CDPS GENERAL PERMIT

FOR CONSTRUCTION DEWATERING ACTIVITIES

AUTHORIZATION TO DISCHARGE UNDER THE

COLORADO DISCHARGE PERMIT SYSTEM

In compliance with the provisions of the Colorado Water Quality Control Act (25-8-101 et. seq. CRS, l973 as amended), and the Clean Water Act (33 U.S.C. 1251 et. seq. as amended; the "Act"), entities engaged in construction dewatering of groundwater and/or stormwater (excluding mine dewatering activities), are authorized to discharge from approved locations throughout the State of Colorado to waters of the State. Such discharges shall be in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

This permit specifically authorizes the identified entity to discharge from their wastewater treatment facilities, at the described location, to identified waters of the state, as stated in the certification which is on page one of this permit.

The authorization to discharge under this permit is in effect from the date of certification (page one of this permit) until the expiration date identified below.

This permit becomes effective on December 1, 2006**,** and shall expire at midnight, **November 30, 2011**

Reissued and signed this 5th day of **June, 2008**

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler, Permits Section Manager
WATER QUALITY CONTROL DIVISION

<u>Permit Action Summary</u>:

Amendment #1 – Issued June 5, 2008, Effective August 1, 2008
Originally Issued November 01, 2006, Effective December 1, 2006

ADMINISTRATIVELY CONTINUED Effective 12-1-2011

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PART I

A. COVERAGE UNDER THIS PERMIT

1. Eligibility

In order to be eligible for authorization to discharge under the terms and conditions of this permit, the owner and/or operator of any construction dewatering operation, the water being groundwater or groundwater mixed with stormwater, that discharges to waters of the State, which can meet the conditions identified at Part I.A.3., below, must submit a complete permit application form obtained from the Water Quality Control Division ("Division"). If application applies such application shall be submitted at least thirty (30) days prior to the anticipated date of first discharge to:

Colorado Department of Public Health and Environment
Water Quality Control Division, WQCD-P-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Attention: Industrial Permits Unit

The application form can be obtained from the Division or from the website at www.cdphe.state.co/wq/PermitsUnit/landD070000DewateringApplication.pdf or by calling 303-692-3500. A summary of the information required in the application is provided below in Part I.A.2.

The Division shall have up to thirty (30) days after receipt of the application to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information the Division shall have an additional 30 days to issue or deny authorization for any particular discharge.

If the Division determines that the operation does not fall under the authority of the general permit, then the information received will be treated as an individual permit application.

Authorization to discharge under this general permit shall commence immediately and shall expire on **November 30, 2011**. The Division must evaluate this general permit at least once every five (5) years and must also recertify the applicant's authority to discharge under the general permit at such time. Therefore, a permittee desiring continued coverage under this general permit must re-apply by **May 1, 2011.** The Division will determine if the applicant is eligible to continue to operate under the terms of the general permit. An application for an individual permit will be required for any point source discharge not reauthorized to discharge under the reissued general permit.

2. Application Requirements

The application referenced in Part I.A.1., above, will require the following information:

a. The name, address, and descriptive location of the operation along with an accompanying USGS map, or a map of similar quality, which shows the location of all pertinent activities and the site boundary;

b. The name of the principal in charge of operation, address, and phone number of the owner and of the field superintendent in responsible charge;

c. A detailed site map that identifies all discharge points, and a schematic diagram showing the general area and/or routing of the activity;

d. The name of water(s) receiving the discharge(s) and a listing of any downstream waters into which the receiving stream flows within five miles of the point of discharge;

e. Description of the type of activity resulting in the discharge including the anticipated duration of activity and/or the discharge, anticipated volume, and rate of discharge, and the source of water which is to be discharged;

f. Description of any wastewater treatment system and recycle/reuse utilized;

g. A description of the methods and equipment to be used to measure flows and to analyze for pollutants of concern in the discharge; and,

h. Storage of petroleum or chemicals on site.

i. Discharge cannot be shown to be capable of causing new or increased loadings of parameters cited in Colorado's 303(d) list (http://www.cdphe.state.co.us/regulations/wqccregs/100293wqlimitedsegtmdls.pdf) for impairment for next receiving downstream State waters;

3. Certification Requirements

The applicant must certify that the following conditions exist at the operation or the operation will not be allowed to discharge under the authority of the general permit:

a. This permit does not constitute authorization under 33 U.S.C. 1344 (Section 404 of the Clean Water Act) of any stream dredging or filling operations;

b. The operation does not accept for treatment and discharge, by truck, rail, or dedicated pipeline, any hazardous waste as defined at Part 261, 6 CCR 1007-3, under the Hazardous Waste Commission Regulations;

c. The certification does not allow for a mixing zone and all limits are end of pipe.

