Pueblo County Illicit Discharges and Stormwater Quality Ordinances

Background:

Pueblo County, requires all construction activities disturbing 1 acre or more of land or part of a common development that disturbs 1 acre or more to obtain coverage under a stormwater construction permit issued by Pueblo County. The Pueblo County Stormwater Construction Permit (SCP-PC) allows for the discharge of stormwater associated with construction activities, and allowable non-stormwater discharges. Stormwater discharges should be free of sediment, debris and pollutants before leaving a construction site and entering waterways and/or Pueblo County’s Municipal Separate Storm Sewer System (MS4) system. The MS4 system includes curb and gutters along the streets, inlets, ditches and other public drainage systems owned and operated by the county. Pueblo County has an MS4 Permit issued by the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) that requires the County implements and enforces a regulatory mechanism (such as an ordinance) to regulate non-stormwater discharges and pollutants entering storm drainage systems in unincorporated Pueblo County that are within the MS4 Permit boundary. A map of Pueblo County’s MS4 boundary can be found at, https://county.pueblo.org/sites/default/files/2020-01/stormwater_packet_2018_ms4_boundary.pdf.

Purpose and Intent of Proposed Ordinance:

The purpose of the proposed ordinance is:

- To prohibit illicit discharges and non-stormwater discharges that are not allowable into Pueblo County’s MS4;
- To regulate the contribution of pollutants from entering Pueblo County’s MS4;
- To require the use of control measures (or best management practices) at construction sites and in new developments or redevelopments to reduce pollutants which would otherwise degrade water quality;
- To minimize increases in stormwater runoff associated with development to reduce sediment deposits, flooding and streambank erosion;
- To promote public awareness of pollutants and the hazards involved with improper discharges; and
- To enable Pueblo County to stay in compliance with its MS4 permit

Stormwater Construction Permit

! The owner/operator must apply for coverage under the Stormwater Construction Permit with Pueblo County Public Works if they have not already applied during the development review process. Failure to obtain coverage under the permit may result in a stop work order. Information on how to obtain a permit may be found at https://county.pueblo.org/public-works/stormwater. The County website also provides guidance and submittal requirements.

Pueblo County may also enforce on a permitted construction site if they note non-compliance on the project site. There are several types of enforcement tools that the County may utilize.

Types of Enforcement

Notice of Deficiency

Pueblo County Public Works may notify a project that they have deficiencies on their site. A ‘Notice of Deficiency’ may be addressed in the following manners:

- Informal meeting
- Written MS4 Inspection Report

Deficiencies will be evaluated to determine severity, sit history on and potential for recalcitrance.

Notice of Violation

A Notice of Violation is issued when proper corrective actions are not applied to standing deficiencies. Such notice shall describe the nature of the violation and may require without limitation, that:

- Monitoring, analysis, and reporting be performed
- Illicit discharges and connections be eliminated
- Non-stormwater pollution or containment hazards be abated
• Source control measures be implemented

The Notice of Violation shall set forth a deadline for the necessary mitigation or cleanup to be completed. If the owner/operator fails to comply within the set time frame, the authorized enforcement agency can issue a Stop Work Order. This Notice of Violation or Stop Work Order will be hand-delivered or sent by certified mail. Each day or part of a day any violation occurs or continues is a separate offense.

**Suspension of Non-Stormwater and Illicit Discharges**

Pursuant to the procedures of the revised ordinance in Section 8.26.070.C (Discharge Prohibitions), the authorized enforcement agency may, without prior notice order the suspension of the discharge of non-stormwater.

**Administrative Fine**

The authorized enforcement agency may assess a fine if a person has violated or continues to violate:

• A National Pollutant Discharge Elimination System or Colorado Department of Public Health discharge permit
• Orders issued herein

! The authorized enforcement agency may fine such a person an amount not to exceed $10,000 per day for each day during which the violation occurs. Such fines shall be assessed on a per violation, per day basis.

! After 30 calendar days, any unpaid charge, fine or penalty may be subject to a lien against the user’s property for the unpaid charges, fines or penalties

**Administrative Appeal**

Any person who has received a Notice of Violation, Stop Work Order, or Administrative Fine may appeal the determination of the authorized agency to the Board of County Commissioners.

• A Notice of Appeal shall include an attached copy of the document that is being appealed and shall be set forth in writing.
• The Notice of Appeal must be received by the Board of Commissioners within fifteen (15) days from the date of the document being appealed
• A hearing will take place within forty-five (45) days from the date of receipt of the Notice of Appeal

! If a violation has not been corrected, OR, in the event of an appeal, within thirty (30) days of the decision of the Board of Commissioners, the authorized enforcement agency may pursue civil and/or criminal enforcement pursuant to Section 8.26.150.E or Section 8.26.150.F.

**Civil Enforcement Action**

The authorized enforcement agency may apply for an administrative entry and seizure warrant to enter the premises and take any and all actions necessary to abate the violations discussed in this chapter that affect the premises.

**Criminal Prosecution**

Any person who violates this chapter commits a Class 2 petty offense, and upon conviction thereof, shall be punished by a fine of up to ten thousand dollars ($10,000). Each day that the violation continues shall be deemed a separate offense. All fines and forfeitures collected by the court for violation shall be paid to the Pueblo County Treasurer within thirty (30) days of receipt

*A Stormwater Documentation Packet zip file containing all applicable permits and relative information can be found @ [https://county.pueblo.org/public-works/stormwater](https://county.pueblo.org/public-works/stormwater)*

If you have any questions or concerns, please contact:

Andrew Rippe, *Stormwater Inspector* at rippea@pueblocounty.us

Dominga Jimenez-Garcia, *General Services Engineer* at jimenezdo@pueblocounty.us