

City of Loveland
Meeting of the Construction Advisory Board
October 24, 2018
City Council Chambers
500 East 3rd Street
6:00 PM

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. MINUTES: 9.26.18**

Anyone in the audience will be given time to speak to any item on the Agenda. Please ask for that item to further discuss. You will be given an opportunity to speak to the item before the CAB acts upon it.

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself after being recognized by the Chairperson.

Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than ten minutes.

IV. CITIZEN COMMENTS

- V. REPORTS:**
 - a. Board/Commission Members**
 - b. City Council Report**
 - c. Staff Report**

- VI. REGULAR AGENDA:**
 - a. Proposed Revision to Chapter 13.20, Stormwater Quality of the City of Loveland's Municipal Code - Joseph H. Chaplin, Jr., Stormwater Quality Specialist, Public Works (Informational Only)**
 - b. Discussion on 2018 Code Adoption & Committee Assignments**
 - c. Discussion on Roofing Permits New Proposal**
 - d. Discussion on Fire Sprinklers & 2018 Adoption or Amendments**

VII. AJOURNMENT

City of Loveland Construction Advisory Board

Meeting Minutes | September 26, 2018

I: Call to Order at 6:03PM by **Christopher Rosenberger**

II: Roll Call

Board Members Present: Kent Kerwood, Blaine Rappe, Christopher Rosenberger, Andrew Ross, Jason Baker, Bob Dehn,

Board Members Absent: Jon Rudolph, Adam Trainor

City Staff Members Present: **Steve Adams** – City Manager;
Moses Garcia - City Attorney; **Brett Limbaugh** - Director of Development Center; **Samantha Everett** - Acting Chief Building Official; **Christina Kennedy** - Development Center, CAB Secretary;
Jim Lees – Utility Accounting Manager, Water & Power

City Council Members Present: Councilman John Fogle

III: Approval of Minutes

Samantha responded to **Jon Rudolph's** request from September meeting to stay in line with the State's adoption of the NEC. Samantha said Title XIV provides for our adoption of the NEC. Motion to approve June 27, 2018 meeting minutes made by **Bob Dehn**, seconded by **Andrew Ross**. Motion passed unanimously.

IV. Citizen Comments

a. None

V. Reports

a. **City Manager Presentation: Steve Adams**, City Manager, advised that he, **Justine Bruno**, and City Council are working together in order to compile survey feedback from each Board and Commission. The results of the survey will be shared with City Council at a Study Session and comments will be made to help guide the boards and commissions. **Steve** would like to see participation from CAB increase from the current 28% completion rate. Boards and Commissions have the opportunity to go before council to meet with them. **Steve** provided paper copies to all CAB members and advised that they may scan and email completed surveys to him. **Blaine Rappe** asked if CAB should view the survey from the perspective of their whole terms on the board or over the last few months. **Steve Adams** responded that CAB members should give a good overview of their experience on CAB over time to provide history to our council. **Christopher Rosenberger** asked the deadline for the survey to be returned. **Steve** said he would like them back within a couple of weeks.

b. **Board and Commission Reports:** None

c. **Council Liaison: Councilman Fogle** asked if there were any questions about City Council. He advised they viewed the Budget Snapshot, which makes it easy to see budget at a glance. TABOR was overstretched, Sales Tax and other income streams are down so that makes budgeting tighter. Council stretched to fund I-25 and 402 projects, which are excellent projects, but now we have to work through the limitation for a while. The projects will allow the widening of I-25. Hwy 402 will overpass I-25, which will help eliminate accidents. **Councilman Fogle** asked for an update on the Stop Work Order process. **Brett Limbaugh** advised that **Samantha Everett** has developed a process that will result in allowing a contractor to continue to work with the understanding that they will bring their work up to code. The Building Division will not issue a Stop Work Order until they have spoken to the Business Owner, Contractor, City Manager and City Attorney to receive guidance. **Christopher Rosenberger** requested an update on the Foundry Project. **Councilman Fogle** advised that the Cleveland Building is nearing completion, while the Lincoln Building has tenants living in it. The Theater and Hotel are under construction. Plaza space will be opening in about a month. **Steve Adams** signed a noise waiver, which will allow construction to begin early in the morning in the month of December. Water feature, amphitheater, sculptures, Police Substation, & Public Restrooms are all under construction. The parking garage contains 36 cameras, which will send a live feed to the Police Substation. The cameras are equipped with infrared technology, which will allow for monitoring during the dark. The Police have two street-worthy electric vehicles, which can travel up to 37 MPH for patrol downtown.

d. **Acting Chief Building Official Samantha Everett:**

- **Samantha** presented her Staff Report, which highlights positive changes in the Building Division. These changes include filling a vacancy for Permit Technician; the new tech begins on October 9. Electrical Inspectors are being interviewed; October 9 Building Outreach Meeting in EOC 8AM-9AM. **Samantha** would like to know what is working in Building Division and what is not. The Building Division reached out to Engineers, Realtors, Architects, and Contractors to invite them to this meeting. "Ask a Plans Examiner" has received one question so far. **Samantha** advised that Stop Work orders are not required to be posted, according to code, and reminded CAB of new procedure before Stop Work orders are issued (See **Councilman Fogle's** Report above). The Building Division is having more in-depth interactions with citizens in order to help them turn in accurate information when applying for permits, and so they know what is expected during the permitting process.
- **Bob Dehn** appreciates that Building is offering Outreach opportunities and offered support for **Samantha's** effort to reach people in our community.

