



CITY OF DURANGO

Stormwater Quality Permit
PERMIT MODIFICATION

Community Development
Department
1235 Camino del Rio
Durango, CO 81301
(970) 375-4850

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Contact Information

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Introduction

This form is to be used when **modifying** an established Permit or Certification. It includes modifications where multiple parties may have permit coverage. In most cases however, both parties will likely have to submit a modification. Refer to the Alternative Options section for additional guidance. This application covers construction activities disturbing 1 to 5 acres of land, or that are part of a larger common plan of development or sale that has or will disturb 1 to 5 acres of land, within the City of Durango. It may include sites that disturb less than 1 acres if they are located in a sensitive area or as deemed necessary for a SWQ permit by the City Engineer.

Sites disturbing more than 5 acres of land and covered shall complete permit modifications through the Colorado Environmental Online Services (CEOS) system. More information on the CEOS system can be found here: <https://www.colorado.gov/pacific/cdphe/cor400000-stormwater-discharge>.

The following actions will be triggered by completion and submittal of this form:

- The Permit certification in Item II.a will be amended to no longer include the area described in Items I.b. and I.c. **The current permittee will not receive a revised certification.** The corrected information will be placed in the permit file. If the current permittee(s) requires notification of the City of Durango's receipt of this information, it is up to the permittee(s) to request verification of delivery from the carrier (i.e., by sending certified mail).
- A new permit certification under the Stormwater Quality Permit will be issued to the *new permittee(s)* listed in Part I. A new permit certification and permit materials will be sent to the attention of the legally responsible person for the new permittee(s) (Item I.i. on the form).

Alternative Options: To transfer the entire permit certification, the *Notice of Transfer of Permit Coverage* form must be used instead. Also, if both parties are currently permit holders for portions of the overall project (i.e., at least two permit certifications are issued for the project and cover both the party wishing to reassign coverage and the party wishing to accept coverage), and it is not desired that a new permit certification be issued, the permittees may amend their permit certifications instead of completing this form. For additional instructions,

please refer to the guidance on “Amending Your Permit Certification” in the *Stormwater Quality Permit Fact Sheet*, available on the City’s web site at www.durangogov.org/stormwater

Applicant Liability: For the area described for which permit coverage is to be reassigned (Part I.b of the form), permit coverage and liability will be assigned to the new permit applicant. (Note that even though the new permittee will be liable for permit compliance for the reassigned area, if the new permittee does not meet the definition of owner as discussed in the “Who May Apply” section below, the entity(s) that does could be held liable for operating without the necessary permit coverage.) The permittee may amend their application in writing to cease coverage for a portion of a site that the permittee no longer owns. Information on the procedures that must be used for such amendments will be supplied with the permit certification.

A more detailed explanation is available in the *Stormwater Quality Permit Fact Sheet*, available from the City’s web site at www.durangogov.org/stormwater. **The City strongly recommends that entities involved with sites where multiple owners exist review this information.**

- **Who May Apply For and Maintain Permit Coverage:** For projects permitted after April 1, 2019, both the Owner and Operator of a construction project must be listed on a permit application and obtain permit coverage. It is possible for the project owner to also be the operator in some cases and only one entity will be permitted, but in all cases the owner must be an applicant and listed on the permit certification. The Owner must be a legal entity that meets the definition of the owner of the property for which the construction activity is occurring, in order for this application to legally cover the activities occurring at the site. The Operator must have day-to-day supervision and control over activities at the site and implementation of the Stormwater Management Plan (SWMP) discussed in Item I.h of the instructions.

An entity engaged in construction activities may be held liable for operating without the necessary permit coverage if a site does not have a permit certification in place that is issued to an owner/operator. For example, if a site, or portion of a site, is sold so that the site’s permit certification is then held by a permittee that is no longer the owner (such as the previous owner), that permit certification will no longer cover the new owner’s activities, and a new certification must be issued, or the current certification transferred.

A separate permit certification is not needed for subcontractors, such as utility service line installers, whose activities result in earth disturbance, but where the permittee is identified as having the operational control to address the impacts their activities may have on stormwater quality.

Stormwater Management Plan (SWMP): Both the current permittee and the new applicant must develop and maintain SWMPs that accurately reflect the activities and BMPs for the areas for which they will have permit coverage. The **current permittee** must already have a SWMP in place as required by their permit coverage, but must revise this plan to account for the changes in their covered area and activities. As discussed in Item I.h. of the instructions, the **new applicant** must also develop a SWMP for their covered area, prior to submittal of this form. Although the new applicant may utilize the current permittee’s SWMP, if available, in development of their own SWMP, it must be modified and maintained to accurately reflect the new applicant’s activities. Appendix A of the *Stormwater Quality Permit Application and Stormwater Management Plan Guidance - Construction* from the Colorado Department of Public Health and Environment (CDPHE) – Water Quality Control Division (WQCD) (available from the City’s web site at www.durangogov.org/stormwater) contains the requirements for the SWMP. Failure by either entity to maintain a SWMP in accordance with this guidance is a violation of the permit. Additional guidance for multi owner development is also available in the Stormwater Fact Sheet for Construction, also available from the City’s web site.

