

# STORMWATER ANNUAL REPORT

Municipal Separate Storm Sewer Systems (MS4s) Permit, COR-080000 and 090000 - Renewal Permittees

## COLORADO DEPT. OF PUBLIC HEALTH & ENVIRONMENT

Water Quality Control Division

WQCD-P-B2

4300 Cherry Creek Drive South

Denver, Colorado 80246-1530

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### IMPORTANT CHANGES TO THE REPORT FORM AND REPORTING REQUIREMENTS:

This annual report form includes requests for additional information and clarifies information required under the previous annual report form. The changes are described below:

- Part 1: This form will be used for reporting years 2010 – 2012.
  
- Part 3: Program Area 5
  - For permanent water quality BMPs, the permittee must report the number of all new BMPs, per the following:
    - For the row under “**NEW BMPS - Summary Information for the Year**,” the MS4 permittee must provide the total number of individual permanent water quality BMPs implemented during the reporting period. “Implemented” means that the BMPs were constructed, are operating, and have been included in the permittee’s long long-term operation and maintenance portion of the Post-Construction program (Part 1.B.5.a. of the MS4 general permit).
  - For permanent water quality BMPs, the permittee must now report numbers for all BMPs per the following:
    - For the row under “**ALL EXISTING BMPS - Summary Information for all BMPs**,” the MS4 permittee must provide the total number of individual permanent water quality BMPs implemented since the permittee began full implementation of its Post Construction program (on or before March 9, 2008, in accordance with measurable goals from the previous permit term). This is the total number of BMP structures being tracked for the Post-Construction program. Note that the option to report based on the number of sites has been removed.
    - For the rows under “**INSPECTIONS**,” the MS4 permittee must provide the total number of individual BMPs inspected, in addition to the total number of BMP inspections conducted. The total number of BMP inspections conducted may include multiple inspections per individual BMP (e.g., routine, follow-up, enforcement inspection, etc). See the example below. The number of BMPs inspected will be compared to the total number reported under “**ALL EXISTING BMPS**” as an indicator of the MS4 permittee’s level of oversight for this program area. The number of BMP inspections provides an overall indication of inspection activity for this program area. Inspections reported in the following two rows are those completed by the MS4 permittee or authorized agent. For Post-Construction programs that allow owners to self-inspect BMPs and the MS4 permittee to “spot check”, only the oversight inspections completed by the MS4 permittee or their authorized agent are to be reported on the annual report.

### “BMPs Inspected” versus “BMP Inspections” Example:

An MS4 permittee has one proprietary BMP, one water quality pond and two sand filters for a total of 4 BMPs in the Post-Construction program. In this example, the proprietary BMP had a routine inspection quarterly. The water quality pond had one routine inspection and one follow up inspection. One sand filter was inspected once and the other sand filter was not inspected during the reporting year. For the “Number of BMPs Inspected”, the answer is 3. For the Number of BMP Inspections, the answer is 7.

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Each part of this form (1 through 7) must be completed and the certification in Part 2 must be signed by the legally responsible person. One original copy (no faxes or e-mails) of the completed Annual Report Form, including attachments if required, shall be submitted by March 10th of each year covering January 1 through December 31 of the previous year.

Part I.E.4 of the MS4 permit requires that an Annual Program Review be conducted by the permittee as necessary for the preparation of the Annual Report. The review for each reporting year must be completed prior to the submittal of this form. The annual review shall include:

- A review of the CDPS Stormwater Management Program compliance status with any schedules and other Measurable Goals established under the Program;
- An assessment of the effectiveness of controls established by the Program; and
- An assessment of any program modifications needed.

Part 2 of this form includes a certification by the permittee that their CDPS Stormwater Management Program is being implemented in compliance with the conditions of the permit, which includes completing all program implementation commitments provided in submittals to the Water Quality Control Division to meet permit conditions. If the permittee is not in compliance with the conditions of the permit, a Notification of Noncompliance must be provided in accordance with Part II.B.1 of the permit at the time of, or prior to, the submittal of this form.

