STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WATER QUALITY CONTROL DIVISION TELEPHONE: (303) 692-3500



Colorado Discharge Permit System (CDPS) General Permit

for Domestic Wastewater Treatment Works With No Ground Water Monitoring Requirements

PERMIT NO: COX-622000

In compliance with the provisions of the Colorado Water Quality Control Act (25-8-101 et seq., CRS, 1973 as amended), domestic wastewater treatment works, including on-site systems and other treatment works, that have adequately demonstrated that no ground water monitoring is required to protect State waters are authorized to discharge from approved treatment system locations throughout the State of Colorado to waters of the State. Such discharges shall be in accordance with the limitations, best management practices, and other conditions set forth herein.

This permit specifically authorizes the entity identified in the permit *Certification* to discharge from their domestic wastewater system facilities at the location specified and to the waters of the State specified in the Certification. This permit does not authorize discharges which by themselves, or in combination with other pollution, will result in pollution of ground water in excess of the level established by an applicable ground-water quality standard.

The authorization to discharge under this permit is in effect from the date of Certification until the permit expiration date identified below.

This permit and authorization to discharge shall expire at midnight, MAY 31, 2012.

Amended, Re-issued, and Signed this January 9, 2008.

Janet Kieler, Permits Section Manager

Land Kieler

Water Quality Control Division

Colorado Department of Public Health and Environment

AMENDMENT 1 ISSUED: JANUARY 9, 2008 and EFFECTIVE MARCH 1, 2008

ORIGINALLY ISSUED: APRIL 30, 2007 and EFFECTIVE JUNE 1, 2007

Amendment 1 includes changes to the Title, Introduction, and Section I.A, IV.A.1 and IV.A.2.

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I. GENERAL PERMIT APPLICABILITY

- I.A. **Facilities Covered:** The owner or operator of any domestic wastewater treatment system that can comply with all of the terms, requirements, and conditions of this general permit, and that meets the requirements for coverage under this general permit, may apply for permit coverage. This permit covers the following:
 - I.A.1. Facilities that discharge to only ground water and do not discharge to surface water; and
 - I.A.2. Facilities that can demonstrate to the Division's satisfaction that there is a low potential for ground water standards to be exceeded at the point of compliance (i.e., a point located hydrologically down gradient of the treatment system and established in accordance with Regulation No. 41 The Basic Standards for Ground Water).
- I.B. **Excluded Facilities:** The following sources may not register for this general permit:
 - I.B.1. Facilities that accept for treatment and discharge, by truck, rail, or dedicated pipeline, any hazardous waste as defined in Part 261. 6 CCR 1007-3.
 - I.B.2. Facilities previously authorized to discharge under this permit that undergo a change in conditions resulting in the inability to qualify under Section I.A., above.
 - I.B.3. Facilities for which the Division denies certification under this permit under the circumstances specified in Regulation No. 61 (Ref. 61.9(2)(b)(iii)).

II. PERMIT APPLICATION AND AUTHORIZATION REQUIREMENTS

II.A. Application for Coverage under the General Permit

II.A.1. Facilities that qualify under Section I.A., above, may apply for coverage under this permit by submitting a complete *CDPS Permit Application* form to the Division at least ninety (90) days prior to the anticipated date of first discharge.

The permit application requires information necessary for adequate program implementation. This information may include, but is not limited to:

Legal name and address of the owner or operator,

- · Facility name and address,
- The number and date of the current Site Application and Design Approval where applicable,
- Risk-based assessment for Division review and approval demonstrating that ground water monitoring is not required to ensure the protection of State waters;
- · Maps and sketches of the wastewater treatment system,
- Information on potential receptors and receiving waters,
- · Geologic and hydrogeologic information, and
- Proposed Points of Compliance (monitoring locations).

The CDPS Permit Application form is available through the Division web page at www.cdphe.state.co.us/wq/PermitsUnit/index.html or may be obtained by contacting the Division at 303-692-3500.

II.A.2. The Division shall review permit applications for completeness, request additional information, process completed permit applications, and issue or deny certification under this general permit in accordance with the provisions of Regulation No. 61 (Refs. 61.5(1) and 61.9(2)(b)(iv)).

II.B. Permit Coverage

- II.B.1. Authorization to discharge under this permit is in effect from the date of the facility-specific certification under this permit until the permit expiration date (or as provided by the Division where the Division continues authorization under an administrative extension). The effective date of Certification under this permit and permit expiration date shall be specified in the Certification.
- II.B.2. The Certification issued to the Permittee by the Division shall include all site-specific conditions of the permit, including but not limited to the service area, facility design capacity, any adjustments to effluent limitations based on natural background conditions or other considerations, and the Permittee's designated monitoring schedule.
- II.B.3. Any discharge to the waters of the State from a point source other than specifically authorized herein is prohibited.

