CDPS GENERAL PERMIT

REMEDIATION ACTIVITIES DISCHARGING TO SURFACE WATER

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, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), Remediation Activities are authorized to discharge treated water from authorized locations throughout the State of Colorado to specified surface waters of the State. Such discharges shall be in accordance with the conditions of this general permit.

This permit specifically authorizes the entity(s) listed on page 1 of this document (also known as the permit certification) to discharge process generated wastewaters, as of the effective dates stated on page 1 of the certification, in accordance with the permit requirements and conditions set forth in Parts I and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

The applicant may demand an adjudicatory hearing within thirty (30) days of the date of issuance of the final permit determination, per the Colorado Discharge Permit System Regulations, 61.7(1). Should the applicant choose to contest any of the effluent limitations, monitoring requirements or other conditions contained herein, the applicant must comply with Section 24-4-104 CRS and the Colorado Discharge Permit System Regulations. Failure to contest any such effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the Applicant.

This permit and the authorization to discharge shall expire at midnight September 30, 2016

Modified and Signed this day 1st day of September, 2011

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler, Permits Section Manager
WATER QUALITY CONTROL DIVISION

<u>Permit Action Summary:</u>
Minor Modification #1—Issued September 1, 2011, Effective October 1, 2011
Originally Issued and Signed: August 3, 2011, Effective October 1, 2011

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PART I

A. COVERAGE UNDER THIS PERMIT

1. Activities Covered

This permit authorizes the discharge from Remediation Activities from authorized locations throughout the State of Colorado to surface waters of the state. Remediation Activities means treatment and/or remedial activities of groundwater, alluvial water, stormwater, and/or surface water (the source water). RAs occur at facilities including, but are not limited to: Industrial Sites, Leaking Underground Storage Tanks (LUSTs), Gasoline Stations, Dry Cleaners and Construction Dewatering sites where contaminated groundwater, alluvial water, stormwater, and/or surface water is encountered.

2. Limitations on Coverage

Discharges from Remediation Activities may be covered under this permit provided that the applicant can provide representative data of the contaminated source water at the time of application. If the applicant is not able to provide the representative data, determinations will be made on a case-by-case basis as to whether coverage can be authorized under this general permit. These case-by-case determinations are based on resources and relevant information available to accurately evaluate and identify the potential contaminants in the source water. If it is determined that resources and relevant information are not available, an individual permit may be required.

There are some discharges from Remediation Activities that cannot be covered under this general permit and must apply for coverage under another general permit or under an individual permit. These exclusions include discharges to receiving waters designated as "outstanding waters" discharges that are land applied or otherwise released to groundwater and discharges that include domestic related wastewater.

3. Application Requirements

In order to apply for certification under this general permit, the applicant shall submit an application form as provided by the Division by mail or hand delivery at least 45 days before the anticipated date of discharge. The application in its entirety shall be submitted to:

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

Following review of the application, the Division may request additional information or deny the authorization to discharge under this general permit. If the Division determines that a new facility does not fall under the authority of the general permit, then the information received will be processed for an individual permit, and the applicant shall be notified of such a determination. If during the renewal process, the Division determines that a facility no longer qualifies for the general permit, then the certification may be revoked or the facility may be allowed to discharge under the general permit, with additional conditions in the amended certification, until an individual permit is issued.

A permittee desiring continued coverage under the general permit must reapply **at least 180 days in advance of this permit expiration**. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. If a permittee was authorized to discharge under

this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

a. Authorization for coverage under a reissued permit or a replacement of this permit following the timely and appropriate submittal of a complete application requesting authorization to discharge under the new permit and compliance with the requirements of the application;

b. The issuance and effect of a termination issued by the Division;

c. The issuance or denial of an individual permit for the facility's discharges;

d. A formal permit decision by the Division not to reissue this general permit, at which time the Division will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or

e. The Division has informed the permittee that they are no longer covered under this permit.

4. Terminating Coverage

To terminate permit coverage, the legal permit applicant or duly authorized agent must submit a complete and accurate Notice of Termination Form, to the address listed in Part I.A.3. The authorization to discharge under this permit terminates at midnight of the day that the termination is effective as notified by the Division. The permittee is responsible for meeting the terms of this permit until the authorization is terminated. The Notice of Termination must be signed in accordance with Part I.E.7 of this permit.

5. Modifying Existing Permit Coverage

To modify an existing permit certification, the legal permit contact or duly authorized agent must submit a complete and accurate Modification Form, to the address listed in Part I.A.3. This form must be submitted to the Division at least 45 days prior to implementing any requested modifications that result in a discharge to state waters. The permittee is not authorized to discharge under the modified conditions until the modified certification is issued and effective. Modifications include but are not limited to: adding or removing discharge outfalls, adding new or additional chemicals to the treatment process or effluent, modifying treatment in a manner that would result in a new or altered discharge in terms of location or effluent quality, etc. The modification form must be signed in accordance with Part I.E.7 of this permit.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Permitted Outfall(s)

Beginning no earlier than the effective date listed on the permit certification and lasting through the expiration date of this permit, the permittee identified on the permit certification is authorized to discharge from the Outfall(s) listed on the permit certification, provided that all conditions of this permit are met.

2. Numeric Effluent Limitations, Monitoring Frequencies, and Sample Types

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), 5.C.C.R. 1002-61, the permitted discharge shall not contain effluent parameter concentrations which exceed the limitations specified in Table B.1 or B.2 and the permit certification.

The permittee must monitor the effluent for all listed parameters at the frequency and sample types specified in Table B.1 or B.2 below. Additional site specific parameters along with the discharge limitations and monitoring conditions may be included in the permit certification. Such monitoring will begin immediately and last for the life of the permit unless otherwise noted. The results of such monitoring must be reported on the Discharge Monitoring Report (DMR) form (See Part I.E). Facilities with continuous discharges may request a reduction in the monitoring frequency through the modification process. The Division will evaluate if a reduction in monitoring frequency can be made in accordance with the Division's Baseline Monitoring Frequency, Sample Type, and Reduced Monitoring Frequency Policy.

Long-term discharges to State waters designated as 'Reviewable' are subject to an antidegradation (AD) review. Consideration of dilution, ambient water quality, or an AD alternatives analysis is not applicable under this general permit as all limits are end of pipe. As such, long-term discharges to designated reviewable segments will get 15% of the water quality standard and the AD limits will be noted in the permit certification. For additional information on the AD review see Part I.VI.A.2.a of the Permit Fact Sheet.

Table B.1, **Numeric Effluent Limitations and Monitoring Requirements for Continuous Discharges or Flow-Through Treatment**

Parameter	ICIS Code	Discharge Limitations			Monitoring Conditions	
		30-Day Average	7-Day Average	Daily Maximum	Monitoring Frequency	Sample Type
Flow, mgd[1]	50050	Limit	----	Limit	Continuous	Recorder
Total Suspended Solids, mg/l	00530	30	45	-----	Weekly	Grab
Oil and Grease[2]	84066	----	-----	-----	Weekly	Visual
Oil and Grease[2], mg/l	03582	----	---	10	Weekly	Grab
pH, s.u.	00400	----	-----	6.5-9.0	Weekly	In-situ
Total Dissolved Solids[3], mg/l	70295	Report	------	Report	Monthly	Grab
Total Phosphorus[4], mg/l, as P	00665	Limit in Certification	----	----	Monthly	Grab
Total Phosphorus[4], mg/l, as P	00665	Report	------	Report	Monthly	Grab
WET[5], acute — LC50 Statre 96Hr Acute *Pimpephales*	TAN6C	-----	-----	LC50 ≥ 100% (daily min)	Quarterly	Grab
WET[5], acute — LC50 Statre 48Hr Acute *Ceriodaphnia*	TAM3B	-----	-------	LC50 ≥ 100% (daily min)	Quarterly	Grab
WET[5], chronic — Static Renewal 7 Day Chronic *Pimephales*	TCP6C	----	----	NOEC or IC25 >100% (daily min)	Quarterly	3 Grabs /test

	TCP3B Static Renewal 7 Day Chronic *Ceriodaphnia*	----	----	NOEC or IC25 >100% (daily min)	Quarterly	3 Grabs/test
Site Specific[6] Metals, Organics, Inorganics, Temperature, RADs		Report	-----	Report	Weekly	Grab
Site Specific[6] Metals, Organics, Inorganics, RADS		Limit in Certification	-----	Limit in Certification	Weekly	Grab

Table B.2, **Numeric Effluent Limitations and Monitoring Requirements for Intermittent Discharges including Batch Treatment**

Parameter	ICIS Code	Discharge Limitations			Monitoring Conditions	
		30-Day Average	7-Day Average	Daily Maximum	Monitoring Frequency	Sample Type
Flow, mgd[1]	50050	Limit	----	Limit	Continuous	Recorder
Total Suspended Solids, mg/l	00530	30	45	-----	Weekly	Composite
Oil and Grease[2]	84066	----	-----	-----	Weekly	Visual
Oil and Grease[2], mg/l	03582	----	---	10	Weekly	Composite
pH, s.u.	00400	----	-----	6.5-9.0	Weekly	In-situ
Total Dissolved Solids[3], mg/l	70295	Report	------	Report	Monthly	Composite
Total Phosphorus[4], mg/l, as P	00665	Limit in Certification	----	----	Monthly	Composite
Total Phosphorus[4], mg/l, as P	00665	Report	------	Report	Monthly	Composite
WET[5], acute	TAN6C LC50 Statre 96Hr Acute *Pimpephales*	-----	-----	LC50 ≥ 100% (daily min)	Quarterly	Grab
	TAN6C LC50 Statre 96Hr Acute *Pimpephales*	-----	-----	LC50 ≥ 100% (daily min)	Quarterly	Grab
WET[5], chronic	TCP6C Static Renewal 7 Day Chronic *Pimephales*	----	----	NOEC or IC25 >100% (daily min)	Quarterly	3 Grabs /test
	TCP3B Static Renewal 7 Day Chronic *Ceriodaphnia*	----	----	NOEC or IC25 >100% (daily min)	Quarterly	3 Grabs/test

Site Specific[6] Metals, Organics, Inorganics, Temperature, RADs	Report	-----	Report	Weekly	Composite
Site Specific[6] Metals, Organics, Inorganics, RADS	Limit in Certification	-----	Limit in Certification	Weekly	Composite

Notes:

[1]Flow Limit—The chronic flow limit will be based on the design capacity of the treatment as provided in the permit application and will be stated on the certification.