VI. Regular Agenda

a. **Jim Lees, Utility Accounting Manager, Water & Power Department – Proposed Impact Fees for 2019**

- **Jim** presented the Proposed Impact Fees for 2019 from the

Water and Power Department. Please view attached PowerPoint presentation for detailed charts and information. CAB members provided direction for clarity in the PowerPoint before presenting to council. **Jason Baker** made a motion to allow **Jim Lees** to move forward with presenting this information to Council with the changes suggested. **Bob Dehn** seconded. Motion passed unanimously.

b. LFRA Impact Fee Backfill – Requesting a motion to recommend approval to City Council that the waived LFRA Impact Fees are backfilled by general or other funds beginning January 1, 2018.

- **Brett Limbaugh** explained that since the LFRA is now its own entity, the City of Loveland needs to backfill the fee waivers that we are granting to citizens. The Housing Authority was granted additional funding by Council, and they are willing to backfill the LFRA fees so the LFRA is not at a deficit. **Bob Dehn** made a motion to approve the backfill of these fees. **Blaine Rappe** seconded this motion. Motion passed unanimously.

VII. Other business: None

VIII. Adjournment: A motion was made by **Bob Dehn** to adjourn the meeting at 8:36 pm, seconded by **Andrew Ross**. All in favor. The motion passed unanimously.

MEMORANDUM

To: Construction Advisory Board

From: Joseph H. Chaplin, Jr.

Date: October 17, 2018

Subject: Revision to Chapter 13.20, Stormwater Quality of the City of Loveland's Municipal Code

The proposed revisions to Chapter 13.20, Stormwater Quality of the City of Loveland's Municipal Code are necessary due to the revisions made by the CDPHE to the City's MS4 General Permit COR-090009 that went to effect on April 15, 2016.

The main reason for revising Chapter 13.20 was due in large part to the expanded list of *Discharges that can be Excluded from being Effectively Prohibited* listed under Part 1, E.2.a.v of the General Permit, see attachment.

In addition to the change listed above Stormwater Staff felt it was worth taking a closer look at the rest of Chapter 13.20 to avoid having to make any additional changes in the future. After carefully looking at the document and closely working with the City Attorney, the following revisions to Chapter 13.20 are proposed:

- Add a few definitions in Section 13.20.040
- Remove unnecessary definitions in Section 13.20.040
- Add clarity to some of the existing definitions in Section 13.20.040 such as clarifying the difference between a Permanent BMP and a Permanent Stormwater Quality BMP
- Remove duplication of Illicit Discharges listed under sections 13.20.130 and 13.20.150
- Revise Section 13.20.150 C iii so it makes better sense
- Correct any typos.

Please see Attachment for Code Changes.



Colorado Department
of Public Health
and Environment

CDPS GENERAL PERMIT COR090000
STORMWATER DISCHARGES ASSOCIATED WITH
MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

AUTHORIZATION TO DISCHARGE UNDER THE
COLORADO DISCHARGE PERMIT SYSTEM

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), this permit authorizes all discharges from municipal separate storm sewer systems certified under this permit, from those locations specified throughout the State of Colorado to specified waters of the state. Such discharges shall be in accordance with the conditions of this permit.

This permit specifically authorizes the entity listed in the certification to discharge as of the effective dates stated on the certification, in accordance with pollutant restrictions, prohibitions, and reduction requirements and monitoring requirements and other conditions set forth in Parts I, II and III hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

The applicant may demand an adjudicatory hearing within thirty (30) days of the date of issuance of the final permit determination, per the Colorado Discharge Permit System Regulations, 61.7(1). Should the applicant choose to contest any of the pollutant restrictions, prohibitions, and reduction requirements monitoring requirements or other conditions contained herein, the applicant must comply with Section 24-4-104 CRS and the Colorado Discharge Permit System Regulations. Failure to contest any such pollutant restriction, prohibition, and reduction requirement, monitoring requirement, or other condition, constitutes consent to the condition by the Applicant.

This permit and the authorization to discharge shall expire at midnight, **June 30, 2021**.

Issued and Signed this 15th day April 2016

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet S.
Kieler

Digitally signed by Janet S. Kieler
DN: cn=local, dc=state,
ou=Divisions, ou=WQC, ou=Thurs,
cn=Janet S. Kieler,
email=janet.kieler@state.co.us
Date: 2016.04.15 11:33:09 -0500

Janet S. Kieler
Permits Section Manager
Water Quality Control Division

ISSUED AND SIGNED: APRIL 15, 2016

EFFECTIVE: JULY 1, 2016

discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include irrigation return flow.

- ii. **Regulatory Mechanism:** A “regulatory mechanism” is the mechanism that allows the permittee to implement and enforce the requirements of this permit. To the extent allowable under state or local law, the permittee must implement a regulatory mechanism to meet the requirements in Part I.E.2.a. “To the extent allowable under state or local law” is a standard of implementation of permit requirements and refers to the extent that the permittee is not constrained by state or local laws. Local laws that can be legally changed by the permittee to allow implementation of permit requirements do not constitute a barrier to implementation of a permit requirement. The permittee’s regulatory mechanism must:
 - (A) Prohibit illicit discharges into the MS4;
 - (B) Have a procedure to request access to property(ies), as necessary to implement the illicit discharges procedures, to include judicial action; and
 - (C) Provide the permittee the legal ability to cease or require to be ceased and remove, or require and ensure the removal of, and impose penalties for all illicit discharges for the period from when the illicit discharge is identified until removed.
- iii. **Regulatory Mechanism Exemptions:** An “exemption” is an exemption, waiver, or variance implemented by the permittee for permittee control measures used to meet the effluent limits in this permit. Procedures must be implemented to ensure that any exemptions, waivers, or variances included in the regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.
- iv. **Tracing an Illicit Discharge:** The permittee must implement procedures to respond to reports/identification of illicit discharges. The permittee is not expected to actively seek out unreported illicit discharges, but is required to identify and respond to illicit discharges observed during day-to-day normal work activities. The permittee must document and implement procedures, including the tools needed, to trace the source of an illicit discharge when identified within the MS4.
- v. **Discharges that can be Excluded from being Effectively Prohibited:** The following discharges do not need to be effectively prohibited and the permittee is not required to address the discharges as illicit discharges in accordance with the requirements of this permit. The permittee must list all discharges excluded from being effectively prohibited in their regulatory mechanism as an allowable non stormwater discharge. Any discharges listed below that are not listed in the permittee’s regulatory mechanism must be effectively prohibited.
 - (A) Landscape irrigation
 - (B) Lawn watering
 - (C) Diverted stream flows
 - (D) Irrigation return flow
 - (E) Rising ground waters
 - (F) Uncontaminated groundwater infiltration
 - (G) Uncontaminated pumped groundwater
 - (Note: Discharges containing groundwater that comes into contact with construction activity is not considered “uncontaminated” due to the potential for sediment content.)
 - (H) Springs
 - (I) Flows from riparian habitats and wetlands

