

Low Risk Guidance for Construction Activities (2019, Revised 2025)



ARAPAHOE COUNTY

INTRODUCTION AND BACKGROUND

The purpose of this guidance is to document Arapahoe County's (County's) approach to construction activities that do not have the potential to adversely impact drainage patterns or drainageways. This classification of activities has been designated as "low risk". Low risk discharges are associated with construction activities that have the lowest potential risk to water quality. The majority of low risk activities have a small footprint; are short in duration; not complex in matters of access, grading, excavation and fill; and do not include any significant amount of waste material generation. These projects lend themselves to self-regulation with a Fact Sheet explaining how to minimize or prevent the discharge of pollutants to the County's Municipal Storm Sewer System (MS4) and state waters.

For construction activities characterized as low risk, the County will take an outreach and compliance assistance approach rather than a permit and inspection approach. An outreach approach encourages the owner to participate in the responsibility for environmental stewardship. The County has determined that it has a significant physical presence in unincorporated Arapahoe County to provide sufficient oversight to verify this approach to water quality protection.

At any time, a low risk activity can be upgraded to require a Grading, Erosion, and Sediment Control (GESC) permit when conditions indicate the land disturbance activity must be managed with a formalized inspection effort to prevent sediment or pollutants from leaving the site and impacting the MS4. This formalized permitting process is further discussed in the County *GESC Manual*, available on the County's website. Non-stormwater discharges to the MS4 from low risk construction activities may be enforced upon using the County's Illicit Discharge, Detection and Elimination (IDDE) program.

LOW RISK DESIGNATION CRITERIA

The GESC program and its designation of low risk construction activities eliminates the process of obtaining a permit and the review and inspection necessary to document adherence to a GESC permit. The low risk designation offers minimal or no risk to drainage patterns, the drainageway, or sedimentation of the stormwater system. Since this is a no-permit approach and no contact is required with the County to obtain a permit, identification of project locations for visual observance of activities will be from various methods, including customer service calls, contractor general inquiries, Public Improvement Construction Permits, Street Cut Right-of-Way Permits, and general observations by County staff as they're in the field constructing projects and performing maintenance activities.

Criteria

In order to qualify under this Low Risk Guidance for Construction Activities, the following criteria must be met:

1. The construction activity results in a land disturbance of less than 1 acre, not part of a larger common plan of development or sale that would disturb 1 acre or more.
2. The construction activity does not result in a post-construction water quality requirement, as outlined in the County Stormwater Management Manual, available at the County's web site.
3. The discharge associated with the construction activity is composed only of stormwater.
4. The discharge associated with the construction activity must be visibly clear and not contain floating or solid materials.

5. The construction activity does not result in an impact to the floodplain and does not require a No-Impact Floodplain Development Permit.
6. The construction activity is not expected to contribute sediment to the stormwater system and has a very low potential of causing a water quality impact or a violation of a water quality standard.
7. The construction activity produces negligible soil loss or movement.
8. The construction activity complies with the lawful requirements of federal agencies, municipalities, counties, drainage districts, ditch owners, and other local agencies regarding any discharges to storm drain systems, conveyances, ditches or other water courses under their jurisdiction.
9. The construction activity does not result in flooding of neighboring property, streets, gutters or storm sewers.
10. The construction activity does not result in adverse impacts on adjacent properties.
11. Access for inspections can occur from the right-of-way.
12. The construction activity does not adversely impact drainage patterns.

The County has created Low Risk Fact Sheets available on the County’s website for use by the contractor or property owner for the following construction activities that meet the low risk designation criteria discussed above, as follows:

Residential Construction

These activities include, but are not limited to, landscaping, house additions, house remodeling, garage additions, and accessory building construction.

Utility and Right-of-Way Construction

Utility activities include, but are not limited to, utility boring, water main taps, manhole rehabilitation, potholing, pipe removal and replacement, pipe maintenance, drilling operations, testing and monitoring, streetscaping, and pipe relining. Boring projects greater than 1,000 linear feet may require other local permits. The installation and maintenance of utility lines outside of the Southeast Metro Stormwater Authority (SEMSWA) service area in excess of 1,000 linear feet open cut and trench requires a GESC Permit. Routine maintenance of utilities within the public right-of-way requires an Annual Utility Maintenance Permit from the County.

Minor Commercial Construction

These activities include, but are not limited to, generation pads, parking lot maintenance, demolition, building remodel, building addition, cell tower construction, and residential solar panel installation.

Park, Metro District, and Homeowners Association Construction

These activities include, but are not limited to, trail installation and maintenance, structure installation and maintenance, and post-construction control measure maintenance and repair.

GENERAL CONSIDERATIONS FOR LOW RISK CONSTRUCTION ACTIVITIES

Control measures should be implemented as necessary to meet the conditions above, by anyone discharging in accordance with this guidance. Refer to the individual Low Risk Fact Sheets for specific activities.

Definitions

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. “Contiguous” means construction activities located in close proximity to each other

(within ¼ mile). Construction activities are considered to be “related” if they share the same development plan, builder or contractor, equipment, storage areas, etc.

Construction Activity: Refers to ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of routine maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is exposed as part of the repaving operation are considered construction activities. Construction activity is from initial groundbreaking to final stabilization regardless of ownership of the construction activities.

Control Measure: Any best management practice or other method used to prevent or reduce the discharge of pollutants to state waters. Control measures include, but are not limited to best management practices. Control measures can include other methods such as the installation, operation, and maintenance of structure controls and treatment devices.

Good Engineering, Hydrologic and Pollution Control Practices: Methods, procedures, and practices that:

- Are based on basic scientific fact(s).
- Reflect best industry practices and standards.
- Are appropriate for the conditions and pollutant sources.
- Provide appropriate solutions to meet the associated permit requirements, including practice-based and numeric effluent limits.

Illicit Discharge: Any discharges to an MS4 that is not composed entirely of stormwater except discharges specifically authorized by a CDPS or NPDES permit and discharges resulting from emergency firefighting activities, or otherwise in conformance with the County’s MS4 permit.

Land Disturbing Activity: Any activity that results in a change in the existing land surface (both vegetative and non-vegetative). Land disturbing activities include, but are not limited to clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. In the Cherry Creek Basin, a land disturbance means a human-made change in the natural cover or topography of the land, including grading, cutting and filling, building, paving, excavating and any other activities that may result in or contribute to soil erosion or sedimentation in state waters or the discharge of pollutants, except individual home construction.

Municipal Separate Storm Sewer System (MS4): State, city, town or other public entity-owned conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels, or storm drains) designed to collect or convey stormwater.

Pollutant: Dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste. See 5 CCR 1002-61.2(76).

State Waters: Any and all surface waters and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. This definition can include water courses that are usually dry.

Stormwater: Stormwater runoff, snow melt runoff, and surface runoff and drainage. See 5 CCR 1002-61.2(103).

Water Quality Standards: Any standard promulgated pursuant to section 25-8-204 C.R.S. For purposes of this permit, water quality standards are a narrative and/or numeric restriction established by the Water Quality Commission applied to state surface waters to protect one or more beneficial uses of such waters. Whenever only numeric or only narrative standards are intended, the wording shall specifically designate which is intended. See 5 CCR 1002- 31.5(37).