CDPS GENERAL PERMIT

DISCHARGES ASSOCIATED WITH SUBTERRANEAN DEWATERING OR WELL DEVELOPMENT

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"), facilities discharging wastewater from **subterranean structures (basement, foundation, footer drains, etc.) and/or well development water** that are determined to be of minimal impact and with no evidence of contamination are authorized to discharge from approved locations throughout the State of Colorado to ground and surface waters of the State. Such discharges shall be in accordance with the conditions of this permit.

This permit specifically authorizes the permittee listed on page 1 of this permit, which is the facility certification, to discharge process generated wastewaters as of the date stated on page 1, in accordance with the permit requirements and conditions set forth in Parts I and II hereof and the facility certification. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

Any party, including those currently certified under this general permit, may demand an adjudicatory hearing within thirty days of the issuance of the final permit determination, per the Colorado Discharge Permit System Regulations, Regulation No. 61 (5 CCR 1002-61). Should a party choose to contest any of the effluent limitations, monitoring requirements or other conditions contained herein, the party 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 party.

This permit and the authorization to discharge shall expire at midnight, **December 31, 2012**.

Issued and Signed this 25th day of September, 2007

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler, Permits Section Manager
Water Quality Control Division

ISSUED AND SIGNED SEPTEMBER 25, 2007

EFFECTIVE DATE JANUARY 1, 2008

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PART I

A. COVERAGE UNDER THIS PERMIT

1. Eligibility

To be considered eligible for authorization to discharge under the terms and conditions of this permit, the owner or operator of any facility desiring to discharge **subterranean structure (basement, foundation, footer drains, etc.) dewatering and/or well development water** with no evidence of contamination to ground and/or surface waters of the State must submit a complete permit application form obtained from the Division. At least thirty days prior to the anticipated date of discharge, the application shall be submitted to:

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

The specific application for this general permit with instructions is available as a hardcopy for pick-up, by calling (303) 692-3500, or online at the Division's website: http://www.cdphe.state.co.us/wq/PermitsUnit/Industrial/index.html . The Division has thirty days after receipt of the above information to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information, the Division has an additional thirty days to issue or deny authorization for the particular discharge.

If the Division determines that the operation does not fall under the authority of the general permit, then the information received will be treated as application for an individual permit. In such case, discharge is not allowed until a permit is issued, which may take 180 days.

This general permit will expire on **December 31**, **2012**. The Division must evaluate this general permit at least once every five years and must also recertify all existing permittees' authority to discharge under the general permit at such time. Permittees desiring continued coverage under this general permit must re-apply 180 days prior to the expiration date of this general permit**.** The Division will review all applications and determine on a case-by-case basis if permittees are eligible to continue to operate under the terms of the general permit. An application for an individual permit will be required for any point source discharge not reauthorized to discharge under the reissued general permit.

2. Application Requirements

The application referenced above will require the following information:

a. Name, address, and descriptive location of the facility (e.g. wells), including latitude and longitude;
b. Names and contact information for legal contact and principal in charge of the project or operation of the facility;
c. Description of the type of activity resulting in the discharge, including the anticipated duration of the activity and/or the discharge, anticipated volume and rate of discharge, and the source of water, which is to be discharged;
d. Name of potential receiving State Waters, (including irrigation ditches, intermittent streams, dry drainage, and groundwater);
e. Where pollutants are expected in the discharge, a description of the wastewater treatment system and/or recycle/reuse utilized that will effectively and consistently meet all applicable effluent limitations (failure to provide satisfactory treatment may result in immediate denial);
f. A topographic map showing the general geographical location of the facility, discharge locations , nearby landfills, mine and/or mill tailings, and drinking water intakes;
g. A sketch of the facility and/or project showing all structures, discharge points, sampling locations, outfalls, and receiving waters, as well as storage locations of any petroleum or chemicals on site;
h. A chemical analysis of the water to be discharged (only if requested by permit writer);

3. Certification Requirements

Under this general permit, facilities performing **subterranean structure (basement, foundation, footer drains, etc.) dewatering and/or well development** water may be granted authorization to discharge process generated wastewater effluent to ground and surface waters of the State. In order to be eligible for coverage under this general permit, the source water should have no evidence of contamination.

An entity can be granted blanket coverage under this permit when testing of multiple wells or similar operations is being performed in the same geographic area providing common permit terms and conditions are appropriate. The certification will describe the physical boundaries authorized under that certification and any special conditions that may apply.