B. TERMS AND CONDITIONS

1. Effluent Parameters

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4,) and the Colorado Discharge Permit System Regulations, Section 61.8(2), the following limitations will be applicable to all discharges.

Parameter	Discharge Limitations Maximum Concentrations		
	30-Day Avg	7-Day Average	Daily Max.
Flow, MGD	Report	NA	Report
Total Suspended Solids, mg/l	30	45	NA
Oil and Grease, mg/l	NA	NA	10*
pH, s.u. (Minimum-Maximum)	NA	NA	6.5-9.0
Total Dissolved Solids, mg/l**	NA	NA	Report
Total Phosphorus, mg/l, as P***	NA	NA	Report
Site Specific			
Metals, ug/l****	Varies	Varies	Varies

*There shall be no visible sheen.
**Applicable only to waters of the Colorado River Basin.
*** Applicable only to waters with a control regulation for P.
****Applicable on a site by site basis.

2. Site-specific Limitations

Site-specific limitations for a parameter may be added on a case-by-case basis that are equivalent to the Basic Standards and Methodologies for Surface Water, or Regulation for Effluent Limitations, or any other applicable regulation, and would be specified in the certification along with the appropriate monitoring frequencies.

3. Onetime Sampling Analysis for Metals

The Division may request a onetime sampling and analysis for specific or all inclusive metals parameters on a site specific/ discharge specific basis. The permittee will be required to submit these results to the permit writer identified on the certification. The Division will then review the data to determine if any certification amendments are necessary based on the effluent monitoring results.

4. Onetime Sampling Analysis for Organics

The Division may request a onetime sampling and analysis for specific or all inclusive organics parameters on a site specific/ discharge specific basis. The permittee will be required to submit these results to the permit writer identified on the certification. The Division will then review the data to determine if any certification amendments are necessary based on the effluent monitoring results.

5. Other Site-specific Permit Conditions

Specific permit conditions may be added due to Division compliance order on consent, cease and desist order, or an EPA administrative order, or similar decree promulgated by the Division or EPA.

C. MONITORING REQUIREMENTS

1. Effluent Parameters

In order to obtain an indication of compliance or non-compliance with the effluent limitations specified in Part I, Section B.1, the permittee shall normally monitor the effluent parameters at the following required frequencies, however changes to these frequencies may be made on a site specific and/or discharge specific basis, as identified in the certification on page one of this permit, the results to be reported on the Discharge Monitoring Report ("DMR") (See Part I, Section F.2.):

Effluent Parameter	Measurement Frequency	Sample Type
Flow, MGD	Weekly	Instantaneous or Continuous
Total Suspended Solids, mg/l	Weekly	Grab
Oil and Grease, mg/l	Weekly	Visual*
pH, s.u. (Minimum-Maximum)	Weekly	In-situ
Total Dissolved Solids, mg/l **	Monthly	Grab
Total Phosphorus, mg/l, as P ***	Monthly	Grab
Site Specific		
Metals, ug/l****	Varies	Varies

*There shall be no visible sheen.
**Applicable only to waters of the Colorado River Basin.
*** Applicable only to waters with a control regulation for P.
****Applicable on a site by site basis.

D. DEFINITIONS OF TERMS

1. "Continuous" measurement is a measurement obtained from an automatic recording device, which continually provides measurements.

2. "Daily Maximum limitation" means the limitation for this parameter shall be applied as an instantaneous maximum (or, for pH or DO, instantaneous minimum) value. The instantaneous value is defined as the analytical result of any individual sample. DMRs shall include the maximum (and/or minimum) of all instantaneous values within the calendar month. Any instantaneous value beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit.

3. "Grab" sample, is a single "dip and take" sample so as to be representative of the parameter being monitored.

4. "In-situ" measurement is defined as a single reading, observation or measurement taken in the field at the point of discharge.

5. "Instantaneous" measurement is a single reading, observation, or measurement performed on site using existing monitoring facilities.

6. "Material handling activities" include: storage, loading and unloading of any raw material, intermediate product, finished product, by-product, or waste product where such products could come in contact with precipitation.