- (J) Water line flushing in accordance with the division's Low Risk Policy Discharge Guidance: Potable Water
- (K) Discharges from potable water sources in accordance with the Division's *Low Risk Discharge Guidance: Potable Water*.
 - 1) The potable water shall not be used in any additional process. Processes include, but are not limited to, any type of washing, heat exchange, manufacturing, and hydrostatic testing of pipelines not associated with treated water distribution systems.
- (L) Foundation drains
- (M) Air conditioning condensation
- (N) Water from crawl space pumps
- (O) Footing drains
- (P) Individual residential car washing
- (Q) Dechlorinated swimming pool discharges in accordance with the division's *Low Risk Discharge Guidance: Swimming Pools*.
- (R) Water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction
- (S) Dye testing in accordance with the manufacturers recommendations
- (T) Stormwater runoff with incidental pollutants
- (U) Discharges resulting from emergency fire fighting activities
- (V) Discharges authorized by a CDPS or NPDES permit
- (W) Irrigation return flow
- (X) Discharges that are in accordance with the Division's Low Risk Policy guidance documents or other Division policies and guidance documents where the Division has stated that it will not pursue permit coverage or enforcement for specified point source discharges.
- (Y) Other discharges that the permittee will not consider as an illicit discharge and approved by the Division: The permittee may propose discharges in accordance with the requirements below to seek Division approval to allow the permittee to not effectively prohibit the discharges. Upon approval by the Division, the permittee is not required to address the discharges as illicit discharges in accordance with the requirements of this permit. The permittee can still effectively prohibit these discharges if the permittee determines that the discharge is a significant source of pollution. The permittee must complete the following actions for discharges to be authorized by the Division:
 - 1) The permittee must submit a list of the discharges and the basis that the discharges meet one of the following criteria:
 - (a) The discharges, with proper management, are not expected to contain pollutants in concentrations that are toxic or in concentrations that would cause or contribute to a violation of a water quality standard; or
 - (b) The discharges are not eligible for coverage under a CDPS or NPDES general permit and prohibiting the discharges would result in changes to existing practices for the owner or operator of the discharges that are determined by the permittee to be impracticable.
 - 2) For all such discharges identified prior to the effective date of this permit and that will continue to be allowed, the information required by Subsection (1) must be

Chapter 13.20

STORMWATER QUALITY

Sections:

13.20.010	Interpretation.
13.20.020	Intent.
13.20.030	General.
13.20.040	Definitions.
13.20.050	City of Loveland's Storm Drainage Standards.
13.20.060	Stormwater Quality Permits.
13.20.070	Security Requirement.
13.20.080	Release of Security.
13.20.090	Assessment.
13.20.100	Establishment of Fees.
13.20.110	Maintenance Requirements.
13.20.120	Inspection.
13.20.130	Illicit Discharges.
13.20.140	Permanent <u>Stormwater Quality</u> BMPs.
13.20.150	Remedies for Noncompliance.

13.20.010 Interpretation.

The following principles shall be used in interpreting this chapter:

- A. The provisions of this chapter shall be regarded as the minimum requirements for the protection of the public health, safety, general welfare, and environment. This chapter shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.
- B. This chapter is not intended to interfere or conflict with, abrogate, or annul any other regulation, ordinance, statute, or provision of law.
- C. Whenever a provision of this chapter and a provision of any other law, ordinance, resolution, rule, or regulation of any kind, including any other provision of this chapter, contains any restrictions covering the same subject matter, the more restrictive shall govern.
- D. The foregoing principles notwithstanding, the City Council directs those City officials responsible for enforcement of this chapter to utilize a reasonable common sense approach in the interpretation and application of the specific provisions of this chapter. To this end, City officials charged with the responsibility for enforcement and administration of provisions of this chapter shall be entitled to utilize discretion in waiving specific application requirements, provided that such discretion shall be exercised in a manner to preserve the purposes and intention of this chapter and to not jeopardize the health, safety, or general welfare of the public or the environment. When exercising discretion to waive or modify any specific application requirements, said City official shall consider:
 1. The scope and nature of the proposed project;
 2. The impact of the project on the properties in the general vicinity of the project;
 3. The impact of the project on municipal facilities and services, including without limitation, streets, water, sewer, drainage, police, and fire protection services; and
 4. Whether the information contained in a requirement sought to be waived is reasonable and readily available from other materials submitted in conjunction with the application.

