



**COLORADO**  
Department of Transportation  
Division of Transportation Development

## Environmental Bulletin



CONSTRUCTION

Title: Permitting of Construction Support Activities and Facilities

Bulletin #: 20-001

Date: 5/14/2020

Decision Effective Date: 5/5/2020

Issued by: Jean Cordova, Water Quality Section Manager

TO: All project design and field personnel

**SUBJECT: Clarifying how to permit onsite and offsite construction support activities and facilities that are considered "common plan of development or sale"**

The Colorado Department of Public Health and Environment (CDPHE) - Water Quality Control Division (the Division) has renewed the Stormwater Construction Permit (SCP), effective April 1<sup>st</sup>, 2019. Owners and operators of those permitted projects are now identified as co-permittees on the SCP. The permit defines Owner as "The party that has overall control of the activities and that has funded the implementation of the construction plans and specifications. **This is the party with ownership of, a long term lease of, or easements on the property on which the construction activity is occurring** (e.g., the developer)." The 2019 permit also maintains the requirement that all projects, throughout the State, that disturb one or more acres of land or are part of a "common plan of development" that disturbs one or more acres of land, need to have a SCP. In accordance with the 2019 permit, a common plan of development is:

"A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. The Division has determined that "contiguous" means construction activities located in close proximity to each other (within ¼ mile). Construction activities are considered to be "related" if they share the same development plan, builder or contractor, equipment, storage areas, etc."

This has raised questions on how to permit project support areas that are considered "common plan of development" but are not located on CDOT Right-of-Way (ROW) or easement. This bulletin has been prepared to respond to those questions and provide guidance on permitting of both onsite and offsite construction support activities or facilities. Onsite support facilities are defined as those facilities located within CDOT ROW or easement and for which CDOT has contractual control. Offsite support facilities are located outside CDOT ROW or easement. Refer to the flowchart at the bottom of this bulletin for additional clarification. Support activities or facilities include staging areas, equipment and material storage areas, unsuitable and surplus material disposal areas, borrow areas, batch plants, etc.

Any project related support activities or facilities greater than ¼ mile away and less than 1 acre of disturbance are not considered "common plan of development" and will not require SCP coverage.





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Any project related support activities or facilities greater than ¼ mile away and exceeding 1 acre of disturbance will require separate SCP coverage. For those activities and facilities within CDOT ROW, CDOT will be a co-permittee. For those activities and facilities outside CDOT ROW, the Contractor has the sole responsibility for permit coverage.

Project related support activities and facilities located within ¼ mile of the limits of construction (LOC), and together the areas equal one or more acres of disturbance, are considered “common plan of development” and will require SCP coverage.

For support activities or facilities within CDOT ROW or easement and considered “common plan of development”, CDOT will be a co-permittee if it is the Owner and has contractual control. If the project has an SCP, a permit amendment may be required to include the area of the support activity or facility. Qualifying support activities or facilities located outside of CDOT ROW or easement, but within ¼ mile of the project and considered “common plan of development”, may also require permit coverage. For these activities or facilities, it shall be the sole responsibility of the contractor to develop all necessary plans and documents, clearances, applications etc. to secure necessary Construction Permit coverage from all applicable regulating authorities. The contractor is also responsible for any notifications or monitoring resulting from operations of those activities or facilities.

Please contact your Region Water Pollution Control Manager or Jean Cordova (HQ - Water Quality Section Manager) at 303-512-4053 or [jean.cordova@state.co.us](mailto:jean.cordova@state.co.us) for more information on any of the above requirements.