[2]Oil and Grease—A visual observation of the discharge for each permitted outfall must be made once a week. In the event an oil sheen or floating oil is observed, a composite sample shall be collected weekly, analyzed, and reported on the DMR. In addition, corrective action shall be taken immediately to mitigate the discharge of oil and grease. A description of the corrective action taken must be included with the DMR.

[3]Total Dissolved Solids (TDS)—Analysis for salinity, measured as TDS, will be required in all permits that discharge in the Colorado River Basin. Following the submittal of the initial six sets of monthly data, the Division shall determine whether the permittee is required to submit a report addressing salt removal in accordance with the Colorado River Salinity Standards, Regulation No. (5CCR 1002-39). If the salinity report is required, the Division shall so advise the permittee by letter or through the inclusion of a compliance schedule and the report shall be submitted within 180 days.

[4]Total Phosphorus—Analysis for Total Phosphorus, as P, will be required for discharges to waters with a control regulation for P. In accordance with the Dillon Reservoir Control Regulation (Regulation 71), monitoring for Total Phosphorus is required. In accordance with the Cherry Creek Reservoir Control Regulation (Regulation 72), monitoring and compliance with the Total Phosphorus chronic numeric effluent limit of 0.05mg/l is required. In accordance with the Chatfield Reservoir Control Regulation (Regulation 73), monitoring and compliance with the Total Phosphorus chronic numeric effluent limit of 1.0 mg/l is required. In accordance with the Bear Creek Watershed Control Regulation (Regulation 74), monitoring for Total Phosphorus is required.

[5]Whole Effluent Toxicity (WET) Testing—A site specific determination will be made as to whether WET testing will be required and will be stated in the permit certification. See Part I.C.7 for WET testing requirements and Part VI.A.4 of the Fact Sheet for the discussion on determining when WET testing is required.

[6]Site Specific Parameters—Upon review of the analytical data supplied with the permit application, site specific parameters will be added to the permit certification based on the type and concentrations of contaminants present. This may include monitoring requirements for Temperature, if there is potential for the permittee to containerize the effluent for extended periods of time. Additional site specific parameters may be added to the permit certification in accordance with Part I.B.3.

3. Monitoring Frequencies and Sample Types for Influent Parameters

The permittee must monitor the influent for all listed parameters at the frequency and sample types specified in Table B.3 below. Such monitoring shall be conducted after the discharge has commenced, but within the first month of discharge, and shall continue on a quarterly basis. The results of such monitoring must be reported on the Discharge Monitoring Report (DMR) form (See Part I.E) under Permitted Feature 300I.

After the review of the influent data, the Division may require a modification to the permit certification to include additional monitoring requirements and numeric effluent limitations, as established in Part I.B. The permittee will be notified if the Division requires any such modification.

In addition, the permittee must follow the procedures identified in Part I.C.6 if there is a potential exceedance of water quality standards at the permitted outfall, for a parameter not subject to an effluent limit in the permit/permit certification.

The influent sampling requirement established in Part I.B.3 may be waived on a case-by-case basis if the Division deems the pollutants in the source water have been well characterized or other pertinent information has been provided to the Division. This may be the case for fixed facilities treating a specific pollutant source, or for facilities with substantial historical groundwater data.

If after the submittal of four quarters of influent data substantiating constituents are not detected in concentrations more than one half the surface water standards, the permittee can request relief from the influent monitoring requirements.

Outfall: 300I
Table B.3, Monitoring Frequency and Sample Type Influent Parameters for Continuous and Intermittent Discharges including Batch Treatment

Parameter ICIS Code	Discharge Limitations			Monitoring Conditions	
	30-Day Average	7-Day Average	Daily Maximum	Monitoring Frequency	Sample Type
Semi Volatile Organic Compounds Screen [1]	Report	-----	Report	Quarterly	Grab
Volatile Organic Compounds Screen [2]	Report	-----	Report	Quarterly	Grab
Metals Screen [3]	Report	-----	Report	Quarterly	Grab

Notes:

[1] Semi-Volatile Organic Compound Screen—The permittee shall sample the influent once per quarter in accordance with Part I.B.3and have it analyzed for Semi-Volatile Organic Compounds listed in the Influent Screening Requirements found in Part III of the permit. Pesticides, herbicides, and PCBs do not need to be included in this analysis.

[2] Volatile Organic Compound Screen—The permittee shall sample the influent once per quarter in accordance with Part. I.B.3 and have it analyzed for Volatile Organic Compounds listed in the Influent Screening Requirements found in Part III of the permit.

[3] Metals Screen—The permittee shall sample the influent once per quarter in accordance with Part I.B.3 and have it analyzed for all metals listed in the Influent Screening Requirements found in Part III of the permit. The Metals analyses shall be performed for the extraction (Total Recoverable, Potentially Dissolved, and/or Dissolved form) identified in Part III of the permit.

C. TERMS AND CONDITIONS

1. Compliance Schedule

Existing dischargers may be granted compliance schedules for any new effluent limitations applicable to the discharge. Some items requiring a compliance schedule may require an individual permit.

2. Ensure Numeric Effluent Limits Can Be Met

Prior to the commencement of any discharge, an initial batch representative of the effluent from each permitted outfall must be sent through the treatment system. The effluent from the treatment must be sampled using composite method for all parameters listed in the permit certification with a numeric limitation. All effluent must be contained until analyses have confirmed that all numeric effluent limitations have been met. If the results of the initial sampling exceed any numeric effluent limitation, additional treatment shall be completed and additional sampling must be collected, post-treatment, to confirm compliance with the limitations. Additional sampling and treatment shall be repeated, and all water shall be collected and retained, until monitoring results for the treated effluent verify compliance with the numeric effluent limitations identified in the permit certification. Monitoring may be conducted and samples collected to meet the requirements of this section prior to certification under the general permit. This requirement will not be imposed for WET testing or for parameters where report only is required.

The initial containment of the effluent requirement established in Part I.C.2 may be waived for existing permittee's on a case-by-case basis. The case-by-case determination will be made based on numeric effluent limitation permit compliance history.

3. Remediation Activities Practices

The permittee shall develop and implement remediation activities practices for each facility covered by this permit in accordance with the requirements of this section. The remediation activities practices shall be documented in a Remediation Activities Management Plan in accordance with I.C.4. The practices shall include:

a. Pollutant Control Practices: The permittee shall implement pollutant control practices to meet all numeric effluent limitations in accordance with good engineering, hydrologic and pollution control practices. Specifically, the permittee must ensure all pollutant control practices are designed, implemented, and maintained with proper hydraulic and pollutant removal capacity to ensure consistent compliance with the permit effluent limits. Practices shall include all treatment, schedules of activities, prohibitions of practices, maintenance procedures, monitoring practices used to document the capability of the treatment practices to remove pollutants, including residual solids treatment, handling and disposal practices, and other management practices necessary to meet the numeric effluent limits.

b. Materials Handling and Spill Prevention: The permittee shall implement practices for material handling and spill prevention to prevent discharges that contain effluent parameter concentrations which exceed the limitations specified in Table B.1, Table B.2, and the permit certification, as well as discharges not authorized by a CDPS discharge permit. The permittee shall implement secondary containment for all bulk storage structures for petroleum products and any other chemicals associated with the pollutant control practices (e.g., fuel for pumps, chemicals used in the treatment process), or provide equivalent adequate protection so as to contain all spills and prevent any spilled material from entering the effluent stream or State waters.