II.C. Permit Renewal

- II.C.1. Should the Permittee desire to continue to discharge after the general permit expiration, the Permittee shall submit a complete discharge permit application at least 180 days prior to the expiration date of the general permit (Regulation 61, Ref. 61.4(1)(d)). Required application forms are available through the Division and may be obtained by contacting the Division at 303-692-3500.
- II.C.2. Renewal requests will be processed in accordance with the provisions of Regulation 61, Sections 61.5 (2&3), 61.6, 61.7 and 61.15.

II.D. Permit Transfer

Coverage under this permit may be transferred to another party only when the conditions provided in Regulation No. 61 (Refs. 61.8(6) and 61.15) have been met, including but not limited to:

- II.D.1. The current Permittee notifies the Division in writing at least 30 days in advance of the proposed transfer date;
- II.D.2. The notice includes a written agreement between the existing and new Permittee containing a specific date for transfer of permit responsibility, coverage and liability between them; and

II.D.3. The Division does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue the general permit or the Permittee's certification under the general permit.

III. SERVICE AREA AND DESIGN CAPACITY

- III.A. The service area for the treatment system shall be delineated in the Certification and shall be consistent with the service area provided in any applicable Site Application and Design Approval.
- III.B. The 30-day average design hydraulic capacity and 30-day average design organic capacity for the treatment system shall be delineated in the Certification and shall be consistent with the design capacities provided in any applicable Site Application and Design Approval. The specified design capacities shall be binding for the purposes of determining compliance with the expansion requirements described in Section V.D.

IV. EFFLUENT LIMITATIONS

IV.A. Effluent Limitations

- IV.A.1. Compliance with applicable effluent limitations is predicated on attenuation of pollutant concentrations in the vadose zone and/or along the flow path in the ground water. The Permittee shall utilize proper operation and maintenance procedures as provided in Section V to ensure that the treatment system achieves the level of treatment for which it was designed and that applicable effluent limitations are met at a point of compliance located hydrologically down gradient of the treatment system and established in accordance with Regulation No. 41 *The Basic Standards for Ground Water*.
- IV.A.2. Wasteload allocations based on the Watershed Protection Control Regulations (Regulation Nos. 71 through 75) will be included in the Certification as applicable. Where wasteload allocations are included, the installation and sampling of lysimeters may also be required. Lysimeter monitoring locations and sampling and reporting requirements will be delineated in the Certification.

V. OPERATION AND MAINTENANCE REQUIREMENTS

V.A. Proper Operations 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 that are installed by the Permittee, only when necessary to achieve compliance with the conditions of the permit, as required by Regulations No. 61 (Ref. 61.8(3)(g)(i)).

V.B. Best Management Practices

- V.B.1. The Permittee shall employ best management practices (BMPs) to effectively manage the onsite treatment system and to minimize the potential risk of any unintentional release of pollutants. Best management practices shall include, but are not limited to the following:
 - Properly operate and manage the wastewater treatment system at no greater than its maximum treatment capacity. Keep a logbook to demonstrate the average and maximum daily flows for each month of operation.

- Inspect the scum level and sludge level in each septic tank (as applicable) in order to know when the particular septic tank needs to be pumped. Have the septic tank pumped by a licensed pumping contractor.
- Conduct routine inspections of all facilities and systems of treatment and control. Maintain a log book on inspection results and a description of any repairs made.
- Make every effort to prevent hazardous waste, toxic waste, and/or recreational vehicle (RV) septage from entering the wastewater treatment facility.
- V.B.2. Where a Division approved Operation and Maintenance (O&M) Plan is required as a condition of the Site Application Approval, the Permittee shall operate and maintain the wastewater treatment plant in accordance with the approved O&M plan.

V.C. Flow Requirements

V.C.1. Flow Limit

Beginning on the date of certification under this permit, the Permittee is authorized to discharge to ground water subject to the flow limitations provided in Table 1 and as specified in the Certification.

Table 1 COMPLIANCE LIMITATIONS At Point 300I (Influent) OR Point 001A (Division-Approved Point of Effluent)			
Parameter	30-Day Average ^{a/}		
Flow (MGD)	Equal to the facility's approved design capacity.		

^{a/} The thirty (30) day average is defined as being the arithmetic mean of the analytical results for all samples collected during a thirty (30) consecutive day period. The Permittee shall record the arithmetic mean of all self monitoring sample data collected during the calendar month for review by the Division upon request. No individual sample result may be used for more than one thirty (30) day average.

