

1. INTRODUCTION

The primary goal of the Permanent Water Quality (PWQ) Program is to treat stormwater runoff in Colorado Department of Transportation's (CDOT) Municipal Separate Storm Sewer System (MS4) areas by strategically constructing regional PWQ Control Measures (CM). The Headquarters Permanent Water Quality Program is administered by the Water Quality Section in the Environmental Programs Branch of the Division of Transportation Development. Each of the five regions also have water quality and environmental staff members who are responsible for implementing MS4 Programs.

CDOT is required to comply with the MS4 permit, which is issued by the Colorado Department of Public Health and Environment (CDPHE). CDOT's MS4 permit requires CDOT to use CMs to prevent or reduce the discharge of pollutants into state waters caused by runoff from state highways and other CDOT facilities.

CDOT's previous practice was to install PWQ features for every project that disturbed more than an acre. This practice proved difficult to meet permit requirements in some locations due to topography and other physical constraints. As a result, a new practice for achieving compliance was developed, in consultation with the CDPHE. The practice enables CDOT to treat stormwater runoff in a more strategic fashion by building regional features that treat larger areas and provide greater overall benefits.

To accomplish this work, the PWQ Mitigation Pool Fund (MPF) was established. The Transportation Commission (TC) designates \$6.5 million each fiscal year to pay for PWQ CM CDOT and local agency projects that implement PWQ CM. CDOT transportation projects that require installing PWQ CM take priority over all other projects. Calls for local agency PWQ projects are opened when there are surplus funds following disbursement to CDOT projects.

2. REGULATORY CONSIDERATIONS

2.1. Regulations/Resolutions

The following list provides an overview of relevant regulations and requirements related to PWQ.

- Colorado Water Quality Control Act (25-8-101)
- Federal Water Pollution Control Act (33 United States Code [USC] 1251)
- Senate Bill (SB) 15-212: Storm Water Detention Facilities §37-92-602 Colorado Revised Statutes (CRS)
- §43-2-135 CRS Division of Authority over Streets
- Policy Directive (PD) 1050 – Division of Authority of State Highways within Cities, Cities and Counties, and Incorporated Towns. Originating Office: Staff Maintenance
- Procedural Directive 1050.1 – Contracts with Local Agencies for Maintenance of State Highways. Originating Office: Staff Maintenance

- PD 1902 – CDOT Water Quality Compliance
- Procedural Directive 950.1

2.2. Guidelines

- PWQ Section of the CDOT Drainage Design Manual
- PWQ Long Range Plan
- CDOT's MS4 Permit
- PWQ Program Manual

3. ASSET INVENTORY AND CONDITION

CDOT owns approximately 870 PWQ control measures within its MS4 area. There are also CMs outside of CDOT's MS4 area.

4. PERFORMANCE

PWQ Program performance is evaluated by conformance to program goals identified in CDOT's MS4 permit. Performance is therefore a consideration in the CM project selection process (Section 7, below). Also, ongoing CM performance is ensured through annual inspections conducted by either local agencies or CDOT's Water Pollution Control Manager depending on who has maintenance responsibility. Once every five years Headquarters Water Quality staff completes a compliance inspection of a PWQ CM. The compliance inspection is to confirm that the CM is functioning as it was designed.

Information and data about every PWQ CM are captured and maintained by the PWQ program. PWQ staff are developing a dashboard to enhance data access and show the following information for every PWQ CM:

- Location
- Who is responsible for maintenance
- Inspection reports
- Compliance reports
- How much area the CM treats
- The overall health of the CM

5. FUNDING

5.1. Funding Mechanisms

The CDOT MS4 permit requires CDOT to contribute \$6.5 million annually to the PWQ MPF and distribute funds to eligible projects for design, right-of-way acquisition, environmental clearances, and construction of PWQ CM treating CDOT's MS4 area. The TC provides

funding for the PWQ MPF. CDOT's MS4 permit requires funds be expended within three years of award.

5.2. Region Pool Distributions

This is a statewide program without dedicated regional distributions. However regions do select, apply, and advocate for PWQ-eligible projects. After CDOT projects have been funded, remaining funds are made available to local governments to apply for PWQ CM funding.

6. INVESTMENT STRATEGIES

CDOT's overall investment strategy is to increase the positive impacts of PWQ CMs by building comprehensive projects that treat the greatest amount of runoff in areas of greatest need. For CDOT projects, this strategy meets PWQ Program goals to fund CMs that meet the requirements of MS4 permits. For local agency projects, the goals are to finance PWQ stormwater projects that support local agencies' efforts, benefit water quality in receiving waters, and treat runoff from CDOT's MS4 area. MPF funding is not eligible for watershed plans, sediment control action plans, maintenance of existing or new CMs, flood detention, enhancements (such as recreation paths, benches, modifications), or upgrades to existing CMs, unless it increases the volume treated by the CM.

7. PROJECT SELECTION

CDOT Regions submit candidate projects to Headquarters for funding through a formalized application process. Applications for PWQ on CDOT projects with total budgets under \$100 million are evaluated by the Headquarters water quality staff. For projects over \$100 million, the applications are reviewed by the CDOT PWQ Program Mitigation Pool Committee (MPC) in addition to Headquarters PWQ staff. The MPC is comprised of CDOT staff from different specialties including Engineering, Maintenance, Water Quality, and Environmental Planning.

Calls for Local Agency PWQ projects are opened when there are surplus funds remaining following disbursement to CDOT projects. The goals of the local agency program are to finance PWQ stormwater projects that support local agency efforts, benefit water quality in receiving waters, and treat runoff from CDOT's MS4 area. The local agency program strategy is to build PWQ CMs more effectively and efficiently by partnering with local agencies on mutually beneficial and comprehensive projects. Local agency project applications are evaluated by the MPC. More detailed information about the project selection process and eligibility criteria can be found here:

<https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality>