designations will help ensure that the right projects are permitted, and the right permit is obtained. Guidance Documents to further clarify these permit classifications have been prepared to assist in matching the appropriate permitting process to the land disturbance activity.

SEMSWA will not issue permits for activities identified as Low Risk, characterized as having no or the lowest potential risk to water quality. SEMSWA will develop Fact Sheet guidance documents for Low Risk activities. When a construction activity is identified as Low Risk, SEMSWA will not pursue formal or scheduled inspections and associated enforcement so long as the party responsible for the activity implements appropriate construction BMPs identified in Fact Sheets prepared as guidance for this designation of land disturbance activities.

## Alternative

The Board may choose not to allow a streamlined process for permitting in the SEMSWA Service Area, and may choose to continue to permit selected sites under an acre.

## Fiscal Impacts

There are several fiscal impacts associated with this *GESC Permitting Policy*. The streamlining of processes to minimize required design plans, review time, and field inspection efforts by SEMSWA staff, Owners, Design Engineers, and Contractors, is a significant **resource savings** on both sides of the process. Staff believes that revenues associated with the Annual Permit process for various utility and park/recreation projects, will be **either equivalent or show a small increase** based on an analysis of permitting fees now and with an Annual process. For example, permit fees for dry utility installation using directional boring now being collected is ~\$12,000/year, and is anticipated to be ~\$15,000 with annual permits. There appears to be a **loss of permit and review fee revenue**, estimated to be ~\$15,000 - \$20,000/year, associated with sites that were previously permitted under a Low Impact Permit now having no permit requirement, but staff believes the **resources saved by not permitting and inspecting these sites is significant**.

## Concurrence

Discussions with the SEMSWA Attorney and Executive Director, as well as Centennial and County Engineering management, indicate concurrence with adopting a revised GESC permitting approach as outlined in the *GESC Permitting Policy*.