

Colorado Department of  
Transportation (CDOT)

Municipal Separate Storm Sewer  
System (MS4) Program Description  
Document (PDD)

**Construction Sites Program**

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Version 1.4

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## 1. Introduction

The Colorado Discharge Permit System (CDPS) Permit No. COS000005 (MS4 Permit) specifies that the Colorado Department of Transportation (CDOT) must develop and maintain a program description document (PDD) for each of the seven municipal separate storm sewer system (MS4) program areas. This MS4 Construction Program PDD details how the program is administered and implemented on CDOT's construction projects. This PDD is updated as MS4 Construction Program details and approaches are refined and finalized. Updates are posted to the CDOT MS4 Program webpage (<https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/construction-sites-program>), and the revision history can be found in the Citation List, Documents and Electronic Records section.

This PDD describes how CDOT's MS4 Construction Program meets permit requirements at Part I.E.1 of the MS4 Permit - implementing a program to reduce or prevent the discharge of pollutants to the MS4 from covered construction activities. The MS4 Construction Program PDD is also a program management tool used by CDOT's MS4 Construction Program Manager (MCPM) for internal management of the MS4 Construction Program and the Water Quality Section Manager (WQSM)<sup>1</sup> for overall management of CDOT's MS4 Program. In addition to the PDD, CDOT utilizes MS4 Construction Program Citations (Program Citations), as well as various documents and forms to meet the MS4 Permit requirements. CDOT's Program Citations are defined in Sections 5.1 and 5.2.

CDOT also developed the MS4 Construction Program Manual to address critical design, field, and programmatic standard operating procedures (SOPs). The MCPM and WQSM review the MS4 Construction Program Manual at least annually to update it as needed. The most current version of the MS4 Construction Program Manual is available for public review on the MS4 Program webpage (<https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/construction-sites-program>).

CDOT implements and enforces the MS4 Construction Program for all projects holding a CDPS – Stormwater Construction Permit (SCP) and relies on a hierarchy of inspections, audits, and monitoring to oversee these projects and the program. These include contractor's SCP inspections, CDOT MS4 site inspections by either regional or headquarter (HQ) staff, program oversight and monitoring by HQ, and third-party audits.

### 1.1. CDOT MS4 Construction Program History

The 1972 Clean Water Act prohibited the discharge of any pollutant to navigable waters from a point source unless the discharge was authorized by a National Pollution Discharge Elimination System (NPDES) permit. CDOT's first attempt at controlling erosion and sediment on construction sites began in 1978, with the publication of its first Erosion Control Manual. However, stormwater discharge was not considered a point source (and formally regulated) until 1990 when the Environmental Protection Agency (EPA) enacted the Phase I Stormwater Rule under the Clean Water Act. The Phase I Rule required medium and large municipalities with populations of 100,000 or more to obtain an NPDES permit for stormwater discharges associated with their MS4. The Phase I Rule also required NPDES

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<sup>1</sup> The WQSM was formerly known as the Hydrologic Resources and Ecological Design (HRED) Section Manager. The title "HRED Section Manager" may appear in the reference documents until CDOT updates all MS4 Construction Program documents to the current organizational structure.

permits for industrial facilities, including construction sites that disturbed 5 or more acres of land. The Colorado Department of Health and Environment (CDPHE) has been granted authority to administer the Rule and does so through the CDPS. The EPA's Phase II Stormwater Rule, which included requirements for small MS4s as well as construction sites that disturb between one and five acres or were part of a larger common plan of development, was finalized in December 1999. CDPHE's Phase II Rules was finalized in March 2001. However, CDOT had proactively organized an NPDES task force in 1995. The task force formed an Erosion Control Advisory Team (ECAT) in March 1995 to review all construction projects.

CDOT's first MS4 Permit, effective January 2001, included only Phase I MS4 areas. Phase II areas were added to the second permit effective in 2007. Therefore, while CDPHE's Phase II Stormwater Regulation required all construction sites one or more acres, or part of a larger common plan of development, be permitted as of July 1, 2002, MS4 requirements for these construction sites were not added to CDOT's permit until 2007. However, CDOT's first MS4 Permits did include requirements for CDOT to conduct a minimum of 60 construction site inspections a year. CDOT's regional ECAT completed these inspections, now known as Regional Erosion Control Assessment Teams (RECATs). CDOT's MS4 Permit further requires training for construction site operators. CDOT originally administered its training through the CDOT sponsored Erosion Control Supervisor class held at Red Rocks Community College, for which CDOT also served as trainers. Besides training, CDOT also wrote the first Erosion Control and Stormwater Quality guide in 2002 to aid with erosion and sediment control on projects (<https://www.codot.gov/programs/environmental/water-quality/documents/erosion-storm-quality>).

On November 17, 2005, CDOT was issued a Notice of Violation (NOV) and subsequent Cease and Desist Order (on October 23, 2008) on ten projects across the state (an eleventh project was added by the time the NOV was finalized in 2008). Following this NOV, and a CDPHE Audit of CDOT's MS4 Program in September 2007, CDOT entered into a Compliance Order on Consent (CO) with the Water Quality Control Division (WQCD) of the CDPHE. The CO was the legal document between CDOT and CDPHE resolving the NOV and Cease and Desist Order. The provisions of the CO went into effect on January 1, 2009 and applied to all CDOT projects having an SCP. CDOT agreed to take several actions to improve enforcement of water quality requirements on its projects. Among other things, this included implementing its own training program, designating the Chief Engineer as the Director of Stormwater Compliance, hiring six additional full time employees to act as Water Pollution Control Managers (WPCMs) (also known as Regional Water Pollution Control Managers [RWPCM]) in each region, and implementing monthly inspections by the RWPCMs. CDOT subsequently regionalized oversight of the MS4 program and currently has seven fulltime RWPCMs conducting CDOT MS4 site inspections across five regions, with oversight from CDOT HQ staff.

To facilitate program coordination after regionalization, CDOT implemented the Erosion and Sediment Control Assessment Notebook (ESCAN) in 2010. ESCAN, a proprietary software package, tracks and records all actions taken by CDOT to remain in compliance with construction program requirements in the MS4 Permit. As part of the CO, CDOT built a Best Management Practice (BMP) Field Training Facility and began providing CDOT specific Transportation Erosion Control Supervisor (TECS) training in the early 2010's. Following its response actions and associated submittals, CDOT received a Closure of NOV and Cease and Desist Order (number SO-051117-1) and Compliance Order on Consent (number SC-081023-1) from the CDPHE on January 30, 2013.

