

## COLORADO DEPARTMENT OF TRANSPORTATION

### Environmental Clearances Information Summary

**PURPOSE** - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive - additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT – Please Review The Following Information Carefully – Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies**

**CLEARANCE CONTACTS** - As indicated in the permit/clearance descriptions listed below, the following individuals or agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE): General Information – (303) 692-2035  
Water Quality Control Division (WQCD): (303) 692-3500  
Environmental Permitting Website <http://www.cdphe.state.co.us/permits.asp>.
- CDOT Water Quality Program Manager: Rick Willard (303) 757-9343 <http://www.coloradodot.info/programs/environmental/water-quality>
- CDOT Asbestos Project Manager: Theresa Santangelo-Dreiling, (303) 512-5524
- Colorado Office of Archaeology and Historic Preservation: (303) 866-3395
- U.S. Army Corps of Engineers, District Regulatory Offices:  
Omaha District (NE Colorado), Denver Office (303) 979-4120 <http://www.nwo.usace.army.mil/html/od-tl/tri-lakes.html>  
Sacramento Dist. (Western CO), Grand Junction Office (970) 243-1199 <http://www.spk.usace.army.mil/cespk-co/regulatory/>  
Albuquerque District (SE Colorado), Pueblo Reg. Office (719)-543-6915 <http://www.spa.usace.army.mil/reg/>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 <http://www.dot.state.co.us/Permits/>

**Ecological Resources** – Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat will require special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website, <http://coloradodot.info/programs/environmental/wildlife/guidelines>, or the Colorado Division of Wildlife website <http://wildlife.state.co.us/WildlifeSpecies/SpeciesOfConcern/>. Additional guidance may be provided by the appropriate Region Planning and Environmental Manager (RPEM).

**Cultural Resources** – The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAHP), Denver, to ascertain if historic or archaeological resources have previously been identified. Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of CDOT. If archaeological sites/artifacts or historic resources are known to exist prior to the initiation of the permitted work or are encountered as the project progresses, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office and RPEM. **Contact Information:** Contact the OAHP for file search at (303) 866-3395.

**Paleontological Resources** - The applicant must request a fossil locality file search through the University of Colorado Museum, Boulder, and the Denver Museum of Nature and Science to ascertain if paleontological resources have been previously identified. Inventory of the permit area by a qualified paleontologist may be necessary, per the recommendation of CDOT. If fossils are encountered during the permitted work, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information:** Contact the CDOT Paleontologist at (303) 757-9632.

**Hazardous Materials, Solid Waste** - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or petroleum contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed. **Contact Info:** Andy Flurkey, CDOT Hazardous Materials Project Manager, (303) 512-5520.

**Asbestos Containing Materials, Asbestos Contaminated Soil** – All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDPHE Hazardous Materials and Waste Management Division's (HMWMD) Solid Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions. **Contact Info:** CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information **concerning clearance on CDOT projects** is available from the CDOT Asbestos Project Manager (303) 512-5519, or Theresa Santangelo-Dreiling, Property Management Supervisor (303) 512-5524.

**Transportation of Hazardous Materials** - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra-state HAZMAT Registration (303) 969-6748. Colorado Public Utilities Commission: (303) 894-2868.

**Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD** - Corps of Engineers 404 Permits are required for the discharge of dredged or fill materials into waters of the United States, including wetlands. There are various types of 404 Permits, including Nationwide Permits, which are issued for activities with relatively minor impacts. For example, there is a Nationwide Permit for Utility Line Activities (NWP #12). However, depending upon the specific circumstances, it is possible that either a “General” or “Individual” 404 permit would be required. If an Individual 404 Permit is required, Section 401 water quality certification from the CDPHE WQCD is also required. Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (contact information above). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

**Working on or in any stream or its bank** - In order to protect and preserve the state’s fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5’ quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project. The Colorado Division of Wildlife (CDOW) application, as per guidelines agreed upon by CDOT and CDOW, can be accessed at <http://www.coloradodot.info/programs/environmental/wildlife/guidelines>.