7. "Seven (7) day average" means the arithmetic mean of all samples collected in a seven (7) consecutive day period. Such seven (7) day averages shall be calculated for all calendar weeks, which are defined as beginning on Sunday and ending on Saturday. If the calendar week overlaps two months (i.e. the Sunday is in one month and the Saturday in the following month), the seven (7) day average calculated for that calendar week shall be associated with the month that contains the Saturday. Samples may not be used for more than one (1) reporting period.

8. "Significant materials" include but are not limited to: raw materials; fuels; materials such as metallic products; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of SARA III; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharge.

9. "Stormwater discharge associated with industrial activity" means any point source which is used for collecting and conveying stormwater, and which is located at an industrial site or directly related to manufacturing, processing or raw materials storage areas at an industrial site. The term includes, but is not limited to, stormwater discharges from drainage areas in which are located: industrial site yards; immediate access roads and rail lines; drainage ponds; material handling sites; refuse sites; sites used for the application or disposal of process waters; sites used for storage and maintenance of material handling equipment; sites that are or have been used for residual treatment, storage or disposal; dust or particulate generating processes; shipping and receiving areas; manufacturing buildings; and storage areas (including tank farms) for raw materials, and intermediate and finished products.

10. "Thirty (30) day average" means the arithmetic mean of all samples collected during a thirty (30) consecutive-day period. The permittee shall report the appropriate mean of all self-monitoring sample data collected during the calendar month on the Discharge Monitoring Reports. Samples shall not be used for more than one (1) reporting period.

11. "Visual" observation is observing the discharge to check for the presence of a visible sheen or floating oil.

12. "Water Quality Control Division" or "Division" means the state Water Quality Control Division as established in 25-8-101 et al.)

Additional relevant definitions are found in the Colorado Water Quality Control Act, CRS §§ 25-8-101 et seq.., the Regulations for the State Discharge Permit System, 5 CCR 1002-2, § 6.1.0 et seq and other applicable regulations.

E. ADDITIONAL MONITORING REQUIREMENTS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by the Division.

2. Discharge Sampling Point

Discharge points shall be so designed or modified so that a sample of the effluent can be obtained at a point after the final treatment process and prior to discharge to state waters. The permittee shall provide access to the Division to sample the discharge at these points.

3. Analytical and Sampling Methods for Monitoring

The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant-monitoring methods. Analytical and sampling methods utilized by the discharger shall be approved methods as defined by Colorado Regulations for Effluent Limitations (5 CCR 1002-3, 62.5), Federal regulations (40 CFR 136) and any other applicable State or Federal regulations.

When requested in writing, the Water Quality Control Division may approve an alternative analytical procedure or any significant modification to an approved procedure.

4. Records

a) The permittee shall establish and maintain records. Those records shall include, but not be limited to, the following:

(i) The date, type, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) the analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

b) The permittee shall retain for a minimum of three (3) years records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, copies of all reports required by this permit and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division.

5. Additional Monitoring by Permittee

If the permittee, using the approved analytical methods, monitors any parameter more frequently than required by this permit, then the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form or other forms as required by the Division. Such increased frequency shall also be indicated.

6. Flow Measuring Devices

Flow measuring and metering shall be provided to give representative values of throughput and treatment of the wastewater system. Unless specifically waived in the certification, the metering device shall be equipped with a local flow indication instrument and a flow indication-recording-totalization device suitable for providing permanent flow records, which should be in the plant control building.

At the request of the Director of the State Water Quality Control Division, the permittee must be able to show proof of the accuracy of any flow-measuring device used in obtaining data submitted in the monitoring report. The flow-measuring device must indicate values within ten (10) percent of the actual flow discharging from the point source.

7. Contamination:

If groundwater contamination is encountered, then the permittee is to contact the Division and, if appropriate, the owner of the collection system receiving the discharge. Since the discharge of contaminated groundwater is not covered under this permit, the permittee shall immediately apply for a groundwater remediation certification, http://www.cdphe.state.co.us/wq/PermitsUnit/IandD/31000gasolinecleanup application.pdf) which will include appropriate requirements for additional discharge monitoring and on-site environmental response capabilities?

F. REPORTING

1. Signatory Requirements

All reports, applications, or information required for submittal shall be signed and certified for accuracy by the permittee in accord with the following criteria:

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 operation from which the discharge described in the form 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 operation, by either a principal executive officer, ranking elected official, or other duly authorized employee.