From March 30, 2015 to April 2, 2015, the EPA conducted an audit of CDOT's MS4 program. At the time of the inspection, CDOT was implementing the MS4 Permit that was effective beginning February 1, 2007 and, though initially set to expire on January 31, 2012, was administratively extended. CDOT's current MS4 Permit (CDPS No. COS000005) was issued on July 28, 2015, approximately 3 months after the EPA Audit. The final audit report was received on September 30, 2015 and included five findings on CDOT's MS4 Construction Program. These findings included, among others, failure to issue Stop Work Orders for egregious non-compliance issues, failure to implement its enforcement procedures (including issuing Liquidated Damages [LDs]), lack of a formal mechanism for chronic non-compliance, inconsistencies across the regions in understanding and implementing the requirements of the MS4 Construction Program, and not ensuring adequate staff training. In response, on August 4, 2016 the Chief Engineer issued a memo directing the Regional Transportation Directors (RTDs) to appoint two delegates to a Task Force being created to prepare SOPs to address EPA findings, to ensure implementation of the new 2015 MS4 Permit requirements, and to create a consistent MS4 Construction Program. The Task Force was created in August 2016 and ultimately developed SOPs for the program which were included in the MS4 Construction Program Manual. The initial version of the MS4 Construction Program Manual was published on March 1, 2017, following five Task Force Meetings. A Chief Engineer memo issued on April 3, 2017 directed CDOT to implement the MS4 Construction Program Manual statewide. On August 7, 2017, following its 2015 audit, EPA issued CDOT an Administrative Order on Consent (AOC) which included several requirements for the MS4 Construction Program in response to the 2015 audit findings. CDOT had already begun to implement these requirements following receipt of the final audit report on September 30, 2015. CDOT submitted responses to the EPA from September 1, 2017 to January 31, 2020 (the final AOC submittal).

In April 2019, the EPA conducted a follow-up inspection of CDOT's MS4 Construction Program. There were additional findings from that inspection that required modifications to the MS4 Construction Program Manual. As a result, the Task Force met again in February 2020 to update, consolidate, and revise the manual and SOPs to address these additional EPA findings. Updates included revising the manual to include additional CDOT project types (Construction Management/General Contractor [CM/GC], Property Management, and Maintenance projects) and including additional options for MS4 site inspections of large project sites to meet the regulators interpretation for evaluating these sites.

CDOT's MS4 Construction Program is constantly evolving to meet additional SCP and MS4 Permit requirements as well as regulators clarifications and guidance concerning these requirements. The Task Force will continue to meet as needed to update and revise the Program Citations and related support documents. The current program is a reflection of past regulatory challenges, CDOT's current staffing and organization, multiple audits, inspections, and discussions with both the CDPHE and EPA, and current trends in the MS4 community.

## 2. CDOT MS4 Construction Program Area

The CDOT MS4 area covers all areas of the Colorado state highway system and associated rights-of-way (ROWs), as well as all properties owned and operated by CDOT, within another MS4 permittee's permit area. CDOT's MS4 Permit applies only to CDOT MS4 areas. CDOT's MS4 boundaries can be found on CDOT's Online Transportation Information System (OTIS) (<http://dtdapps.coloradodot.info/otis>). CDOT's MS4 boundaries are updated annually due to cities and counties that may change boundaries due to expansion, annexation or incorporation.

CDOT implements and enforces its MS4 Construction Program statewide on all projects holding an SCP, regardless of whether the project is inside or outside CDOT's MS4 permit area. This is done at CDOT's discretion because statewide implementation helps CDOT maintain a uniform, compliant, and resource-efficient MS4 Construction Program. However, the permit only requires MS4 oversight of covered construction activities occurring within CDOT MS4 areas. Therefore, CDOT only reports to the CDPHE WQCD when a non-compliance occurs on a project within the CDOT MS4 area *and* the non-compliance cannot be resolved through CDOT's internal escalation process.

While in other MS4 jurisdictions CDOT must coordinate with Local Agencies as discussed further in Section 11.

### 3. Applicable Projects, Facilities, and/or Activities

The MS4 Construction Program provides oversight for construction activities that meet established definitions in the MS4 Permit and have an SCP. The following definitions are from Part I.E.1 of the MS4 Permit.

"Covered construction activities" are construction activities that result in a land disturbance of greater than or equal to one acre or that is less than one acre, but is part of a larger common plan of development or sale that would disturb, or has disturbed since March 2, 2001, one acre or more, unless excluded below or the disturbed areas have been finally stabilized. Covered construction activities include the land disturbing activity and all activities and materials associated with the construction project and located at or contiguous to the land disturbing activities.

"Construction activities" include ground surface disturbing and associated activities, which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of regular maintenance or that are for replacement are considered construction activities and are not considered routine maintenance. Repaving activities where underlying and/or surrounding soil is cleared, graded, or excavated as part of the repaving operation are construction activities. Construction activity occurs from initial ground breaking to final stabilization regardless of ownership of the construction activities.

According to the SCP, the following conditions constitute construction activity:

"Construction activity" refers to ground surface disturbing activities, which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

"Small construction activity" is the discharge of stormwater from construction activities that result in land disturbance of equal to, or greater than, one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan ultimately disturbs equal to, or greater than, one acre and less than five acres.

The MS4 Construction Program oversees all CDOT construction projects with SCP coverage, including design-bid-build (DBB), design-build (DB), Property Management, CM/GC, and Maintenance.

## 4. Program Organizational Structure

CDOT's Chief Engineer (a.k.a. CDOT's Director of Stormwater Compliance) is the main signatory and holder of the MS4 Permit, and accountable for permit compliance. The Chief Engineer, HQ, and the Regions all report up to CDOT's Executive Director. The Water Quality Section of the Division of Transportation Development (DTD) Environmental Programs Branch (EPB) is responsible for CDOT's overall MS4 Construction Program management and compliance under the direction of the MCPM. The MS4 Construction Field Manager (MCFM) supports the MCPM with in-field implementation of the MS4 Construction Program. Direct implementation and administration of the MS4 Construction Program's conditions and compliance activities occurs within each of the five CDOT Regions. Table 1 identifies the CDOT MS4 Construction Program Team. The MS4 Construction Program Implementation Organizational Chart can be found at: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/construction-sites-program>. An overall CDOT Organization Chart is available at: <https://www.codot.gov/about/CDOT-org-chart/view>.