B. TERMS AND CONDITIONS

1. Narrative Limitations and Exclusions

a. Industrial discharges from cleaning shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of water quality standard, including narrative standards for water quality.

b. Chemicals may not be added to the discharge unless the Division grants specific permission, which will be stated in the certification to discharge. In granting the use of chemicals, special conditions and monitoring requirements may be addressed in the certification to discharge.

c. There shall be no discharge of solid animal or food waste, vegetative wastes (grass, leaves, manure, garbage, etc.), or any floating solids or visible foam in other than trace amounts.

d. All discharges must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts, and other local agencies regarding any discharges to storm drain systems, conveyances, or other water courses under their jurisdiction. In addition, prior to the discharge the permittee must notify the owner of the system of the date, approximate time, location, and duration of the discharge(s).

2. Numeric Effluent Limitations and Monitoring Requirements

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4. (5 CCR 1002-62), and the Colorado Discharge Permit System Regulations, Section 61.8.(2) (5 CCR 1002-61), at a minimum, the permitted discharge shall not contain effluent parameter concentrations which exceed the following limitations. Also, see Best Management Practices (BMP) Plan requirements in Part I.B.3. of this permit.

Discharges authorized under this permit are considered temporary in nature due to their expected short duration; however, foundation dewatering may be a continuous discharge. The use of Table 1 or 2 will be specified in the certification.

a. Table 1—Effluent Limitations and Monitoring Requirements for short-term discharges (i.e. well development and/or monitoring and observation wells).

Effluent Parameter	**Discharge Limitations**		
	Daily Maximum	**Monitoring Frequency[1]**	**Sample Type**
Flow, gpm[2]	Report	2X/discharge	Recorder
Total Suspended Solids, mg/l	30	2X/discharge	Grab
pH, s.u.	6.5-9.0	2X/discharge	In-situ
Oil and Grease, mg/l[3]	10	2X/discharge	Visual/Grab
Site specific			
Other Pollutants, units	Limit	2X/discharge	Grab
Other Pollutants, units	Report	2X/discharge	Grab
Total Dissolved Solids, mg/l[4]	Report	2X/discharge	Grab
Total Phosphorus, mg/l[5]	0.05	2X/discharge	Grab
Total Phosphorus, mg/l[5]	Report	2X/discharge	Grab

b. Table 2—Effluent Limitations and Monitoring Requirements for continuous discharges (i.e. subsurface structure (foundation) dewatering of groundwater).

Effluent Parameter	Discharge Limitations			Monitoring Frequency[1]	Sample Type
	30 Day Avg	7 Day Avg	Daily Max		
Flow, gpm[2]	Report	NA	Report	Monthly	Recorder
Total Suspended Solids, mg/l	30	45	NA	Monthly	Grab
pH, s.u.	NA	NA	6.5-9.0	Monthly	In-situ
Oil and Grease, mg/l[3]	NA	NA	10	Monthly	Visual/Grab
Site specific					
Other Pollutants, units	Limit	NA	Limit	Monthly	Grab
Other Pollutants, units	Report	NA	Report	Monthly	Grab
Total Dissolved Solids, mg/l[4]	Report	NA	Report	Quarterly	Grab
Total Phosphorus, mg/l[5]	0.05	NA	0.05	Monthly	Grab
Total Phosphorus, mg/l[5]	Report	NA	Report	Monthly	Grab

[1] This monitoring frequency is based on discharges that are classified as intermittent or temporary, such as those surrounding well development or subterranean dewatering activities. If the discharge is not classified as intermittent or temporary, the monitoring frequency may be changed.

[2] Flow can be measured with a recorder or determined from estimates based on measurements of pump capacity or flow over timed intervals whichever` represents existing conditions.

[3] There shall be no visible sheen. If a visual sheen is detected a grab sample must be taken.

[4] Monitoring is required only for discharges within the Colorado River Basin.

[5] If the receiving water body is subject to a control regulation, then a limit and/or monitoring may be required for this controlled parameter

b. Water Quality Standards – Site-specific limitations for additional parameters will be added on a case-by-case basis that are equivalent to the water quality standards found in The Basic Standards and Methodologies for Surface Water (5 CCR 1002-31) or The Basic Standards for Ground Water (5 CCR 1002-41), as appropriate, and will be specified in the certification along with appropriate monitoring frequencies.

c. Chemical Addition – All chemicals that are or may be in the discharge are subject to review and approval. A Material Safety Data Sheet (MSDS) showing aquatic toxicity data shall be submitted with the permit application. The permit writer will review the MSDS and any other applicable information prior to approval. If additional pollutants may be discharged as a result of the chemical addition, limitations and/or monitoring may be added to those in the table above to assure constituents in the chemicals do not violate water quality standards.