13.20.020 Intent.

The intent of this chapter is to enhance the quality of water in the City's drainageways and subsequent receiving waters by establishing requirements for grading and erosion control permits for construction and development and by defining certain other activities as illicit discharges.- (Ord. 4874 §1, 2004)

13.20.030 General.

Any person who undertakes or causes to be undertaken any activity, which involves disturbance of the surface of land shall ensure that soil erosion, sedimentation, increased pollutant loads and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution of receiving waters. The requirements of this chapter are minimum standards and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters.-

13.20.040 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the following meanings:

- A. **"Applicant"** means a landowner or agent of a landowner who has filed an application for a Storm Water Quality Permit.
- B. **"Acknowledgement Certificate"** means a document an applicant signs certifying that they have received, read and fully understand the information within the City of Loveland's Stormwater Quality Enforcement Policy and agree to abide by the policies set forth therein.
- C. **"Best Management Practices (BMPs)"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "~~s~~State Surface w~~Waters~~ Waters of the State". BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- D. **"Builder"** means a person undertakes construction activities.
- ~~_____~~ **"Business Owner"** ~~means a person who owns title to a commercial property.~~
- E. **"CDPS"** means Colorado Discharge Permit System.
- F. **"City Inspector"** means the person or person(s) authorized by the City Manager to inspect a site for the purpose of determining compliance with the provisions of this chapter.
- ~~F-G.~~ **"Compliance Date"** means the final deadline by which a user is required to correct a violation of a prohibition or limitation or to meet a pretreatment standard or requirement as specified in a compliance schedule, industrial discharge permit or federal, state or local regulation adopting an applicable pretreatment standard.
- ~~G-H.~~ **"Compliance Order"** means an administrative order that directs a user to comply with the provisions of this chapter, or of a permit or administrative order issued hereunder, by a specific date. The order may include a compliance schedule involving specific actions to be completed within specific time periods.
- I. **"Compliance Schedule or Schedule of Compliance"** means an enforceable schedule specifying a date or dates by which user must comply with a pretreatment standard, a pretreatment requirement or a prohibition or limitation and which may include increments of progress to achieve such compliance.
- J. **"Control Measure"** means any BMP or other method used to prevent or reduce the discharge of pollutants to ~~W~~waters of the ~~S~~state. Control measures include, but are not limited to BMPs. Control measures can include other methods such as the installation, operation, and maintenance of structure controls and treatment devices.

~~H.K.~~ **“Construction Activities”** means clearing, grading, excavation, and other ground disturbance activities. Construction does not include routine maintenance performed by public agencies, or their agents to maintain original line grade, hydraulic capacity, or original purpose of facility.

~~L.L.~~ **“Construction Site Stormwater Management Plan (CSSMP)”** means a Plan submitted to the City of Loveland that addresses erosion, sediment erosion control and water quality issues pertaining to a Site for which an application for a Storm Water Qualify Permit is filed. -A CSSMP shall contain such information as, site description, location and description of appropriate Temporary, Permanent, and-or Permanent Stormwater Quality BMPs, inspection and maintenance procedures and other matters necessary or appropriate to comply with a Storm Water Quality Permit.

M. **“Developer”** means a person who undertakes land disturbance activities.

~~N.N.~~ **“Development”** means any activity, excavation or fill, alteration, subdivision, change in land use, or practice, undertaken by private or public entities that affect the discharge of stormwater runoff. The term “development” does not include the maintenance of stormwater runoff facilities.

O. **“Disturbed Area”** means that area of the land’s surface disturbed by any work activity upon the property by means including but not limited to grading; excavating; stockpiling soil, fill or other materials; clearing; vegetation removal; removal or deposit of any rock, soil, or other materials; or other activities which expose soil. -Disturbed area does not include the tillage of land that is zoned agricultural or the tillage of a parcel zoned PUD (planned unit development) within the area identified for agricultural uses. -It also does not include performance of emergency work necessary to prevent or ameliorate an immediate threat to life, property, or the environment. Any person(s) performing such emergency work shall immediately notify the Public Works ~~Engineering Manager~~Senior Stormwater Engineer of the situation and the actions taken. -The Public Works Engineering Manager may, however, require such person(s) to obtain a grading and erosion control permit to implement remedial measures to minimize erosion resulting from the emergency.

P. **“Division”** means the Water Quality Control Division of the Colorado Department of Public Health and Environment.

Q. **“Drainageway (Waterway)”** means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

~~K.~~ -

~~L.R.~~ **“Illicit Discharge”** means any discharge to a municipal separate storm sewer system (MS4) that is not composed entirely of stormwater runoff, with some exceptions. These exceptions are discharges from NPDES-permitted industrial sources and those stated in Section 13.20.130.

~~M.S.~~ **“Jurisdictional Wetland”** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

~~N.T.~~ **“Land Disturbance Activity”** means any activity, which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

~~O.U.~~ **“Landowner”** means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

~~P.V.~~ **“MS4”** means a municipal separate storm sewer system.

W. **“Municipal Separate Storm Sewer System”** means a conveyance or system of conveyances (including: roads with drainage systems, municipal streets, inlets/catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by a ~~S~~state, city, town, county, district, association, or other public body (created by or pursuant to

~~Colorado State~~ law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes; designed or used for collecting or conveying stormwater.

~~Q-X.~~ **“NPDES”** means a National Pollution Discharge Elimination System permit.

~~R-Y.~~ **“Operator”** means the entity that has day-to-day supervision and control of Construction Activities or Development occurring at a construction site. This can be the Landowner, the Developer, the general contractor or other agent of one of these parties, in some circumstances. It is anticipated that at different phases of Construction Activities or Development, different parties may satisfy the definition of “Operator” and that the Storm Water Quality Permit may apply to all Construction Activities or Development on a site subject to a Stormwater Quality Permit by any such party.