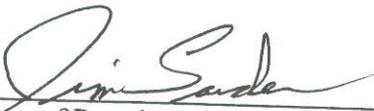
### ART 1: PERMITTEE INFORMATION

<b>Permittee (Agency name):</b> City of Greenwood Village	<b>Reporting Year (check one)</b> <input checked="" type="checkbox"/> Jan 1, 2010 to Dec 31, 2010 <input type="checkbox"/> Jan 1, 2011 to Dec 31, 2011 <input type="checkbox"/> Jan 1, 2012 to Dec 31, 2012  (The annual report is due for each reporting year by <b>March 10 of the following year</b> )
<b>Mailing Address</b> ( <input type="checkbox"/> check if new): 6060 S. Quebec Street	
<b>City, State and Zip Code</b> ( <input type="checkbox"/> check if new): Greenwood Village, CO 80111	
<b>Contact Person</b> ( <input checked="" type="checkbox"/> check if new)  <b>Name:</b> Wanda DeVargas  <b>Phone Number:</b> <input type="text" value="303-708-6140"/>	
<b>Permit Certification No:</b> 080004 COR -	
<b>Have any areas been added to the MS4 due to annexation or other legal means?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>If YES, include updated map OR provide the web address for an online map.</b>	
If permit boundary maps are online, please provide the web site address:   	

**PART 2: ANNUAL REPORT CERTIFICATION**

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

**“I certify that to the best of my knowledge and belief the CDPS Stormwater Management Program is being implemented in accordance with the requirements of COR-090000 OR that a notice addressing the failure to implement the CDPS Stormwater Management Program has been provided in accordance with Part II.B.1 of the permit.”**

**X**  3/8/11  
 Signature of Permittee\* Date Signed

City Manager  
 \_\_\_\_\_  
 Title of Signatory

\*In accordance with the permit, this report shall be signed and certified for accuracy by either a principal executive officer, ranking elected official or other duly authorized employee.

**ART 3: INSPECTION AND ENFORCEMENT**

In the tables below, provide the number of inspections and actions performed for the following programs for the reporting year.

<b>Program Area 3: Illicit Discharge Detection and Elimination</b>	
<b>Enforcement:</b> Provide the number of enforcement actions performed to address violations of the permittee’s Illicit Discharge Detection and Elimination program, by category. If multiple distinct actions were taken as part of an escalation process, count each action separately. Actual numbers must be provided. Do not list “multiple” or “continuous.”	<b>Number of Actions</b>
Monetary Penalty/Fine (include the number of enforcement actions, not a dollar amount)	0
Written Notification of Violation	1
Verbal Notification of Violation	6
Charge for Cleanup/Remediation (include the number of enforcement actions, not a dollar amount)	0
Other (If a predefined category is not included above for enforcement tool(s) used, provide a description of the tool(s) and associated number(s) of actions below.)	
1.	1.
2.	2.
3.	3.
(add rows as needed)	

<b>Program Area 4: Construction Site Runoff Control</b>	
Actual numbers must be provided. Do not list "multiple" or "continuous,"	<b>Number of Sites</b>
Total number of construction sites covered by inspection program during the year. Include each site that was active at any time during the reporting year.	84
<b>Inspections:</b> Provide the number of inspections to assess and enforce compliance with the requirements of the permittee's Construction Site Runoff Control program. <b>Inspections must be divided into the following two categories.</b>	<b>Number of Inspections</b>
<b>Full Level Inspections conducted</b> to assess the adequacy of BMPs and overall site management, performed by an inspector adequately trained to determine compliance with the requirements of the permittee's CDPS Stormwater Management Program.	89
<b>-AND- Reconnaissance/Indicator Inspections</b> conducted to only assess sites for indicators of noncompliance. Reduced Level Inspections do not fully assess the adequacy of BMPs and overall site management and/or are not performed by an inspector adequately trained to determine compliance with the requirements of the MS4 permittee's CDPS Stormwater Management Program. (For Reduced Level Inspections, an estimate of the number of inspections performed is acceptable.)	789
<b>Enforcement:</b> Provide the number of enforcement actions performed to address violations of the permittee's Construction Sites Program, by category. If multiple distinct actions were taken as part of an escalation process, count each action separately.	<b>Number of Actions</b>
Monetary Penalty/Fine (include the number of enforcement actions, not a dollar amount)	0
Stop Work Order	0
Written Notification of Violation	31
Verbal Notification of Violation	45
Withholding of Permits (e.g., building permits, tap permits, etc.)	0
Work Performed by Permittee or Permittee's Contractor and Responsible Party Charged/Bond Withheld (include the number of enforcement actions, not a dollar amount)	0
Other (If a predefined category is not included above for enforcement tool(s) used, provide a description of the tool(s) and associated number(s) of actions below.) 1. Work performed by permittee due to foreclosure on the property. 2. 3. (add rows as needed)	1. 3 2. 3.

