

Statement of Basis

FACILITY: Veterans Administration Medical Center, Denver Campus
Municipal Separate Storm Sewer System (MS4)

PERMIT NO.: COR042008

PERMITTEE: United States Veterans Administration

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LOCATION: 39.010189°N, 104.884857° W

Facility Background Information:

The Veterans Administration Medical Center, Denver Campus (hereinafter referred to as the “V.A. Hospital”), is a campus of the Eastern Colorado Healthcare System. It includes a 128 bed medical and surgical hospital with a regular staff of approximately 1,200 people. An additional 1,000 people visit the facility on an average daily basis. Ancillary buildings include workshops, outpatient buildings, a heating (boiler) plant, a nursing home, a 7-story parking garage with approximately 100 parking spaces per level. There are also approximately 200 ground level parking spaces interspersed on the campus. The V.A. Hospital campus is made up of approximately 80% impervious surfaces.

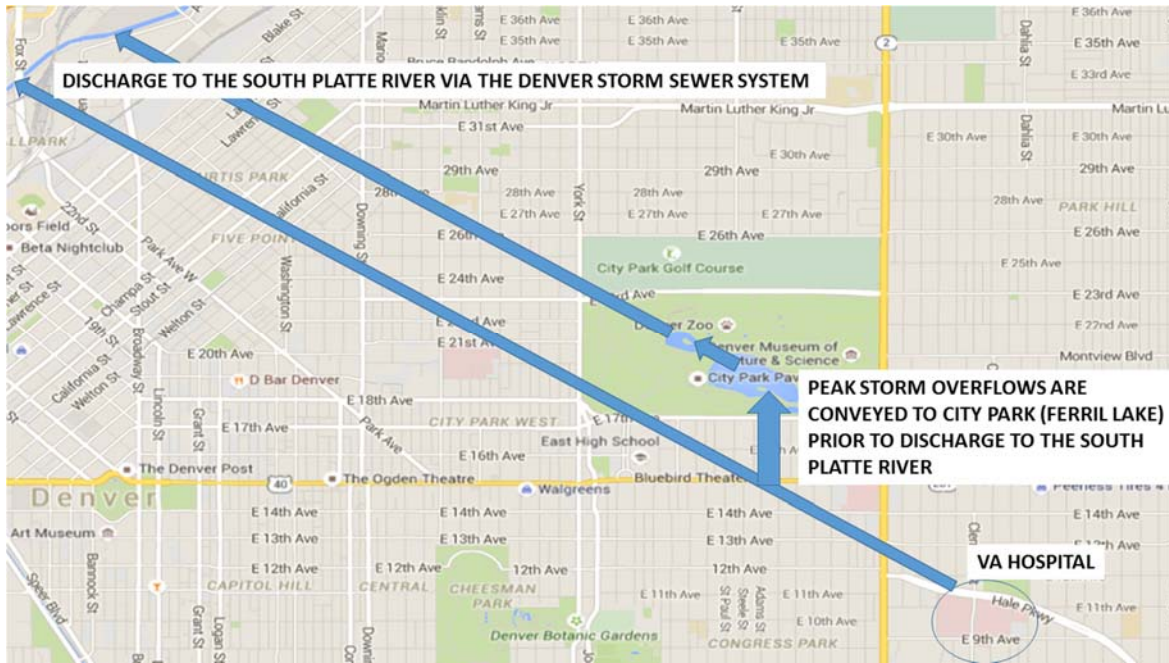
The V.A. Hospital is considered a non-traditional small Phase II MS4. The facility was covered under EPA’s Small MS4 General Permit under the certification number COR04206F. This individual permit replaces the facility’s coverage under EPA’s general permit. The program implementing the MS4 permit is primarily managed by a facility manager and is operated under the Veteran’s Administration Green Environmental Management System (GEMS). Legal authorities for the program are obtained through the use of policies, contractual obligations, and human resources. The V.A. Hospital’s location within the City of Denver also places much of the management of the storm sewer system on the City of Denver. None of the storm water from the V.A. Hospital reaches a waterbody directly as all of the storm sewer inlets at the V.A. Hospital campus discharge directly to the Denver storm sewer system.



The V.A. Hospital Campus in Denver is located entirely within the City of Denver. All stormwater discharges are directly to the City of Denver storm sewer system.

Receiving Waters:

Stormwater discharging from the facility's MS4 drains off-site into the Denver Municipal Separate Storm Sewer System (MS4), which ultimately drains into the South Platte River.



The V.A. Hospital exists on a historical floodplain known as Montclair Creek. The floodplain of this creek, which has been eliminated over the past 100 years of urbanization, has been the site of flooding in recent history. As part of a solution to deal with these flooding events, additional capacity was integrated into the Denver storm sewer system by diverting excess stormwater flows from large storm events to nearby Ferril Lake in Denver's City Park. This diversion does not divert stormwater discharges to a separate water body segment as defined by the State of Colorado.