4. Remediation Activities Management Plan

a. **Remediation Activities Management Plan (Plan) shall document the following information:**

i) Plan Administrator: The Plan shall identify a specific individual(s), position or title who is responsible for developing, implementing, maintaining, and revising the Plan. The activities and responsibilities of the administrator shall address all aspects of the facility's Plan.

ii) Facility Certified Operator: As documented in Regulation 100, all water and wastewater facilities in Colorado shall be under the supervision of an operator certified at or above the classification of the facility. The Plan shall identify a specific individual holding a certificate that meets the requirements of Regulation 100. If the permittee is not aware of the class of certification needed, contact the Division's Facility-Operator Program.

iii) Site Map: The Plan shall include a legible site map(s), showing the entire site, identifying:

i) The source of the discharge or dewatering excavations (if applicable)—Dewatering excavations can be described as locations where ground disturbing activities result in uncovering of groundwater
ii) Containment Location(s) if present,
iii) Location of structural treatment practices, including but not limited to tanks, filter systems, etc.
iv) Sampling Locations
v) Discharge Point(s)/Outfall(s)
vi) Identification of the conveyance into which the discharge point(s)/outfall(s) are directed (e.g., surface water, storm sewer, ditch, etc.)

iv) Description of Pollutant Control Practices: The Plan shall describe the installation and implementation specifications for each practice implemented in accordance with Part I.C.3.a. The description shall address the proper implementation and operation of the practice. The description shall include general information related to hydraulic and pollutant removal capacity of the pollutant treatment system, with related monitoring practices used to document the capability of the treatment practices to remove pollutants, including residual solids treatment, handling and disposal practices. The Plan shall clearly describe the inspection and maintenance procedures implemented at the site to maintain all pollutant control practices in good and effective operating condition.

v) Description of Materials Handling and Spill Prevention: The Plan shall identify the practices implemented for Materials Handling and Spill Prevention in accordance with Part I.C.3.b. The description shall identify the capacity and location of secondary containment implemented for all bulk storage structures. If equivalent adequate protection is implemented in lieu of secondary containment, the plan shall provide a description of the practices to be used.

b. **Plan Preparation and Implementation:** The Plan does not need to be completed prior to submitting a permit application. However, the Plan shall be completed and documented prior to commencement of the discharge. The Plan shall be maintained and implemented until expiration or inactivation of permit coverage.

c. **Plan Retention Requirements:** A copy of the Plan must be retained on site unless another location, specified by the permittee, is approved by the Division.

d. **Plan Availability:** A copy of the Plan shall be provided upon request to the Division or EPA in accordance with Part II.B.2. All Plans required under this permit are considered reports that shall be available to the public under Section 308(b) of the CWA and Section 61.5(4) of the Colorado Discharge Permit System Regulations. The permittee shall make plans available to members of the public upon request. However, the permittee may claim any portion of a Plan as confidential in accordance with 40 CFR Part 2.

e. **Plan Review/Changes:** The Plan must reflect current field conditions. Any changes in the pollutant control practices implemented at the site must be reflected in the Plan and may trigger additional requirements as established in Part II.A.2 of the permit. Plan changes shall be made prior to changes in the site conditions, except as allowed for in paragraph f, below.

f. **Responsive Plan Changes:** Plan changes addressing pollutant control practices are often required to be made in response to changing conditions, or when current practices are determined ineffective. The majority of Plan revisions to address these changes can be made immediately with quick in-the-field revisions to the plan. In the less common scenario where more complex development of materials to modify the Plan is necessary, Plan revisions shall be made in accordance with the following requirements:

   i) the Plan shall be revised as soon as practicable, but in no case more than 72 hours after the change(s) in the pollutant control practices at the site, and
   ii) a notation must be included in the Plan prior to the site change(s) that includes the time and date of the change(s) in the field, an identification of the changes in pollutant control practices.

5. <u>Discharge Log</u>

The permittee shall maintain a documented weekly Discharge Log identifying for each week (Sunday through Saturday) the following information for each permitted outfall:

i) the dates and times when a discharges commences and/or ends,
ii) records for monitoring as required by Part I.E.4.

The entries can be based off data obtained from the flow recorder. The log must be updated within 72 hours of the occurrence of any activity requiring documentation in accordance with this subsection.

6. <u>Practices for Discharges in Exceedance of Applicable Water Quality Standards</u>

The Division expects that compliance with the effluent limits in this permit will control discharges as necessary to meet applicable water quality standards. If at any time the permittee becomes aware that at the permitted outfall, pollutant concentrations for an effluent parameter **not** subject to an effluent limitation in Part I.B or the permit certification exceeds any applicable water quality standard for the receiving water, the permittee shall:

a. Halt or reduce any activity if necessary to prevent the discharge of an effluent parameter(s), at the permitted outfall, in concentrations which exceed the applicable water quality standards for the receiving water;

b. Report the exceedance of an acute effluent limitation and/or an exceedance of toxic substance listed in Part

III of the permit orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances; and

c. Mail a written report to the Division containing all relevant monitoring data and the information consistent with that required for noncompliance in Part II.A.4 (a) within five (5) days after becoming aware of the exceedance.

Coverage under this general permit may be modified, suspended, or terminated by the Division if necessary to effectively implement protection of waters of the State. 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, or require coverage under an individual permit, and shall follow the procedures specified in Sections 61.5 through 61.6, and 61.15 of the Colorado Discharge Permit System Regulations.

The Division expects that compliance with the effluent limits in this permit will control discharges as necessary to meet applicable water quality standards. If at any time the permittee becomes aware that at the permitted outfall, pollutant concentrations for an effluent parameter subject to an effluent limitation in Part I.B or the permit certification exceeds any applicable water quality standard for the receiving water, the permittee shall follow the requirements stated in Part II., specifically Part II.A.4,10, and 14.

7. <u>WET Testing-Outfall(s)</u>

When the Division determines WET testing is required due to the expected pollutants in the discharge, variability in the discharge, and chemical usage chronic WET testing will normally be required (see Part VI.A.4 of Fact Sheet for Reasonable Potential to include WET). However, where the discharge is intermittent, as defined in Part I.D, acute WET may be substituted for chronic WET testing. The basis for this is that the aquatic life would not have chronic exposure to the effluent.

The following minimum dilution series should be used for both chronic and acute testing: 0% effluent (control), 20%, 40%, 60%, 80%, and 100% effluent. If the permittee uses more dilutions than prescribed, and accelerated testing is to be performed, the same dilution series shall be used in the accelerated testing as was used in the failed test.

Tests shall be done at the frequency listed in Part I.B.2. Test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting period when the sample was taken. (i.e., WET testing results for the calendar quarter ending March 31 shall be reported with the DMR due April 28, etc.) The permittee shall submit all laboratory statistical summary sheets, summaries of the determination of a valid, invalid or inconclusive test, and copies of the chain of custody forms, along with the DMR for the reporting period.

If a test is considered invalid, the permittee is required to perform additional testing during the monitoring period to obtain a valid test result. Failure to obtain a valid test result during the monitoring period shall result in a violation of the permit for failure to monitor.

a. Acute WET Testing

i) <u>General Acute WET Testing and Reporting Requirements:</u> The permittee shall conduct an acute 48-hour WET test using Ceriodaphnia dubia, and an acute 96-hour WET test using fathead minnows (*Pimephales promelas*). Acute tests shall be conducted as a static replacement test using

a single effluent grab sample. The permittee shall conduct each acute WET test in accordance with the 40 CFR Part 136 methods described in Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms, Fifth Edition, October 2002 (EPA-821-R-02-012) or its most current edition.

ii) Acute WET Violations of the Permit Limit and Division Notification: An acute WET test is failed whenever the LC50, which represents an estimate of the effluent concentration which is lethal to 50% of the test organisms in the time period prescribed by the test, is found to be less than or equal to 100% effluent. The permittee must provide written notification of the failure of a WET test to the Division, along with a statement as to whether accelerated testing or a Toxicity Identification Evaluation (TIE) is being performed, unless otherwise exempted, in writing, by the Division. Notification must be received by the Division within 14 calendar days of the permittee receiving notice of the WET testing results.

iii) Automatic Compliance Response: The permittee is responsible for implementing the automatic compliance response provisions of this permit when one of the following occurs:

- there is a violation of the permit limit (the LC50 endpoint is less than the applicable IWC)
- the permittee is otherwise informed by the Division that a compliance response is necessary

When one of the above listed events occurs, the following automatic compliance response shall apply. The permittee shall either:

- conduct accelerated testing using the single species found to be more sensitive
- conduct a Toxicity Identification Evaluation / Toxicity Reduction Evaluation (TIE/TRE) investigation as described in Part I.C.7.a.iii.b.

a. Accelerated Testing

If accelerated testing is being performed, testing will be at least once every two weeks for up to five tests, at the appropriate IWC. Accelerated testing shall continue until; 1) two consecutive tests fail or three of five tests fail, in which case a pattern of toxicity has been demonstrated or 2) two consecutive tests pass or three of five tests pass, in which case no pattern of toxicity has been found. Note that the same dilution series should be used in the accelerated testing as was used in the initial test(s) that result in the accelerated testing requirement.

If no pattern of toxicity is found the toxicity episode is considered to be ended and routine testing is to resume. If a pattern of toxicity is found, a TIE/TRE investigation is to be performed. If a pattern of toxicity is not demonstrated but a significant level of erratic toxicity is found, the Division may require an increased frequency of routine monitoring or some other modified approach. The permittee shall provide written notification of the results within 14 calendar days of completion of the Pattern of Toxicity/No Toxicity demonstration.

b. Toxicity Identification Evaluation / Toxicity Reduction Evaluation (TIE/TRE)—(applicable to both acute and chronic WET testing)

If a TIE/TRE is being performed, the results of the investigation are to be received by the Division within 180 days of the demonstration of acute WET in the routine test, as defined

above, or if accelerated testing was performed, the date the pattern of toxicity is demonstrated. A status report is to be provided to the Division at the 60 and 120 day points of the TIE/TRE investigation. The Division may extend the time frame for investigation where reasonable justification exists. A request for an extension must be made in writing and received prior to the 180 day deadline. Such request must include a justification and supporting data for such an extension.