V.C.2. Flow Measuring Requirements

At a minimum, flow shall be monitored beginning the date of certification under this general permit (or as specified in the Certification), regardless of whether or not an effluent discharge occurs.

The Permittee shall install a continuous flow measuring device(s) to determine the throughput and treatment of the wastewater system as required by Regulation No. 61 (Ref. 61.8(7)(a)(vi). The metering device for the influent in the water supply line shall be equipped with a local flow indication instrument and a flow indication-recording-totalization device suitable for providing permanent flow records, unless specifically exempted by the Division. Where influent flow metering is not practicable, the Division may approve on a case-by-case basis flow metering at the effluent end of the treatment facility or flow metering by some other means. The flow measuring device and location of flow measurement approved by the Division shall be delineated in the Certification.

At the request of the Division, the Permittee must be able to show proof of the accuracy of any flow-measuring device used in obtaining data submitted in the monitoring report. The flow-measuring devices must indicate values within ten (10) percent of the actual flows.

Where a flow meter is required, the accuracy of the flow meter is to be determined annually.

V.D. Expansion Requirements

Any proposed alterations or expansions to the WWTW, or to the facility or facilities served by the WWTW, that may affect the monthly hydraulic loading (gallons per day) to the WWTW or the number of people served by the WWTW must be reported to the Division prior to the alteration or expansion. The Permittee is subject to subject to the site application and design approval requirements provided in Regulation No. 22, Site Location and Design Approval Regulations and to the expansion requirements provided in Regulation No. 6, Colorado Discharge Permit System Regulations (Refs. 61.8(7)(a)(iii) - (iv)).

If, during the previous calendar year, the monthly hydraulic loading (gallons per day) to the facility in the maximum month exceeded either 80% or 95% of the flow capacity documented in the Certification, the Permittee shall submit a report by March 31st of the following year that includes:

- V.D.1. a schedule for planning for a facility expansion if 80% of the hydraulic capacity was exceeded; or
- V.D.2. a schedule for construction of a facility expansion if 95% of the hydraulic capacity was exceeded; or
- V.D.3. an analysis that indicates that the exceedance of the applicable percentage of the hydraulic capacity (80% or 95%) was an anomaly and is not expected to occur during the current calendar year.

If the Permittee has reason to believe that the peak flow in any major interceptor or pump house is expected to cause an overflow from the interceptor or pump house during the current calendar year, the Permittee shall submit a report within 30 days of such finding that includes a schedule of actions to be taken immediately that will prevent any overflow to state waters.

V.E. Bypass Procedures

- V.E.1. For essential maintenance to assure efficient operation of the treatment plant, the Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded. In this case, Division notification is not required.
- V.E.2. A bypass, which causes effluent limitations to be exceeded, is prohibited, and the Division may take enforcement action against a Permittee for bypass unless the following provisions of Regulation No. 61 apply (Ref. 61.8(3)(i)):
 - V.E.2.a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - V.E.2.b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the Permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - V.E.2.c. If the Permittee knew in advance of the need for a bypass, the Permittee submitted written notification to the Division of the need for such bypass at least ten (10) days before the date of the contemplated bypass.

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V.F. Waste Handling and Disposal

The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and in accordance with State and Federal regulations (See Regulation No. 61, Refs: 61.8(3)(I); 61.8(7)(e); and 61.8(3)(h)).

V.G. Industrial Waste Management

- V.G.1. The Permittee has the responsibility to protect the wastewater treatment system (the system) from any contributing discharges, which would inhibit, interfere, or otherwise be incompatible with operation of the treatment facility including the use or disposal of municipal sludge.
- V.G.2. The Permittee shall not allow wastes from the following activities to enter into the system:
 - Clean-up from underground storage tanks;
 - · Hauled industrial wastes; and
 - Ground water clean-up from RCRA of Superfund sites.
- V.G.3. The Permittee shall prohibit the introduction of the following pollutants into the system.
 - Pollutants which create a fire or explosion hazard, including, but not limited to, waste streams with a closed cup flashpoint of less than sixty (60) degrees
 Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21;
 - Pollutants which will cause corrosive structural damage to the system, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
 - Solid or viscous pollutants in amounts which will cause obstruction to the flow in the system, or other interference with the operation of the system
 - Any pollutant, including oxygen demanding pollutants (e.g. BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the system;
 - Heat in amounts which will inhibit biological activity in the system resulting in interference, but in no case heat in such quantities that the temperature at the lagoon(s) exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit);
 - Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 - Pollutants which result in the presence of toxic gases, vapors, or fumes within the system in a quantity that may cause acute worker health and safety problems.