Water quality standards approved by the Colorado Department of Public Health and Environment for the receiving waters from this facility are attributed to Segment ID "COSPUS14" and are described as follows:

- COSPUS14, described as: "Mainstem of the South Platte River from the outlet of Chatfield Reservoir to the Burlington Ditch diversion in Denver, CO." Uses: Aquatic Life Warm 1, Recreation E, Water Supply, and Agriculture.

Water Quality Impairments:

The receiving water, COSPUS14, was listed as impaired for arsenic (As) in the Colorado Section 303(d) List of Impaired Waters and Monitoring and Evaluation List (Colorado Control Regulation #93). At the time of this permit issuance, a TMDL to address this water quality impairment has not been developed. If there is a Total Maximum Daily Load (TMDL) issued for this water which includes a wasteload allocation or specific control measure for municipal stormwater point source discharges, it will be included in the permit upon reissuance.

Prior to development of a TMDL, it is important to evaluate relative contributions of arsenic from all MS4s which could cause or contribute to a violation of the water quality impairment. This permit, however, does not require the V.A. Hospital to create a plan to evaluate contributions of arsenic entering receiving waters for two reasons:

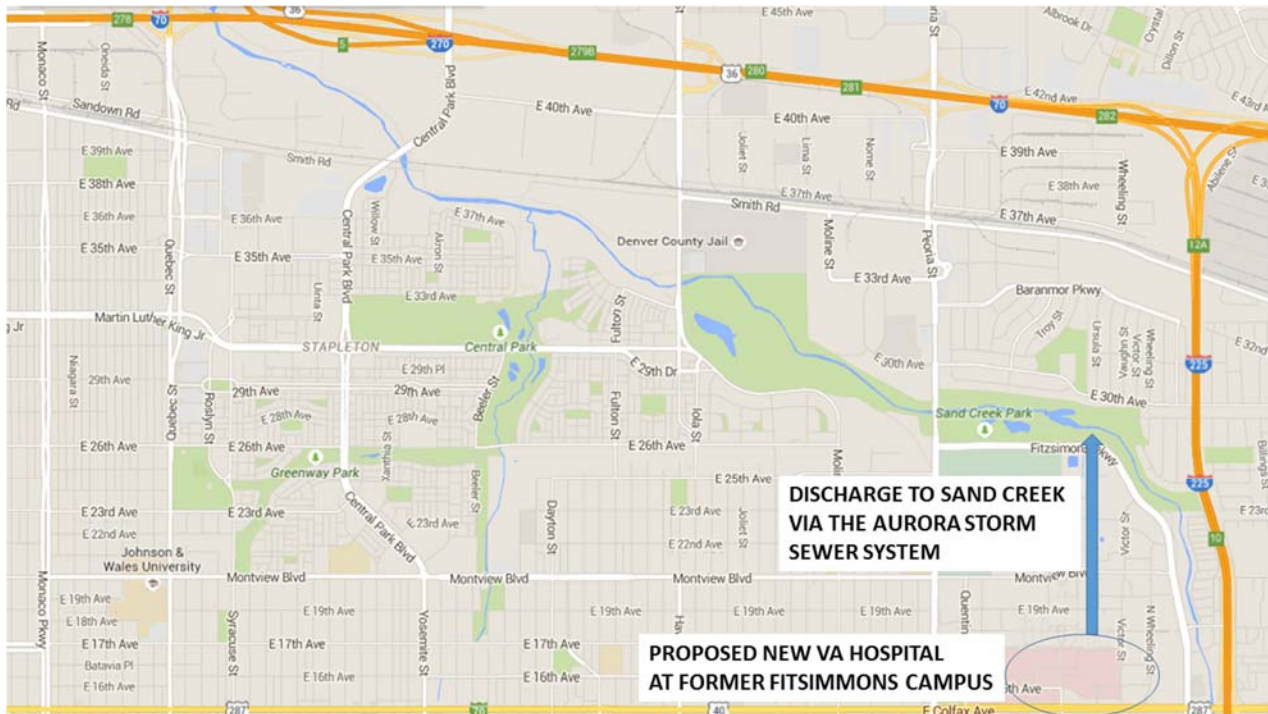
- 1) The V.A. Hospital is in a period of transition. A new V.A. Hospital is being constructed and it will discharge to a different receiving water when the V.A. Hospital moves to this new facility; and
- 2) The Colorado Department of Public Health and Environment is not requiring MS4s covered in its "Statewide MS4 Permit" to monitor for arsenic due to "uncertainty regarding the statewide standard and in particularly the technologically feasible level."