The MCPM represents the Director of Stormwater Compliance within the MS4 Construction Program. The MCPM makes periodic reports to the Director of Stormwater Compliance concerning the compliance status of the MS4 Construction Program, potential compliance risks, and any additional resource needs to improve the performance of the MS4 Construction Program. The CDOT-CDPHE Liaison functions as a regulatory interface between CDOT and CDPHE. The Liaison is a CDOT employee, reporting directly to the EPB Manager, who offices at CDPHE.

**Table 1. CDOT MS4 Construction Program Water Quality Team (June 18, 2020)**

<b>Title</b>	<b>Name</b>	<b>Contact Information</b>
<b>Region 1 (Denver)</b>		
Region Environmental Manager (REM)	Vacant	303.757.9929
Regional Water Pollution Control Manager (RWPCM)	Steve Mulqueen	303.757.9138
Regional Water Pollution Control Manager (RWPCM)	Brian Reiser	303.757.9270
RWPCM Supervisor/Landscape Architect	Susie Hagie	303.757.9932
<b>Region 2 (Colorado Springs)</b>		
Region Planning and Environmental Manager (RPEM)	Robert Frei	719.227.3251
Regional Water Pollution Control Manager (RWPCM)	Troy Rice	719.227.3260
<b>Region 3 (Grand Junction)</b>		
Region Planning and Environmental Manager (RPEM)	David Cesark	970.683.6251
Regional Water Pollution Control Manager (RWPCM)	Leslie Modrick	970.683.6254
Landscape Specialist (LS)	Jennifer Klaetsch	970.683.6223
<b>Region 4 (Greeley)</b>		
Region Planning and Environmental Manager (RPEM)	James Eussen	970.350.2167
Regional Water Pollution Control Manager (RWPCM)	Nicholaus Schipanski	970.350.2127
CDOT R4 Environmental Project Manager	Vanessa Santistevan	970.350.2264
<b>Region 5 (Durango)</b>		
Regional Planning and Environmental Manager (RPEM)	Tony Cady	970.385.1430
Regional Water Pollution Control Manager (RWPCM)	Danielle Wilkinson	970.385.1425
<b>Headquarters (Denver)</b>		
Director of Stormwater Compliance (Chief Engineer)	Steve Harelson	Available upon request
Landscape Architecture (LA) Section Manager	Vacant	303.757.9542
Water Quality Section Manager	Jean Cordova	303.512.4053
MS4 Construction Program Manager (MPCM)	Laura Newman	303.757.9257
MS4 Construction Field Manager (MCFM)	Paul Heffernan	970.389.4632
Water Quality Specialist	Valerie Stanson	303.757.9810
Landscape Architect (LA)	Greg Fischer	303.757.9507
Landscape Specialist (LS)	Susan Suddjian	303.757.9481
CDOT/CDPHE Liaison	Tripp Minges	303.757.9788

## 5. Regulatory Mechanism and Regulatory Mechanism Exemption

Federal and state regulations and permits govern CDOT’s MS4 Construction Program. CDOT must also implement a regulatory mechanism to meet the requirements in Part I.E.1.a of the MS4 Permit, including:

- The ability to implement sanctions against entities responsible for covered construction activities including, but not limited to, contract provisions including LDs, internal processes, and internal management procedures.
- A requirement that control measures be implemented for all covered construction activities from initial disturbance until final stabilization.

CDOT uses its contracts and Program Citations to meet this requirement and to integrate the MS4 Construction Program with project delivery. CDOT is responsible for compliance with the MS4 Permit and oversight of Contractor compliance with the SCP.

### 5.1. CDOT's Regulatory Mechanism

CDOT's Program Citations serve as CDOT's regulatory mechanism to implement the MS4 Construction Program. Program Citations include Subsection 107.25 (Water Quality Control), Sections 208 (Erosion Control), Section 213 (Mulching), and Section 216 (Soil Retention Covering) of CDOT's Standard Specifications for Road and Bridge Construction (CDOT Standard Specifications). These sections are referred to as CDOT's Water Quality Specifications. Program Citations also include CDOT's Standard Plans M-208-1 (Temporary Erosion Control) and M-216-1 (Soil Retention Covering).

### 5.2. Specifications and Standard Plans

CDOT's Water Quality Specifications and CDOT Standard Plans M-208-1 and M-216-1 are the applicable standards and requirements evaluated during CDOT MS4 site inspections (i.e. Monthly Audit Reports [MARs] or RECATs) of active construction projects and on which MS4 project findings are based. Subsection 208.09 defines allowable corrective action periods and prescribes LDs and Stop Work Orders when corrective action periods are exceeded. Specification 208.09 was updated in 2018 to include stricter financial disincentives and enforcement and escalation procedures for non-compliance. These updates are applicable to all projects advertised on or after April 1, 2019, including innovative contracting projects. CDOT also drafted and approved contract language for Book 2, Section 5.0 (Section 5.4.9 – Environmental Requirements) of the CDOT Design-Build Request for Proposal (RFP) template that includes these same financial disincentives and escalation procedures.

### 5.3. Exemptions

The MS4 Permit allows CDOT to implement exemptions, which is defined in Part 1.E.1.a.ii as “an exemption, waiver, or variance implemented by the permittee for permittee control measures used to meet the effluent limits in this permit.” These are exemptions from CDOT's regulatory mechanisms for issuing LDs and Stop Work Orders. Per CDOT's August 2018 revision to specification 208.09, “Exemptions”, the Engineer will exempt from subsection 208.09(b) situations of compliance assistance, documented upset conditions, documented reportable spills, and documented winter conditions. Release from subsection 208.09(b) does NOT exempt the Contractor from compliance with the SCP. Additional clarification of these exemptions are provided in this PDD as follows:

1. **Compliance Assistance** - CDOT's MS4 Construction Program Manual, definitions section, states that compliance assistance is used to address low-risk issues of observed noncompliance during a CDOT MS4 site inspection or MS4 monitoring event. A determination of “low risk” to justify compliance assistance must be documented in the CDOT MS4 site inspection or MS4 monitoring report. The “low risk” determination is based on risk factors, including that it is the first observed instance of the specific noncompliance at the construction site, the noncompliance will not result in a discharge, the noncompliance does not impair the effectiveness of the control

measure or the MS4 Construction Program, or other documented low risk factors. The MS4 Construction Program Manual (SOP M4 – MS4 Compliance Monitoring) states that “MS4 compliance monitoring is used to evaluate and foster consistency in MS4 Construction Program implementation across CDOT, including MS4 Permit requirements, as well as incorporate lessons learned throughout CDOT’s MS4 Construction Program.”