~~Z.~~ **“Permanent Stormwater Quality BMPs”** means those ~~p~~Permanent ~~s~~Stormwater ~~e~~Quality BMPs such as, but not limited to, grass buffers and swales, rain garden, green roof, modular block porous pavement, porous pavement permeable pavement and landscape detention, bio retention, sand filter and eExtended dDetention bBasins (EDB), ~~constructed wetlands basins and channels~~ constructed wetland pond or channel, and proprietary (underground) BMPs to be properly installed and regularly maintained in order to treat stormwater runoff ~~and ensure long-term water quality enhancements.~~

~~S-AA.~~ **“Permanent BMPs”** means those permanent sediment and erosion control BMPs such as, but not limited to, rip-rap, grouted rip-rap, turf reinforcement mat, and landscaping materials to be properly installed to prevent scouring and erosion from occurring.

~~T-BB.~~ **“Performance Security”** means an irrevocable letter of credit, or cash deposit submitted to the City to ensure the fulfillment of the erosion and sediment control plan.

~~U-CC.~~ **“Permittee”** means the holder of a Storm Water Quality Permit.

~~V-DD.~~ **“Permit”** means a Storm Water Quality Permit issued pursuant to this Chapter 13.20.

~~W-EE.~~ **“Person”** means any natural person or any firm, corporation, partnership, association, legal representative, trustee, estate, limited liability ~~c~~Company, or any other entity.

~~AA.~~ **“Plan”** means a document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at a site.

~~AA-AB.~~ **“Pollutant”** means dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste.

~~AB.~~ **“Publicly Owned Treatment Works” (POTS)”** means a publicly owned domestic wastewater treatment facility. This includes any publicly owned devices and systems used in the storage, treatment, recycling or reclamation of municipal sewage or treatment of industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances if they are publicly owned or if they convey wastewater to a POTW treatment plant.

~~AC.~~ **“Receiving Waters”** means any classified stream segment (including tributaries) in the State of Colorado into which stormwater related to construction activities discharges. This definition includes all water courses, even if they are usually dry, such as borrow ditches, arroyos, and other unnamed waterways.

~~AD.~~ **“Significant Storm Event”** means any storm event, including but not limited to rain and snowmelt, which results in water and/or sediment being transported across the site.

~~– “State Water” means any and all surface and subsurface waters which are contained in or flow in or through this State, but does not include waters in sewage systems, waters in treatment works or disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.~~

~~AE.~~ **“Stop Work Order”** means an order issued by the ~~e~~City which requires that all construction activity on a site be stopped.

~~AF.~~ **“Stormwater Quality Enforcement Policy”** means a policy adopted by the City of Loveland to administer the Stormwater Quality Ordinance.

~~AG.~~ **“Stormwater Quality Permit” or “Permit”** means a permit issued to developers by the City of Loveland Public Works Department Stormwater Utility Division to conduct any land disturbance activity equal to or greater than one-half (½) acre OR for land disturbance activities

less than one-half (1/2) acre that are part of a larger common plan of development or sale that would disturb one-half (1/2) acre or more.

AH. **“Stormwater”** means precipitation-induced surface runoff.

AH.AI. **“Stormwater BMPs”** means Temporary BMPs, Permanent BMPs and/or Permanent Stormwater Quality BMPs.

AI-AJ. **“Stormwater Discharge Permit (SDP)”** means a permit issued to a Developer by the Colorado Department of Public Health & Environment Water Quality Control Division to discharge stormwater runoff from construction site activities.

AJ-AK. **“Stormwater Runoff”** means that part of snowfall, rainfall or other precipitation which is not absorbed, transpired, evaporated, or left in surface depressions, and which then flows controlled or uncontrolled into receiving waters.

AK-AL. **“SWMP”** means a Stormwater Management Plan.

AL-AM. **“SWMP Administrator”** means a specific individual(s), position or title designated by the Landowner or Developer who is responsible for developing, implementing, maintaining, and revising the SWMP. The activities and responsibilities of the SWMP Administrator shall address all aspects of the facility’s SWMP.

AN. **“Temporary BMPs”** means those temporary ~~and permanent~~ sediment and erosion control BMPs such as, but not limited to, silt fence, wattles, vehicle tracking control pads, inlet filters, diversions, rundowns, sediment traps and ponds, dewatering structures, rip rap, erosion control mats and concrete washouts to be installed and regularly maintained to prevent erosion and keep sediment from discharging off-site until the site is sufficiently stabilized.

AM-AO. **“Waters of the State”** means any and all surface and subsurface waters which are contained in or flow in or through this State, but does not include waters in sewage systems, waters in treatment works or disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.

AN-AP. **“Vegetative Cover”** means grasses, shrubs, bushes, trees, ground cover and other plants.

13.20.050 City of Loveland's Storm Drainage Standards.

All applications for ~~Storm Water~~Stormwater Quality Permits shall be reviewed for compliance with the City of Loveland’s Storm Drainage Standards, the Larimer County Urban Area Street Standards, and the City of Loveland Storm Drainage Criteria, as may be amended from time to time.

13.20.060 Stormwater Quality Permits.

A. Permit required.

It shall be unlawful for any person to conduct any activity resulting in a land disturbance activity equal to or greater than one-half (1/2) acre OR for land disturbance activities less than one-half (1/2) an acre that are part of a larger common plan of development or sale that would disturb one-half (1/2) acre or more without first obtaining a Stormwater Quality Permit from the City. Total disturbed area includes any parcel of a project that meets the definition of "disturbed area," whether or not such parcels are contiguous. The City may also require a Stormwater Quality Permit regardless of the size of the total disturbed area in conjunction with approval of a final subdivision plat, special use permit, or site development plan. It shall be unlawful for any such person to fail to obtain a Stormwater Quality Permit.

B. Permit application.

Persons required to obtain a Stormwater Quality Permit shall complete and file with the City an application on a form prescribed by the City. In support of the application, the Applicant shall submit all information required on the City’s form and any additional information requested by the City. The application shall be signed by a person responsible for compliance with the ~~P~~permit throughout the ~~P~~permit’s validity.

