**Stormwater Construction Permit Modifications**

The purpose of this Bulletin is to notify all personnel working on projects that have a Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activities (Stormwater Construction Permit [SCP]) that a modification to this permit was issued on December 31, 2020 and became effective on February 1, 2021. All projects with a SCP will now follow the requirements of the modified SCP. Minor changes to specifications 107.25 and 208, SWMP and other program templates, and various program documents will be required to comply fully with the modified permit. Until these updates are released, continue to comply with the requirements of all program documents (Specifications 107.25, 208, M-Standards, SWMP templates, and the 1176 form), with the exceptions noted below. If there are any questions on how to implement these changes on projects, the Project Engineer should coordinate with the Region Water Pollution Control Manager (RWPCM).

The below actions are immediately required for all projects with a SCP:

1. Project Engineers will coordinate with the SWMP Administrator of Design or the SWMP Administrator for Construction to ensure the project plans, specifications, and SWMP are updated to include the following new requirements for Final Stabilization:
   1. Vegetative cover consists of **evenly distributed** perennial vegetation, and
   2. Project Engineers should ensure project transects for the project sites have been completed and documented in the SWMP. To close a SCP permit and to achieve final stabilization, the vegetative coverage must be, at a minimum, equal to 70 percent of what **would have been provided by native vegetation in a local, undisturbed area or adequate reference site**. Additional guidance and information will be provided as it becomes available.
2. Project Engineers will direct the SWMP Administrator for Construction or SWMP Preparer to make the following additions to the SWMP (if not already included in the SWMP). These changes can be made in legible handwriting:
   1. Add the attached revised compliance certification Section 19 of CDOT’s form 1176. This should be placed chronologically in the 1176’s tab in the SWMP (alternatively, projects using an electronic 1176 form can make this change directly in the form for all future inspections):



* 1. Revise Section 1.E - *Existing Soil Data* to include a summary of any existing soil data **and sources** used in the development of the construction site plans or SWMP that describe the soil types found in the permitted area and **the erodibility of the identified soil types.**
  2. Revise Section 1.F - *Existing Vegetation, Including Percent Cover* to include a description and percent cover of native vegetation on the site if the site is undisturbed, or the percent cover of native vegetation in a similar, local undisturbed area or adequate reference area if the site is disturbed. Include the source or methodology for determining the percentage. If a percent cover is not appropriate for the site location (i.e. arid), describe the technique and justification for the identified cover of native vegetation.
  3. Ensure that Section 1 – *Site Description* of the SWMP includes the following:
     1. Revise Section I.I. header to:

“ALLOWABLE NON-STORMWATER DISCHARGES: see Section 11. NARRATIVES for a description of applicable control measures”.

* + 1. A description of drainage patterns from the site, including a description of the immediate source receiving the discharge and the receiving water(s) of the discharge, if different than the immediate source.
    2. A description of alternative diversion criteria, if applicable, as approved by the CDPHE.
  1. Ensure the Site Map (Tab 2 of the SWMP) includes:
     1. Locations of all diversions.

1. When a project includes discharges from diversions of state waters within the permitted site, they are now considered an allowable non-stormwater discharge. The modified permit defines diversions as a **discharges of state waters that are temporarily routed through channels or structures (e.g. in-stream, uncontaminated springs, non-pumped groundwater, temporary rerouting of surface waters)**.
   1. Project Engineer will ensure any diversions installed, or to be installed meet one or more of the following conditions:
      1. Lined or piped structures that result in no erosion in all flow conditions.
      2. Diversion channels, berms, and coffer dams shall be lined or composed of a material that minimizes potential for soil loss in the entire wetted perimeter during anticipated flow conditions (e.g. vegetated swale, non-erosive soil substrate). The entire length of the diversion channel must be designed in accordance with Part I.B.1.a.i(i)(2) of the attached modified permit and the attached Guidance for Diversion of State Waters.
      3. An alternative diversion criteria may be approved by the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division, prior to implementation. The diversion method must be designed in accordance with Part I.B.1.a.i(i)(3) of the modified permit.
2. When a project is impacted by firefighting activities, the discharges resulting from emergency firefighting activities are authorized by the permit, and only applies during the active emergency response.
   1. The Project Engineer will ensure that following the emergency activities the remaining water containing pollutants are properly removed and disposed of in order to minimize pollutants from discharging from the site, unless infeasible. Therefore, Project Engineers will ensure that any cleanup activities are properly documented and saved to the project files to show compliance with Parts I.B.1.a.ii(c) and I.B.1.c.ii of the modified requirement.

   

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If you keep your own copy of the *Construction Manual* (electronic or paper), please keep a copy of this construction bulletin with it. Updates will be made to the Construction Manual to reflect the new project requirements as soon as all information is gathered from CDPHE.

The *Construction Manual,* Construction Bulletins, and Project Development Manual can be found on the Design and Construction Project Support web page at:

<https://www.codot.gov/business/designsupport/bulletins_manuals>