2. **Winter Exemptions (on timing of corrective actions)** - CDOT’s MS4 Construction Program winter exemption to CDOT’s regulatory mechanism for LDs and Stop Work Orders is used when a winter weather event will prevent the Contractor from immediately fixing findings documented on a 45-day CDOT MS4 site inspection. Weather conditions include items such as snow cover or inclement weather that would make it impossible for the Contractor to implement corrective actions. The Contractor is required to complete all corrective actions, once the site is accessible, and is subject to LDs and Stop Work Orders for not performing corrective actions on the findings once the site is accessible. During the next audit, if the same findings are observed, they will be considered “chronic” per Specification 208.09(b)3. Please note that any LDs or Stop Work Orders would accrue up to the time the CDOT Project Engineer approved the Winter Exemption, if being assessed.
3. **Projects not required to obtain a CDP5-SCP (projects under 1 acre in size and not part of a larger common plan of development)** - CDOT’s MS4 Permit requires CDOT to reduce or prevent discharges of pollutants from "covered construction activities". The MS4 Permit defines "covered construction activities" as “construction activities that result in a land disturbance of greater than or equal to one acre or that is less than one acre, but is part of a larger common plan of development or sale.” This is the same definition for sites that are required to obtain an SCP, therefore our existing documentation already demonstrates why construction projects not required to obtain an SCP are exempt from CDOT’s regulatory mechanism for LDs and Stop Work Orders.
4. **Upset Conditions** - Per the MS4 Permit Part II.A.4., upset conditions are required to be reported to CDPHE. The August 2018 revision to CDOT specification 208.09 requires the Contractor to report upset conditions to CDPHE. CDOT’s MS4 Construction Program upset condition exemption to CDOT’s regulatory mechanism for LDs and Stop Work Orders is used when an exceptional incident occurs. An exceptional incident is one that is infeasible to prepare for and creates unintentional and temporary noncompliance with SCP requirements. An upset condition causes adequate control measures, which are sized for the drainage area and type of flow they receive, to be overwhelmed.

Once the Contractor requests an upset condition and the CDOT Project Engineer approves, all non-compliant items associated with or affected by the upset condition will be released from CDOT’s regulatory mechanism of LDs and Stop Work Orders. CDOT is still obligated to address all permitted areas affected by the upset condition, and ensure that the Contractor returns the project to compliance with all SCP and MS4 permits. During this time, while the Contractor works to address non-compliant items caused by the upset condition, the Contractor must implement measures to mitigate future upset conditions.

5. **Reportable Spills** - CDOT’s MS4 Construction Program allows for the exemption of applying LDs and Stop Work Orders for reportable spills to the Contractor. CDOT’s MS4 Construction Program

determined a need for this exemption due to an unrecoverable and reportable spill. Any reportable spills documented on a CDOT MS4 site inspection will be considered a severe finding and LDs will immediately accrue until the Contractor notifies the CDPHE Spill Hotline. After confirmation of reporting to CDPHE by the CDOT Project Engineer, LDs will cease for this finding. CDOT still requires the Contractor to remove all pollutants, if possible, and are still obligated to address all permitted areas affected by the reportable spill until compliance is met.

## 6. Control Measure Implementation & Procedures

CDOT's Construction Sites Program must address selection, installation, implementation, and maintenance of control measures that meet the requirements of Part I.B of the MS4 Permit. "Control measures" are any BMP or other method used to prevent or reduce the discharge of pollutants to state waters. Control measures must be appropriate for the specific construction activity, the applicable pollutant sources, and phase of construction. CDOT uses a wide variety of BMPs and structural and non-structural control measures to implement its MS4 Construction Program.

Under the MS4 Permit, CDOT must require that construction project operators develop, maintain and implement project-specific Stormwater Management Plans (SWMPs) that locate and identify all structural and non-structural control measures for the covered construction activities. CDOT Specifications 107.25 and 208.03 require a project's SWMP be retained on site, and contain installation, implementation and maintenance specifications (or a reference to the applicable documents) for all structural control measures. All referenced documents must also be retained on site. A narrative description of non-structural control measures must also be included in the SWMP.

Consistent with the MS4 Construction Program Manual (SOP D5 - Project SWMP Design and Review) a Certified SWMP Preparer, who is either a CDOT employee or contractor/consultant, prepares five of CDOT's 18 SWMP sections including the SWMP Plan Sheets (Tab 1), SWMP Site Maps (Tab 2), CDOT Standard Specifications (Tab 3), CDOT Standard Plans M-208-1 and M-216-1 (Tab 4), and Permanent Water Quality Plan Sheets (Tab 18). A CDOT SWMP Preparer/Reviewer, who is a full-time CDOT employee from CDOT's environmental team, must peer review the SWMP for each project per the requirements of Part 1.E.1.a.iv(B) of the MS4 Permit. A SWMP Reviewer may not review a SWMP they prepared. After review of the project's SWMP, the Regional Planning and Environmental Manager (RPEM), or designee, records the SWMP acceptance date as the SWMP clearance date on Form 128, or in an alternate SWMP acceptance document, and saves a copy of the SWMP and acceptance document with the project files. CDOT then provides the SWMP to be included with the documents for contractor bidding via advertisement. The construction project operator is responsible for completing the remaining sections (Tabs 5 through 17) for compliance with the SCP permit prior to construction activities, and maintains responsibility for keeping the SWMP updated throughout active construction. The RWPCM provides support for completing the SWMP and reviews the completed SWMP prior to construction in accordance with Part 1.E.1.a.iv(B) of the MS4 Permit.

The completed SWMP provides the TECS (see Section 7 for a discussion of the TECS certification) information necessary to inspect, maintain and modify control measures during construction. When the construction project operator proposes to modify control measures or other aspects of the approved SWMP, the Project Engineer determines whether the operator's SWMP modifications are major or minor and follows the appropriate review and approval process set forth in the MS4 Construction

Program Manual (SOP C1 Major and Minor SWMP Modifications During Construction). The operator must return the complete SWMP to CDOT upon project completion.

CDOT Region 1 and 2 construction projects located in or draining to the Cherry Creek Basin must meet the additional control measure requirements listed in the WQCD's Cherry Creek Basin Reservoir Control Regulation (5 CCR 1002-72). For Cherry Creek Basin projects, the SWMP Design must incorporate, as appropriate, "Construction Control Measures" at 5 CCR 1002-72.7.2(b)(5). The MS4 Construction Program Manual, SOP D5 – Project SWMP Design and Review, describes the process CDOT follows to maintain compliance with MS4 Construction Program requirements and 5 CCR 1002-72.