Under a TIE, the permittee may use the time for investigation to conduct a preliminary TIE (PTIE) or move directly into the TIE. A PTIE consists of a brief search for possible sources of WET, where a specific parameter(s) is reasonably suspected to have caused such toxicity, and could be identified more simply and cost effectively than a formal TIE. If the PTIE allows resolution of the WET incident, the TIE need not necessarily be conducted in its entirety. If, however, WET is not identified or resolved during the PTIE, the TIE must be conducted within the allowed 180 day time frame.

The Division recommends that the EPA guidance documents regarding TIEs be followed. If another method is to be used, this procedure should be submitted to the Division prior to initiating the TIE.

If the pollutant(s) causing toxicity is/are identified, and is/are controlled by a permit effluent limitation(s), this permit may be modified upon request to adjust permit requirements regarding the automatic compliance response.

If the pollutant(s) causing toxicity is/are identified, and is/are not controlled by a permit effluent limitation(s), the Division may develop limitations the parameter(s), and the permit may be reopened to include these limitations.

If the pollutant causing toxicity is not able to be identified, or is unable to be specifically identified, or is not able to be controlled by an effluent limit, the permittee will be required to perform either item 1 or item 2 below.

l) Conduct an investigation which demonstrates actual instream aquatic life conditions upstream and downstream of the discharge, or identify, for Division approval, and conduct an alternative investigation which demonstrates the actual instream impact. This should include WET testing and chemical analyses of the ambient water. Depending on the results of the study, the permittee may also be required to identify the control program necessary to eliminate the toxicity and its cost. Data collected may be presented to the WQCC for consideration at the next appropriate triennial review of the stream standards;

2) Move to a TRE by identifying the necessary control program or activity and proceed with elimination of the toxicity so as to meet the WET effluent limit.

If toxicity spontaneously disappears in the midst of a TIE, the permittee shall notify the Division within 10 days of such disappearance. The Division may require the permittee to conduct accelerated testing to demonstrate that no pattern of toxicity exists, or may amend the permit to require an increased frequency of WET testing for some period of time. If no pattern of toxicity is demonstrated through the accelerated testing or the increased monitoring frequency, the toxicity incident response will be closed and normal WET testing shall resume.

The control program developed during a TRE consists of the measures determined to be the

most feasible to eliminate WET. This may happen through the identification of the toxicant(s) and then a control program aimed specifically at that toxicant(s) or through the identification of more general toxicant treatability processes. A control program is to be developed and submitted to the Division within 180 days of beginning a TRE. Status reports on the TRE are to be provided to the Division at the 60 and 120 day points of the TRE investigation.

If toxicity spontaneously disappears in the midst of a TRE, the permittee shall notify the Division within 10 days of such disappearance. The Division may require the permittee to conduct accelerated testing to demonstrate that no pattern of toxicity exists, or may amend the permit to require an increased frequency for some period of time. If no pattern of toxicity is demonstrated through the accelerated testing or the increased monitoring frequency, the toxicity incident response will be closed and normal WET testing shall resume.

iv) Toxicity Reopener (applicable to both acute and chronic WET testing): This permit may be reopened and modified to include additional or modified numerical permit limitations, new or modified compliance response requirements, changes in the WET testing protocol, the addition of both acute and chronic WET requirements, or any other conditions related to the control of toxicants.

b. Chronic WET Testing

i) General Chronic WET Testing and Reporting Requirements: The permittee shall conduct the chronic WET test using Ceriodaphnia dubia and fathead minnows (*Pimephales promelas*), as a static renewal 7-day test using three separate grab samples. The permittee shall conduct each chronic WET test in accordance with the 40 CFR Part 136 methods described in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002 (EPA-821-R-02-013) or the most current edition, except as modified by the most current Division Guidance document entitled Guidelines for Conducting Whole Effluent Toxicity Tests.

ii) Chronic WET Violations of the Permit Limit, Failure of One Test Statistical Endpoint and Division Notification:
A chronic WET test is considered a violation of a permit limitation when both the NOEC and the IC25 are at any effluent concentration less than the IWC. **The IWC for this permit has been determined to be 100% effluent.** The permit applicant will need to apply for an individual permit for consideration of a lower IWC percentage.

A chronic WET test is considered to have failed one of the two statistical endpoints when either the NOEC or the IC25 are at any effluent concentration less than the IWC. **The IWC for this permit has been determined to be 100% effluent.** The permit applicant will need to apply for an individual permit for consideration of a lower IWC percentage.

In the event of a permit violation, or when two consecutive reporting periods have resulted in failure of one of the two statistical endpoints (regardless of which statistical endpoints are failed), the permittee must provide written notification to the Division. Such notification should explain whether it was a violation or two consecutive failures of a single endpoint, and must indicate whether accelerated testing or a Toxicity Identification Evaluation or Toxicity Reduction

Evaluation (TIE or TRE) is being performed, unless otherwise exempted, in writing, by the Division. Notification must be received by the Division within 14 calendar days of the permittee receiving notice of the WET testing results.

iii) Automatic Compliance Response: The permittee is responsible for implementing the automatic compliance response provisions of this permit when one of the following occurs:

- there is a violation of the permit limit (both the NOEC and the IC25 endpoints are less than the applicable IWC)
- two consecutive monitoring periods have resulted in failure of one of the two statistical endpoints (either the IC25 or the NOEC)
- the permittee is otherwise informed by the Division that a compliance response is necessary

When one of the above listed events occurs, the following automatic compliance response shall apply. The permittee shall either:

- conduct accelerated testing using the single species found to be more sensitive
- conduct a Toxicity Identification Evaluation / Toxicity Reduction Evaluation (TIE/TRE) investigation as described in Part I.C.7.b.iii.b.

a. Accelerated Testing

If accelerated testing is being performed, testing will be at least once every two weeks for up to five tests, using only the IC25 statistical endpoint to determine if the test passed or failed at the appropriate IWC. Accelerated testing shall continue until; 1) two consecutive tests fail or three of five tests fail, in which case a pattern of toxicity has been demonstrated or 2) two consecutive tests pass or three of five tests pass, in which case no pattern of toxicity has been found. Note that the same dilution series should be used in the accelerated testing as was used in the initial test(s) that result in the accelerated testing requirement.

If accelerated testing is required due to failure of one statistical endpoint in two consecutive monitoring periods, and in both of those failures it was the NOEC endpoint that was failed, then the NOEC shall be the only statistical endpoint used to determined whether the accelerated testing passed or failed at the appropriate IWC. Note that the same dilution series should be used in the accelerated testing as was used in the initial test(s) that result in the accelerated testing requirement.

If no pattern of toxicity is found the toxicity episode is considered to be ended and routine testing is to resume. If a pattern of toxicity is found, a TIE/TRE investigation is to be performed. If a pattern of toxicity is not demonstrated but a significant level of erratic toxicity is found, the Division may require an increased frequency of routine monitoring or some other modified approach. The permittee shall provide written notification of the results within 14 calendar days of completion of the Pattern of Toxicity/No Toxicity demonstration.

b. Toxicity Identification Evaluation / Toxicity Reduction Evaluation (TIE/TRE)—See Section C.7.a.iii.b for TIE/TRE Requirements

iv) Toxicity Reopener—See Section C.7.a.iv for Toxicity Reopener Requirements.

8. Chemical Additions

No chemicals are to be added that have the potential to be present in the permitted discharge, including, but not limited to, chemical additions at any point in the treatment process, unless the Division grants permission for the use of the specific chemical(s). The permit applicant must submit a list of proposed chemicals, including dosage rates, used in the treatment process. Additionally, a MSDS for each chemical proposed for use must be provided. In granting the use of such chemicals, additional limitations and monitoring requirements may be imposed.

Chemicals used in waters that will or may be discharged to waters of the State must be used in accordance with all state and federal regulations, and in strict accordance with the manufacturer's site-specific instructions.

9. Discharge Point

All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, streambeds, or ditches.

10. Discharges to Conveyances

All dischargers must comply with the lawful requirements of counties; drainage districts and other state or local agencies regarding any discharges to storm drain systems or other watercourses under their jurisdiction.

11. Mixing Zone

For this general permit, all numeric effluent limitations are assigned as end of pipe limits based on the Water Quality Standards. Dilution (i.e. mixing zone) considerations are not applicable in this permit. Dischargers who want consideration of a mixing allowance should apply for an individual permit

12. Discharges to Waters with Total Maximum Daily Loads (TMDLs)

Discharges to State waters for which an approved or established TMDL has been developed may be authorized provided there are sufficient remaining wasteload allocations in the approved or established TMDL. If sufficient remaining wasteload allocations are not available, coverage under an Individual permit may be required. Additional effluent limitations or other terms and conditions may be imposed for discharges to segments for which a TMDL has been completed. The determination whether compliance with numeric effluent limitations will be required will be made on case-by-case basis. Factors that will be taken into consideration when making this determination include the plausibility that the pollutant for which the TMDL was developed will be in the discharge, and duration and frequency of the discharge.