**Stormwater Construction Permit (SCP) and Stormwater Discharge From Industrial Facilities** - Discharges of stormwater runoff from construction sites disturbing one acre or more - or certain types of industrial facilities, such as concrete batch plants - requires a CDPS Stormwater Construction Permit. **Contact Information:** For Utility/Special Use activities being performed in conjunction and coordination with a CDOT highway construction contract, please contact the CDOT Water Quality Program Manager at (303) 757-9343. Otherwise, contact the CDPHE Water Quality Control Division at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/index.html>.

**Construction Dewatering (Discharge or Infiltration)** – Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering Discharge Permit. **Contact Information:** For Construction Dewatering Discharge Permits, contact the CDPHE WQCD at (303) 692-3500. For Dewatering Application and Instructions, see Section 3 at the CDPHE website: <http://www.cdphe.state.co.us/wq/PermitsUnit/FORMSandApplications/Appsandformsnewpage.html>

**Municipal Separate Storm Sewer System (MS4) Discharge Permit** – Discharges from the storm sewer systems of larger municipalities, and from the CDOT highway drainage system that lies within those municipalities, are subject to MS4 Permits issued by the CDPHE WQCD. For facilities that lie within the boundaries of a municipality that is subject to an MS4 permit, the owner of such facility should contact the municipality regarding stormwater related clearances that may have been established under that municipality’s MS4 permit. All discharges to the CDOT highway drainage system or within the Right of Way (ROW) must comply with the applicable provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations Permit # COS-000005 (<http://www.coloradodot.info/programs/environmental/water-quality/documents/CDOT%20MS4%20Permit.doc/view>) and COR-030000 (<http://www.cdphe.state.co.us/wq/PermitsUnit/PERMITS/SWpermitsrats/SWConstructionPermit.pdf>). Discharges are subject to inspection by CDOT and CDHPE. Contact the CDPHE Water Quality Control Division at (303) 692-3500 for a listing of municipalities required to obtain MS4 Permits, or go to <http://www.cdphe.state.co.us/wq/permitsunit/MS4/MS4Permittees.pdf>.

**General Prohibition – Discharges** - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include, but are not limited to, substances such as wash water, paint, automotive fluids, solvents, oils or soaps and sediment. Allowable non-stormwater discharges can be found at <http://www.coloradodot.info/programs/environmental/water-quality/glossary.html#AllowableDischarge>. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343, or the Colorado Department of Public Health and Environment, Water Quality Control Division at (303) 692-3500.

**General Authorization - Allowable Non-Stormwater Discharges** - Unless otherwise identified by CDOT or the WQCD as significant sources of pollutants to the waters of the State, the following discharges to stormwater systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, uncontaminated springs, footing drains; water line flushing, flows from riparian habitats and wetlands, and flow from fire fighting activities. **Contact Information:** The CDOT Water Quality Program Manager or the CDPHE Water Quality Control Division (telephone #'s listed above).

**Erosion and Sediment Control Practices** - For activities requiring a Stormwater Construction Permit, erosion control requirements will be specified through that permit. In those situations where a stormwater permit is not required, all reasonable measures should be taken in order to minimize erosion and sedimentation according to CDOT 208 specifications. In either case, the CDOT Erosion Control and Stormwater Quality Guide (most recent version) should be used to design erosion controls and to restore disturbed vegetation. **Contact Information:** The CDOT Erosion Control and Stormwater Quality Guide may be obtained from the Bid Plans Office at (303) 757-9313 or from: <http://www.dot.state.co.us/environmental/envWaterQual/wqms4.asp>

**Disposal of Drilling Fluids** - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as “discharges” or “solid wastes”, and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being

separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact the CDOT / CDPHE Liaison or CDOT Water Quality Program Manager.

**Concrete Washout** - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility and must be located a minimum of 50 feet from state waters, drainageways, and inlets. Concrete washout shall only be performed as specified by the CDOT Environmental Program and shall be in accordance to CDOT specifications and guidelines. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343. Website: <http://www.coloradodot.info/programs/environmental/water-quality/revised-m-standards>; refer to the link [Revision of Sections 101, 107, 208, 213 and 620 Water Quality Control One or More Acres of Disturbance](#) for additional guidance.

**Spill Reporting** - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4446 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, any spill in the highway right-of-way exceeding 25 gallons, or that may otherwise present an immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-877-518-5608.