CDOT utilizes the Program Citations to direct Contractors on the proper installation and maintenance of control measures. The MS4 Construction Program Manual includes SOPs for CDOT's water quality staff on implementation of CDOT's MS4 Construction Program, including implementing changes to Program Citations, making major and minor SWMP modifications during construction, and inspection of control measures. A Chief Engineer Memo released on August 4, 2016 directed the development of the SOPs, and a Chief Engineer Memo released on April 3, 2017 directed the execution of the MS4 Construction Program Manual and associated SOPs on all CDOT projects. Instructions to CDOT Project Engineers (and other staff) on maintaining compliance with the MS4 Permit control measure requirements, and CDOT's MS4 Construction Program, are included in the applicable CDOT manuals. These manuals are currently being reviewed and updated to ensure compliance with the most recent MS4 Permit and SCP requirements. In addition, CDOT has issued various Chief Engineering Memos, Construction Bulletins, and Design Bulletins to relay information to CDOT Project Engineers (and other staff) on permit compliance. Documents issued to relay current information on permit compliance include:

- The March 29, 2016 Construction Bulletin and the revised Construction Bulletin on October 20, 2016, provide a summary of major changes to Water Quality Control Specifications
- The March 28, 2016 Chief Engineer Memo issued to announce process changes initiated by the findings of the March 2015 EPA Audit
  - Reissued on December 18, 2019
- The March 28, 2019 Design Bulletin providing information regarding revisions to Specifications 107.25 and 208 to ensure compliance with 2019 SCP
- The March 28, 2019 Construction Bulletin notifying all project personnel working on projects with an SCP of the 2019 permit requirements

## 7. Training and Certifications

The MS4 Permit, Part I.E.1.a.vii, establishes Construction Program training requirements. CDOT provides MS4 Construction Program training to CDOT environmental, engineering and maintenance staff, and Contractors, consultants and the general public. CDOT Construction Program trainings include internal training on the MS4 Construction Program Manual, the TECS Certification program, and the SWMP Preparer Certification Course (also considered the SWMP Reviewer Certification Course). The MCPM, Landscape Architect (LA) Section Manager and WQSM evaluate MS4 Construction Program training needs on an annual basis or following significant changes to the program.

The TECS certification program is integral to CDOT's MS4 Construction Program. CDOT requires all Contractors performing construction to have at least one certified TECS on site to manage erosion and site conditions (CDOT Standard Specifications, Subsection 208.03). In addition, all RWPCMs hold a valid

TECS certification. The MCPM and MCFM, or designee, manage the TECS Certification Program. The TECS class teaches planning, phasing, communication, SMWP maintenance, specification requirements, field theory, and function of hydrology and control measures. CDOT awards the TECS Certification to students who successfully complete 16 hours of course material and instruction, and pass the final examination. Certificates are given out by CDOT and logged into the H2O/ESCAN software system for management purposes. A TECS Certification is valid for 3 years, which can be extended by recertification exam.

The SWMP Preparer/Reviewer Certification Class is a two-day class open to CDOT and non-CDOT staff but focused to design engineers and landscape architects. Certification requires attending the course and passing the examination. CDOT's LA Section administers and oversees the SWMP Preparer/Reviewer Certification. A SWMP Preparer/Reviewer Certification is valid for three years with recertification via continuing education classes and/or a refresher class. The SWMP Preparer/Reviewer Certification course teaches evaluation of SWMP Designs against CDOT's MS4 SWMP Design standards.

The RWPCMs participate in annual MS4 Construction Program trainings to maintain compliance with CDOT-internal and MS4 Permit requirements and to foster uniform implementation of the MS4 Construction Program across CDOT's 5 regions. Additional on-the-job MS4 Construction Program training occurs as compliance assistance and in-field education during CDOT compliance audits (MS4 Construction Program Manual SOP M4 – MS4 Compliance Monitoring).

As required by the MS4 permit, CDOT documents the name and title of each individual trained, date of training, the type of training, and a list of topics covered in the training.

## 8. Program Compliance, Quality Assurance, and Enforcement/Escalation

Program compliance and quality assurance is primarily a CDOT HQ Water Quality Section function. MS4 program quality assurance and quality control (QA/QC) actions performed by CDOT's Water Quality Section staff ensures that MS4 program activities undertaken by CDOT are in compliance with the MS4 Permit and CDOT policy. The MCPM and MCFM are responsible for day-to-day MS4 Construction Program oversight, compliance, and quality assurance. The WQSM and the MCPM periodically meet to discuss MS4 Construction Program compliance risks and resource needs.

Quality assurance components designed into the MS4 Construction Program Manual include internal and third-party auditing procedures to monitor compliance with the MS4 Construction Program (SOP M4 – MS4 Compliance Monitoring and SOP M6 – MS4 Construction Program Third-Party Audit). The MCPM or designee audits region compliance with the MS4 Construction Program Manual SOPs. These internal audits provide a critical quality control function to the overall MS4 Construction Program and inform the Director of Stormwater Compliance where to allocate resources (i.e., staff, budget, training, etc.) based on measured MS4 Permit compliance risks. An independent, third party, audits the overall MS4 Construction Program every MS4 Permit cycle. The WQSM and the MCPM evaluate audit results to assess program success and opportunities for refinement. Non-compliance reporting and escalation processes for internal non-compliance follows CDOT's established escalation processes.

## 9. CDOT Site Inspections and Investigations

CDOT MS4 site inspections and compliance are critical to any QA/QC function. The MCPM uses CDOT MS4 site inspections to assess MS4 permit compliance and success metrics and to develop adaptive management as needed. Construction projects with SCP coverage are subject to two levels of evaluation. The construction sites operator is responsible for conducting site inspections to evaluate compliance with the SCP, according to the inspection schedule established in the SCP. These inspections are recorded on CDOT Form 1176 and maintained in the SWMP. CDOT MS4 site inspections oversee operator compliance with the SCP and measure CDOT's compliance with the MS4 Permit. The RWPCM, MCPM, or their designee (i.e. the MCFM or a CDOT contractor not associated with the project) must conduct an inspection of CDOT projects covered by an SCP in accordance with the MS4 Permit requirements (MS4 Permit, Part I.E.1.a.v).