<b>Program Area 5: Post-Construction Stormwater Management</b>	
Actual numbers must be provided. Do not list "multiple" or "continuous."	
<b>NEW BMPS - Summary Information for the Year:</b> Provide information for the number of BMPs implemented during the reporting period.	<b>Number of BMPs</b>
<b>Number of BMPs:</b> Total number of individual permanent water quality BMPs implemented during the reporting period in accordance with permittee's Post-Construction Program.	29
<b>ALL EXISTING BMPS - Summary Information for all BMPs since the full implementation of this program area</b> (no later than March 9, 2008). Note, this may include sites with multiple individual BMPs: Provide the total number of BMPs in the permittee's Post-Construction Program.	<b>Number of BMPs</b>
<b>Number of BMPs:</b> Total number of individual permanent water quality BMPs implemented in accordance with permittee's Post-Construction Program <b>since the full implementation of this program area.</b>	260
<b>INSPECTIONS - Summary Information for all BMPs since the full implementation of this program area</b> (no later than March 9, 2008: Provide information for both of the following two rows ( <i>Number of BMPs Inspected</i> and <i>Number of BMP inspections</i> ). Inspections reported in the following two rows are those completed by the MS4 permittee or authorized agent.	<b>Number of BMPs Inspected/ Inspections</b>
<b>Number of BMPs Inspected:</b> Total number of individual permanent water quality BMP structures inspected to ensure compliance with long term operation and maintenance requirements of the permittee's Post-Construction Program.	186
<b>Number of BMP Inspections:</b> Total number of inspections of permanent water quality BMPs to ensure compliance with long term operation and maintenance requirements of the permittee's Post-Construction Program.	320
<b>enforcement:</b> Provide the number of enforcement actions performed to address violations of the permittee's Post-Construction Management program, by category. If multiple distinct actions were taken as part of an escalation process, count each action separately. Include actions associated with installation AND long term operation.	<b>Number of Actions</b>
Monetary Penalty/Fine (include the number of enforcement actions, not a dollar amount)	0
Stop Work Order	0
Written Notification of Violation	0
Verbal Notification of Violation	0
Withholding of Permits (e.g., building, tap, occupancy, etc.)	0
Work Performed by Permittee or Permittee's Contractor and Responsible Party/Bond Withheld (include the number of enforcement actions, not a dollar amount)	0
Other (If a category is not included above for enforcement tool(s) used, provide a description of the tool(s) and associated number(s) of actions below.) 1. 2. 3. (add rows as needed)	1. 2. 3.

#### **PART 4. MEASURABLE GOALS**

The permittee must report on all Measurable Goals due in accordance with the due dates provided by the permittee in the previously submitted CDPS Stormwater Management Program Description or subsequent approved program modifications. Measurable Goal due dates cannot be changed below; they must be made in accordance with the permit Part I.E.2.a.

4.A) **Measurable Goals due during the Reporting Year:** Has the permittee completed all measurable goals due during the Reporting Year?

- No, one or more Measurable Goals were due, but not completed  
(A notice addressing the failure to implement the CDPS Stormwater Management Program must be provided in accordance with Part II.B.1 of the permit)
- N/A, no Measurable Goals were due this Reporting Year
- Yes, one or more Measurable Goals were due this Reporting Year and completed.  
**A List of completed measurable goal(s) must be provided below.**

List all measurable goals that were completed during the Reporting Year:

Completed Measurable Goal
The Village will develop and implement procedures to provide training to municipal employees as necessary to implement the SOP training program.

4.B) **Future Measurable Goals:** Does the permittee have one or more measurable goals due in future years of the remaining permit term?

- No, measurable goals are not due in future years of the remaining permit term.
- Yes, one or more measurable goals are due in future years of the remaining permit term.  
**A summary of the measurable goal(s) must be provided below.**

Future Measurable Goal	Due Date	Status

**PART 5. INFORMATION COLLECTED AND ANALYZED (attachment)**

Did the permittee collect and analyze any information during the reporting period, including any water quality monitoring, to assess the success of the program at reducing the discharge of pollutants to the MEP?