Facility Transition – Water Quality Standards for the Aurora Location:

The V.A. Hospital is in a transition phase. A new facility has been in construction since 2007. A

series of cost overruns has led to delays in construction requiring additional approval of funds from Congress. While the new facility may be operational as early as 2017, there is still uncertainty on the final completion date.

Once completed, the new facility will discharge to Sand Creek via the Aurora storm sewer system. Sand Creek, (segment COSPUS16I), is currently impaired for selenium, and the contributions of the V.A. Hospital in Aurora towards this impairment will need to be evaluated upon reissuance of this permit.



Once the V.A. Hospital moves its operations to the Aurora location, a new permit will be issued with permit conditions that are more specific to the new location. At that time, it is likely that a permit for the V.A. Hospital location in Denver will not be re-issued. The decision on whether to re-issue a permit for the Denver location will be dependent on the nature of activities retained at the Denver location.

Endangered Species

The Veterans Administration, working with the U.S. Fish and Wild Life Service (FWS) and the State of Colorado, certified in its Notice of Intent (NOI) for permit coverage under the 2003 Region 8 MS4 General Permit, that stormwater discharges and discharge-related activities from the Denver V.A. Hospital, would not jeopardize the continued existence of any species that are listed as endangered or threatened ("listed") under the ESA or result in the adverse modification

or destruction of habitat that is designated as critical under the ESA ("critical habitat").

"Discharge-related activities" include: activities which cause, contribute to, or result in stormwater point source pollutant discharges; and measures to control stormwater discharges, including the citing, construction, and operation of Best Management Practices (BMPs) to control, reduce, or prevent stormwater pollution.

The V.A. Hospital is required to evaluate the potential effects of every new construction project through a formal impact analysis. These analyses require that all new projects are designed and maintained such that the existence of listed species cannot be jeopardized and critical habitat cannot be adversely modified or destroyed.

Historic Properties

In its initial application for MS4 permit coverage in 2003, the Veterans Administration, working with State Historic Preservation Officers (SHPOs), certified that stormwater discharges and discharge-related activities from the V.A. Hospital MS4 would not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior. The Veterans Administration is required to evaluate the potential effects of every new construction project through a formal impact analysis. These analyses require that all new projects are designed and maintained such that properties listed or eligible for listing on the National Register of Historic Places are not affected.

Limitations on Permit Coverage

In Part 1.3 of the permit, there are limitations on the types of discharges that are covered under this permit. Parts 1.3.3 and 1.3.4 are provided to note that stormwater discharges from regulated construction activities (i.e., those disturbing equal to or greater than one acre) and stormwater discharges from regulated industrial activities (i.e., those defined as regulated by their industrial classification) are not authorized under this permit. These types of activities need to be authorized under a separate permit. The language limiting the MS4 permit from covering these types of discharges is as follows:

1.3.3. Stormwater Discharges Associated with Industrial Activity. This permit does not authorize stormwater discharges associated with industrial activity as defined in 40 CFR § 122.26(b)(14)(i)-(ix) and (xi).

1.3.4. Stormwater Discharges Associated with Construction Activity. This permit does not authorize stormwater discharges associated with construction activity as defined in 40 CFR § 122.26(b)(14)(x) or 40 CFR § 122.26(b)(15).

Part 1.2 of the permit defines several types of non-stormwater discharges which are authorized under this permit unless the permittee determines they are significant contributors of pollutants.

If the permittee identifies any of the following categories as a significant contributor of pollutants, the permittee must include the category as an illicit discharge. The non-stormwater discharges authorized under this permit include:

- Discharges authorized by a separate NPDES permit;
- Discharges in compliance with instructions of an On-Scene-Coordinator pursuant to 40 CFR part 300 or 33 CFR 153.10(e);
- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration;
- Uncontaminated pumped ground water;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps;
- Footing drains;
- Lawn watering;
- Individual residential car washing;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Street wash water;
- Power washing where no chemicals are used;
- Roof drains;
- Fire hydrant flushings;
- Non-storm water discharges resulting from a spill which are the result of an unusual and severe weather event where reasonable and prudent measures have been taken to minimize the impact of such discharge;
- Emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges; and
- Discharges or flows from fire fighting activities.

Federal Facility MS4s are still encouraged to evaluate these types of discharges and their impact to the MS4. While not specifically required under this permit, a holistic MS4 program would include management practices and control measures specifically tailored to minimize impacts such as erosive potential and streambank degradation from permitted outfalls and remediation efforts authorized under a separate permit or authorized in compliance with the instructions of an

On-Scene-Coordinator.