13. Discharges to 303(d) Listed Waters

Sampling, monitoring and compliance with numeric effluent limitations may be required for discharges to 303(d) listed waters that are impaired for the specified pollutant(s). The determination whether compliance with the numeric effluent limitation will be required will be made on case-by-case basis. Factors that will be taken into consideration when making this determination include the plausibility that the pollutant listed on the 303(d) list will be in the discharge, and duration and frequency of the discharge.

D. DEFINITIONS OF TERMS

1. "Acute Toxicity" - The acute toxicity limitation is exceeded if the LC50 is at any effluent concentration less than or equal to the IWC indicated in this permit.

2. "Antidegradation (AD)" means waters designated as reviewable (or undesignated water) must be maintained and protected at their existing water quality unless a determination is made that degrading water quality is necessary. These waters have water quality that is, in general, better than the water quality standards and is to be maintained and protected. The AD review applies only to activities with new or increased water quality impacts. Additional AD information can be found in Section 31.8 of The Basic Standards and Methodolgies for Surface Water.

3. "Chronic toxicity", which includes lethality and growth or reproduction, occurs when the NOEC and IC25 are at an effluent concentration less than the IWC indicated in this permit.

4. "Composite" sample is a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow. For intermittent discharges or discharges lasting less than 8 hours, a composite sample is defined as sampling three (3) equal aliquots during the beginning, middle and end of the discharge period.

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

6. "Daily Maximum limitation" for all parameters except temperature, 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.

7. " Daily Maximum Temperature (DM)" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as the highest two-hour average water temperature recorded during a given 24-hour period. This will be determined using a rolling 2-hour maximum temperature. If data is collected every 15 minutes, a 2 hour maximum can be determined on every data point after the initial 2 hours of collection. Note that the time periods that overlap days (Wednesday night to Thursday morning) do not matter as the reported value on the DMR is the greatest of all the 2-hour averages.

   For example data points collected at:
   08:15, 08:30, 08:45, 09:00, 09:15, 09:30, 09:45, 10:00, would be averaged for a single 2 hour average data point
   08:30, 08:45, 09:00, 09:15, 09:30, 09:45, 10:00, 10:15, would be averaged for a single 2 hour average data point
   08:45, 09:00, 09:15, 09:30, 09:45, 10:00, 10:15, 10:30, would be averaged for a single 2 hour average data point

   This would continue throughout the course of a calendar day. The highest of these 2 hour averages over a month would be reported on the DMR as the daily maximum temperature. At the end/beginning of a month, the collected data should be used for the month that contains the greatest number of minutes in the 2-hour maximum.

   Data from 11 pm to 12:59 am, would fall in the previous day. Data collected from 11:01 pm to 1:00 am would

fall in the new month.

8. "Dissolved (D) metals fraction" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as that portion of a water and suspended sediment sample which passed through a 0.40 or 0.45 UM (micron) membrane filter. Determinations of "dissolved" constituents are made using the filtrate. This may include some very small (colloidal) suspended particles which passed through the membrane filter as well as the amount of substance present in true chemical solution.

9. "Geometric mean" for *E. coli* bacteria concentrations, the thirty (30) day and seven (7) day averages shall be determined as the geometric mean of all samples collected in a thirty (30) day period and the geometric mean of all samples taken in a seven (7) consecutive day period respectively. The geometric mean may be calculated using two different methods. For the methods shown, a, b, c, d, etc. are individual sample results, and n is the total number of samples.

   Method 1:

   Geometric Mean = $(a*b*c*d*...)^{(1/n)}$ "*" - means multiply

   Method 2:

   Geometric Mean = antilog ([log(a)+log(b)+log(c)+log(d)+...]/n)

   Graphical methods, even though they may also employ the use of logarithms, may introduce significant error and may not be used.

   In calculating the geometric mean, for those individual sample results that are reported by the analytical laboratory to be "less than" a numeric value, a value of 1 should be used in the calculations. If all individual analytical results for the month are reported to be less than numeric values, then report "less than" the largest of those numeric values on the monthly DMR. Otherwise, report the calculated value.

   For any individual analytical result of "too numerous to count" (TNTC), that analysis shall be considered to be invalid and another sample shall be promptly collected for analysis. If another sample cannot be collected within the same sampling period for which the invalid sample was collected (during the same month if monthly sampling is required, during the same week if weekly sampling is required, etc.), then the following procedures apply:

   i. A minimum of two samples shall be collected for coliform analysis within the next sampling period.

   ii. If the sampling frequency is monthly or less frequent: For the period with the invalid sample results, leave the spaces on the corresponding DMR for reporting coliform results empty and attach to the DMR a letter noting that a result of TNTC was obtained for that period, and explain why another sample for that period had not been collected.

   If the sampling frequency is more frequent than monthly: Eliminate the result of TNTC from any further calculations, and use all the other results obtained within that month for reporting purposes. Attach a letter noting that a result of TNTC was obtained, and list all individual analytical results and corresponding sampling dates for that month.

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

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

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

13. To be considered an "Intermittent Discharge" one of the following must apply:
    A) the maximum discharge frequency is less than 3 consecutive days (72 hours), and less than 3 days per 7 day period, and less than 10 days total per month

    B) the maximum discharge frequency is less than 5 consecutive days (120 hours) and less than 5 total days per month

    C) It can be shown that discharge frequency and duration is tied solely to precipitation events, where the discharge starts and stops shortly after the precipitation event starts/stops.

14. "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.

15. "Maximum Weekly Average Temperature (MWAT)" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as an implementation statistic that is calculated from field monitoring data. The MWAT is calculated as the largest mathematical mean of multiple, equally spaced, daily temperatures over a seven-day consecutive period, with a minimum of three data points spaced equally through the day. For lakes and reservoirs, the MWAT is assumed to be equivalent to the maximum WAT from at least three profiles distributed throughout the growing season (generally July-September).

    The MWAT is calculated by averaging all temperature data points collected during a calendar day, and then averaging the daily average temperatures for 7 consecutive days. This 7 day averaging period is a rolling average, i.e. on the 8th day, the MWAT will be the averages of the daily averages of days 2-8. The value to be reported on the DMR is the highest of all the rolling 7-day averages throughout the month. For those days that are at the end/beginning of the month, the data shall be reported for the month that contains 4 of the 7 days.

    Day 1: Average of all temperature data collected during the calendar day.
    Day 2: Average of all temperature data collected during the calendar day.
    Day 3: Average of all temperature data collected during the calendar day.
    Day 4: Average of all temperature data collected during the calendar day.
    Day 5: Average of all temperature data collected during the calendar day.
    Day 6: Average of all temperature data collected during the calendar day.
    Day 7: Average of all temperature data collected during the calendar day.
    1st MWAT Calculation as average of previous 7 days
    Day 8: Average of all temperature data collected during the calendar day.
    2nd MWAT Calculation as average of previous 7 days
    Day 9: Average of all temperature data collected during the calendar day.
    3rd MWAT Calculation as average of previous 7 days

16. "Metals Screen" means an analysis using an EPA approved method found in 40 CFR Part 136, and with an analyte list which includes all metals found in the Influent Screening Requirements found in Part III of the permit. The metals analyses must be performed for the extraction (Total Recoverable, Potentially Dissolved, Dissolved form) identified in Part III of the permit.

17. "Potentially dissolved (PD) metals fraction" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as that portion of a constituent measured from the filtrate of a water and suspended sediment sample that was first treated with nitric acid to a pH of 2 or less and let stand for 8 to 96 hours prior to sample filtration using a 0.40 or 0.45-UM (micron) membrane filter. Note the "potentially dissolved" method cannot be used where nitric acid will interfere with the analytical procedure used for the constituent measured.

18. "Practical Quantitation Limit (PQL)" means the minimum concentration of an analyte (substance) that can be measured with a high degree of confidence that the analyte is present at or above that concentration. The use of PQL in this document may refer to those PQLs shown in Part I.D of this permit or the PQLs of an individual laboratory.

19. "Quarterly measurement frequency" means samples may be collected at any time during the calendar quarter if a continual discharge occurs. If the discharge is intermittent, then samples shall be collected anytime during the quarter that the discharge occurs. Calendar quarters are defined as January-March, April-June, July-September, and October-December.

20. "Recorder" requires the continuous operation of a chart and/or totalizer (or drinking water rotor meters or pump hour meters where previously approved.)

21. "Semi-Volatile Organic Screen" means an analysis using an EPA approved method found in 40 CFR part 136, and with an analyte list which includes the base, neutral, acid, dioxane organic compounds listed in the Influent Screening Requirements found in Part III of the permit. Pesticides, herbicides, and PCBs do not need to be included in this analysis.

22. "Seven (7) day average" means, with the exception of fecal coliform or *E. coli* bacteria (see geometric mean), 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. **(See the "Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.E.3 for guidance on calculating averages and reporting analytical results that are less than the PQL).**

23. "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.