2. Monthly Reports

Monitoring results shall be for each calendar month and reported on the DMR forms (EPA forms 3320-1). DMR forms shall normally be submitted on a monthly basis; however the Division may determine a different frequency. The forms shall be mailed to the Division at the address listed below so that they are received by the Division no later than the 28th day of the following month. If no discharge occurs during the reporting period, "No Discharge" shall be reported.

The DMR forms shall be filled out accurately and completely in accordance with the requirements of this permit and the instructions on the forms, and shall be signed by an authorized person as identified in the preceding section, Part I.F.1.

The DMR forms consist of four pages - the top "original" copy, and three attached no-carbon-required copies. After the DMR form has been filled out and signed, the four copies must be separated and distributed as follows.

The top, original copy of each form shall be submitted to the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division, WQCD-PE-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530

The additional copies are for the permittee's records.

3. Special Notifications

a) Definitions

(i) Bypass: The intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe Property Damage: 1) Substantial physical damage to property at the treatment facilities to cause them to become inoperable, or 2) substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

(iii) Spill: An incident in which flows or solid materials are accidentally or unintentionally allowed to flow or escape so as to be lost from the domestic wastewater treatment works as defined in the Colorado Water Quality Control Act, which may cause pollution of state waters.

(iv) Upset: An exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b) Noncompliance Notification

(i) If, for any reason, the permittee does not comply with or will be unable to comply with any maximum discharge limitations, standards or conditions specified in this permit, the permittee shall, at a minimum, provide the Division and EPA with the following information:

(1) A description of the discharge and cause of non- compliance.

(2) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and

(3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

(ii) The following instances of noncompliance shall be reported orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances, and a written report mailed within five (5) days of the time the permittee becomes aware of the circumstances. Oral notifications should be made by calling the Environmental Release and Incident Reporting Line at 877-518-5608. Written reports should be sent to Colorado Department of Public Health and Environment, Water Quality Control Division, WQCD-District Engineer, 4300 Cherry Creek Drive South, Denver, CO 80246-1530,

(1) Any instance of noncompliance, which may endanger human health or the environment, regardless of the cause for the incident.

(2) Any unanticipated bypass, or any upset or spill, which causes any permit limitation to be violated.

(3) Any suspected significant discharges of toxic pollutants or hazardous substances, which are listed in Part III. of this permit, regardless of the cause for the incident.

(iii) The permittee shall report all other instances of noncompliance, which are not required to be reported within twenty-four (24) hours, at the time DMRs are submitted, except as required in (iv) below. The reports shall contain the information listed in "Noncompliance Notification" (paragraph (i) above).

(iv) If the permittee knows in advance of the need for a bypass, it shall submit written notification to the Division of the need for such bypass at least ten days before the date of the contemplated bypass.

c) Submission of Incorrect or Incomplete Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or report to the Division, it shall promptly submit such facts or information.

d) Change in Discharge or Wastewater Treatment Facility

The permittee shall inform the Division (Technical Services Unit) in writing of any intent to construct, install, or alter any process, facility, or activity that is likely to result in a new or altered discharge either in terms of location or effluent quality prior to the occurrence of the new or altered discharge, and shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving stream.

If the Division finds that such new or altered discharge might be inconsistent with the conditions of the permit, the Division shall require a new or revised permit application and shall follow the procedures specified in Colorado State Discharge Permit System Regulations, 5CCR 1002.2, Sections 61.5 through 61.9(2), and 61.15 prior to the effective date of the new or altered discharge.

e) Deactivation

The permittee shall notify the Division (Permits Section) within thirty (30) days before deactivation of the permitted operation. Deactivation includes ceasing operation of the facility, ceasing all discharges to State Waters for the remaining term of the existing permit and/or the connection to another wastewater treatment facility.

PART II

A. MANAGEMENT REQUIREMENTS AND RESPONSIBILITIES

1. Bypass

a) The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. Division notification is not required.

b) A bypass, which causes effluent limitations to be exceeded, is prohibited, and the Division may take enforcement action against a permittee for such a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The permittee submitted notices as required in "Non-Compliance Notification," Part I.F. 3(b) (iv)

2. Upsets

a) Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based (process-related) permit effluent limitations if the requirements of paragraph (b) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b) Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(ii) The permitted operation was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in Part I, Section C of this permit (24-hour notice).

