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POLICY STATEMENT AND CLARIFICATION

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**SUBJECT:** PERMANENT WATER QUALITY FACILITIES PLACED WITHIN WATERS OF THE STATE  
(ONLINE WATER QUALITY)

**DATE:** MARCH 13, 2018

**OVERVIEW:**

The 2014 City of Colorado Springs Drainage Criteria Manual (DCM) allows for the use of online water quality in certain situations if certain criteria are met. This document seeks to provide specific guidance on the City's requirements for the use of online water quality.

**DETAILS:**

The DCM provides the following guidance:

**Volume 2, Chapter 1, Section 5.0** states, "In accordance with MS4 permits and regulations, BMPs must be implemented prior to discharges to a State Water from areas of "New Development and Significant Redevelopment." Therefore, if a regional BMP is utilized downstream of a discharge from a development into a State Water, additional BMPs are required to protect the State Water between the development site and the regional facility. Additional requirements may also apply in the case of streams with TMDLs. As a result, MS4 permit holders must have a program in place that requires developers to provide adequate onsite measures so that the MS4 permit holder remains in compliance with their permit and meets the conditions of current regulations.

When a regional or sub-regional facility is selected to treat the WQCV for a development, the remaining three steps in the Four Step Process must still be implemented. For example, minimizing runoff on the developed property by disconnecting impervious area and infiltrating runoff onsite (Step 1) can potentially reduce regional WQCV requirements, conveyance system costs, and costs of the regional/sub-regional facility. Stream stabilization requirements (Step 3) must still be evaluated and implemented, particularly if identified in a master drainage plan. Finally, specific source controls (Step 4) such as materials coverage should be implemented onsite, even if a regional/sub-regional facility is provided downstream."

**Volume 2, Chapter 2, Section 1.8** states, "Be aware, when water quality BMPs are constructed in "Waters of the State," as identified in an approved DBPS or other master planning document, they must be accompanied by upstream treatment controls and source controls (adequate protection of "Waters of the State" must be achieved with the upstream stormwater BMPs)."

**Volume 2, Chapter 2, Section 1.8** states, "Online WQCV facilities are only permitted if the offsite watershed has less existing or planned impervious area than that of the onsite watershed and the facility(ies) is(are) part of an approved DBPS or other master planning study. **If approved, online WQCV facilities must be sized to serve the entire upstream watershed based on future development conditions, must be subject to the design criteria and requirements consistent with the standard for WQCV for on-site controls as amended from time to time, and must be operated and maintained by a public entity.** This recommendation is true even if upstream developments have installed their own onsite WQCV facilities. The only exception to this criterion is when multiple online regional or sub-regional

BMPs are constructed in series and a detailed hydrologic model is prepared to show appropriate sizing of each BMP. The maximum watershed recommended for a water quality facility is approximately one square mile.”

**Volume 2, Chapter 4, Section 2.0** states, “The intent of treatment water quality BMPs is that they be placed prior to the stormwater runoff being discharged to State Waters. However, as described in Chapter 1, downstream BMPs (such as regional ponds) may also be acceptable if certain conditions are met. All new and significant redevelopment with construction activities that disturb greater than 1 acre must assess the existing and planned water quality treatment for their specific drainage basin based on the following procedures:

- 1) Review the DBPS and/or master planning document in effect for the impacted drainage basin, and determine if regional or sub-regional WQCV is master planned to serve the area being developed.
- 2) If the master planned water quality features have been designed and constructed to treat the WQCV from the entire drainage area upstream, including the area being developed, then only Steps 1, 3, and 4 of the Four Step Process shall be implemented as long as the water quality feature serving the area to be developed is publicly owned and maintained and the applicant can demonstrate that no intakes for drinking water use exist and no other beneficial uses are expected to be impacted by pollutant discharges from the development project for the State Water upgradient from the regional or sub-regional WQCV facility.
- 3) If the master planned water quality features are not yet designed and constructed, then Steps 1-4 of the Four Step Process shall be implemented. Options for provision of BMPs to treat the WQCV for the development site include developer participation in the design and construction of the master planned regional or sub-regional BMP, design and construction of an on-site BMP, or other approved alternative that meets the requirements of Step 2. On-site BMPs require the applicant to ensure long-term operation and maintenance through the execution of a BMP Maintenance Agreement with the City.”

**POLICY/CLARIFICATION:**

Online water quality facilities are defined as water quality facilities that are located in a Waters of the State.

Offline water quality is the preferred treatment method.

Where online water quality is identified as part of an approved Drainage Basin Planning Study (DBPS) or Master Development Drainage Plan (MDDP), coordination with City staff must occur early in the design process. Online water quality facilities must meet the following criteria for approval:

- Online WQCV facilities may only be used if the offsite watershed has less existing or planned impervious area than that of the onsite watershed.
- Online WQCV facilities must be sized to serve the entire tributary area based on future development conditions. No credit will be given for offline BMPs that are located in the online WQCV facility tributary area.
- Where online WQCV facilities are proposed, additional BMPs must be placed prior to discharges to Waters of the State.

- Additional BMPs must be substantial in nature, and must affect a significant portion of the runoff. Measures taken to satisfy Step 1 of the Four Step Process may qualify as additional BMPs for this purpose.
  - Additional BMPs can be structural or non-structural. Guidance on allowable BMPs can be found in Urban Storm Drainage Criteria Manual Volume 3, BMP Fact Sheets.
- Online WQCV facilities must have a tributary area less than or equal to one square mile.
- Online WQCV facilities must be publicly owned and maintained.
- The applicant must demonstrate that no intakes for drinking water use exist and no other beneficial uses are expected to be impacted by pollutant discharges from the development project for the State Water upgradient from the regional or sub-regional WQCV facility.
- If the master planned water quality features are not yet designed and constructed, then Steps 1-4 of the Four Step Process shall be implemented. Options for provision of BMPs to treat the WQCV for the development site include developer participation in the design and construction of the master planned regional or sub-regional BMP, design and construction of an on-site BMP, or other approved alternative that meets the requirements of Step 2. On-site BMPs require the applicant to ensure long-term operation and maintenance through the execution of a BMP Maintenance Agreement with the City.