CDOT MS4 site inspections are conducted in accordance with the MS4 Permit requirements and the MS4 Construction Program Manual (SOP C2 - Routine Audits and RECATS). CDOT MS4 site inspections assess all control measures, pollutant sources, and discharge points. CDOT MS4 site inspections may be conducted by any qualified CDOT staff, but are typically conducted by the RWPCM, MCPM, MCFM, or CDOT contractor not associated with the project. The inspector documents and enters findings from CDOT MS4 site inspections to ESCAN. The Project Engineer initiates CDOT's MS4 Construction Program compliance and enforcement process by issuing a CDOT Form 105 to the construction site operator in response to a finding, in accordance with Specification 208.09. CDOT's Form 105 is CDOT's official communication to the operator requiring corrective actions to resolve failures to perform erosion control.

The MS4 Permit (Part 1.E.1.a.v.(D)) states "a compliance follow-up inspection must occur within 14 days of the permittee identifying that there is a failure to implement a control measure or an inadequate control measure, unless corrections were made and observed by the inspector during the initial inspection". In compliance with the MS4 Permit, CDOT implements follow-up inspections by requiring Contractors to inspect and report that the control measure has been installed or corrected as necessary. These corrections are documented with photographs and uploaded in ESCAN for CDOT review and approval. If approved corrections are not made in a timely manner, CDOT then implements its enforcement procedures. CDOT Standard Specification 208.09 describes CDOT's MS4 Construction Program compliance and enforcement process in detail.

For most projects, a CDOT MS4 site inspection consists of a one day, point-in-time inspection by a single inspector. However, on large projects<sup>2</sup> this method may not adequately assess all control measures, pollutant sources, and discharge points. In these cases, CDOT will utilize a variety of optional methods to ensure MS4 Permit Compliance, including:

- CDOT contractors, not associated with the project and paid for by CDOT, may be used to ensure that all control measures, pollutant sources and discharge points are adequately inspected at least every 45 days for active construction sites. Contractors hired for this purpose must abide by the training requirements in the MS4 Construction Program Manual, SOP C-2 - Routine Audits

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<sup>2</sup> Projects will be determined to be large projects at the RWPCMs discretion; but will typically be impossible to adequately inspect, in one day, by one person. Long linear projects, with few discharge points, flat topography, infiltrating soil types etc., that can easily be inspected in a day, will not be considered a large project.

and RECATS. These inspections may be documented outside of ESCAN, however findings will be documented with Water Quality Related Form 105s issued by the Project Engineer, or designee.

- Multiple day inspections may be conducted by Region, HQ, or CDOT Contractor inspectors.
- CDOT may use multiple inspectors on the same day, inspecting different areas of the project at the same time.
- Drones may be used for visual inspections of the project (under development).
- Satellite imagery may be used for visual inspections of the project (under development).
- Other methods may be used as approved by MCPM or MCFM.

If a CDOT MS4 site inspection was not conducted within the 45 days because of winter conditions, a CDOT MS4 site inspection will be completed as soon as possible after the winter conditions no longer exist. Documentation including dates when snow cover occurred, date when construction activities ceased, and date melting conditions began will be added to the SWMP explaining the rationale.

## 10. Recordkeeping

CDOT maintains the following MS4 Construction Program records to meet the requirements of Part I.E.1 and Part I.K.2 of the MS4 Permit:

- The specifications, contracts, standards, operating procedures, and other documents that serve as CDOTs regulatory mechanism to meet MS4 Permit requirements are maintained in CDOTs project files and on the website.
- The specifications, contracts, standards, operating procedures, and other documents that allow for exemptions, and the documented procedures that confirm the exemptions, waivers, and variances comply with the permit, are described in this PDD.
- The specifications, contracts, standards, operating procedures, and other documents used to document that CDOTs control measure requirements meet the permit requirements are maintained in CDOTs project files and on the website.
- The RWPCM is responsible for storing the final SWMP reviewed to meet the initial SWMP review requirements in a known and documented location, or electronically in the CDOT project files.
- CDOTs MS4 site inspections are maintained in ESCAN, or on an alternative inspection form (if an alternative inspection method is used), which is maintained in the project files.

All records are maintained for a period of time that is compliant with the Water Quality Record File Plan and the MS4 Permit requirements (MS4 Construction Program Manual, SOP C4 - Long-term SWMP Retention).

## 11. Overlapping MS4 Program and Permit Areas

This section discusses the transition of projects from one MS4 program area to another and when there are overlapping MS4 permit areas.

### 11.1. Working with other CDOT Program Areas:

CDOT provides instructions for MS4 Construction Program permit compliance in several engineering and construction documents, including the CDOT Project Development Manual, Construction Manual, Design-Build Manual, etc. As these documents are generated and controlled by other CDOT groups or departments, changes to these documents can affect the quality and reliability of MS4 Construction

Program documents. A change in one document can have a cascading effect on other document's information and procedures. The MS4 Construction Program identifies and tracks document linkages (Section 12) to continually monitor changes to documents in other program areas. The MCPM, or designee, is responsible for monitoring and reacting to internal and external program documentation changes that can affect other documentation critical for MS4 compliance. The MCPM coordinates with the Area Engineers and Assistant Area Engineers to update these documents as needed to maintain permit compliance.

The MS4 Construction Program also overlaps with the MS4 Permanent Water Quality (PWQ) program. PWQ features are often used as temporary control measures during construction. During construction, the MS4 Construction Program is responsible for inspection of these features to ensure their proper operation as temporary control measures to meet the requirements of Part I.B of the MS4 Permit. This includes requiring the maintenance and restoration of these features to meet the specific requirements in each program area in Part 1.E of the MS4 Permit. In addition, the control measure must be included in the SWMP and any modifications to the control measure must comply with the appropriate major and minor SWMP modification procedures. If a PWQ feature is being implemented as part of a construction project, but is not utilized as a temporary control measure, then the MS4 Construction Program is required to reduce or prevent the discharge of pollutants during construction of these features. The acceptance and long-term operation and maintenance of these features to maintain MS4 Permit compliance is the responsibility of the MS4 PWQ Program. The day-to-day oversight of the MS4 Construction Program at the project level is managed at the regions, typically by the RWPCMs. These same RWPCMs work closely with the HQ MS4 PWQ staff for the long-term management of the PWQ features.