(iv) The permittee complied with any remedial measures required under 40 CFR 122.7(d).

c) Burden of proof

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

3. Reduction, Loss, or Failure of Treatment

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the effluent limitations of the permit. Upon reduction, loss, or failure of the treatment, the permittee shall, to the extent necessary to maintain compliance with this permit, control sources of wastewater, or all discharges, or both until the treatment is restored or an alternative method of treatment is provided. This provision also applies to power failures, unless an alternative power source sufficient to operate the wastewater control facilities is provided.

In an enforcement action a permittee shall not use a defense that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State.

5. Minimization of Adverse Impacts

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any effluent limitations specified in this permit. As necessary, accelerated or additional monitoring of the influent or effluent will be required to determine the nature and impact of noncompliance.

6. Discharge Point

Any discharge to the waters of the State from a point source other than specifically authorized herein is prohibited.

7. Inspections and Right to Entry

The permittee shall allow the Division‘s Director, the EPA Regional Administrator, and/or their authorized representatives, upon the presentation of credentials:

a) To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;

b) At reasonable times to have access to inspect and copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in the permit; and

c) To enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect and/or investigate any actual, suspected, or potential source of water pollution, or to ascertain compliance or noncompliance with any applicable state or federal statute or regulation or any order promulgated by the Division. The investigation may include, but is not limited to the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing of any persons having any knowledge related to the discharge permit or alleged violation, access to any and all facilities or areas within the permittee's premises that may have any affect on the discharge, permit, or alleged violation.

d) The Division shall split samples taken by the Division during any investigation with the permittee if requested to do so by the permittee.

8. Duty to Provide Information

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.

9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Act and the Colorado Discharge Permit System Regulations 5 CCR 1002-2, Section 61.5(4), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division and the EPA’s Regional Administrator.

As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act, and Section 25-8-610 C.R.S.

10. Transfer of Ownership or Control

A permit may be transferred to a new permittee only upon the completion of the following:

a) The current permittee notifies the Division in writing 30 days in advance of the proposed transfer date;

b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and

c) Fee requirements of the Colorado Discharge Permit System Regulations (Section 61.15) have been met.

B. ADDITIONAL CONDITIONS

1. Permit Violations

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

2. Civil and Criminal Liability

Except as provided in Part I, Section C and Part II, Section A, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance (See 40 CFR 122.60)

3. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

4. Division Emergency Power

Nothing in this permit shall be construed to prevent or limit application of any emergency power of the Division.

5. Severability

The provisions of this permit are severable. If any provisions of this permit, or the application of any provision of this permit in any circumstance, are held invalid, the application of such provision to other circumstances and the application of the remainder of this permit shall not be affected.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 (Oil and Hazardous Substance Liability) of the Act, except as recognized by federal law.

7. Property Rights

The issuance of this permit does not convey any property or water rights in either real or personal property or stream flow or any exclusive privileges, nor does it authorize any injury to private property, any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.-

8. Modification, Suspension, or Revocation of Permit

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

All permit modification, termination or revocation and reissuance actions shall be subject to the requirements of the Colorado Discharge Permit System Regulations, Sections 61.5(2), 61.5(3), 61.8, and 61.15 except for minor modifications.

Minor modifications may only correct typographical errors, require a change in the frequency of monitoring or reporting by the permittee, change an interim date in a schedule of compliance or allow for a change in ownership or operational control of an activity including addition, deactivation or relocation of discharge points where the Division determines that no other change in the permit is necessary.

a) This permit may be modified, suspended, or revoked in whole or in part during its term for reasons determined by the Division including, but not limited to, the following:

(i) Violation of any terms or conditions of the permit;

(ii) Obtaining a permit by misrepresentation or failing to disclose any fact which is material to the granting or denial of a permit or to the establishment of terms or conditions of the permit; or

(iii) Materially false or inaccurate statements or information in the permit application of the permit; or

(iv) Toxic effluent standards or prohibitions (including any schedule of compliance specified in such effluent standard or prohibition) which are established under Section 307(a) of the Federal Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.

b) This permit may be modified in whole or in part due to a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge, such as:

(i) The water quality standards applicable to such waters; or

(ii) Effluent limitations or other applicable requirements pursuant to the state act or federal requirements; or

c) This permit may be modified in whole or in part to include any condition set forth in the approval of the site location for the facility per Regulations for the Site Application Process, 5 CCR 1002-22, and Sections 22.1 through 22.14.