No

Yes

**If you answer yes, a summary of the information collected and analyzed must be attached.**

**PART 6. PROPOSED CHANGES TO CDPS STORMWATER MANAGEMENT PROGRAM (attachment)**

Is the permittee proposing any changes and/or additions to the CDPS Stormwater Management Program, including changes to any BMPs or any identified Measurable Goals that apply to the program elements?

No

Yes .

**If you answer yes, a summary of the change/addition must be attached in accordance with the guidance provided below. For significant changes that involve replacing or deleting an ineffective or infeasible BMP, the summary must include the information required in A through E below, and Part I.E.2.a.2 of the permit.**

For the BMPs/Measurable Goals that were previously described in reports or the permit application, provide a summary of any proposed changes and/or additions. BMPs include all program elements implemented to meet the requirements of the permittee's CDPS Stormwater Management Program.

Significant changes that involve replacing or deleting an ineffective or infeasible BMP may require Division review, as outlined in **Part I.E.2.a.2** of the permit. For each change proposed, you must provide:

- A) The applicable Program Area;
- B) The BMP/Measurable Goal for which a change is being proposed;
- C) Any proposed changes to the BMP description;
- D) Any proposed changes to the Measurable Goals (including specific dates and numeric measures); and
- E) The rationale for the proposed changes.

Note that submittal of a request to change BMPs and/or Measurable Goals must be made prior to the implementation of the change and/or the deadline in the Measurable Goal. If the deadline is before the due date for the Annual Report, the change must be requested independent of the Annual Report submittal.

**PART 7. NOTICE OF NEW PROGRAM ELEMENT OPERATION BY A SECOND PARTY**  
**(attachment)**

Has the permittee's program changed to rely on another government entity to satisfy some of their permit obligations? Answer "yes" only if not included in the **permittee's Program Description Template or previous report submitted to the Division,**

No

Yes .

**If you answer yes, a summary statement must be provided. Example statement: "As of (date) (entity) is performing the construction site plan reviews for the City in accordance with the procedures in the City's original application."**

**PART 6. PROPOSED CHANGES TO CDPS STORMWATER MANAGEMENT PROGRAM (attachment)**

Is the permittee proposing any changes and/or additions to the CDPS Stormwater Management Program, including changes to any BMPs or any identified Measurable Goals that apply to the program elements?

**Yes . If you answer yes, a summary of the change/addition must be attached in accordance with the guidance provided below. For significant changes that involve replacing or deleting an ineffective or infeasible BMP, the summary must include the information required in A through E below, and Part I.E.2.a.2 of the permit.**

For the BMPs/Measurable Goals that were previously described in reports or the permit application, provide a summary of any proposed changes and/or additions. BMPs include all program elements implemented to meet the requirements of the permittee's CDPS Stormwater Management Program. Significant changes that involve replacing or deleting an ineffective or infeasible BMP may require Division review, as outlined in **Part I.E.2.a.2** of the permit. For each change proposed, you must provide:

- A) The applicable Program Area;
- B) The BMP/Measurable Goal for which a change is being proposed;
- C) Any proposed changes to the BMP description;
- D) Any proposed changes to the Measurable Goals (including specific dates and numeric measures); and
- E) The rationale for the proposed changes.

Note that submittal of a request to change BMPs and/or Measurable Goals must be made prior to the implementation of the change and/or the deadline in the Measurable Goal. If the deadline is before the due date for the Annual Report, the change must be requested independent of the Annual Report submittal.

**Part 6. Proposed changes to CDPS Stormwater Management Program**

Attached is the summary change/description for seven items:

**Item One**

**A. Applicable program area:**

Program Area I.B.2 Public Participation and Involvement

**B. BMP /Measurable Goal for which a change is being proposed:**

BMP C. Program Elements, Mechanism and Processes for Public Involvement/Feedback, 2.e

Water quality questions will be added to its annual Greenwood Village quality of life survey.

**C. Any proposed changes to the BMP Description:**

Program change to provide water quality survey for randomly selected set of residents by December 31, 2011.

**D. Any proposed changes to the Measurable Goals (including specific dates and numeric measures):**

None

**E. The rationale for the proposed changes:**

During the first permit term in 2005, the Village conducted a random survey of 130 residents regarding water quality. The major findings were that the best way to reach the residents and businesses with water quality educational material and outreach was to provide information in the monthly GV newsletter and residents showed little interest in brochures, surveys and public meetings. The survey also found that there was little knowledge about the laws regarding stormwater and where stormwater goes after it enters the storm drain.