24. "State Waters" means any and all surface or 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.

25. "State Surface Waters" means all surface waters that meet the definition of "State Waters," including ground water that is hydrologically connected to surface water.

26. "Thirty (30) day average" means, except for fecal coliform or *E. coli* bacteria (see geometric mean), 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. **(See the "Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.E.3 for guidance on calculating averages and reporting analytical results that are less than the PQL).**

27. "Total Metals" means the concentration of metals determined on an unfiltered sample following vigorous digestion (Section 4.1.3), or the sum of the concentrations of metals in both the dissolved and suspended fractions, as described in Manual of Methods for Chemical Analysis of Water and Wastes, U.S. Environmental Protection Agency, March 1979, or its equivalent.

28. "Total Recoverable Metals" means that portion of a water and suspended sediment sample measured by the total recoverable analytical procedure described in Methods for Chemical Analysis of Water and Wastes, U.S. Environmental Protection Agency, March 1979 or its equivalent.

29. "Twenty four (24) hour composite" sample is a combination of at least eight (8) sample aliquots of at least 100 milliliters, collected at equally spaced intervals during the operating hours of a facility over a twenty-four (24) hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the wastewater or effluent flow at the time of sampling or the total wastewater or effluent flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

30. "Twice Monthly" monitoring frequency means that two samples shall be collected each calendar month on separate weeks with at least one full week between the two sample dates. Also, there shall be at least one full week between the second sample of a month and the first sample of the following month.

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

32. "Volatile Organic Compound Screen" means an analysis using an EPA approved method found in 40 CFR part 136, and with an analyte list which includes the volatile organic compounds listed in the Influent Screening Requirements found in Part III of the permit.

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

34. "Weekly measurement frequency" means samples may be collected at any time during the week as defined as beginning on Sunday and ending on Saturday. If the discharge is intermittent, a sample must be collected for each week (as defined above) that the discharge occurs. A minimum of one sample must be collected for discharges lasting less than one week. For example, if an intermittent discharge begins on Wednesday, February 2nd and ends on Friday, February 4th, one sample must collected on the 2nd, 3rd, or 4th. If the discharge resumes on Sunday, February 13 and is intermittent through Monday, February 14th an additional sample must be collected on the 13th or the 14th.

E. GENERAL MONITORING, SAMPLING AND REPORTING REQUIREMENTS

1. Routine Reporting of Data

Reporting of data gathered in compliance with Part I.B.2 shall be on a **monthly** basis. Reporting of all data gathered shall comply with the requirements of Part I.E. (General Requirements). Monitoring results shall be summarized for each calendar month and reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1).

The permittee must submit these forms either by mail, or by using the Division's Net-DMR service (when available). If mailed, one form shall be mailed to the Water Quality Control Division, as indicated below, so that the DMR is received no later than the 28th day of the following month (for example, the DMR for discharges occurring in January must be received by the Division by February 28th). If no discharge occurs during the reporting period, a DMR must still be submitted; however "No Discharge" shall be reported.

The original signed copy of each discharge monitoring report (DMR) shall be submitted to the Division at the following address:

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

The Discharge Monitoring Report forms shall be filled out accurately and completely in accordance with requirements of this permit and the instructions on the forms. They shall be signed by an authorized person as identified in Part I.E.7.

2. Representative Sampling

Discharge points shall be 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. 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. The permittee shall provide access to the Division to sample the discharge at these points.

3. Analytical and Sampling Methods for Monitoring and Reporting

The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. All sampling shall be performed by the permittee according to specified methods in 40 C.F.R. Part 136; methods approved by EPA pursuant to 40 C.F.R. Part 136; or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 C.F.R. Part 136 (see text below for specifics on nonylphenol monitoring).

If the permit contains a numeric effluent limit for a parameter, the analytical method and PQL selected for all monitoring conducted in accordance with this permit for that parameter shall be the one that can measure at or below the numeric effluent limit. If all specified analytical methods and corresponding PQLs are greater than the numeric effluent limit, then the analytical method with the lowest PQL shall be used.

If the permit contains a report only requirement for a parameter, the analytical method and PQL chosen shall be one that can measure at or below the potential numeric effluent limit(s). If all analytical methods and corresponding PQLs are greater than the potential numeric effluent limit(s), then the analytical method with the lowest PQL shall be used.

If the permit contains an interim effluent limitation (a limit is report until such time as a numeric effluent limit becomes effective) for a parameter, the analytical method and PQL chosen for all

monitoring conducted in accordance with this permit for the parameter shall be one that can measure to the final numeric effluent limit. If all analytical methods and corresponding PQLs are greater than the final numeric effluent limit(s), then the analytical method with the lowest PQL shall be used.

For parameters such as TIN, the analytical methods chosen shall be those that can measure to the potential or final numeric effluent limit, based on the sum of the PQLs for nitrate, nitrite and ammonia.

When the analytical method which complies with the above requirements has a PQL greater than the permit limit, and the permittee's analytical result is less than the PQL, the permittee shall report "BDL" on the DMR. Such reports will not be considered as violations of the permit limit, as long as the lowest available PQL is used for the analysis. When the analytical method which complies with the above requirements has a PQL that is equal to or less than the permit limitation, and the permittee's analytical result is less than the PQL, "< X" (where X = the actual PQL achieved by the laboratory) shall be reported on the DMR. For parameters that have a report only limitation, and the permittee's analytical result is less than the PQL, "< X" (where X = the actual PQL achieved by the laboratory) shall be reported on the DMR.

In the calculation of average concentrations (i.e. 7- day average, 30-day average, 2-year rolling average) any individual analytical result that is less than the PQL shall be considered to be zero for the calculation purposes. When reporting:

If all individual analytical results are less than the PQL, the permittee shall report either "BDL" or "<X" (where X = the actual PQL achieved by the laboratory), following the guidance above.

If one or more individual results is greater than the PQL, an average shall be calculated and reported. Note that it does not matter if the final calculated average is greater or less than the PQL, it must be reported as a value.

Note that when calculating T.I.N. for a single sampling event, any value less than the PQL (for total ammonia, total nitrite, or total nitrate) shall be treated as zero. The T.I.N. concentration for a single sampling event shall then be determined as the sum of the analytical results (zeros if applicable) of same day sampling for total ammonia and total nitrite and total nitrate. From these calculated T.I.N. concentrations, the daily maximum and thirty day average concentrations shall be calculated and must be reported as a value.

The present lowest PQLs for specific parameters, as determined by the State Laboratory (November 2008) are provided below. If the analytical method cannot achieve a PQL that is less than or equal to the permit limit, then the method, or a more precise method, must achieve a PQL that is less than or equal to the PQL in the table below. A listing of the PQLs for organic parameters that must meet the above requirement can be found in the Division's Practical Quantitation Limitation Guidance Document, July 2008.

For nonylphenol, until such time as there is an EPA 40 CFR Part 136 method, the State is approving use of ASTM Methods D7065 and D7485. Until a statewide PQL has been developed, the permittee shall use either the default PQLs listed in the table below, or develop their own site-specific PQL in accordance with the Practical Quantitation Limitation Guidance Document (July 2008) for Organic Parameters. This document is available on the Division's website at www.coloradowaterpermits.com . The delayed effective date for the monitoring requirement allows time for the permittee to develop a site-specific PQL.

For hexavalent chromium, samples must be unacidified so dissolved concentrations will be measured rather than potentially dissolved concentrations.

Parameter	Practical Quantitation Limits,	Parameter	Practical Quantitation Limits, µg/l
Aluminum	50 µg/l	Manganese	2 µg/l
Ammonia	1 mg/l	Mercury	0.1 µg/l
Arsenic	1 µg/l	Mercury (low-level)	0.003 µg/l
Barium	5 µg/l	Nickel	50 µg/l
Beryllium	1 µg/l	N-Ammonia	50 µg/l
BOD / CBOD	1 mg/l	N Nitrate/Nitrite	0.5 mg/l
Boron	50 µg/l	N-Nitrate	50 µg/l
Cadmium	1 µg/l	N-Nitrite	10 µg/l
Calcium	20 µg/l	Total Nitrogen	0.5 mg/l
Chloride	2 mg/l	Phenols	100 µg/l
Chlorine	0.1 mg/l	Phosphorus	10 µg/l
Total Residual Chlorine		Radium 226	1 pCi/l
DPD colorimetric	0.10 mg/l	Radium 228	1 pCi/l
Amperometric titration	0.05 mg/l	Selenium	1 µg/l
Chromium	20 µg/l	Silver	0.5 µg/l
Chromium, Hexavalent	20 µg/l	Sodium	0.2 mg/l
Copper	5 µg/l	Sulfate	5 mg/l
Cyanide (Direct / Distilled)	10 µg/l	Sulfide	0.2 mg/l
Cyanide, WAD+A47	5 µg/l	Total Dissolved Solids	10 mg/l
Fluoride	0.1 mg/l	Total Suspended Solids	10 mg/l
Iron	10 µg/l	Thallium	1 µg/l
Lead	1 µg/l	Uranium	1 µg/l
Magnesium	20 µg/l	Zinc	10 µg/l

4. Records

The permittee shall establish and maintain records. The records shall include the following:

a. The date, type, exact location, and time of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) the analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used;
f. The results of such analyses; and
g. Any other observations which may result in an impact on the quality or quantity of the discharge as indicated in 40 CFR 122.44 (i)(1)(iii).