VI. REPORTING REQUIREMENTS

The Permittee shall prepare and submit reports and notifications in accordance with the conditions provided in this permit. Falsification and tampering of information may result in criminal liability pursuant to section 25-8-610 C.R.S. (See Regulation No. 61, Ref. 61.8(4)(m)).

VI.A. Annual Compliance Self-Reporting Form

The Permittee shall submit an annual self-certification form to demonstrate compliance with the terms and conditions of this permit. The Division shall utilize the information provided in the compliance self-certification form when making determinations to approve or deny requests for reduced monitoring at the treatment system. The self-certification form shall be submitted no later than February 28th of each year. The *Self-Reporting Form* for this general permit is available for

download through the Division web page at www.cdphe.state.co.us/wq/PermitsUnit/index.html or may be obtained by contacting the Division at 303-692-3500. The annual compliance Self-Reporting Form shall be submitted to the Division at the following address:

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

VI.B. Noncompliance Notifications

- VI.B.1. If for any reason, the Permittee does not comply with or will be unable to comply with any maximum discharge limitations or conditions specified in this permit, the Permittee shall, at a minimum, submit a Noncompliance Notification to the Division including the following information:
 - VI.B.1.a. A description of the discharge and cause of non-compliance;
 - VI.B.1.b. The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
 - VI.B.1.c. Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
- VI.B.2. The following instances of noncompliance shall be reported orally within twenty-four (24) hours, and by written report within five (5) working days, of the time the Permittee becomes aware of the circumstances.
 - VI.B.2.a. Any instance of noncompliance which may endanger human health or the environment, regardless of the cause for the incident.
 - VI.B.2.b. Any unanticipated bypass, or any upset or spill, which causes any permit limitation to be violated.
 - VI.B.2.c. Any suspected significant discharges of toxic pollutants or hazardous substances, which are listed in Tables II and V of 40 CFR 122, regardless of the cause for the incident. The complete list of toxic pollutants or hazardous substances may be obtained by contacting the Division at 303-692-3500.
- VI.B.3. Other Instances of Noncompliance. The Permittee shall report all other instances of noncompliance, which are not required to be reported within twenty-four (24) hours, at the time the DMRs are submitted, except as required for bypass in Section VI.C.1. The reports shall contain the information in Section VI.B.1.

VI.C. Other Notifications

- VI.C.1. <u>Bypass.</u> If the Permittee knows in advance of the need for a bypass, it shall submit written notification to the Division of the need for such bypass at least ten (10) days before the date of the contemplated bypass.
- VI.C.2. Change in Discharge or Wastewater Treatment Facility. The Permittee shall inform the Division in writing of any intent to construct, install, or alter any process, facility, or activity that is likely to result in a new or altered discharge either in terms of location or effluent quality prior to the occurrence of the new or altered discharge, and shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving water (See Regulation No. 61, Ref. 61.8(5)(h)).

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 Regulation No. 61, Sections 61.5 through 61.9(2), and 61.15 prior to the effective date of the new or altered discharge.

Changes in discharge or in the wastewater treatment facility are subject to the Site Application and Design Approval requirements provided in Regulation No. 22, Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works.

VI.C.3. <u>Deactivation</u>. The Permittee shall notify the Division within thirty (30) days before deactivation of the permitted facility. Deactivation includes ceasing operation of the facility, ceasing all discharges to State Waters for the remaining term of the existing permit and/or the connection to another wastewater treatment facility.

VII. RECORDKEEPING REQUIREMENTS

- VII.A. Records may be kept in either electronic format or hard copy provided that they can be promptly supplied to the Division upon request. All records shall be retained for a period of three years and shall be furnished to the Division upon request (Regulation No. 61, Ref. 61.8(3)(g)).
- VII.B. For Division review, the following records shall be maintained onsite, or at a local field office with site responsibility:
 - VII.B.1. The current version of the general permit and Certification.
 - VII.B.2. The current Site Application and Design Approval where applicable.
 - VII.B.3. The most recently submitted discharge permit application.
 - VII.B.4. Flow measurement results and the calculation of thirty (30) day average flow as provided under Section V.C and as specified in the Certification.
 - VII.B.5. Operation and Maintenance Records:
 - VII.B.5.a. Inspection records and maintenance logs.
 - VII.B.5.b. Descriptions, dates, and receipts for maintenance and repairs performed.
 - VII.B.5.c. Copies of manifests of all septage shipments.

VIII. GENERAL PERMIT TERMS AND ADMINISTRATION

This general permit is granted subject to all rules and regulations of Regulation No. 61, including but not limited to those general and specific terms and conditions included in this document.