Technology Based Effluent Limitations

Phase II stormwater regulations were promulgated by EPA on December 8, 1999 (64 FR 68722). These regulations designated two additional categories of stormwater discharges to be permitted and set forth the requirements for permits. The additional stormwater discharges to be permitted include:

1. Certain Small MS4s, including storm sewer systems at military bases, large hospital or prison complexes, and other storm sewer systems similar to those in municipalities (see 40 CFR § 122.26(b)(16)(iii))
2. Small construction sites (i.e., sites which disturb one to five acres); and
3. Industrial facilities owned or operated by small municipalities which were temporarily exempted from the Phase I requirements in accordance with the provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

Section 402(p)(3) establishes permit requirements for industrial stormwater discharges and municipal stormwater discharges. Like other discharge permits issued under section 402 of the CWA, permits for industrial stormwater discharges must include technology-based effluent limitations and any more stringent water quality-based effluent limitations (WQBELs) as provided in section 301 of the CWA. However, MS4 permits are subject to a unique provision and must “require controls to reduce the discharge of pollutants to the maximum extent practicable” (MEP) and “such other provisions [determined] appropriate for the control of such pollutants.” At a minimum, the Phase II regulations require MS4 permits to require development and implementation of a stormwater management program that includes the six minimum control measures set forth in the regulations. 40 CFR §122.34. EPA considers MEP to be an iterative process in which an initial stormwater management program is proposed and then periodically upgraded as new best management practices (BMPs) are developed or new information becomes available concerning the effectiveness of existing BMPs (64 FR 68754). The permitting authority has discretion to require additional stormwater controls or pollutant reduction requirements to meet water quality standards. *See, Defenders of Wildlife v. Browner*, 191 F.2d 1159, 1166 (9th Cir. 1999).

The effluent limits in this permit establish the requirements for reducing pollutants in the MS4’s discharges to the maximum extent practicable and for protecting water quality in the receiving waters. The effluent limitations address the six minimum measures. The permit conditions defined within these six minimum measures and additional measures included in this permit are the means through which V.A. Hospital complies with the CWA’s requirement to control pollutants in the discharges to the maximum extent practicable (MEP) and comply with the water quality related provisions of the CWA. The permittee is required to comply with all terms of the

permit as written.

The Phase II regulations at 40 CFR§122.34 require the following six minimum pollution control measures to be included in SWMP:

1. Public Education and Outreach on Storm Water Impacts;
2. Public Involvement/Participation;
3. Illicit discharge detection and elimination;
4. Construction Site Storm Water Runoff Control;
5. Post-Construction Storm Water Management in New Development and Redevelopment; and
6. Pollution Prevention/Good Housekeeping for Municipal Operations.

The regulations specify required elements for each minimum measure and also include guidance which provides additional information recommended for an adequate program. This individual permit replaces the general permit COR42000F, which included nearly verbatim the required program elements for each minimum measure as specified in the Code of Federal Regulations. These permit conditions are an iteration of those requirements but are more specifically tailored to the V.A. Hospital in an effort to reduce undue burden and to more specifically address the pollutant sources on-site.

A summary of technology based effluent limits and a rationale for these limits follows:

Stormwater Management Plan

- Stormwater Management Plan. The permittee must maintain a Stormwater Management Plan (SWMP). The SWMP must describe how the permittee will comply with each of the requirements in Parts 2.2-2.8. The SWMP can include citations of documents and electronic records (e.g., manuals, guidance, procedures, electronic management systems, intergovernmental agreements) used to comply with permit requirements. It is not required that the SWMP repeat information included in the cited documents or information systems, but the SWMP must include the names of the most recent versions of the cited documents or information systems and the locations where the supporting documentation is maintained.
- SWMP Availability. The SWMP must be *immediately* available to EPA. It does not need to be stored or maintained in hardcopy format, but it must be available immediately for printout upon request. The term “immediately” is used as opposed to “when practicable”, to avoid situations where it may take weeks or months to assemble a plan when requested. However,

it is anticipated that there could be delays in providing a SWMP immediately to EPA. Such delays could involve having the right personnel available to create the necessary linkages between the various data systems which comprise the SWMP. Alternatively, the SWMP can be maintained and available for printout as a summary of activities managed through an electronic data management system so long as the data management system can be made available for review sufficient to determine compliance with the terms of this permit.

- Annual SWMP Review. The permittee must conduct an annual review of the SWMP in conjunction with preparation of the annual report required under Part 3.2 and update the document with the most current information.

Fundamental to the operation of a successful municipal or facility stormwater program is the need to develop a Stormwater Management Plan. The purpose of this plan is to meet the goals of this permit and to prevent deleterious effects to downstream resources from stormwater runoff. These goals should not be mutually exclusive. If they start to become mutually exclusive, the permit should be re-evaluated upon reissuance to incorporate more effective conditions.