C. Permit issuance/denial.

The City shall, upon its receipt of a completed Stormwater Quality Permit application, either issue or deny a Permit. If a Permit is denied, the Applicant shall be notified of such in writing. The notification shall set forth the grounds for denial and inform the Applicant of what corrective actions must be taken to obtain a Permit. An Applicant may appeal the denial in writing to the Public Works City Engineer no later than thirty (30) calendar days from the date of issuance of denial. The appeal must set forth the grounds for the appeal and include any documents in support of the Applicant's appeal. The Public Works City Engineer shall within thirty (30) calendar days of receipt of an appeal rule on the matter based solely upon review of the application, denial, appeal, and all documents related thereto. The parties shall receive written notice of the Public Works City Engineer's decision.

D. Permit requirements.

Stormwater Quality Permits shall contain, at a minimum, the following:

1. A statement of duration of the Permit;
2. Requirements for the installation, operation, and maintenance of stormwater runoff quality control measures, including Temporary, ~~and~~ Permanent, and/or Permanent Stormwater Quality BMPs and schedules where appropriate;
3. Identification of the person(s) responsible for compliance with the Permit, including such person's address and telephone number;
4. Other conditions as deemed appropriate by the City to ensure compliance with this chapter; and
5. A signed Acknowledgement Certificate certifying that the Applicant has received a copy of the City of Loveland Stormwater Quality Enforcement Policy.

13.20.070 Security Requirement.

As a condition for the issuance of a Stormwater Quality Permit, Applicants shall be required to provide Performance Security in the form of an "Agreement for Temporary Sediment/Erosion Control Best Management Practices (BMPs)" with cash deposit or ~~an agreement for sediment/erosion control Best Management Practices (BMPs)~~ irrevocable letter of credit, which agreement shall be approved as to the form and sufficiency by the City Attorney. The amount of the Performance Security shall be based upon the estimated cost of the work required to ensure compliance with the Permit's terms and conditions and requirements of this chapter. In determining the cost of work, a fifteen (15%) contingency shall be included.

13.20.080 Release of Security.

The Performance Security, less any deductions, shall be released upon the City's determination that the Permittee has successfully completed all required work and met all other requirements of this chapter.

13.20.090 Assessment.

If the Permittee or other responsible party does not successfully complete all required work or violates any requirement of the Permit or this chapter, the City may take corrective measures and charge the cost of such to the Permittee and/or other responsible party. Such costs shall include the actual cost of any work deemed necessary by the City plus reasonable administrative and inspection costs and penalties pursuant to the City's Stormwater Quality Enforcement Policy, which policy shall be approved by the City Manager. If the total of such costs exceeds the Performance Security, the Permittee shall be responsible for payment of the remaining balance within thirty (30) calendar days of receipt of an accounting of and a bill for such from the City.

13.20.100 Establishment of Fees.

City Council shall establish all fees and charges deemed necessary by the City to implement the requirements of this chapter.

13.20.110 Maintenance Requirements.

Developers, Builders, ~~Business Owners~~, and Landowners shall be responsible for ensuring that all BMPs identified in the Stormwater Quality Permit application are properly installed, maintained and are in good working order as hereafter provided.

A. Developers shall be responsible for ensuring that:

1. Any Temporary, ~~Permanent~~, and/or Permanent Stormwater Quality BMPs are installed as ~~called~~ for in a CSSMP and are properly maintained and are in good working order;
2. The site is fully developed, stabilized, and acceptable vegetative cover has been established and maintained;
3. Any deficiencies noted by the City prior to the expiration of the two-year warranty period for public improvements have been corrected;
~~Individual lots have been sold to one or more Builders; and~~
4. Stormwater runoff quality requirements of individual lots are shared with Builders at time of closing.

B. Builders shall be responsible for ensuring that:

1. Any Temporary, ~~Permanent~~ and/or Permanent Stormwater Quality BMPs installed prior to lot purchase from Developer and/or Landowner as part of CSSMP are being properly maintained and are in good working order;
2. Acceptable vegetative cover has been established and maintained;
3. Any Temporary, ~~Permanent~~ and/or Permanent Stormwater Quality BMPs called for in the CSSMP and/or necessary for the ~~site(s) have~~ been properly installed, maintained and remain in good working order until the property has been sold to a ~~Business~~ Landowner; and
4. Stormwater runoff quality requirements of individual site(s) are shared with purchasers at time of closing.

C. ~~Business Owners and~~ Landowners shall be responsible for ensuring that:

1. Any Temporary BMPs installed prior to lot purchase from Developer, Landowner, and/or Builder as part of CSSMP are properly maintained and remain in good working order until the lot is stabilized;
2. Acceptable vegetative cover has been established and maintained;
3. If not installed prior to individual lot purchase, Temporary, ~~Permanent~~ and/or Permanent Stormwater Quality BMPs will be installed within ten (10) days from date of purchase at the base of all gutter downspouts and maintained until the property is sufficiently stabilized; and
4. If not installed prior to individual lot purchase, Temporary, ~~Permanent~~ and/or Permanent Stormwater Quality BMPs will be installed within ten (10) days from date of purchase around the perimeter of the site where needed to prevent sediment from moving off-site.

~~Business Owners and~~ Landowners shall be responsible for the maintenance of all Temporary, ~~Permanent~~, and/or Permanent Stormwater Quality BMPs constructed or installed on their property pursuant to this chapter. ~~All~~ Temporary BMPs shall be removed within fourteen (14) calendar days after work on the site has been completed and the measures are no longer needed.

13.20.120 Inspection.

~~The~~ City ~~I~~nspector shall enforce the requirements of this chapter as described in Section 13.20.140.