In the current permit term and reporting year of 2010, there was a program change submitted to perform a water quality survey at either a community festival event or with a randomly selected set of Village residents in lieu of conducting the Quality of Life survey which was eliminated due to budget cuts.

At the same time, the Village launched a water education effort in the 2010 Greenwood Village Newsletter by publishing monthly, two page feature articles with the theme "Water: A Precious Resource" including the origin of water, water conservation and storm water quality with efforts focused on activities corresponding to the applicable months. The Village has posted water quality newsletter articles in the past; this year was unique that the newsletter had a dedicated theme focusing on the importance of water, the contribution it makes in our lives and quality of life in our community.

The Village also distributed the annual Greenwood Village Calendar whose theme was "Water: A Precious Resource" which focused on the Village's unique water resources, drainageways, streams, ponds, canals. It featured information on water conservation, the facts of stormwater runoff, how a resident can do their part and discussed the Village's water quality partnerships.

It is logical to conduct the water quality survey after a large educational effort rather than during the year of the educational effort to truly measure the difference in public education in comparison to the 2005 water quality survey. The program change is to perform this survey by December 31, 2011 to measure the efforts from the 2010 GV newsletter feature articles and the 2010 Water Quality Calendar.

**Item Two**

**A. Applicable program area:**

Program Area I.B.3 Illicit Discharge Detection and Elimination

**B. BMP /Measurable Goal for which a change is being proposed:**

BMP C. Program Elements: 4. Staff education, second bulleted item

The Village is also currently working with a consultant to inventory available spill response materials and provide training for first response operations. This information and training will be provided to GV staff in the upcoming permit cycle.

**C. Any proposed changes to the BMP description:**

Staff will inventory available spill response materials and will inform Environmental Service area crews how to utilize for response operations.

**D. Any proposed changes to the Measurable Goals (including specific dates and numeric measures):**

None

**E. The rationale for the proposed changes:**

It was determined that use of a consultant is not necessary to achieve this goal. Environmental Service Area staff has inventoried and replenishes (as needed) the spill kits available for use by the Environmental Service Area and staff is familiar with the use of these items. Spill kits are utilized for spills less than 25 gallons and spills greater than 25 gallons are typically responded to by 911 emergency services.

**Item Three**

**A. Applicable program area:**

Program Area I.B.4 Construction Sites Runoff Control

**B. BMP /Measurable Goal for which a change is being proposed:**

BMP C. Program Elements, 4. Procedures for site plan review which incorporate consideration of potential water quality impacts, b. Site Plan Review.

For Municipal/capital improvement projects, the Engineering Service Area reviews plans submitted at 30, 60 and 90% design stage including erosion and sediment control plans.

**C. Any proposed changes to the BMP description:**

For municipal/capital improvement projects, the Engineering Service Area reviews plans at progress meetings during the design stage and ensures that sediment and erosion control measures are included.

**D. Any proposed changes to the Measurable Goals (including specific dates and numeric measures):**

None

**E. The rationale for the proposed changes:**

Due to the various size and scope of projects, there may not be a 30, 60, and 90% design stage. However development of sediment and erosion control plans are

reviewed during project progress meetings in lieu of the 30, 60 and 90% design stage and plans are ensured that they include an erosion and sediment control plan prior to finalization of a project design. At times, 30 and 60% design phase do not typically have erosion and sediment controls addressed as the at 90% design stage.

**Item Four**

**A. Applicable program area:**

Program Area I.B.4 Construction Sites Runoff Control

**B. BMP /Measurable Goal for which a change is being proposed:**

BMP C. Program Elements, 6. Procedures for site inspection and enforcement of control measures, a. Inspections

For private projects/permits, the Community Development staff perform several inspections of the site work before, during, and after construction is completed. This is to ensure that projects are being completed in accordance with the approved erosion and sediment control plan. Any changes that occur during construction shall be submitted for review and approval by the City Manager or designee.

**C. Any proposed changes to the BMP description:**

For private projects/permits, the Community Development staff perform several inspections of the site work before, during, and after construction is completed. This is to ensure that projects are being completed in accordance with the approved erosion and sediment control plan. Should there be any change in plans due to changing field conditions or construction phasing, for sites less than one acre, items can be changed with verbal and/or written approval from Community Development staff. However, changes for sites greater than one acre shall be submitted for review and approval by the City Manager or designee which includes Community Development staff.