In other municipal stormwater permits issued by EPA Region (e.g., Buckley Air Force Base MS4, permit number COR042003), the acronym SWMP referred to creation of a stormwater management program, and the permit did not require the creation of a formal stormwater management plan. Since issuing these permits, the term “Stormwater Management Program” has been changed to a “Stormwater Management Plan.”

The Stormwater Management Plan provides the framework for the facility to comply with the permit conditions and meet the Clean Water Act goal of reducing pollutants to the Maximum Extent Practicable. The plan establishes roles and responsibilities and is tailored to the facility. This permit does require the use or creation of a written document that describes every specific process in place in detail to meet the terms of the permit, however it does not require that the plan be a detailed description of activities needed to implement the permit conditions. The written plan is required as it can be used to guide facility managers, contractors, and inspectors regarding activities necessary to comply with the terms of the permit. Other tools, such as automated tracking systems and software may integrate better into the facility’s planning, budgeting, and day-to-day tasks. If it is possible to integrate the permit requirements directly into existing tracking and reporting systems, that approach may be more cost effective and reliable provided that the data from the reporting systems are sufficient to demonstrate compliance with the permit conditions. Therefore, this permit provides the flexibility to use such systems and to document them more generally in a Stormwater Management Plan.

It is expected that the SWMP should be an evolving document (or data system extract) which changes over time to reference new procedures and systems.

Public Education and Outreach on Stormwater Impacts

There are several target audiences for public education and outreach at the V.A. Hospital. These include, but are not limited to:

1. Hospital and nursing home patients;
2. Visitors to the site;
3. Regular employees such as doctors and facility management staff;
4. Contractors hired by the facility (regular and temporary); and
5. Contractors working through intergovernmental agreements (e.g., municipal employees or contractors thereof and utility operators).

The permit conditions for Public Education and Outreach in this permit are retained from the EPA's Region 8 2003 Federal Facility Small MS4 General Permit. Permit conditions adding additional specificity with respect to the operations and location of the V.A. Hospital are not included in this permit issuance. Since the V.A. Hospital is scheduled to move as soon as construction of its new facility is complete, it is not logical to create new requirements which may not be applicable at the current facility once it moves. A new permit will be issued for the V.A. Hospital Aurora location. Permit conditions specifically tailored to stormwater management at that location be developed upon permit reissuance.

Permit conditions require the following for the V.A. Hospital:

- The permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.
- The SWMP must document the following information related to public education and outreach:
 - A description of the public education program and outreach activities.
 - A description of the methods and frequency of disseminating information;
 - A description of the target audiences and target pollutants and sources that the permittee will address in the program and how they were selected;
 - An estimation of the number of people expected to be reached by the program over the

permit term;

- A list of measurable goals for the public education and outreach program;
- Dates by which the permittee will achieve each of the measurable goals; and
- The name or title of the person(s) responsible for coordination and implementation of the storm water public education and outreach program

Public Involvement and Participation

The permit conditions for Public Involvement and Participation in this permit are retained from the EPA's Region 8 2003 Federal Facility Small MS4 General Permit. Permit conditions adding additional specificity with respect to the operations and location of the V.A. Hospital are not included in this permit issuance. Since the V.A. Hospital is scheduled to move as soon as construction of its new facility is complete, it is not logical to create new programs which will not address concerns at the new facility. When a permit is issued for the V.A. Hospital in Aurora, permit conditions specifically tailored to stormwater management at that location will be considered.

Permit conditions require the following for the V.A. Hospital:

- The permittee must comply with applicable public notice requirements when implementing a public involvement and participation program.
 - The Stormwater Management Plan must document any public notices and/or meetings held to meet the conditions in Part 2.3.1.

Illicit Discharge Detection and Elimination

An illicit discharge is defined as any discharge to a MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities. The permit authorizes several non-stormwater discharges and provides requirements to detect, eliminate, and prevent illicit discharges.

In general, the V.A. Hospital maintains strict control over oil and hazardous wastes through actions independent of its MS4 permit. These include a facility-wide hazardous waste collection and disposal permit, Spill Prevention Control and Countermeasure (SPCC) plans, and tracking of potentially hazardous waste from cradle-to-grave using computerized maintenance management systems. Consistent training helps ensure the success of these programs and other programs like it. Therefore, it is not necessary to create an illicit discharge detection and elimination program independent of the MS4 permit. The MS4 permit contains permit conditions which enhance existing activities without a significant burden. These include requirements to address illicit

discharges within a certain timeframe and maintain an illicit discharge database. It is expected that through more active tracking of illicit discharges, it will be possible to determine if there are specific trends which need to be addressed. A requirement to conduct annual dry weather screening annually is not included in this permit as there are no surface waters within the exterior boundaries of the V.A. Hospital property.