13.20.130 Illicit Discharges.

It is unlawful and constitutes a nuisance for any person to discharge or cause to be discharged or spilled, or to maintain a condition upon any property that may result in the discharge of, any substance other than naturally occurring stormwater runoff into the City's storm drainage system ~~-(any of which shall constitute an "Illicit Discharge")~~.

Notwithstanding the foregoing, an "Illicit Discharge" under this Code Section 13.20.130 shall **not** include the following: diverted stream flows from lawn-watering; landscape irrigation; return flows from irrigation; agricultural stormwater runoff; water from footing & foundation drains; runoff from non-commercial car washing; swimming pool discharges in accordance with the Division's Low Risk Policy Discharge Guidance: Swimming Pools; ~~de-chlorinated water from swimming pools, spas and hot tubs~~; lawn watering; discharges from residential roof drains; foundation drains; ~~water from fire hydrants including water used for firefighting~~ discharges resulting from emergency firefighting activities; agricultural stormwater runoff; uncontaminated groundwater infiltration; uncontaminated pumped groundwater; rising ground waters; springs; water from crawl space pumps; springs; discharges from potable water sources in accordance with the Division's Low Risk Policy Discharge Guidance: Potable Water; air conditioning condensation; flow from riparian habitats and wetlands; water line flushing in accordance with the Division's Low Risk Policy Discharge Guidance: Potable Water; water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction; dye testing in accordance with the manufacturers recommendations; stormwater runoff with incidental pollutants; discharges authorized by a CDPS or NPDES permit; Discharges in accordance with the Division's Low Risk Policy guidance documents or other Division policies and guidance documents where the Division has stated that it will not pursue permit coverage or enforcement for specified point source discharges; and other discharges that the City of Loveland (as determined by the City's Risk Management Division) will not consider as an illicit discharge and approved by the Division.

~~, and; other waters determined by the City's Risk Management Division to be non-contaminated and acceptable for return to the storm drainage system and receiving waters.~~ Nothing contained in this Section 13.20.130 shall be construed to relieve any person discharging or causing to be discharged water into the storm drainage system from any liability for damage caused by the quantity, quality or manner of water discharged.

The City may, after notifying the person of the required removal of said substance and the person fails to perform such removal within twenty-four (24) hours of the date specified in the letter of notification, enter the effected property and perform or cause to be performed the required work and assess the charge(s) for such work against the person, in accordance with the procedures set forth in Section 13.20.090.

13.20.140 Permanent Stormwater Quality BMPs.

Any ~~Business Owner or~~ Landowner shall adequately operate and maintain all Permanent Stormwater Quality BMPs on their property that are required in connection with the City's approval of the annexation, subdivision, or improvement of their real property pursuant to approved plats, plans, specifications, studies, agreements or permits. ~~-Any Business Owner or~~ Landowner failing to adequately operate and maintain such Permanent Stormwater Quality BMPs shall be subject to the remedies in Section 13.20.150.

13.20.150 Remedies for Noncompliance.

A. City Inspector.

If a City inspector determines that:

- (i) eroded soils are leaving a Disturbed Area;-
- (ii) there is any violation of a Storm Water Quality Permit and/or a SWMP ;
- (iii) there is evidence of an illicit discharge prohibited under Section 1.32.130;
- (iv) there is a failure to adequately operate and maintain a Permanent- Stormwater Quality BMP;

or

- (v) there is any other violation of the provisions or requirements of this chapter;

the City inspector may, in writing, direct the ~~Business Owner~~, Landowner, Developer, Builder and/ or agents or representatives of such person on the site to repair, replace and/or install any Temporary, Permanent and/or Permanent Stormwater Quality BMPs required under a Storm Water Quality Permit and/or an SWMP for the site, suggest additional BMPs be installed if deemed necessary by the City inspector to minimize the identified condition or mitigate an illicit discharge , including the issuance of stop work orders and/or suspension or revocation of any Permit. -It shall be unlawful for any ~~Business Owner~~, Landowner, Developer, Builder or the agents or representatives of such persons to fail to take all necessary measures to comply with such written directive and take all measures necessary to prevent soil erosion from migrating off site, correct violation of a Storm Water Quality Permit and/or a SWMP, or eliminate and/or mitigate an illicit discharge, or remedy any other violation of the requirements of this chapter.

B. Right of entry.

In accordance with the terms of the signed Acknowledgement Certificate the City inspector may, where reasonable cause exists, with or without a warrant issued by a court of competent jurisdiction and where the City has given verbal notice to the Landowner(s), or such owner's agent(s) or representative(s) if such owner(s) or representative(s) is/are immediately accessible, enter upon any property or site for examination of the same to ascertain whether a violation of the requirements of this chapter exists, and shall be exempt from any legal action or liability on account thereof. -The City will verbally communicate a findings summary of such inspection at the conclusion of the inspection to the Landowner, or such owner's agent(s) or representative(s) if such owner(s) or representative(s) is/are immediately available. - The City will mail-send by certified mail a written summary of the findings of such inspection within thirty (30) days of such inspection to the legal address of the non-compliant site.

C. Remediation procedures.

1. Compliance orders.

- (i) Whenever the City determines that any activity is occurring that is not in compliance with a Stormwater Quality Permit, SWMP, and/or the requirements of this chapter, the City may issue a written compliance order to the Operator or Landowner containing a compliance schedule.- The schedule shall contain specific actions that must be completed, including dates for the completion of the actions.- It shall be unlawful for any Operator or Landowner to fail to comply with any compliance order requirement.
- (ii) Should any person cause, permit, cause to be permitted, or maintain a condition on any property that may result in an Illicit Discharge, the City may issue a written compliance order setting forth the action required to mitigate the Illicit Discharge.- It shall be unlawful for any person to fail to comply with a written compliance order for mitigation of an Illicit Discharge within twenty-four (24) hours after the date specified in the compliance order.
- (iii) Should any person ~~cause-who is~~ responsible for the operation and maintenance of any Permanent Stormwater Quality BMP fail to maintain and/or operate the Permanent Stormwater Quality BMP, the City may issue a written compliance order setting forth the action required to operate and maintain the Permanent Stormwater Quality BMP.- It shall be unlawful for any person to fail to comply with a written compliance order for operation or maintenance of a Permanent Stormwater Quality BMP within twenty-four (24) hours after the date specified in the compliance order.