**About This Form** - Questions or comments about this Information Summary may be directed to Alex Karami, CDOT Safety & Traffic Engineering, Utilities Unit, at (303) 757-9841, [alex.karami@dot.state.co.us](mailto:alex.karami@dot.state.co.us).



## Best management practices for industrial facility permittees

Industrial facilities can use best management practices during construction of the facility and when operating the facility. Best management practices are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution entering CDOT's storm drain system. BMPs also include treatment, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage. BMPs include structural and nonstructural controls.

### Resources for BMPs during construction of a facility

- EPA Storm Water Phase II Menu of BMP's  
<http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>
- International Stormwater BMP Database  
[www.bmpdatabase.org](http://www.bmpdatabase.org)
- International Erosion Control Association  
[www.ieca.org/resources/TS6ErosionSedimentControl.asp](http://www.ieca.org/resources/TS6ErosionSedimentControl.asp)

### Resources for BMPs during operation of a facility

- *Industrial and Commercial Handbook*  
[www.cabmphandbooks.com/Industrial.asp](http://www.cabmphandbooks.com/Industrial.asp)
- *Industrial Facilities Best Management Practices*  
[www.ci.santa-cruz.ca.us/pw/Stormwater2004/Att16.pdf](http://www.ci.santa-cruz.ca.us/pw/Stormwater2004/Att16.pdf)
- *Best Management Practices for Industrial Storm Water Pollution Control*  
[www.emd.saccounty.net/Documents/Info/Sacramento%20Industrial%20BMP%20Manual%20Nov.pdf](http://www.emd.saccounty.net/Documents/Info/Sacramento%20Industrial%20BMP%20Manual%20Nov.pdf)

For more information on CDOT Utility Permits:  
[www.dot.state.co.us/UtilityProgram/](http://www.dot.state.co.us/UtilityProgram/)

For more information on CDOT Access Permits:  
[www.dot.state.co.us/AccessPermits/index.htm](http://www.dot.state.co.us/AccessPermits/index.htm)

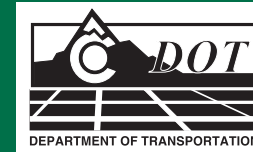
For more information on CDOT's Water Quality Program:

Contact: Water Quality Program Manager  
4201 East Arkansas Avenue  
Shumate Building  
Denver, CO 80222  
303-757-9343

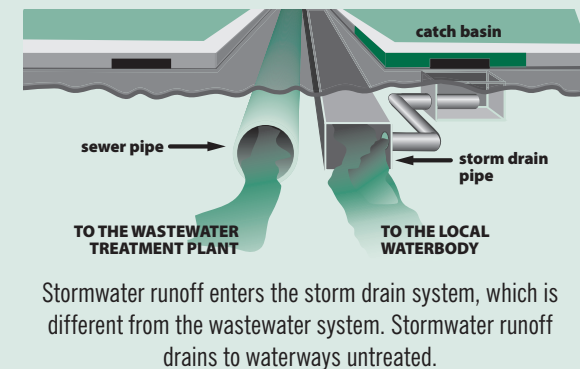
CDOT's stormwater program website: [www.cdoth2o.com](http://www.cdoth2o.com)

CDOT MS4 Helpline: 303-918-7535

CDOT Illicit Discharge Hotline: 303-512-4H2O (4426)



# Water Quality Program INDUSTRIAL FACILITIES PROGRAM



### What is stormwater runoff?

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the ground. Impervious surfaces like roads and sidewalks prevent stormwater from naturally soaking into the ground.



### Why is stormwater runoff a problem?

Stormwater can pick up debris, chemicals, dirt, and other pollutants and flow into CDOT's storm drain system or directly into a stream, river, lake, wetland, or reservoir. Anything that enters CDOT's storm drain system is discharged untreated into the waterways we use for fishing, swimming, and providing drinking water.

**CDOT** has a permit from the Colorado Department of Public Health and the Environment (CDPHE) to discharge stormwater from its storm drain system. The permit states that only stormwater (and a few other allowable discharges like landscape irrigation overflow) can be discharged from CDOT's storm drain system. Pollutants, such as dirt; fertilizers; pesticides; and oil and grease, antifreeze; and other automotive fluids are strictly prohibited from being disposed of in CDOT's storm drain system.