**D. Any proposed changes to the Measurable Goals (including specific dates and numeric measures):**

None

**E. The rationale for the proposed changes:**

Due to the numerous amount of permits issued for sites less than one acre, Community Development staff typically generate erosion control plans for the permittee/contractor as guidance for erosion and sediment control measures. These sites require the same inspections as the sites greater than one acre which include:

- 1) Pre-construction Inspection – This inspection will be performed during the review of the permit application. Existing damage to public facilities will be documented.
- 2) Initial Site Stabilization Inspection – This inspection will be performed at the start of the construction to ensure that any erosion and sediment control measures shown on the approved site plan are in place prior to any activities that will expose the soil.

- 3) Periodic Inspections – These inspections will be performed at any time during the construction period.
- 4) Final Grading Inspection – This inspection will be performed near the end of the construction period to ensure that the any grading shown of the approved site plan has been followed.
- 5) Final Stabilization Inspection – This inspection will be performed at the end of the construction period to ensure that all disturbed areas have adequate ground cover. The final stabilization shall be completed before the project is considered complete.

For private projects and permits, Community Development staff inspects construction sites with soil disturbances in order to ensure that the BMPs are installed, inspected, and approved before any other site work is done at the construction site. Throughout the construction, if the BMPs are not being maintained, subsequent inspections will be postponed until repairs or other work has been completed to restore the BMPs.

Due to the amount of permits issued, should there be any change in plans due to changing field conditions or construction phasing, for sites less than one acre, it is sensible to allow for verbal and/or written field changes with approval from Community Development staff (Community Development Engineer, Building Inspector and Code Enforcement). However, changes for sites greater than one acre shall be submitted for review and approval by the City Manager or designee which includes Community Development Staff.

#### **Item Five**

##### **A. Applicable program area:**

Program Area I.B.5 Post Construction Stormwater Management in New Development and Redevelopment

##### **B. BMP /Measurable Goal for which a change is being proposed:**

BMP C. Program Elements, 3. Review and Approval Procedures, i. Plan Review  
For municipal/capital improvement projects, the Engineering Service Area reviews plans submitted at 30, 60 and 90% design stage.

##### **C. Any proposed changes to the BMP description:**

For municipal/capital improvement projects, the Engineering Service Area reviews plans at progress meetings during the design stage and ensures that stormwater management improvements meet the Village's water quality standards of the village described in the Greenwood Village Drainage Criteria Manual.

##### **D. Any proposed changes to the Measurable Goals (including specific dates and numeric measures):**

**E.**

None

##### **F. The rationale for the proposed changes:**

Due to the various size and scope of projects, there may not be a 30, 60, and 90% design stage. However development of plans are reviewed during project progress meetings in lieu of the 30, 60 and 90% design stage and plans are ensured that they address the Village's water quality standards described in the Greenwood Village Drainage Criteria Manual prior to finalization of a project design.

#### **Item Six**

##### **A. Applicable program area:**

Program Area I.B.5 Post Construction Stormwater Management in New Development and Redevelopment

##### **B. BMP /Measurable Goal for which a change is being proposed:**

BMP C. Program Elements, 6. Monitor long term compliance a. Inspections .

For private property inspections, at least one month prior to the annual inspection, an inspection notification letter is sent to the property owner to inform them of the upcoming inspection.

##### **C. Any proposed changes to the BMP description:**

For private property inspections where facilities are not easily accessible, an inspection notification letter shall be sent to the property owner to inform them of the upcoming inspection so that access can be granted to perform the inspection.

##### **D. Any proposed changes to the Measurable Goals (including specific dates and numeric measures):**

None

##### **E. The rationale for the proposed changes:**

Per section 1.2 General Policies in the Greenwood Village Drainage Criteria Manual, for purposes of the manual, any land development project that will increase the amount of impervious area a property is classified as development. Any land development project that disturbs the existing impervious area on a property is classified as redevelopment. There are thresholds for minor and major development and minor and major redevelopment.

In essence, the manual requires a facility for flood attenuation and water quality improvements for increased impervious areas as small as 500 square feet. A majority includes retention ponds from construction of back yard patios, home additions, etc. Considering that at the time of the annual report submittal, there are currently 224 private BMPs in the Village, it is sensible for staff to inspect facilities from the right-of-way and also as they are on route to other inspection sites with no notification to property owners. This streamlines the inspections and should there be locations where facilities are not easily accessible, an inspection notification letter shall be sent to the property owner to inform them of the upcoming inspection so that access can be granted to perform the inspection. Simplifying this process maximizes efficient use of staff time and minimizes the amount of paper utilized.