d. Volume of Water Discharged (Flow) – Flow reporting will apply. See the individual certification rationale for the flow limit applicable to the facility. Either a flow measuring device or an approved alternate determination of the total volume and total time of discharge may be used for effluent flow monitoring. Also see Part I.E.5. of this permit.

e. Salinity Monitoring – In compliance with the Colorado River Salinity Standards (Regulation No. 39) and the Colorado Discharge Permit System Regulations (Regulation No. 61), all permittees in the Colorado River basin shall monitor for total dissolved solids (TDS). Samples shall be taken at all authorized outfalls. If TDS monitoring is a requirement of the permit then it shall be included in the site-specific certification. Additional monitoring for TDS shall be included on the DMR and shall be subject to the permit's monitoring and reporting requirements. TDS sampling shall be taken as a grab sample.

f. Control Regulations—Control regulations exist to place additional limits on discharges to surface waters in five watersheds – Dillon Reservoir, Cherry Creek Reservoir, Chatfield Reservoir, Cheraw Lake, and Bear Creek Reservoir. The total available wasteloads (i.e., phosphorus) have been allocated in these regulations to various point and non-point sources that discharge on these watersheds. Certifications for discharges to these watersheds may include limitations and/or monitoring requirements for the parameters specified in the regulation.

g. Discharges to 303(d) listed waters – Since the effluent limits are equal to the water-quality standards and the discharge is expected to be short-term or intermittent, the assumption is that the discharge will not further impair the quality of the receiving water for the 303(d)-listed parameters.

h. Discharging to Ground Water – Facilities permitted under this general permit may discharge to ground water via land application, infiltration ponds or other approved means. Because the standards for groundwater are based on water supply and agricultural uses, which also apply to surface waters of the state, the Division has determined that discharges that are protective of surface water standards are also protective of groundwater standards, unless a more stringent site-specific groundwater standard has been adopted. The Division will include a site-specific limit in the certification or require

coverage under an individual permit as needed to implement more stringent site-specific groundwater standards. Certain discharges, due to proximity to alluvial water associated with nearby surface flow, are considered to be hydrologically connected to this surface flow and will be considered a discharge to surface water, If a permittee desires to discharge to ground water via approved means, the permittee shall demonstrate in the application by what method effluent will be discharged to ground water, and how and where effluent can be monitored prior to discharge to ground water. All applicable effluent limitations will be met prior to application to the land.

i. Additional Monitoring – The Division reserves the right to request monitoring of additional pollutants to measure the effectiveness of Best Management Practices (BMP's) in removing pollutants in the effluent (see Part I.B.3. of this permit). Such monitoring shall be implemented, where appropriate, as described in the facility's certification.

3. Best Management Practices

The permittee may need to implement and maintain Best Management Practices to meet effluent limits for the prevention of erosion and the control of solid and liquid pollutants in the discharge.

BMPs include various options, such as: modification of the pipe discharge structure to disperse flows; containment of water by hay bales or other comparable structures; the use of geocloth, filter fabric, or plastic sheeting for protection of containment structures; rip-rap; and/or any other approved methods.

4. Other Site-specific Conditions

Specific permit conditions may be applied for compliance with any Division compliance order on consent, cease and desist order, or an EPA administrative order, or similar decree promulgated by the Division, EPA, or other regulatory authority.

C. DEFINITIONS

1. A "composite" sample, for monitoring requirements, is a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.

2. A "continuous" measurement, for flow monitoring requirements, is a measurement obtained from an automatic recording device, which continually measures flow.

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

4. "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.

5. A "grab" sample, for monitoring requirements, is a single "dip and take" sample.

6. An "in-situ" measurement, for monitoring requirements, is a single reading, observation, or measurement performed on site.

7. "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.

8. A "quarterly sample" shall be collected during March, June, September and December, if a continual discharge occurs. If the discharge is intermittent, then samples shall be collected during the period that discharge occurs.

9. "Salinity" is measured as Total Dissolved Solids (TDS). Where based on a minimum of 5 samples, the permittee demonstrates a correlation to the satisfaction of the Division that the level of TDS in the effluent can be calculated based upon the level of electrical conductivity, the permittee may measure and report salinity in terms of electrical conductivity.

10. "Seven (7) day average" means the arithmetic mean of all samples collected in a seven (7) consecutive day period. Such seven (7) day averages shall be calculated for all calendar weeks, which are defined as beginning on Sunday and ending on Saturday. If the calendar week overlaps two months (i.e. the Sunday is in one month and the Saturday in the following month), the seven (7) day average calculated for that calendar week shall be associated with the month that contains the Saturday. Samples may not be used for more than one (1) reporting period. See the following definition of 30 day average for more information concerning calculations involving analytical results that are less than the method detection limit.