As part of the permit, CDOT has several different programs to prevent pollutants from entering the storm drain system. The programs are:

- Construction sites program
- New development and redevelopment program
- Illicit discharges program
- **Industrial facilities program**
- Public education and involvement program
- Pollution prevention and good housekeeping program
- Wet weather monitoring program







CDOT has a program to identify and eliminate any discharge to their storm drain system that is not composed entirely of stormwater (unless authorized by another permit from CDPHE). Allowable discharges into CDOT's storm drain system include the following:

- Landscape irrigation
- Diverted stream flows
- Rising ground waters
- *Uncontaminated* ground water infiltration to separate storm sewers
- *Uncontaminated* pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensation
- Irrigation water
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering
- Individual residential car washing
- Individual residential swimming pool and hot tub discharges
- Individual residential street washing
- Water-line flushing
- Flows from riparian habitats and wetlands
- Flows from emergency fire fighting activities
- Water incidental to street sweeping (including associated side walks and medians) and that is *not* associated with construction

## CDOT's Utility and Access Permitting Program

The Utilities program ([www.dot.state.co.us/UtilityProgram/](http://www.dot.state.co.us/UtilityProgram/)) is primarily responsible for providing services in the following areas:

- **Utility/Highway Project Coordination**—Region utilities engineers work with other CDOT employees and utility companies to identify the utilities that are within highway project boundaries and coordinate any necessary relocation of these facilities to facilitate highway construction activities.
- **Utility and Special Use Permitting**—Utility and Special Use Permits are issued to entities external to CDOT to manage the installation of utilities, or the performance of other types of work, within the state highway right-of-way.
- **Access Permits**—Access Permits are required by any entity when a vehicle access needs to be constructed, modified, or relocated within the highway right-of-way.

CDOT does not permit or track indirect connections (e.g., overland flow) to its storm drain system.

## Industrial Facilities Program Elements

The goal of the Industrial Facilities Program is to do the following:

1. Educate those directly discharging into CDOT's storm drain system
2. Track direct dischargers
3. Detect and remove any illicit discharges
4. Submit an annual report to CDPHE containing the number of informational brochures distributed, and a summary by region of the number of Utility and Special Use Permits and Access Permits issued.



## Education

There are instances when a utility company or other entity doing work in the state highway right-of-way will require some type of environmental permit or clearance for that work. CDOT has put together an Environmental Clearances Information Summary for those applying for a CDOT Utility and Special Use Permit or Access Permit to obtain all required clearances. This fact sheet is given to each permittee and is available at [www.dot.state.co.us/UtilityProgram/Announcements/Announcements.cfm#enviro](http://www.dot.state.co.us/UtilityProgram/Announcements/Announcements.cfm#enviro) and [www.dot.state.co.us/AccessPermits/index.htm](http://www.dot.state.co.us/AccessPermits/index.htm).

In addition, CDOT's MS4 permit requires the development of an additional brochure that promotes the "proper management of potential pollutants in stormwater discharges from industrial facilities" and includes "references to guidance manuals for BMPs that industries can implement to protect stormwater quality." This fact sheet was developed in 2007 and is given to each permittee. This fact sheet is available at [www.dot.state.co.us/environmental/envWaterQual/WhatcanIdo.asp](http://www.dot.state.co.us/environmental/envWaterQual/WhatcanIdo.asp).

## Tracking

CDOT tracks all Utility and Special Use and Access permittees.

## Illicit Discharges

Another requirement of the MS4 permit is a program to detect and remove illicit discharges and improperly disposed of materials from CDOT's storm drain system. Inspections may be conducted in response to the permitting process, a report of unpermitted work in CDOT's right-of-way, or a reported illicit discharge. If CDOT employees see or suspect that an industrial facility is discharging an unallowable pollutant into CDOT's storm drain system, they should call 303-512-4H2O (CDOT's illicit discharge hotline).

## Annual Reporting

Regions 1, 2, and 6 submit to CDOT headquarters the number of permits issued each year for its annual report to CDPHE.



CDOT defines a utility or utility facility as any privately, publicly, or cooperatively owned line, facility, or system producing, transmitting, or distributing the following

- Communications
- Cable television
- Power
- Electricity
- Light
- Heat gas
- Oil
- Crude products
- Water
- Steam
- Waste
- Stormwater not connected with highway drainage
- Other similar commodity