**Item Seven**

**A. Applicable program area:**

Program Area I.B.5 Post Construction Stormwater Management in New Development and Redevelopment C. Program Elements, 6. Monitor Long Term Compliance b. Enforcement

**B. BMP Measurable Goal for which a change is being proposed:**

No BMP measurable goal for which a change is being proposed.

**C. Any proposed changes to the BMP Description:**

Changes to the BMP Description include the following:

Remove and replace the section of Greenwood Village code currently referred to in the permit that reads:

Any violation of any provision of Title 15 in the Greenwood Village Code states that these entities are subject to a penalty of not more than nine hundred ninety nine dollars (\$999) or imprisonment for a period not to exceed one hundred eighty days (180) or both and shall be subject to the abatement of nuisances provisions specified in Sections 8.06.085 through 8.06.140 of the Greenwood Village Code.

To:

Any violation of any provision of Title 15 in the Greenwood Village Code states that these entities are subject to a penalty of not more than nine hundred ninety nine dollars (\$999) or imprisonment for a period not to exceed one hundred eighty days (180) or both and shall be subject to the abatement of nuisances provisions specified in this code.

**D. Any proposed changes to the Measureable Goals (including specific dates and numeric measures):**

No proposed changes to the measurable goals.

**E. The rationale for the proposed changes:**

Per a self audit performed by the Village, it was found that the Greenwood Village code for Title 15 (Zoning) Section 15.56.040 (Enforcement and Penalty, violation) is not up to date in referring to the correct section of Title 8 (Health and Safety) for abatement of nuisances.

The Greenwood Village code for Title 15 Section 15.56.040 refers to “*any violation of any provision of Title 15 that entities are subject to a monetary penalty (of not more than nine hundred ninety nine dollars) or imprisonment (for a period not to exceed one hundred eighty days) or both and shall be subject to the abatement of nuisances provisions specified in Sections 8.06.085 through 8.06.140 of the Village Municipal Code.*”

Per the City Clerk, Ordinance No. 14, series of 2000, Chapters 8.02 and 8.04 (nuisances and specified nuisances, respectively) of the Greenwood Village code were repealed and reenacted relating to nuisances and repeals Chapters 8.06, 8.12, 8.16, 8.20 and 8.38.

Additionally, Ordinance No. 3, Series of 2005 repeals and reenacts Sections 8.02.040, 8.02.060., 8.02.090, 8.02.100, 8.02.120, 8.04.010, 8.04.060, 8.04.070, 8.04.080 and 8.04.200 and repealing sections 8.02.070 and 8.02.080 in order to simplify the procedures and add provisions relating to illicit discharges and drainage issues.

Regardless of the numerical changes and removal of sections 8.06.085 through 8.06.140, under Chapter 8.02 Nuisances, the Village has the right of entry, provides notice of abatement, and has the ability to abate without notice and/or by court order. Chapter 8.04 Specified Nuisances are also better defined with regards to illicit discharges and are consistent with Greenwood Village code referenced in Program Area I.B. 3. Illicit Discharge Detection and Elimination.

Please note the Greenwood Village Code will be recodified and renumbered in the future to maintain consistency between Titles, Chapters and Sections. At the time of recodification, should any sections be renumbered or repealed, a program change shall be submitted on behalf of the MS4 permit.

The following sections of Chapter 8.02 Nuisances apply for abatement:

- 8.02.010 Policy.
- 8.02.020 Nuisance defined.
- 8.02.040 Right of entry.
- 8.02.050 Persons liable for nuisance.
- 8.02.060 Notice of abatement.
- 8.02.090 Abatement without notice.
- 8.02.100 Abatement by court order.
- 8.02.110 Abatement by city.
- 8.02.120 Protest
- 8.02.130 Unlawful acts.
- 8.02.140 Cumulative remedies
- 8.02.150 Separate offenses.

The following sections of Chapter 8.04 Specified Nuisances apply for specified nuisances:

- 8.04.010 Littering.
- 8.04.020 Littering of public streets, highways, alleys, buildings and grounds.
- 8.04.060 Illicit discharge.
- 8.04.070 Pollution.
- 8.04.080 Erosion and sediment.
- 8.04.200 Refuse.
- 8.04.220 Building, zoning and subdivision approvals.