### 11.2. Overlapping MS4 Permit Areas:

CDOT projects often overlap other MS4s with their own requirements and rules in place. While in another MS4 jurisdiction, CDOT must coordinate with Local Agencies. In these cases, intergovernmental agreements (IGAs) or other types of agreements are often in place to clarify what requirements the Contractor should follow and which agency will take the lead on compliance oversight. Copies of any such agreements are available in the project files. CDOT evaluates activities that overlap permit areas of more than one MS4 permittee on a project-by-project basis. This approach is necessary because CDOT projects may cross any of the CDPS-permitted Phase I and II MS4 areas, and permittees implement each MS4 program differently.

## 12. Citation List, Documents and Electronic Records

Table 2 is a complete list of documents, materials, SOPs, design standards, guidance documents, software and other sources used to manage and implement the MS4 Construction Program. Each citation includes a link to the most recent version that will provide the source/author and date, revision history, document location(s), location(s) of supporting information, and CDOT staff position(s) responsible for the resource.

Project specific documents that are required to maintain MS4 Permit compliance have been discussed in previous sections of this PDD (i.e. CDOTs Form 128). These documents are completed by the project teams and saved in the project files.

**Table 2. CDOT MS4 Construction Program – PDD Update Documents**

- ✓ M2 MS4 Construction PDD Updates: <https://www.codot.gov/programs/environmental/water-quality/documents/ms4-program/ms4-construction-pdd-development-version-1-3-190401.pdf>
- ✓ CDOT MS4 Construction Program Manual: [https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/assets/ms4-construction-program-manual-version-1-3\\_updated.pdf](https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/assets/ms4-construction-program-manual-version-1-3_updated.pdf)
- ✓ Colorado Discharge Permit System – CDOT MS4 Permit (COS000005).  
<https://environmentalrecords.colorado.gov/HPRMWebDrawer/RecordView/1037246>
- ✓ Colorado Discharge Permit System – Stormwater Discharge Permit (COR4000000)  
<https://environmentalrecords.colorado.gov/HPRMWebDrawer/RecordView/1260782>
- ✓ OTIS, CDOT Online Maps, Environmental – Water Quality - App <http://dtdapps.coloradodot.info/otis>:
- ✓ CDOT Construction Manual (current version):  
[https://www.codot.gov/business/designsupport/bulletins\\_manuals/construction-manual/2019-construction-manual.pdf](https://www.codot.gov/business/designsupport/bulletins_manuals/construction-manual/2019-construction-manual.pdf)
- ✓ CDOT Erosion Control and Stormwater Quality Guide: <https://www.codot.gov/programs/environmental/water-quality/documents/erosion-storm-quality>
- ✓ CDOT Construction Bulletins
  - March 28, 2019. 2019-1 - Implementation of the New Stormwater Construction Permit (Permit No. COR400000, Revised Permit no. COR030000) for Active Construction Projects:  
[https://www.codot.gov/business/designsupport/bulletins\\_manuals/construction-bulletins/cb-2019-1/@download/file/Construction\\_Bulletin\\_2019-1.docx](https://www.codot.gov/business/designsupport/bulletins_manuals/construction-bulletins/cb-2019-1/@download/file/Construction_Bulletin_2019-1.docx)
  - March 29, 2016, Revised October 20, 2016. 2016-2 - Water Quality Control:  
[https://www.codot.gov/business/designsupport/bulletins\\_manuals/construction-bulletins/2016-2/@download/file/CB%202016-2%20Revised%20102016%20Water%20Quality%20Control.docx](https://www.codot.gov/business/designsupport/bulletins_manuals/construction-bulletins/2016-2/@download/file/CB%202016-2%20Revised%20102016%20Water%20Quality%20Control.docx)
- ✓ CDOT Design Bulletin: March 28, 2019. 2019-1 - Revisions to Standard Specifications 107.25 and 208 – Water Quality Control and Erosion Control: [https://www.codot.gov/business/designsupport/bulletins\\_manuals/design-bulletins/db-2019-1/@download/file/Design\\_Bulletin\\_2019-1.docx](https://www.codot.gov/business/designsupport/bulletins_manuals/design-bulletins/db-2019-1/@download/file/Design_Bulletin_2019-1.docx)
- ✓ Chief Engineering Memo – CDOT Municipal Separate Storm Sewer System (MS4) Construction Program Manual: <https://www.codot.gov/business/designsupport/chief-eng-memos/ce-memo-ms4>
- ✓ Chief Engineering Memo – EPA Audit Findings, Compliance with Specification 208.09 – (December 18, 2019, originally issued March 28, 2016): [https://www.codot.gov/business/designsupport/chief-eng-memos/chief\\_eng\\_memo-epa-audit\\_finding](https://www.codot.gov/business/designsupport/chief-eng-memos/chief_eng_memo-epa-audit_finding)
- ✓ CDOT SWMP Designer/Approver Training Manual (under development)
- ✓ CDOT SWMP Tabs: <https://www.codot.gov/programs/environmental/water-quality/documents/swmp-notebook-tabs/>
- ✓ CDOT SWMP Template >1 Acre Impact: [https://www.codot.gov/programs/environmental/landscape-architecture/assets/swmp-template\\_over-an-acre\\_updated-010920.docx](https://www.codot.gov/programs/environmental/landscape-architecture/assets/swmp-template_over-an-acre_updated-010920.docx)
- ✓ CDOT Standard Specifications for Road and Bridge Construction (current version):  
<https://www.codot.gov/business/designsupport/cdot-construction-specifications/2019-construction-specifications/2019-specs-book/2019-standard-specifications/@download/file/2019%20Standard%20Specifications.pdf>
  - [Subsection 107.25 Water Quality Control](#)
  - [Section 208 Erosion Control](#)
  - [Section 213 Mulching](#)
  - [Section 216 Soil Retention Covering](#)
- ✓ CDOT Standard Special Provisions: <https://www.codot.gov/business/designsupport/cdot-construction-specifications/2019-construction-specifications/rev-ssp>
- ✓ Project Special Provisions Specifications 107.25, 208, 213, 216, M-208-1, and M-216-1 (specific to a project, maintained in the project's SWMP notebook)
- ✓ 7 day inspection- CDOT Form 1176: <https://www.codot.gov/library/forms/cdot1176.pdf>
- ✓ Monthly inspection- CDOT Form 1177: <https://www.codot.gov/library/forms/cdot1177.pdf>
- ✓ Daily Inspection- CDOT Form 1388: <https://www.codot.gov/library/forms/cdot1388.pdf>
- ✓ Standard Plan M-208-1 Temporary Erosion Control: <https://www.codot.gov/business/designsupport/2019-and-2012-m-standards/2019-m-standards-plans/2019-m-standards-plan-sheets/m-208-1-temporary-erosion-control/m-208-1-temp-erosion-control>
- ✓ Standard Plan M-216-1 Soil Retention Covering: [https://www.codot.gov/business/designsupport/2019-and-2012-m-standards/2019-m-standards-plans/2019-m-standards-plan-sheets/m-216-1\\_soil\\_retention\\_covering/m-216-1\\_soil\\_retention\\_covering](https://www.codot.gov/business/designsupport/2019-and-2012-m-standards/2019-m-standards-plans/2019-m-standards-plan-sheets/m-216-1_soil_retention_covering/m-216-1_soil_retention_covering)
- ✓ CDOT Roadway Design Guide (current version), Chapter 16:  
[https://www.codot.gov/business/designsupport/bulletins\\_manuals/cdot-roadway-design-guide-2018/dg18-ch16/@download/file/DG18%20Ch%2016%20Specifications\\_FINAL\\_CLEAN\\_10-2018.pdf](https://www.codot.gov/business/designsupport/bulletins_manuals/cdot-roadway-design-guide-2018/dg18-ch16/@download/file/DG18%20Ch%2016%20Specifications_FINAL_CLEAN_10-2018.pdf)
- ✓ Cherry Creek Reservoir Control Regulation (5 CCR 1002-72)  
[https://www.sos.state.co.us/CCR/DisplayRule.do?action=ruleinfo&ruleId=2383&deptID=16&agencyID=132&deptName=Department%20of%20Public%20Health%20and%20Environment&agencyName=Water%20Quality%20Control%20Commission%20\(1002%20Series\)&seriesNum=5%20CCR%201002-72](https://www.sos.state.co.us/CCR/DisplayRule.do?action=ruleinfo&ruleId=2383&deptID=16&agencyID=132&deptName=Department%20of%20Public%20Health%20and%20Environment&agencyName=Water%20Quality%20Control%20Commission%20(1002%20Series)&seriesNum=5%20CCR%201002-72)
- ✓ CDOT Transportation Erosion Control Supervisor Certification (TECS):  
<https://www.codot.gov/programs/environmental/water-quality/training/transportation-erosion-control-supervisor-certification>
- ✓ Speed Memo- CDOT Form 105:  
[https://www.codot.gov/library/forms/cdot0105.pdf/@download/file/cdot0105\\_ompdf\\_final.pdf](https://www.codot.gov/library/forms/cdot0105.pdf/@download/file/cdot0105_ompdf_final.pdf)
- ✓ CDOT Erosion and Sediment Control Notebook (ESCAN) – located on CDOT's internal computer network.