Permit conditions require the following for the V.A. Hospital:

- Implement and enforce a program to detect and eliminate illicit discharges into its MS4;
- Maintain a completed storm sewer system map showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
- Effectively prohibit, through ordinance or other regulatory mechanism available under the legal authorities of the V.A. Hospital, non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions;
- Implement a plan to detect and address non-stormwater discharges, including illegal dumping, to the system;
- Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- Address the categories of non-stormwater discharges or flows listed in Part 1.3.2. Only those discharges identified by the permittee as significant contributors of pollutants to the MS4 need to be addressed as illicit discharges. The permittee must document in the SWMP any local controls or conditions placed on the discharges.
- The permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g., non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-stormwater discharges must not be reasonably expected (based on information available to the permittee) to be significant sources of pollutants to the MS4 because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.). The permittee must document in the SWMP any local controls or conditions placed on the discharges.
- The SWMP must document the following information related to illicit discharge detection and elimination:
 - A description of procedures to identify priority areas. This includes areas suspected of

having illicit connections (e.g., areas with older sanitary sewer lines);

- A description of procedures for identifying illicit discharges. The permittee must consider using dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources; or ambient sampling to locate impacted reaches; or dye or smoke testing;
- A description of procedures for locating and removing the source of the illicit discharge;
- A description or citation of the established ordinance or other regulatory mechanism used to prohibit illicit discharges into the MS4. If the permittee needs to develop this mechanism, describe the plan and a schedule to do so;
- A description of the enforcement procedures, authorities, and jurisdiction;
- A description of the methods for informing/training public employees about illicit discharge;
- A description of the methods for informing the public of hazards associated with illegal discharges and improper disposal of waste;
- A list of measurable goals for the illicit discharge detection and elimination program;
- Dates by which the permittee will achieve each of the measurable goals; and
- The name or title of the person(s) responsible for coordination and implementation of the illicit discharge detection and elimination program.

Construction Site Stormwater Runoff Control

The permit conditions for Construction Site Runoff Control in this permit are retained from the EPA's Region 8 2003 Federal Facility Small MS4 General Permit with one exception. Each of the requirements for the Construction Site Runoff Control minimum measure in the 2003 permit required the V.A. Hospital to "develop and implement" procedures or programs. This permit requires the V.A. Hospital to "implement" these requirements, since the procedures or programs have already been developed at the V.A. Hospital Denver location.

There will be no new construction at the V.A. Hospital in Denver, so it would seem logical that these requirements be removed from the permit. However, Federal regulations at 40 CFR § 122.34(b)(4) specify that all MS4 permits must contain minimum requirements for construction site runoff control. While the V.A. Hospital will likely not utilize any of these procedures during this permit term, since the procedures and programs have already been

developed, there is little to no administrative burden in maintaining compliance with these terms conditions.

Federal regulations at 40 CFR § 122.34(b)(4) specify the following minimum requirements for this minimum measure:

(4) Construction site storm water runoff control.

(i) You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with §122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.

(ii) Your program must include the development and implementation of, at a minimum:

(A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;

(B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

(C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

(D) Procedures for site plan review which incorporate consideration of potential water quality impacts;

(E) Procedures for receipt and consideration of information submitted by the public, and

(F) Procedures for site inspection and enforcement of control measures.

Permit conditions require the following for the V.A. Hospital:

- Implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4

from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If EPA waives the permit requirements for storm water discharges associated with a specific small construction activity (i.e., a single project) in accordance with CFR § 122.26(b)(15)(i)(A) or (B), the permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from that particular site;

- Use an ordinance or other regulatory mechanism available under the legal authorities of the MS4 to require erosion and sediment controls and sanctions to ensure compliance;
- Implement requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- Implement requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- Implement procedures for site plan review which incorporate consideration of potential water quality impacts;
- Implement procedures for receipt and consideration of information submitted by the public; and
- Implement procedures for site inspection and enforcement of control measures.
- The SWMP must document the following information related to construction site runoff control:
 - A description or citation of the established ordinance or other regulatory mechanism used to require erosion and sediment controls at construction sites. If the permittee needs to develop the required regulatory mechanism, describe the plan and a schedule to do so;
 - A description of the sanctions and enforcement mechanisms the permittee will use to ensure compliance;
 - A description of the requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste;

- A description of the procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. Describe the procedures and the rationale for how certain sites will be identified for site plan review. Describe the estimated number and percentage of sites that will have pre-construction site plans reviewed;
- A description of the procedures for receipt and consideration of information submitted by the public;
- A description of the procedures for site inspection, including how sites will be prioritized for inspection;
- A list of measurable goals for the construction site runoff control program;
- Dates by which the permittee will achieve each of the measurable goals; and
- The name or title of the person(s) responsible for coordination and implementation of the construction site runoff control program.