d) At the request of a permittee, the Division may modify or terminate this permit and issue a new permit if the following conditions are met:

(i) EPA's Regional Administrator has been notified of the proposed modification of termination and does not object in writing within thirty (30) days of receipt of notification;

(ii) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modifications or termination;

(iii) Fee requirements of Section 61.15 of Colorado Discharge Permit System Regulations have been met; and

(iv) Requirements of public notice have been met.

e) This permit may be modified to reflect any new requirements for handling and disposal of biosolids as required by State or Federal regulations.

f) This permit shall be modified or alternatively, revoked and reissued, to incorporate an approved Domestic Wastewater Treatment Works Pretreatment Program into the terms and conditions of this permit.

g) If, during the term of this permit, industrial contributions to the DWTW are interfering, inhibiting or incompatible with the operation of the treatment works, then the permit may be modified to require the permittee to specify, by ordinance, contract, or other enforce- able means, the type of pollutant(s) and the maximum amount which may be discharged to the permittee's facility for treatment.

9. Permit Renewal Application

If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least one hundred eighty (180) days before this permit expires. If the permittee anticipates there will be no discharge after the expiration date of this permit, the Division must be promptly notified so that it can terminate the permit in accordance with Part II Section B.8.

10. Confidentiality

Any information relating to any secret process, method of manufacture or production, or sales or marketing data, which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this Subsection (10) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

11. Fees

The permittee is required to submit an annual fee as set forth in the l983 amendments to the Water Quality Control Act, Section 25-8-502 (l) (b), and Colorado Discharge Permit System Regulations 5CCR l002-2, Section 6l.15 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. l973 as amended.

PART III

PRIORITY POLLUTANTS AND HAZARDOUS SUBSTANCES
ORGANIC TOXIC POLLUTANTS IN EACH OF FOUR FRACTIONS
IN ANALYSIS BY GAS CHROMATOGRAPHY/MASS SPECTROSCOPY (GC/MS)
(SEE TABLE II, OF 40 CFR 122 APPENDIX D)

Volatiles
acrolein
acrylonitrile
benzene
bromoform
carbon tetrachloride
chlorobenzene
chlorodibromomethane
chloroethane
2-chloroethylvinyl ether
chloroform
dichlorobromomethane
1,1-dichlorethane
1,2-dichlorethane
1,1-dichlorethylene
1,2-dichlorpropane
1,3-dichlorpropylene
ethylbenzene
methyl bromide
methyl chloride
methylene chloride
1,1,2,2-tetrachloroethane
tetrachloroethylene
toluene
1,2-trans-dichloroethylene
1,1,1-trichloroethane
1,1,2-trichloroethane
trichloroethylene
vinyl chloride

Base/Neutral
acenaphthene
acenaphthylene
anthracene
benzidine
benzo(a)anthracene
benzo(a)pyrene
3,4-benzofluoranthene
benzo(ghi)perylene
benzo(k)fluoranthene
bis(2-chloroethoxy)methane
bis(2-chloroethyl)ether
bis(2-chloroisopropyl)ether
bis(2-ethylhexyl)phthalate
4-bromophenyl phenyl ether
butylbenzyl phthalate
2-chloronaphthalene
4-chlorophenyl phenyl ether
chrysene
dibenzo(a,h)anthracene
1,2-dichlorobenzene
1,3-dichlorobenzene
1,4-dichlorobenzene
3,3-dichlorobenzidine
diethyl phthalate
dimethyl phthalate
di-n-butyl phthalate
2,4-dinitrotoluene
2,6-dinitrotoluene
di-n-octyl phthalate
1,2-diphenylhydrazine (as azobenzene)
fluorene
fluoranthene
hexachlorobenzene
hexachlorobutadiene
hexachlorcyclopentadiene
hexachloroethane
indeno(1,2,3-cd)pyrene
isophorone
naphthalene
nitrobenzene
N-nitrosodimethylamine
N-nitrosodi-n-propylamine
N-nitrosodiphenylamine
phenanthrene
pyrene
1,2,4-trichlorobenzene

Acid Compounds
2-chlorophenol
2,4-dichlorophenol
2,4,-dimethylphenol
4,6-dinitro-o-cresol
2,4-dinitrophenol
2-nitrophenol
4-nitrophenol
p-chloro-m-cresol
pentachlorophenol
phenol
2,4,6-trichlorophenol