Application Due Dates: At least **ten days** prior to the requested effective date for the coverage reassignment, the owners of the construction activities shall submit this form to the City of Durango Department of Engineering. This form may be reproduced, and is also available from the City’s web site at www.durangogov.org/stormwater

Permit Fee: Initial applications are subject to a major Stormwater Permit Fee of \$250. Significant modifications to existing permits may be subject to a minor fee of \$100 (contact City Engineering Division to determine if modification is subject to a minor fee). In addition, a performance security is required based upon the estimated cost of the work required to ensure compliance with the permit’s terms and conditions, including final stabilization measures. More information on the performance security is detailed in item I.i of the instructions.

Application Completeness: All items of the form must be completed accurately and in their entirety or the application will be deemed incomplete, and processing of the form will not begin until all information is received. A copy of the Stormwater Management Plans for the new permittee must be included with the form. One original copy of the completed form signed by both the new permittee and the current permittee, shall be submitted to the Department of Engineering office at River City Hall (1235 Camino Del Rio) addressed as follows or by mail to:

City of Durango
Community Development Department
Attn: Jeni Nicovich
949 East 2nd Avenue
Durango, CO 81301

Note: Partial applications will not be accepted.

If you have questions on completing this application, you may contact the Engineering Division at jeni.nicovich@durangogov.org or call (970) 375-4850.

PERMIT MODIFICATION FORM

Instructions

PART I - (To be completed by the New permit applicant.)

Part I of the application is to be filled out by the new permit applicant(s) who will be assuming permitting liability for the reassigned portion of the original applicant's site. The **effective date** when the area addressed in the form will be reassigned must be provided at the beginning of Part I. The effective date must be at least ten days following the receipt of this form by the City. It will be the effective date of the new permit certification issued to the new applicant in Part I.

Item I.a.: Provide the name and address of the new permit applicant, including the company name, local contact, phone number, and mailing address.

Item I.b.: Provide the street address of the site that will be covered under the new certification and removed from the current certification. If an exact address is not available you may use an approximate address, the nearest intersection or boundary streets including directional identifiers (e.g., "S. of Park Ave. between 18th St. and 19th St.", or "W. side of C.R. 234, 1.25 miles N. of Hwy 160") or other identifying information. For the approximate center point of the property, the longitude/latitude, to the nearest 15 seconds, **must** be included. The latitude and longitude must be provided as either degrees, minutes, and seconds, or in decimal degrees with three decimal places. This information may be obtained from a variety of sources, including:

- La Plata County GIS website at <http://arcims.laplata.co.us/laplataWEBSITE/>.
- Surveyors or engineers for the project should have, or be able calculate, this information.
- U.S. Geological Survey topographical map, available at area map stores.
- Using a Global Positioning System (GPS) unit to obtain a direct reading.

Item I.c.: One of these two items **must** be provided:

- Legal Description of the entire site covered by the application that must include subdivision(s), block(s), and lot(s) (providing the metes and bounds or just the township/section/range, is not adequate). This information should be available for subdivided properties from documents submitted to or maintained by the city or county, such as the subdivision plat or deed. If this information is not available, a map must be submitted. – or –
- Site Map that defines the boundaries of the site being applied for. The level of detail that must be provided will depend on the nature of the project and must be adequate so that it can be determined during a field audit what construction activities are covered under the issued certification. For typical developments within a specific surveyed property, a map clearly showing the property boundaries should be obtainable. For projects located in areas with adjacent construction areas that will not be covered by the application (such as multi-lot developments with multiple owners), this detail is essential. However, for projects such as road or utility projects, where providing this detail may not be feasible or necessary to distinguish the project from adjacent activities, a less detailed map showing the approximate area is adequate. Maps must have a minimum scale of 1:24000 (the scale of a USGS 7.5 minute map). Maps must be folded to 8½ x 11 inches. Do not submit grading plans or other blueprints as the site map.

Item I.d.: Provide both the total area of the construction site that will be covered under the new certification, and the area that will undergo disturbance, in acres. **Note:** aside from clearing, grading and excavation activities, disturbed areas also include areas receiving overburden (e.g., stockpiles), demolition areas, and areas with heavy equipment/vehicle traffic and storage that disturb existing vegetative cover.

Item I.e.: Either check the appropriate box or boxes, or if the given descriptions do not fit the project, provide a brief description that indicates the general nature of the construction activities for which permit coverage is being requested. A more detailed description of the project must be included in the Stormwater Management Plan (see Item I.h.).

Item I.f.: Provide the current estimated completion date for the construction project to be covered under the new certification. In terms of permit coverage, the completion date is when the site is finally stabilized. This means that all disturbed areas have been either built on, paved, or a uniform vegetative cover has been established. **Permit coverage must be maintained until that time.** If permit coverage is still required once your part is completed, the permit must be transferred to a new responsible entity.