Post-Construction Stormwater Management for New Development and Redevelopment

The permit conditions for Construction Site Runoff Control in this permit are retained from the EPA's Region 8 2003 Federal Facility Small MS4 General Permit with one exception. Each of the requirements for the Post-Construction minimum measure in the 2003 permit required the V.A. Hospital to "develop, implement, and enforce" procedures or programs. This permit requires the V.A. Hospital to "implement and enforce" these requirements, since the procedures or programs have already been developed at the V.A. Hospital Denver location.

There will be no new construction at the V.A. Hospital in Denver which disturbs equal to or greater than one acre of land, so it would seem logical that these requirements be removed from the permit. However, Federal regulations at 40 CFR § 122.34(b)(5) specify that all MS4 permits must contain minimum requirements for the post-construction minimum measure.

Federal regulations at 40 CFR § 122.34(b)(5) specify the following minimum requirements for this minimum measure:

5) Post-construction storm water management in new development and redevelopment.

(i) You must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would

prevent or minimize water quality impacts

(ii) You must:

(A) Develop and implement strategies which include a combination of structural and/or nonstructural best management practices (BMPs) appropriate for your community;

(B) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law; and

(C) Ensure adequate long-term operation and maintenance of BMPs.

Permit conditions require the following for the V.A. Hospital as these are a direct interpretation of Federal regulations at 40 CFR § 122.34(b)(5):

- Implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts;
- Implement strategies which include a combination of structural and/or non-structural Best Management Practices (BMPs) appropriate for the community;
- Use an ordinance or other regulatory mechanism available under the legal authorities of the permittee to address post construction runoff from new development and redevelopment projects; and
- Ensure adequate long term operation and maintenance of BMPs.
- The SWMP must document the following information related to post-construction storm water management:
 - A description of the structural and non-structural BMPs that will be used to manage post-construction runoff from new development and redevelopment projects within the MS4. Also, list any specific priority areas for this program;
 - An explanation of the design features of the chosen BMPs that are intended to minimize water quality impacts;
 - A description or citation of the established ordinance or other regulatory mechanism used

to address post-construction runoff control. If the permittee needs to develop the required regulatory mechanism, describe the plan and a schedule to do so;

- A description of how long-term operation and maintenance of the selected BMPs will be performed;
- A list of measurable goals for the post-construction runoff control program;
- Dates by which the permittee will achieve each of the measurable goals; and
- The name or title of the person(s) responsible for coordination and implementation of the post-construction storm water management program.

Pollution Prevention/ Good Housekeeping for Municipal Operations

The permit conditions for the Pollution Prevention minimum measure in this permit are retained from the EPA's Region 8 2003 Federal Facility Small MS4 General Permit and are a direct interpretation of Federal regulations at 40 CFR § 122.34(b)(6). One additional requirement, which is that "new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices" is included as it relates to the location of the V.A. Hospital in Denver and the diversion of large storm events to Ferril Lake in Denver's City Park. In the event of these diversions, water quality in Ferril Lake will be degraded when there are not source controls for specific pollutant sources or on-site management or pollution treatment on-site.

Permit conditions require the following for the V.A. Hospital:

- Implement an operation and maintenance program with the ultimate goal of preventing or reducing pollutant runoff from municipal operations. The program must include an employee training component;
- As part of maintenance activities and employee training, address the following activities at a minimum: vegetative and open space maintenance, fleet and building maintenance, new construction and land disturbances, storm water system maintenance, and snow disposal.
- The SWMP must document the following information related to pollution prevention/good housekeeping:
 - A description of the operation and maintenance program to prevent or reduce pollutant runoff from the municipal operations. The description must include:
 - Maintenance activities, maintenance schedules, and long-term inspection procedures for

controls to reduce floatables and other pollutants to the MS4;

- Employee training program used to prevent and reduce storm water pollution;
- Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations, and snow disposal areas operated by the MS4;
- Procedures for the proper disposal of waste removed from the MS4 and MS4's operations including dredge spoil, accumulated sediments, floatables, and other debris;
- Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices;
- A list of the municipal operations that are impacted by this operation and maintenance program;
- A list of measurable goals for the pollution prevention and good housekeeping program;
- Dates by which the permittee will achieve each of the measurable goals; and
- The name or title of the person(s) responsible for coordination and implementation of the pollution prevention and good housekeeping program.