Pesticides
aldrin
alpha-BHC
beta-BHC
gamma-BHC
delta-BHC
chlordane
4,4'-DDT
4,4'-DDE
4,4'-DDD
dieldrin
alpha-endosulfan
beta-endosulfan
endosulfan sulfate
endrin
endrin aldehyde
heptachlor
heptachlor epoxide
PCB-1242
PCB-1254
PCB-1221
PCB-1232
PCB-1248
PCB-1260
PCB-1016
toxaphene

OTHER TOXIC POLLUTANTS
(METALS AND CYANIDE) AND TOTAL PHENOLS
(SEE TABLE III, OF 40 CFR 122 APPENDIX D)

Antimony, Total
Arsenic, Total
Beryllium, Total
Cadmium, Total
Chromium, Total
Copper, Total
Lead, Total
Mercury, Total
Nickel, Total
Selenium, Total
Total Recoverable Thallium, mg/l
Silver, Total
Thallium, Total
Zinc, Total
Cyanide, Total
Phenols, Total

TOXIC POLLUTANTS AND HAZARDOUS SUBSTANCES REQUIRED TO BE IDENTIFIED BY EXISTING DISCHARGERS IF EXPECTED TO BE PRESENT (SEE TABLE II, OF 40 CFR 122 APPENDIX D)

Toxic Pollutants
Asbestos
Hazardous Substances
Acetaldehyde
Allyl alcohol
Allyl chloride
Amyl acetate
Aniline
Benzonitrile
Benzyl chloride
Butyl acetate
Butylamine
Captan
Carbaryl
Carbofuran
Carbon disulfide
Chlorpyrifos
Coumaphos
Cresol
Crotonaldehyde
Cyclohexane
2,4-D(2,4-Dichlorophenoxy acetic acid)
Diazinon
Dicamba
Dichlobenil
Dichlone
2,2-Dichloropropionic acid
Dichlorvos
Diethyl amine
Dimethyl amine
Dinitrobenzene
Diquat
Disulfoton
Diuron
Epichlorohydrin
Ethanolamine
Ethion
Ethylene diamine
Ethylene dibromide
Formaldehyde
Furfural
Guthion
Isoprene
Isopropanolamine
Keithane
Kepone
Malathion
Mercaptodimethur
Methoxychlor
Methyl mercaptan
Methyl methacrylate
Methyl parathion
Mexacarbate
Monoethyl amine
Monomethyl amine
Naled
Napthenic acid
Nitrotoluene
Parathion
Phenolsulfanate
Phosgene
Propargite
Propylene oxide
Pyrethrins
Quinoline
Resorcinol
Strontium
Strychnine
Styrene
TDE (Tetrachlorodiphenylethane)
2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)
2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanoic acid]
Trichlorofan
Triethylamine
Trimethylamine
Uranium
Vandium
Vinyl Acetate
Xylene
Xylenol
Zirconium

RATIONALE for AMENDMENT 1

CDPS GENERAL PERMIT FOR CONSTRUCTION DEWATERING ACTIVITIES

CDPS NO. COG-070000, STATEWIDE COVERAGE

Update (April 2008)

This is the first amendment of the general permit for wastewater associated with construction dewatering which discharge to waters of the State.

The most significant changes in this renewal are summarized below.

A. The ability of the Division to request a onetime sampling analysis for metals, as well as organics, has been added. The permit writer may request the additional monitoring if information about the facility indicates the potential for groundwater contamination. The Division will review the results of the requested sampling to determine if additional parameters need to be added for permit limitations and monitoring in the certification. Should contamination be detected based on the sampling results, the permittee will be required to instigate remedial activities to become compliant with all relevant stream standards for all parameters <u>and may be required to apply for a Groundwater Remediation Permit, COG-315000</u>. Discharge of contaminated groundwater is not covered under this permit.

B. The monitoring frequency of total suspended solids has been changed from monthly to weekly and the monitoring frequency of total dissolved solids from weekly to monthly.

C. The ability of the Division to change the monitoring frequencies of the specified effluent limitations has been added. The monitoring frequency may be changed based on site specific and/or discharge specific basis.

Maura McGovern
April 9, 2008

PUBLIC NOTICE COMMENTS

No Comments were received during the Public Notice Period.

Maura McGovern
June 5, 2008

<u>Amended: June 5, 2008 Effective: August 1, 2008 Expiration: November 30, 2011</u>