The permittee shall retain for the duration of permit coverage or a minimum of three (3) years (whichever is greater) records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, laboratory data sheets, 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 or EPA. These records must be retained at the facility during active treatment. Once active treatment is complete, the records shall be maintained and made available at the request of 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 Device

If not already a part of the permitted facility, within ninety (90) days after the effective date of the permit, a flow measuring device shall be installed to give representative values of effluent quantities at the respective discharge point(s). Unless specifically exempted, or modified in the permit certification, a flow measuring device will be applicable at all designated discharge points.

At the request of the Division, the permittee shall 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 being discharged from the facility.

7. Signatory and Certification Requirements

a. All applications must be signed and certified for accuracy as follows:

(i) In the case of corporations, by a responsible corporate officer. For purposes of this section, the responsible corporate officer is responsible for the overall operation of the facility from which the discharge described in the form originates;

(ii) In the case of partnership, by a general partner;

(iii) In the case of a sole proprietorship, by the proprietor;

(iv) In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer has responsibility for the overall operation of the facility from which the discharge originates.

b. All reports and other information required by the Division, shall be signed and certified for accuracy by the permittee in accord with the following criteria:

i) In the case of corporations, by a responsible corporate officer. For purposes of this section, the responsible corporate officer is responsible for the overall operation of the facility from which the discharge described in the form originates;

ii) In the case of a partnership, by a general partner;

iii) In the case of a sole proprietorship, by the proprietor;

iv) In the case of a municipal, state, or other public facility, by either a principal executive officer, or ranking elected official. For purposes of this section, a principal executive officer has responsibility for the overall operation of the facility from which the discharge originates;

v) By a duly authorized representative of a person described above, only if:

1) The authorization is made in writing by a person described in i, ii, iii, or iv above;

2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and,

3) The written authorization is submitted to the Division.

c. If an authorization as described in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

The permittee, or the duly authorized representative shall make and sign the following certification on all such documents:

"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."

PART II

A. NOTIFICATION REQUIREMENTS

1. Notification to Parties

All notification requirements under this section shall be directed as follows:

a. Oral Notifications, during normal business hours shall be to:

Water Quality Protection Section - Industrial Compliance Program
Water Quality Control Division
Telephone: (303) 692-3500

b. Written notification shall be to:

Water Quality Protection Section - Industrial Compliance Program
Water Quality Control Division
Colorado Department of Public Health and Environment
WQCD-WQP-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530

2. Change in Discharge or Wastewater Treatment

The permittee shall notify the Division in writing, of any planned physical alterations or additions to the permitted facility, to include the treatment process. Notice is required when:

a. The alteration or addition 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, or;

b. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported pursuant to an approved land application plan.

The permittee shall give advance notice to the Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For any pollutant for which monitoring requirements are not included in the permit certification, the permittee shall notify the Division as soon as it becomes aware that the pollutant(s) are present in the source water, influent, or effluent in concentrations greater than originally identified in the application.

Whenever notification of any planned physical alterations or additions to the permitted facility is required pursuant to this section, the permittee shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge, the stream, or ground water.

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 Sections 61.5 through 61.6, and 61.15 of the Colorado Discharge Permit System Regulations.

3. Special Notifications - Definitions

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

b. Severe Property Damage: Substantial physical damage to property at the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. It does not mean economic loss caused by delays in production.

c. 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 preventative maintenance, or careless or improper operation.

4. Noncompliance Notification

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

   i) A description of the discharge and cause of noncompliance;

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

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

b. The permittee shall report the following circumstances **orally within twenty-four (24) hours** from the time the permittee becomes aware of the circumstances, and shall mail to the Division a written report containing the information requested in Part II.A.4 (a) **within five (5) days** after becoming aware of the following circumstances:

   i) Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;

   ii) Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;

   iii) Circumstances leading to any upset which causes an exceedance of any effluent limitation in the permit;

   iv) Daily maximum violations for any of the pollutants limited by Part I.A of this permit and specified as requiring 24-hour notification. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.

c. Unless otherwise indicated in this permit, the permittee shall report instances of non-compliance which are not required to be reported within 24-hours at the time Discharge Monitoring Reports are submitted. The reports shall contain the information listed in sub-paragraph (a) of this section.

5. Other Notification Requirements

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule in the permit shall be submitted no later than fourteen (14) days following each scheduled date, unless otherwise provided by the Division.

The permittee shall notify the Division, in writing, thirty (30) days in advance of a proposed transfer of permit as provided in Part II.B.3.

The permittee's notification of all anticipated noncompliance does not stay any permit condition.

All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Division as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   i) One hundred micrograms per liter (100 µg/l);

   ii) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2.4-dinitrophenol and 2-methyl-4.6-dinitrophenol; and one milligram per liter (1.0 mg/l) for antimony;

   iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 61.4(2)(g).

   iv) The level established by the Division in accordance with 40 C.F.R. § 122.44(f).

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   i) Five hundred micrograms per liter (500 µg/l);

   ii) One milligram per liter (1 mg/l) for antimony; and

   iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.

   iv) The level established by the Division in accordance with 40 C.F.R. § 122.44(f).

6. Bypass Notification

If the permittee knows in advance of the need for a bypass, a notice shall be submitted, at least ten days before the date of the bypass, to the Division. The bypass shall be subject to Division approval and limitations imposed by the Division. Violations of requirements imposed by the Division will constitute a violation of this permit.

7. Upsets

a. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with 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; and

ii) The permitted facility was at the time being properly operated and maintained; and

iii) The permittee submitted proper notice of the upset as required in Part II.A.4. of this permit (24-hour notice); and

iv) The permittee complied with any remedial measure necessary to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reason able likelihood of adversely affecting human health or the environment.

In addition to the demonstration required above, a permittee who wishes to establish the affirmative defense of upset for a violation of effluent limitations based upon water quality standards shall also demonstrate through monitoring, modeling or other methods that the relevant standards were achieved in the receiving water.

c. Burden of Proof

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

8. Discharge Point

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

9. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee as necessary to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance and adequate laboratory and process controls, including appropriate quality assurance procedures (40 CFR 122.41(e)). This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when necessary to achieve compliance with the conditions of the permit.

10. <u>Minimization of Adverse Impact</u>

The permittee shall take all reasonable steps to minimize or prevent any discharge of sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. As necessary, accelerated or additional monitoring to determine the nature and impact of the noncomplying discharge is required.

11. <u>Removed Substances</u>

Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with applicable state and federal regulations and in a manner that will prevent the removed pollutant(s) from entering waters of the State.

For all domestic wastewater treatment works, at industrial facilities, the permittee shall dispose of sludge in accordance with all State and Federal regulations.

12. <u>Submission of Incorrect or Incomplete Information</u>

Where the permittee failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or report to the Division, the permittee shall promptly submit the relevant information which was not submitted or any additional information needed to correct any erroneous information previously submitted.

13. <u>Bypass</u>

a. Bypasses are prohibited and the Division may take enforcement action against the permittee for bypass, unless:

   i) The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

   ii) There were no feasible alternatives to 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 adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

   iii) Proper notices were submitted in compliance with Part II.A.4.

b. "Severe property damage" as used in this Subsection means substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

c. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or to assure optimal operation. These bypasses are not subject to the provisions of paragraph (a) above.

d. The Division may approve an anticipated bypass, after considering adverse effects, if the Division determines that the bypass will meet the conditions specified in paragraph (a) above.

14. <u>Reduction, Loss, or Failure of Treatment Facility</u>

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 facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, control sources of wastewater, or all discharges, until the facility 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.

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

B. RESPONSIBILITIES

1. <u>Inspections and Right to Entry</u>

The permittee shall allow the Division and/or the authorized representative, 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 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 non compliance with the Colorado Water Quality Control Act or any other 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 person having 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. Such entry is also authorized for the purpose of inspecting and copying records required to be kept concerning any effluent source.

d. The permittee shall provide access to the Division to sample the discharge at a point after the final treatment process but prior to the discharge mixing with state waters upon presentation of proper credentials.

In the making of such inspections, investigations, and determinations, the Division, insofar as practicable, may designate as its authorized representatives any qualified personnel of the Department of Agriculture. The Division may also request assistance from any other state or local agency or institution.

2. <u>Duty to Provide Information</u>

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. The permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit.

3. Transfer of Ownership or Control

a. Except as provided in paragraph b. of this section, a permit may be transferred by a permittee only if the permit has been modified or revoked and reissued as provided in Section 61.8(8) of the Colorado Discharge Permit System Regulations, to identify the new permittee and to incorporate such other requirements as may be necessary under the Federal Act.

b. A permit may be automatically transferred to a new permittee if:

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

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

iii) The Division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.

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

4. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and the Colorado Discharge Permit System Regulations 5 CCR 1002-61, 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 Environmental Protection Agency.

The name and address of the permit applicant(s) and permittee(s), permit applications, permits and effluent data shall not be considered confidential. Knowingly making false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Clean Water Act, and Section 25-8-610 C.R.S.