Item I.g.: Identify the receiving water. Receiving waters are any waters of the State of Colorado. These include any and all surface waters that are contained in or flow in or through the State of Colorado (except for water withdrawn for use until use and treatment have been completed). This definition includes all water courses, even if they are usually dry. If stormwater from the construction site enters a ditch or storm sewer system, identify that system and indicate the ultimate receiving water for the ditch or storm sewer. **Note:** a stormwater discharge permit does not allow a discharge into a ditch system without the approval of the owner/operator of that system if such approval is otherwise needed.

Item I.h.: A Stormwater Management Plan (SWMP) is required to be submitted with the application and shall be prepared in accordance with all of the requirements of the most recent SWMP guidance document prepared by the CDPHE–WQCD and good engineering, hydrologic and pollution control practices. The selection, design and installation of appropriate structural and nonstructural BMPs must be done, at a minimum, in accordance to the latest revision of the Urban Drainage and Flood Control District’s (UDFCD) Urban Storm Drainage Criteria Manuals. Other approved BMPs are also allowed, such as CDOT or other municipalities BMPs. SWMP approval is required for issuance of a new permit. If a SWMP 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 for SWMP approval. Prior to commencement of construction activities, the SWMP must be implemented for the construction site covered by the existing permit. **Appendix A** of the *Stormwater Quality Permit Application and Stormwater Management Plan Guidance for Stormwater Discharges Associated with Construction Activity* from the CDPHE–WQCD (available from the City’s web site at www.durangogov.org/stormwater) contains the requirements for the SWMP. A copy of the SWMP shall be kept at the construction site at all times.

Item I.i.: As a condition for the issuance of a new, reassigned stormwater quality permit, applicants shall be required to provide a performance security in the form of an irrevocable letter of credit, performance bond or cashier’s check. The amount of the security shall be based upon the estimated cost of the work required to ensure compliance with the permit’s terms and conditions, including final stabilization measures. If the permittee does not successfully complete all required work or violates any requirement of the permit, the City may take corrective measures and charge the cost of such to the permittee. Such costs shall include the actual cost of any work deemed necessary by the City. If the total of such costs exceeds the security, the permittee shall be responsible for payment of the remaining balance within 30 calendar days of receipt of an accounting of such from the City. The security shall be released when the permit has been inactivated upon the City’s determination that the permittee has successfully completed all required work and met all other requirements of this ordinance.

The performance security for the current permit will remain in effect with the current permittee and is separate from the security requirements of the new, reassigned permit. The current permittee may request a reduction in the current permit security in writing from the City based on the reassigned portion of the permit. If approved, the revised security amount would require a revised form of security to be approved by the City and such revisions would be noted in the permit file.

Item I.j.: The applicant must be the owner of the property where the construction activity will occur. The application must be signed to be considered complete. In all cases, it shall be signed as follows:

- a) In the case of corporations, by a principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application originates.
- b) In the case of a partnership, by a general partner.
- c) In the case of a sole proprietorship, by the proprietor.
- d) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

This certification includes an acknowledgment that the applicant understands that the permit coverage, and therefore the applicant’s liability, will be for the entirety of the portion of the construction project described and applied for, until such time as the application is amended or the certification is transferred, inactivated, or expired.

PART II - (To be completed by the Current permittee.)

Part II of the application, starting on page 3 of the form, is to be completed by the **current** permittee. The information provided in Part II.b should be revised from the original application to take into account the changes in the site based on reassignment of the applied-for area. Refer to the instructions for I.c and I.d above for information on providing location and construction activity description information.

PART II – Modification to the current permit certification
To be completed by the Current/Selling permittee:

II.a. Current/Selling Permit Certification Information

Stormwater Quality Permit Number: **SQP-** ____ ____ ____

Check if this is a
new name, address, etc.

Permittee Name: _____

Company Name: _____

Permittee Address: _____

Local Contact: _____

Phone No: (____) _____

E-mail Address: (if available) _____

Name of plan, project, or development: _____

II.b. Revised Site Information

Legal Description **or** Map Indicating Changing Site Area(s): (Subdivision, block, and lot, or similar information clearly identifying the site area that retains/adds/removes coverage under the current certification. If a map is attached to provide this information, this must be indicated below. Maps must be folded to 8½ x 11 inches.)

Map Attached? Yes No; if 'No', include legal description **per Instructions** (use separate sheet if needed):

Subdivision(s), Lot(s), Block(s): _____

Check the appropriate box(s) or provide a brief description that indicates the general nature of the construction activities. (The full description of activities must be included in the Stormwater Management Plan.)

Single Family Residential Development

M Multi-Family Residential Development

Commercial Development

Other, Describe: _____

II.c. Certification for Reassignment

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in Part II of this application and all attachments in reference to Part II and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

"As the permittee currently covered by the above-referenced certification, I hereby agree to reassign the permit coverage for the area and activity described in Items I.b. and I.c., and all responsibilities thereof, from the above-referenced permit certification to the new permittee listed in Part I of this form."

Signature of Permittee (submission must include original signature)

Date Signed

Name (printed)

Title