11. "Thirty (30) day average" means the arithmetic mean of all samples collected during a thirty (30) consecutive-day period. The permittee shall report the appropriate mean of all self-monitoring sample data collected during the calendar month on the Discharge Monitoring Reports. Samples shall not be used for more than one (1) reporting period. In the calculation of average concentrations, those analytical results that are less than the method detection limit shall be considered to be zero for calculation purposes. If all individual analytical results that would be used in the calculations are below the method detection limit, then "less than x ", where x is the method detection limit, shall be reported on the monthly DMR. Otherwise, report the calculated value.

12. "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.

13. A "visual" observation, for Oil and Grease monitoring requirements, is defined as observing the discharge to check for the presence of a visible sheen or floating oil. If either of these is present, a grab sample shall be taken, analyzed, and reported on the appropriate DMR. In addition, corrective action shall be taken immediately to mitigate the discharge of oil and grease. A description of the corrective action taken should be included with the DMR.

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

D. ADDITIONAL MONITORING REQUIREMENTS

1. Discharge Sampling Point

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

2. Additional Monitoring by Permittee

If the permittee, using approved analytical methods, monitors any parameter more frequently than required by the permit, 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.

E. GENERAL MONITORING, SAMPLING AND REPORTING REQUIREMENTS

1. Routine Reporting of Data

Reporting of the data gathered in compliance with Part I.B.2. shall be on a **quarterly** basis. All data shall be reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1). Monitoring results shall be summarized as appropriate for each calendar month. The highest monthly value for the calendar quarter shall be reported in the appropriate place on the DMR. The original top copy of the form shall be mailed to the Division, as indicated below, so that the DMR is received no later than the 28th day of the month following the end of the quarter (for example, the January, February and March DMR for the first calendar quarter must be received by the Division by April 28th). If no discharge occurs during the reporting period, "No Discharge" shall be reported. Refer to the instructions on the back of the DMR forms for additional reporting information.

The DMR forms consist of multiple pages. After the DMR form has been completely filled out and signed, the copies must be separated and distributed as follows:

The first 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

All additional copies are for the permittee records. 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.6.

Calculations for all limitations which require the averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit

2. Representative Sampling

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

If the permittee monitors at the point of discharge any pollutant limited by the permit more frequently than required by the permit, using approved test procedures or as specified in the permit, the result of this monitoring shall be included in the calculation and reporting of data to the Division.

3. Analytical and Sampling Methods for Monitoring

The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. All sampling shall be performed by the permittee according to specified methods in 40 CFR Part 136; methods approved by EPA pursuant to 40 CFR Part 136; or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 CFR Part 136. **The analytical method selected for a parameter shall be the one that can measure the lowest detected limit for that parameter unless the permit limitation or stream standard for those parameters not limited, is within the testing range of another approved method.** When requested in writing, the Division may approve an alternative analytical procedure or any significant modification to an approved procedure.

When the most sensitive analytical method which complies with this part, has a detection limit greater than or equal to the permit limit, the permittee shall report "less than (the detectable limit)," as appropriate. Such reports shall not be considered as violations of the permit limit. The present lowest method detection limits for specific parameters (which have limitations that are, in some cases, less than or equal to the detection limit) are as follows:

Effluent Characteristic	Method Detection Limits, mg/l
Arsenic	0.010
Cadmium	0.005
Chromium	0.010
Chromium, Hexavalent	0.010
Copper	0.005
Iron	0.1
Lead	0.005
Manganese	0.6
Mercury	0.000003
Nickel	0.020
Phenols	0.050
Selenium	0.010
Silver	0.0002
Zinc	0.010

These limits apply to the total recoverable or the potentially dissolved fraction of metals.

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

Monitoring is required only when chlorine is present in any concentration in the source water or is added. For purposes of this permit the method detection limits of the DPD colorimetric and the amperometric titration methods of analysis for total residual chlorine are as follows:

Method	**Method Detection Limit, mg/l**
DPD colorimetric	0.10 mg/l
Amperometric titration	0.05 mg/l

If, during the life of this permit, there are improvements in approved analytical procedures that result in lower detection limits, this permit may be reopened to propose the incorporation of those detection limits into this permit. Modification of the permit will be in accordance with the requirements of 40 CFR Part 124.

4. Records

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

5. Volume of Water Discharged (Flow)

The volume of water discharged shall be measured to give representative values of effluent quantities at the respective discharge points. Unless specifically exempted, or modified by the Division. Records must be kept describing the method used for calculating flow measurement.

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 percent of the actual flow being discharged from the facility.