5. Modification, Suspension, Revocation, or Termination of Permits By the Division

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

a. A permit may be modified, suspended, or terminated 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 or the permit.

iv) A determination that the permitted activity endangers human health or the classified or existing uses of state waters and can only be regulated to acceptable levels by permit modifications or termination.

b. A permit may be modified in whole or in part for the following causes, provided that such modification complies with the provisions of Section 61.10 of the Colorado Discharge Permit System Regulations:

i) There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

ii) The Division has received new information which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance. For permits issued to new sources or new dischargers, this cause includes information derived from effluent testing required under Section 61.4(7)(e) of the Colorado Discharge Permit System Regulations. This provision allows a modification of the permit to include conditions that are less stringent than the existing permit only to the extent allowed under Section 61.10 of the Colorado Discharge Permit System Regulations.

iii) The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:

(A) The permit condition requested to be modified was based on a promulgated effluent limitation guideline, EPA approved water quality standard, or an effluent limitation set forth in 5 CCR 1002-62, § 62 et seq.; and

(B) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a Commission action with respect to the water quality standard or effluent limitation on which the permit condition was based; and

(C) The permittee requests modification after the notice of final action by which the EPA effluent limitation guideline, water quality standard, or effluent limitation is revised, withdrawn, or modified; or

(D) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with this Regulation, within ninety (90) days of judicial remand.

iv) The Division determines that good cause exists to modify a permit condition because of events over which the permittee has no control and for which there is no reasonable available remedy.

v) The permittee has received a variance.

vi) When required to incorporate applicable toxic effluent limitation or standards adopted pursuant to § 307(a) of the Federal act.

vii) When required by the reopener conditions in the permit.

viii) As necessary under 40 C.F.R. 403.8(e), to include a compliance schedule for the development of a pretreatment program.

ix) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under Section 61.8(2) of the Colorado Discharge Permit System Regulations.

x) To establish a pollutant notification level required in Section 61.8(5) of the Colorado Discharge Permit System Regulations.

xi) To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions, to the extent allowed in Section 61.10 of the Colorado State Discharge Permit System Regulations.

xii) When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.

xiii) For any other cause provided in Section 61.10 of the Colorado Discharge Permit System Regulations.

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

i) The Regional Administrator has been notified of the proposed modification or 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) Requirements of Section 61.15 of the Colorado Discharge Permit System Regulations have been met, and

iv) Requirements of public notice have been met.

d. Permit modification (except for minor modifications), termination or revocation and reissuance actions shall be subject to the requirements of Sections 61.5(2), 61.5(3), 61.6, 61.7 and 61.15 of the Colorado Discharge Permit System Regulations. The Division shall act on a permit modification request, other than minor modification requests, within 180 days of receipt thereof. Except for minor modifications, the terms of the existing permit govern and are enforceable until the newly issued permit is formally modified or revoked and reissued following public notice.

e. Upon consent by the permittee, the Division may make minor permit modifications without following the requirements of Sections 61.5(2), 61.5(3), 61.7, and 61.15 of the Colorado Discharge Permit System Regulations. Minor modifications to permits are limited to:

i) Correcting typographical errors; or

ii) Increasing the frequency of monitoring or reporting by the permittee; or

iii) Changing an interim date in a schedule of compliance, provided the new date of compliance is not more than 120 days after the date specific in the existing permit and does not interfere with attainment of the final compliance date requirement; or

iv) Allowing for a transfer in ownership or operational control of a facility where the Division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Division; or

v) Changing the construction schedule for a discharger which is a new source, but no such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge; or

vi) Deleting a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.

f. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term.

g. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination does not stay any permit condition.

h. All permit modifications and reissuances are subject to the antibacksliding provisions set forth in 61.10(e) through (g).

6. <u>Oil and Hazardous Substance Liability</u>

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 to under Section 311 (Oil and Hazardous Substance Liability) of the Clean Water Act.

7. <u>State Laws</u>

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 established pursuant to any applicable State law or regulation under authority granted by Section 510 of the Clean Water Act. Nothing in this permit shall be construed to prevent or limit application of any emergency power of the division.

8. <u>Permit Violations</u>

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. Except as provided in Part I.E and Part II.A or B, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance (40 CFR 122.41(a)(1)).

9. <u>Property Rights</u>

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

10. Severability

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

11. 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 should be promptly notified so that it can terminate the permit in accordance with Part II.B.5.

12. Confidentiality

Any information relating to any secret process, method of manufacture or production, or sales or marketing data which has been declared confidential by the permittee, and 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 (12) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

13. Fees

The permittee is required to submit payment of an annual fee as set forth in the 2005 amendments to the Water Quality Control Act. Section 25-8-502 (l) (b), and the Colorado Discharge Permit System Regulations 5 CCR l002-61, Section 61.l5 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 25-8-60l et. seq., C.R.S. l973 as amended.

14. Duration of Permit

The duration of a permit shall be for a fixed term and shall not exceed five (5) years. Filing of a timely and complete application shall cause the expired permit to continue in force to the effective date of the new permit. The permit's duration may be extended only through administrative extensions and not through interim modifications.

15. Section 307 Toxics

If a toxic effluent standard or prohibition, including any applicable schedule of compliance specified, is established by regulation pursuant to Section 307 of the Federal Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the discharge permit, the Division shall institute proceedings to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

16. Effect of Permit Issuance

a. The issuance of a permit does not convey any property rights or any exclusive privilege.

b. The issuance of a permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.

c. Except for any toxic effluent standard or prohibition imposed under Section 307 of the Federal act or any standard for sewage sludge use or disposal under Section 405(d) of the Federal act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 318, 403, and 405(a) and (b) of the Federal act. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in Section 61.8(8) of the Colorado Discharge Permit System Regulations.

d. Compliance with a permit condition which implements a particular standard for sewage sludge use or disposal shall be an affirmative defense in any enforcement action brought for a violation of that standard for sewage sludge use or disposal.

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	Base/Neutral	Acid Compounds	Pesticides
acrolein	acenaphthene	2-chlorophenol	aldrin
acrylonitrile	acenaphthylene	2,4-dichlorophenol	alpha-BHC
benzene	anthracene	2,4,-dimethylphenol	beta-BHC
bromoform	benzidine	4,6-dinitro-o-cresol	gamma-BHC
carbon tetrachloride	benzo(a)anthracene	2,4-dinitrophenol	delta-BHC
chlorobenzene	benzo(a)pyrene	2-nitrophenol	chlordane
chlorodibromomethane	3,4-benzofluoranthene	4-nitrophenol	4,4'-DDT
chloroethane	benzo(ghi)perylene	p-chloro-m-cresol	4,4'-DDE
2-chloroethylvinyl ether	benzo(k)fluoranthene	pentachlorophenol	4,4'-DDD
chloroform	bis(2-chloroethoxy)methane	phenol	dieldrin
dichlorobromomethane	bis(2-chloroethyl)ether	2,4,6-trichlorophenol	alpha-endosulfan
1,1-dichlorethane	bis(2-chloroisopropyl)ether		beta-endosulfan
1,2-dichlorethane	bis(2-ethylhexyl)phthalate		endosulfan sulfate
1,1-dichlorethylene	4-bromophenyl phenyl ether		endrin
1,2-dichlorpropane	butylbenzyl phthalate		endrin aldehyde
1,3-dichlorpropylene	2-chloronaphthalene		heptachlor
ethylbenzene	4-chlorophenyl phenyl ether		heptachlor epoxide
methyl bromide	chrysene		PCB-1242
methyl chloride	dibenzo(a,h)anthracene		PCB-1254
methylene chloride	1,2-dichlorobenzene		PCB-1221
1,1,2,2-tetrachloroethane	1,3-dichlorobenzene		PCB-1232
tetrachloroethylene	1,4-dichlorobenzene		PCB-1248
toluene	3,3-dichlorobenzidine		PCB-1260
1,2-trans-dichloroethylene	diethyl phthalate		PCB-1016
1,1,1-trichloroethane	dimethyl phthalate		toxaphene
1,1,2-trichloroethane	di-n-butyl phthalate		
trichloroethylene	2,4-dinitrotoluene		
vinyl chloride	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		

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

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

INFLUENT SCREENING REQUIREMENTS

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
1,4-Dioxane

Semi-VolatileOrganic Compounds

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
2-chlorophenol
2,4-dichlorophenol
2,4,-dimethylphenol
4,6-dinitro-o-cresol
2,4-dinitrophenol
2-nitrophenol
4-nitrophenol
pentachorophenol
phenol
2,4,6-trichlorophenol
1,4-Dioxane

Metals

Aluminum-Trec*
Antimony-Trec
Arsenic-Trec and PD*
Barium-Trec
Beryllium-Trec
Cadmium-Trec and PD
Chromium III-Trec and PD
Chromium VI-Trec and Diss*
Copper-Trec and PD
Iron-Trec and Diss
Lead-Trec and PD
Manganese-Trec and Diss
Molybdenum-Trec
Nickel-Trec and PD
Selenium-Trec and PD
Silver-Trec and PD
Thallium-Trec and PD
Uranium-Trec and PD
Zinc-Trec and PD

*Trec=Total Recoverable
*PD=Potentially Dissolved
*Diss=Dissolved