Transition Plan

One of the most important requirements in this permit is the creation of a transition plan. The transition plan must be completed by the end of year four of this permit or within 180 days prior to moving the facility to the Aurora location, whichever is sooner. The transition plan is critical because it defines maintenance activities, schedules, structural controls, and vegetative soil management requirements needed to maintain post-construction stormwater controls in effective operating condition at the new location. Region 8 staff have noted in several MS4 audits that maintaining post-controls which effectively treat pollutants in stormwater runoff is often compromised when there is not adequate information which describes how controls are designed and how they need to be maintained. This is especially true for vegetative controls commonly termed as green infrastructure. For effective long-term management of pollutants in stormwater runoff, it is imperative that controls that utilize specific vegetation or soil mixes in an effort to infiltrate and treat the first flush of runoff on-site be managed in a manner in which they were designed. The transition plan for the V.A. Hospital requires that all as-built specifications and maintenance requirements be obtained *prior* to moving to the new facility as this information will be more readily available prior to terminating contracts and gaining a certificate of

occupancy at the new location. The transition plan also requires that information be submitted to EPA on the location and type of industrial activities as well as this will facilitate the development of a streamlined, specific, and effective permit, once the facility moves to the Aurora location.

Permit conditions require the following for the V.A. Hospital:

- Transition Plan. A transition plan is required prior to be created prior to the expiration of this permit. This permit does not cover stormwater discharges from the new V.A. Hospital location in Aurora, Colorado. Prior to moving from the Denver location to the Aurora location, a new permit application will be required and a new permit will need to be issued. The transition plan must be completed by the end of year four of this permit or 180 days prior to moving the facility to the Aurora location, whichever is sooner. The permittee must:
- Retain construction as-built designs and maintenance requirements for all post-construction stormwater controls and dewatering systems at the V.A. Hospital location in Aurora. This includes all vegetative and soil management requirements for controls specifically designed to reduce runoff and infiltrate water onsite;
- Retain an updated stormwater drainage map which includes the location of stormwater outfalls, dewatering facilities, loading and unloading areas, locations of industrial activities proposed to be conducted outdoors, and post-construction stormwater controls at the Aurora location;
- Retain a list of existing and proposed industrial facilities at the V.A. Hospital at the Aurora location that are either completed or are currently being constructed and are owned or operated by the permittee that ultimately discharge to the small MS4. The list must include industrial facilities that are subject to EPA's Multi-Sector General Permit (MSGP) or individual NPDES permits for discharges of storm water associated with industrial activity.
- Create maintenance schedules and protocols for inspection of newly constructed post-construction stormwater controls at the Aurora location;
- Document receiving waters which will receive stormwater discharges from the Aurora location; and
- Document maintenance intervals and procedures for clean out of storm drains. If it is necessary to work with the City of Aurora to clean out storm drains, the transition plan shall include any agreements with the City of Aurora and shall document how payment, if necessary, is transferred for those services.

Annual Report

The permittee must submit an annual report to EPA for each year of the permit term. The first report is due April 1, 2016, and must cover the activities during the period beginning on the effective date of the permit through December 31, 2015. Each subsequent annual report is due on April 1 of each year following 2016 for the remainder of the permit term.

This annual report is in place to allow EPA to maintain a working relationship with the V.A. Hospital in terms of evaluating permit compliance and determining specific needs of the V.A. Hospital without requiring un-necessary or overly extensive documentation. In essence, it serves a “broad brush stroke” from which further refinements can be evaluated as needed.

The annual reports must, at a minimum, include:

- Dates that trainings were provided and number of attendees for Parts 2.2-2.7;
- Documentation of any public notices and/or meetings held to meet the conditions in Part 2.3;
- A description of any changes to the illicit discharge detection and elimination program including description of illicit discharges which were either addressed or eliminated in the past year;
- A general description of efforts made to meet the requirements in Parts 2.1-2.8; and
- A short summary of the progress towards meeting the goal of reducing pollutant discharges from the V.A. Hospital MS4. This should include any successes made during the reporting period, concerns with permit compliance moving forward, and if applicable, input on how the MS4 permitting process could be made more effective in meeting the goals of protecting water quality.

Public Notice

Public notice of this permitting action was provided in the Denver Post on September 11, 2015. Additional notifications of this action were provided directly to the permittee, the Colorado Department of Public Health and Environment, and the U.S. Fish and Wildlife Service. Notification was also provided to the EPA Region 8 Interested Parties for Colorado, which includes all entities who wish to receive notification on NPDES permitting actions administered by EPA Region 8. No comments were received during the public notice period for this permit action.

Administrative Record

The administrative record for this permit may be obtained upon request by contacting Greg Davis at 303-312-6314 or by writing or E-mailing to the following address:

Greg Davis
Mailcode: 8P-W-WW
1595 Wynkoop Street
Denver, CO 80202-1129
303-312-6371
davis.gregory@epa.gov

Miscellaneous

The effective date and the expiration date of the permit will be determined at the time of permit issuance. The intention is to renew the permit for a period of approximately five years, but not to exceed 5 years.

Permit drafted by Greg Davis, 8P-W-WW, July 3, 2015
Permit reviewed by Robert Shankland, SEE, 8P-W-WW, July 8, 2015