6. Signatory and Certification Requirements

a. 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 principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the 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, ranking elected official, or other duly authorized employee.

b. All reports required by permits, and other information requested by the Division shall be signed by a person as described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

i) The authorization is made in writing by a person described above;

ii) 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,

iii) The written authorization is submitted to the Division.

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, other than for spills**, during normal business hours shall be to:

Industrial Compliance Officer
Water Quality Control Division
Telephone: (303) 692-3500

Spills notifications at any time and **other notifications** after hours shall be to :

Environmental Release and Incident Reporting Line
Telephone: (877) 518-5608

b. **Written notification** shall be to:

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

2. Change in Discharge

The permittee shall notify the Division, in writing, of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged, or;

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.

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. Spill: An incident in which flows or solid materials are accidentally or unintentionally allowed to flow or escape so as to be lost from the treatment, processing or manufacturing system which may cause or threaten pollution of State Waters.

d. 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 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 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 or spill 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. 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 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 ug/l);

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

iii) Five 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 CFR § 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 ug/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 CFR § 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. 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. Minimization of Adverse Impact

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. Removed Substances

Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed in accordance with applicable state and federal regulations.

Where applicable, the permittee shall dispose of sludge in accordance with all State and Federal regulations.

12. Submission of Incorrect or Incomplete Information

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. Bypass

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. Reduction, Loss, or Failure of Treatment Facility

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 wth 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. Inspections and Right to Entry

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. Duty to Provide Information

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

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

x) 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.

xi) 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 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. Oil and Hazardous Substance Liability

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

7. State Laws

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.

8. Permit Violations

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

9. Property Rights

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 provisions 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. Termination of Permit

Effective July 1, 2007, legislation (HB 07-1329) removed the option for issuance of short-term certifications. Thus, when activities requiring permit coverage are complete, the permittee can initiate the termination of their permit by sending in a

letter to the Division requesting permit termination. DMRs must be submitted to the Division until the termination process is complete.

13. 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.

14. 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.

15. Duration of Permit

The duration of a permit shall be for a fixed term and shall not exceed five 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.

16. 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.

17. Antibacksliding

a. A permit may not be renewed, reissued, or modified to contain effluent limitations adopted pursuant to Section 25-8-503(1)(b) (BPJ) of the Water Quality Control Act, which are less stringent than the comparable effluent limitations or standards in the previous permit, unless any one of the following exceptions is met and the conditions of paragraph (c) of this section are met:

   i) Material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of less stringent effluent limitations; or

   ii) Information is available 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 a less stringent effluent limitation or standard at the time of permit issuance; or

   iii) The Division determines that technical mistakes or mistaken interpretations of law were made in issuing the permit, which justified relaxation of the effluent limitations or standards; or

   iv) A less stringent effluent limitation or standard is necessary because of events over which the permittee has no control and for which there is not reasonable available remedy; or

   v) The permittee has received a permit variance; or

   vi) The permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case, the limitations in the renewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

b. A permit may not be renewed, reissued, or modified to contain effluent limitations adopted pursuant to 61.8(2(b) or (c) of the Colorado Discharge Permit System Regulations that are less stringent than the comparable effluent limitations in the previous permit, unless any of the exceptions provided herein is met and the conditions of paragraph c. of this section are met.

   i) In waters where the applicable water quality standard has not yet been attained, effluent limitations based on a total maximum daily load or other waste load allocation may be revised to be less stringent if the cumulative effect of all

such revisions assures attainment of such water quality standard, or the designated use which is not being attained is removed in accordance with Section 31.6 of the Basic Standards.

ii) In waters where the applicable water quality standard has been attained, effluent limitations based on a total maximum daily load, other waste load allocation, or any other permitting standard (including any water quality standard) may be revised to be less stringent if such revision is subject to and consistent with the antidegradation provisions of Section 31.8 of the Basic Standards. Consistency with Section 31.8 shall be presumed if the waters in question have been designated by the Commission as "use protected"; or

iii) Whether or not the applicable water quality standard has been attained:

(A) Material and substantial alterations or additions to the permitted facility occurred after permit issuance which justified the application of less stringent effluent limitations; or

(B) A less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is not reasonable available remedy; or

(C) The permittee has received a permit variance; or

(D) The permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case, the limitations in the reviewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

c. In no event may a permit with respect to which paragraphs (a) and (b) of this section apply be renewed, reissued, or modified to contain an effluent limitation or standard which is less stringent than required by federal effluent guidelines in effect at the time the permit is renewed, reissued, or modified. In no event may such a permit to discharge into State Waters be renewed, reissued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of an applicable water quality standard.

18. 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.