## 13. Program Specific PDD Requirements

The PDD for each MS4 program area must include the following information (CDPS COS000005 Part 1.C.):

- The permittee must develop and maintain a PDD. A “PDD” describes how the permittee will meet the requirements of this MS4 Permit and includes a list of citations for documents and electronic records used to comply with the MS4 Permit requirements; and an organization chart. PDD information must be maintained to reflect current implementation. The PDD does not need to be submitted or approved by the Division, unless specifically requested by the Division. The PDD must include the following:
  - Current Control Measure Implementation and Procedures: The specific PDD content required by Parts I.D. and I.E. that describes how the requirements of Parts I.D. and I.E. are met. Requirements subject to a compliance schedule do not need to be addressed in the PDD until the due date in the compliance schedule in Part I.H.
  - Current Documents and Electronic Records: A list of citations for documents and electronic records used to comply with MS4 Permit requirements. It is not required that the PDD repeat the information included in the cited documents. The PDD must include the names of the most recent version of the documents, source/author of the document, date of the document, and location(s) where the supporting documentation is maintained.
  - Current Organizational Chart: An organizational chart indicating responsibility over applicable departments by the legal contact.
- Availability: The PDD must be available to the public at reasonable times during regular business hours and maintained in a format that can be submitted to the Division within 10 business days of a request.
- Modification: Information in the PDD may be revised by the permittee at any time. The permittee must modify the PDD as changes occur to ensure the information is up to date.

Following are MS4 Permit PDD Index requirements for the MS4 Construction Program, copied directly from the MS4 Permit. The MS4 Permit citation is included parenthetically for each section.

### **Construction Sites Program (CDPS COS000005 Part I.E.1.c.)**

- Regulatory Mechanism: A list of the citation(s) and location(s) of the required elements of the regulatory mechanism, including a list of the associated program documents used to meet the regulatory mechanism requirements.
- Regulatory Mechanism Exemptions: A list of the citation(s) and location(s) of regulatory mechanism elements that allow for exemptions and the documented procedures that confirm that any exemptions, waivers, and variances comply with the permit.
- Control Measure Requirements: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee (CDOT) requires operators to meet the requirements in Part I.E.1.a.iii. A list of the citation(s) and location(s) of supporting documents, including any documents that provide control measure design considerations, criteria, or standards.
- Stormwater Management Plans (SWMPs):
  - A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee requires operators to develop, maintain, and modify SWMPs, including the citation(s) and location(s) of supporting documents.

- A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee conducts initial SWMP reviews, including the citation(s) and location(s) of supporting documents.
- Permittee Site Inspection: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for conducting site inspections, including the citation(s) and location(s) of supporting documents that describe the following:
  - The process for determining, implementing, and documenting the inspection frequencies.
  - The process for inspection follow-up, including determining, implementing, and documenting the nature of the follow-up action.
- Enforcement Response: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee has written procedures for enforcement response. The document(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place, including at a minimum:
  - Construction commencing without SWMP review in accordance with I.E.3.a.v.
  - SWMPs not maintained and modified in accordance with the permittee's requirements.
  - Control measures not maintained in operational condition at time of permittee inspection, including sites that have temporarily shut down construction activities.
  - Uncorrected finding(s) from previous inspections.
  - Failure to implement a control measure for a pollutant source or inadequate control measure resulting in a discharge of pollutants from the covered construction site or to the MS4.
- Training: A list of citation(s) and location(s) of the training program and supporting documents.
- Cherry Creek Reservoir Drainage Basin Discharges: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee meets the additional requirements outlined in Cherry Creek Reservoir Control Regulation.
- For Covered Construction Activities that Overlap Permit Areas of more than One MS4 Permittee: A list of citation(s) and location(s) of applicable documents that demonstrate that the permittee meets all permit requirements in Part I.E.1.