- VIII.A. **Severability.** The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit in 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 (Regulation No. 61, Ref. 61.1(3)).
- VIII.B. **Signatory Requirements.** The Permittee is subject to all signatory requirements provided in Regulation No. 61, Section 61.4(1), including but not limited to the requirement that all reports, applications, or information required for submittal shall be signed and certified for accuracy by the Permittee in accord with the following criteria:
 - VIII.B.1. In the case of corporations, by a principal executive officer or 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;

- VIII.B.2. In the case of a partnership, by a general partner;
- VIII.B.3. In the case of a sole proprietorship, by the proprietor;
- VIII.B.4. 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.

The Permittee shall make 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".

VIII.C. Modification, Suspension, or Termination of Permit or Permit Certification

- VIII.C.1. The filing of a request by the Permittee for modification, revocation and reissuance, or termination of certification under this general permit, or the filing of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- VIII.C.2. Whenever a Permittee wishes to terminate coverage under this general permit, the Permittee must submit a written request to the Division.
- VIII.C.3. This general permit will remain in effect until revised or terminated by the Division in accordance with the provisions of Regulation No. 61. Modification to the general permit (except for minor modifications), termination or revocation and reissuance actions shall be subject to the requirements of Regulation No. 61, Sections 61.5 (2&3), 61.6, 61.7 and 61.15. If the Division terminates this general permit, it will notify the affected registrants prior to the date of termination.
- VIII.D. Confidentiality. Any information relating to any secret process, method of manufacture or production, or sales or marketing data, which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this Subsection (VIII.D.) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data (Regulation No. 61, Ref. 61.5(4)(b)).
- VIII.E. **Permit Violations.** The Permittee must comply with all the terms and conditions of the permit. Violation of the terms and conditions specified in this permit may be subject to civil and criminal liability pursuant to sections 25-8-601 through 612, C.R.S., and the Federal Act. Upon a finding and determination, after hearing, that a violation of a permit provision has occurred, the Division may suspend, modify, or revoke the permit or take such other action with respect to the violation (Regulation No. 61, Ref. 61.8).
- VIII.F. **Division Emergency Power.** Nothing in this permit shall be construed to prevent or limit application of any emergency power of the Division (Regulation No. 61, Ref. 61.8(3)(a)).
- VIII.G. **Inspection and Entry.** The Division has the power, upon presentation of proper credentials, to enter and inspect at any reasonable time and in a reasonable manner any property, premise, or place for the purpose of investigating any actual, suspected, or potential source of water pollution, or ascertaining compliance or noncompliance with any control regulation or any order promulgated by the Division. Such entry is also authorized for the purpose of inspecting and copying records required to be kept concerning any effluent source (Regulation No. 61, Ref. 61.8(3)(c)).

- VIII.H. **Upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with effluent limitations if the Permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
 - VIII.H.1. An upset occurred and the Permittee can identify its cause(s);
 - VIII.H.2. The facility was being properly maintained at the time;
 - VIII.H.3. The Permittee submitted proper notice of the upset in compliance with Section VI.B.2 of this permit (24-hour notice); and
 - VIII.H.4. The Permittee took all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable 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. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof (Regulation No. 61, Ref. 61.8(3)(j)).

- VIII.I. 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 with this permit, control sources of wastewater, or all discharges, or both 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. In an enforcement action a Permittee shall not use a defense that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. In the event of unavoidable reduction, loss or failure of the facility, the Permittee shall, to the extent necessary to maintain compliance with this permit, control the influent and/or effluent of wastewater until the facility is restored to operating condition or until an alternative method of treatment is provided. This provision also applies to power source sufficient to operate the facility is provided.
- VIII.J. **Contract Requirements.** The Permittee shall include pertinent terms and conditions of this permit in all contracts for receipt by the Permittee of any effluent not required to be received by the Permittee (Regulation No. 61, Ref. 61.8(7)(a)(ii)).
- VIII.K. **Property Rights.** The issuance of this permit does not convey any property or water rights in either real or personal property or stream flow or any exclusive privileges, nor does it authorize any injury to private property, any invasion of personal rights, nor any infringement of State or local laws or regulations (Regulation No. 61, Ref. 61.8(9)).
- VIII.L. **Fees.** The Permittee is required to submit an annual fee as set forth in the Water Quality Control Act, Section 25-8-502 (I) (b), and State Discharge Permit Regulations 5CCR I002-61, Section 61.I5.0 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. I973 as amended (Regulation No. 61, Ref. 61.15).
- VIII.M. **State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibility, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.
- VIII.N. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 (Oil and Hazardous Substance Liability) of the Act, except as recognized by federal law.