2. Suspension and revocation of Permit.

The City may suspend or revoke a Stormwater Quality Permit for violation of any provision of this chapter, violation of the Permit or SWMP, and/or misrepresentations by the Permittee or the Permittee's agents, employees, or independent contractors.

3. Stop work orders.

Whenever the City determines that any activity is occurring that is not in compliance with a Storm Water Quality Permit, an SWMP, and/or the requirements of this chapter, the City ~~can~~ may order such activity stopped upon service of written notice upon the person responsible for or conducting such activity. "Service" under this section shall be accomplished by posting the stop work order on the property on which the non-compliant activity is occurring. Such person shall immediately stop all activity until authorized in writing by the City to proceed. If the appropriate person cannot be located, the notice to stop work shall be posted in a conspicuous place upon the area where the activity is occurring. The notice shall state the nature of the violation. ~~The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the City. It shall be unlawful for any person to fail to comply with a stop work order.~~

4. Violations and penalties.

(i) It shall be unlawful for any person to violate any provision of a Stormwater Quality Permit, an SWMP, and/or the requirements of this chapter, as adopted and modified by the City.

(ii) Any person violating any provision of a Stormwater Quality Permit, an SWMP and/or the requirements of this chapter, as adopted and modified by the City, (including but not limited to a violation of Section 13.20.130 regarding any Illicit Discharge or Section 13.20.140 regarding a Permanent Stormwater Quality BMP), shall be deemed guilty of a misdemeanor, and subject to the penalties as set forth in Section 1.12.010 of this Code.

(iii) In the event of an Illicit Discharge in Violation of Section 13.20.130 or a violation of Section 13.20.140 regarding Permanent Stormwater Quality BMPs, the City may, after written issuance of a compliance order for mitigation and the failure to perform such mitigation within twenty-four (24) hours after the date specified in the written compliance order (or such addition a time for mitigation as may be specified by the City) enter the effected property and perform or cause to be performed the mitigation work and assess the charge(s) for such work against the person, in accordance with the procedures set forth in Section 13.20.090 ~~The remedy set forth in this Section 13.20.140(C)(4)(iii) shall be in addition to the penalties that may be imposed pursuant to Section 1.12.010 of this Code.~~

~~D. Illicit discharges.~~

~~Should any person discharge, or cause to be discharged or spilled, or maintain a condition upon any property that may result in the discharge of any substance other than naturally occurring stormwater runoff into the City's storm drainage system, except for:~~

- ~~(A) Landscape irrigation;~~
- ~~(B) Lawn watering Diverted stream flows;~~
- ~~(C) Irrigation return flows;~~
- ~~(D) Rising ground waters;~~
- ~~(E) Uncontaminated groundwater infiltration;~~
- ~~(F) Uncontaminated pumped groundwater;~~
- ~~(G) Springs;~~

- ~~(H) — Flows from riparian habitats and wetlands;~~
- ~~(I) — Water line flushing in accordance with the Division's *Low Risk Policy Discharge Guidance: Potable Water*;~~
- ~~(J) — Discharges from potable water sources in accordance with the Division's *Low Risk Policy Discharge Guidance: Potable Water*;~~
- ~~(K) — Foundation drains;~~
- ~~(L) — Air conditioning condensation;~~
- ~~(M) — Water from crawl space pumps;~~
- ~~(N) — Footing drains;~~
- ~~(O) — Individual residential car washing;~~
- ~~(P) — Dechlorinated water from swimming pool discharges in accordance with the Division's *Low Risk Policy Discharge Guidance: Swimming Pools*;~~
- ~~(Q) — Water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction;~~
- ~~(R) — Dye testing in accordance with the manufacturers recommendations;~~
- ~~(S) — Stormwater runoff with incidental pollutants;~~
- ~~(T) — Discharges resulting from emergency firefighting activities;~~
- ~~(U) — Discharges authorized by a CDPS or NPDES permit;~~
- ~~(V) — Agricultural stormwater runoff;~~
- ~~(W) — Discharges in accordance with the division's *Low Risk Policy* guidance documents or other Division policies and guidance documents where the Division has stated that it will not pursue permit coverage or enforcement for specified point source discharges, and;~~
- ~~(X) — Other discharges that the City of Loveland (as determined by the City's Risk Management Division) will not consider as an illicit discharge and approved by the Division and; other waters determined by the City's Risk Management Division to be non-contaminated and acceptable for return to the storm drainage system and receiving waters, t~~

~~The City may, after notifying the person of the required removal of said substance and the person fails to perform such removal within twenty four (24) hours of the date specified in the letter of notification, enter the effected property and perform or cause to be performed the required work and assess the charge(s) for such work against the person, in accordance with the procedures set forth in Section 13.20.090.~~

~~Business Owner or Landowner:~~

~~Should any Business Owner or Landowner fail to adequately maintain the Temporary Sediment/Erosion Control or Permanent Stormwater Quality BMPs or fail to remove the Temporary Sediment/Erosion Control BMPs within the time limit provided in this Chapter, the City may, after notification of the required maintenance and/or removal and the Business Owner or Landowner fails to perform such maintenance and/or removal, enter the affected property and perform or cause to be performed the required work and assess the charge for such work , in accordance with the procedures set forth in Section 13.20.090.~~